

**IOWA RACING AND GAMING COMMISSION
MINUTES
NOVEMBER 21, 2024**

The Iowa Racing and Gaming Commission (IRGC) met on Thursday, November 21, 2024 at Catfish Bend Casino in Burlington, Iowa. Commission members present were Daryl Olsen, Chair; Mark Campbell, Vice Chair, and members Amy Burkhart and Alan Ostergren. Commissioner Julie Andres participated telephonically.

APPROVE AGENDA: Chair Olsen called the meeting to order at 8:30 AM and requested a motion to approve the agenda as presented. Commissioner Campbell so moved. Commissioner Burkhart seconded the motion, which carried unanimously.

APPROVE MINUTES: Chair Olsen requested a motion to approve the minutes from the October 3, 2024 Commission meeting. Commissioner Burkhart moved to approve the minutes as submitted. Commissioner Campbell seconded the motion, which carried unanimously.

WELCOME: Rob Higgins, General Manager, welcomed everyone to Catfish Bend and thanked their non-profit and a number of employees that attended the meeting. He said the strength of a business is its people. In November they celebrated 30 years and in December, Fun City will be celebrating 20 years. Mr. Higgins said they are very proud of what they have done. He said they have taken the time, spent the money, and tried to transform who they are. He said they have 385 employees that he is very proud of and 450 investors. He then showed a video that was created by their marketing group that showed the history of the property from when it was a riverboat and then moved to its current landside location. Mr. Higgins thanked the Commission and staff for joining him on a tour the prior evening after a long day in Cedar Rapids.

Commissioner Burkhart commented that Burlington is her home town and she is very proud of Catfish Bend and it is a great place for the community. She thanked Mr. Higgins and staff for making her home a special place.

ANNOUNCEMENTS: Tina Eick, Administrator of IRGC, introduced Catfish Bend Gaming Representative, Erica Worrall, and thanked her for all of her hard work and dedication.

Ms. Eick advised there is no meeting in December. The next scheduled Commission meeting will be held on January 23rd at Wild Rose Hotel & Casino in Jefferson, IA. The submission deadline for this meeting will be January 8th. Following that meeting there will be a special meeting on February 6th at Prairie Meadows in Altoona, IA.

RULES: Tina Eick presented a Notice of Intended Action for the Commissioner to consider. She said last year the Commission went through the rule making process and although there are good rules in place, Commission staff sought to make those rules even stronger. The Administrative Rules Review Committee at the legislature had some questions with some of those rules so several of the items in the packet were put on legislative hold through the 2025 legislative session. Staff went back to work, engaged various stakeholders, and came up with a new package. A public

hearing was held on this package November 6th and Wes Ehrecke from the Iowa Gaming Association attended that meeting and provided full support on behalf of the industry regarding the revised packet. DraftKings also submitted a letter of full support for the proposed rules. John Cacciatore was also present on behalf of the Sports Wagering Alliance, and he submitted some comments to be considered on behalf of his client, BetMGM. There is another public hearing scheduled for January 2nd. After that, staff will again review and consider all the comments and make any proposed changes at that time, and then present these rules to the Commission at the January meeting for final adopt. Ms. Eick indicated this stage of the rules process is just a request for the approval of the Notice of Intended Action.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the Notice of Intended Action. Commissioner Campbell seconded the motion, which carried unanimously.

DIAMOND JO WORTH, LLC: Scott Smith, General Manager, presented their request for approval of the remodel of their hotel. He said this is a continuation of the transformation of the property to be modernized and fresh for their guests.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the remodel request as presented by Diamond Jo Worth, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

DUBUQUE RACING ASSOCIATION, LTD.:

Request for Approval of Revised Security Plan: Alex Dixon, President and CEO, presented a request for approval of the revised security plan. He said the security plan had been updated to reflect changes do to the addition of their all ages Island Social. Changes were made to increase minimum staffing for the security team during peak hours of operation. They are building an all ages venue and they are excited to bring that about.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the revised security plan as presented by Dubuque Racing Association, Ltd. Commissioner Campbell seconded the motion, which carried unanimously.

Request for Approval of Development Agreement with City of Dubuque: Mr. Dixon presented the development agreement that will allow them to redevelop the land where the Greyhound racetrack was into a Pinseekers venue.

Chair Olsen said that staff has reviewed the development agreement and saw nothing that they were concerned with.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the Development Agreement with the City of Dubuque as presented by Dubuque Racing Association, Ltd. Commissioner Burkhart seconded the motion, which carried unanimously.

HGI – LAKESIDE, LLC: Dave Monroe, General Manager, presented a revised security plan. He said the enhancements that were made were focused on severe weather evacuation procedures for the property. He said the changes specifically address barricading access to the casino using their new turnstiles, where the arms would be locked in a closed position.

Commissioner Burkhart commented that these revisions came after the facility experienced a severe weather event. Mr. Monroe said that is correct. The facility experienced a couple events in the past that they have learned from.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the revised security plan as presented by HGI – Lakeside, LLC. Commissioner Burkhart seconded the motion, which carried unanimously.

CASINO QUEEN MARQUETTE, INC.: Robin Corbeil, General Manager, gave an update on the remodel process. She said they have looked at all of the kitchen equipment and what they need to get. They have the menus picked for the food venues and are working on uniforms. They have teams on property for surveillance and IT just to see what they need so that can be built into the plan. She said that is what some of the hold up is, because they need to adjust those plans to include these things. She said they are starting excavation December 2nd. The electrical and HVAC contracts have been approved so they will be awarding those. Ms. Corbeil said they will also be building a covered walkway to walk up to the East entrance so that customers aren't getting rained and snowed on during the construction of the new facility.

Commissioner Campbell said that his concern is that a lot of these things have been awarded but to say we are starting in December is a little concerning. The project was approved a year and half ago. He asked if they have an updated completion date. Ms. Corbeil said with the work starting on Dec 2nd, they should be updating that and she should be able to provide the Commission with an updated completion date by the end of the month. Commissioner Campbell said we all understand the challenges with starting a project in December in Iowa. Ms. Corbeil said she understands and the contractors assured her that the concrete method they are using will ensure they are able to work all through winter.

Commissioner Burkhart said she had a question directed to staff. There was a specific action taken to approve the move of this facility to land with an anticipated completion date of December 2024. Ms. Burkhart wanted to know if they are able to issue a license in March to a riverboat if they approved it to be land based? Ms. Eick asked David Ranscht, general counsel for IRGC, to research and get an answer back to the Commission.

Chair Olsen asked that an item be added to the agenda for January again so the question can be addressed before licensing. He said the Commissioners are all excited to make this happen but they would like to see some action.

IOWA GAMING ASSOCIATION: Wes Ehrecke, President and CEO, presented the Commissioners with a couple of handouts that show the \$354 million of tax revenue that gets distributed and allocated. It also shows all of the amenities that each of these facilities have and what this industry provides. He said they distribute these handouts to the legislators and others to show the great impact gaming has on the state of Iowa.

PRAIRIE MEADOWS RACETRACK AND CASINO, INC. D/B/A PRAIRIE MEADOWS RACETRACK AND CASINO:

Application for Pari-Mutuel License and Granting of Race Dates; Racetrack Enclosure Gambling License, and Sports Wagering License for January 1, 2025 through December 31, 2025. Year-round simulcasting was requested with the exception of December 24 and 25.: Gary Palmer, General Manager, introduced Derron Heldt, Director of Racing. Mr. Heldt said they have submitted some additional information to the Commission regarding their license renewal. He said they have signed an agreement with the thoroughbred racing association for one year and signed a one year contract for the quarter horses. He said they also submitted a calendar that represents what they are going to do next year for the 2025 race season.

Commissioner Burkhart said the Commissioners have been receiving some updates from Ms. Eick regarding the progress that is being made towards adopting some of the principles from the recent horse racing study. She asked that they share that so everyone is aware of any progress made relative to the study.

Mr. Heldt responded that they have had a series of three meetings where at the first one, Prairie Meadows presented the race calendar for 67 days. There was a lot of discussion about that calendar and it was not approved. Tom Lepic made a suggestion for four fewer days which sparked a lot more discussion; however, it was decided to move forward with status quo as the Commission meeting was coming up and they didn't know if they had time to get some of those recommendations in place. At the following meeting they came forward with a calendar of 67 days of thoroughbred racing and 16 days of quarter horse racing. That calendar was also not approved and led to even more discussion. By the third meeting, they were able to go back to the 80 day calendar, and Prairie Meadows agreed to that. Mr. Heldt said as they move forward they will have monthly meetings throughout 2025 to discuss some of the recommendations that were made. They plan to keep a matrix, measure outcomes and discussion points and try to find a consensus.

Chair Olsen stated the reason they asked for the study wasn't to put pressure on Prairie Meadows or any of the horse groups, but instead to make horse racing in Iowa better and try to help as they want to see horse racing continue into the future. He said one of the concerns that came from the study was the starts per race. He asked them to refresh his memory on how 2024 compared to 2023 in regards to starts per race.

Mr. Heldt responded that he thinks they averaged 6.33 in 2023 and in 2024 they averaged 6.29. He said going forward with the 80 days for next year, he is unsure if there will be any improvement in those numbers.

Chair Olsen said that if the trend continues into 2025, it would be difficult for the Commission to approve a status quo. He asked if it would be fair to say if trends continue, some of these issues would be addressed.

Mr. Heldt said that from the recommendations that were made, there are some that could maybe be put in place this coming year. He said they have talked to the breed groups to see if they could make some improvements on the breed side. He also said that they also started conversations about establishing a circuit with several tracks in other states. From what he's heard that would be impossible to do for 2025, but possibly could be implemented in 2026. He said they will continue to talk about some of these suggestions and build on them.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Campbell said he appreciated all the time and hard work that has gone into this and hopes they can utilize some of the changes addressed in the horse racing study. Commissioner Campbell then moved to approve Prairie Meadows Racetrack & Casino, Inc.'s Application for Pari-Mutuel License, Racetrack Enclosure License and Sports Wagering License for January 1, 2025 through December 31, 2025, grant race dates as submitted in the amended application, approve the one year agreements with the thoroughbred association and the quarter horses association, and approve the facility's revised security plan with the following conditions: The export contracts must continue to have the review and approval by staff to ensure regulatory compliance. The import contracts must continue to be available on demand to staff to ensure regulatory compliance. All marketing promotions that may affect live racing, particularly the racing schedule and post times, shall have prior approval from the IRGC. Commissioner Ostergren seconded the motion, which carried unanimously.

Advance Deposit Wagering (ADW) Operator Agreements: Mr. Heldt presented four agreements with a one year renewal.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the agreements as presented by Prairie Meadows Racetrack and Casino Inc. d/b/a Prairie Meadows Racetrack and Casino. Commissioner Burkhart seconded the motion which carried unanimously.

Contracts: Mr. Palmer presented the following contracts for Commission approval:

- AJR Equities – Promotional Items
- American Express – Corporate Credit Cards for Travel Purposes (OSV)
- American Wagering (Caesars Sports Book) – Banking Support
- Armstrong Systems & Consulting – Prairie Gold Club Cards & Printers
- Asset Management (USA Security) – Surveillance Products & Services
- Bankers Trust Company – Line of Credit

- Brewer Meats (Midwest Quality Wholesale) – Meat Supplier
- Capital Sanitary – Housekeeping Supplies
- Chesnut Sign – Sign Manufacture & Installation
- Competitive Edge – Promotional & Advertising Items
- Core Mark (Farmer Bocken) – Food Products
- Deloitte & Touche – Audit & Consulting Services
- Delta Dental of Iowa – Employee Dental Insurance
- Doll Distributing – Beer Distributor
- EMC Risk Services – Workers Compensation Insurance
- Global Spectrum – Advertising – Wells Fargo Arena/Caseys Center
- Graphic Controls – Slot Game Tickets (OSV)
- Iowa Beverage Systems – Beer Distributor
- Iowa Des Moines Supply – Food, Beverage and Housekeeping Supplies
- Johnson Brothers – Wine Distributor
- Kone Inc. – Elevator & Escalator Maintenance
- Loffredo Fresh Produce – Food Products
- Lowes Companies – Building Supplies
- Microsoft Licensing – Volume Licensing of Microsoft Software (OSV)
- Nalco Company – Water Treatment Chemicals & Equipment
- Renewable Energy Group (Keck Fuels) – Fuel Purchases
- RJ Kool Company – Ironer/Folder/Stacker System for Laundry Areas (OSV)
- Roberts Communications Network (RCN) – Simulcast Communications & Audio/Visual/Data and Archiving (OSV)
- Rotellas Bakery – Bread Products
- RSM US LLP (McGladrey) – GP Dynamics Accounting Software & Support
- Schumacher Elevator Company – Elevator Maintenance
- Skinner & Paschke – Lobbyist Related Activities
- State of Iowa (Iowa Alcoholic Beverages) – Liquor Products
- The Paper Corporation (First Choice) – Paper & Housekeeping Supplies
- The Printer Inc. – Printing Services
- Trane US (Des Moines Trane) – HVAC Equipment & Service
- Tri Mark – Hockenbergs Equipment – Foodservice Equipment & Supplies
- Van Wall Equipment (Farmers Supply) – Track & Grounds Equipment
- Vestis Services (Aramark) – Table Linen Services
- Wellmark Blue Cross Blue Shield – Employee Medical Insurance
- Ziegler, Inc. – Maintenance Equipment

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart said she never likes to see these long term contracts, however when 96% of the 41 contracts are with Iowa vendors, she is happy to approve them. Commissioner Burkhart moved to approve the contracts as submitted by Prairie Meadows Racetrack and Casino, Inc. Commissioner Campbell seconded the motion, which carried unanimously. Chair Olsen stated they definitely take Iowa first seriously, and it is appreciated.

CONTRACT APPROVALS (OSV – OUT OF STATE VENDOR; RP – RELATED PARTY):

Diamond Jo Worth, LLC.: Mr. Smith presented the following contracts for Commission approval:

- Bloom Lighting – Custom Hospitality Lighting (OSV)
- Conference Technologies, Inc. (CTI) – A/V System IP Video Distribution System
- Pierpoint – Textiles, Area Rugs and Accessories (OSV)
- TLC Hospitality DBA University Furnishings – Hospitality Furnishings (OSV)

Mr. Smith said three of the four contracts are geared toward the hotel remodel that is coming up. He said these three are out of state vendors. Boyd Gaming not only transforms Diamond Jo Worth but also other properties and therefore they have a brand standard they like to keep as a company. He said as they engage with the general contractor that will do the work, they provide them with those brand standards and have them try to source Iowa vendors. Mr. Smith said Diamond Jo Worth has a history of 97-98% of Iowa spend and they plan to do the same this year. He commented that he would love nothing more than to have a database of Iowa vendors that want to be a part of transforming the gaming facilities where they can go to see what vendors are available in Iowa.

Commissioner Burkhardt said she understands there are times where buying Iowa first is not an option for various reasons, but the concern with these particular contracts is there were no bids with Iowa vendors to give them a chance. She said maybe they've done this, and it's not reflected on the paperwork, but without seeing the comparisons, it's concerning. Commissioner Burkhardt asked him to comment on the efforts that were made to compare the company's brand standards to any Iowa vendors.

Mr. Smith said it is a specific design. His team engaged with their general contractors and asked them to go find similar opportunities. He said maybe they didn't accurately provide all the information. They could find the same products but with the markup it was not cost effective.

Commissioner Burkhardt said the Commissioners are all looking forward to the refresh but in the future having hard bids, not just conversations, to show us that Iowa vendors were given the opportunity and came in higher due to markups would help with these contract approvals.

Commissioner Campbell said the problem is Mr. Smith is coming up after two other licensees who epitomized the Buy Iowa First process. He said he understands going straight to the source to save money, but they want to support Iowa vendors as much as possible. Mr. Campbell said in the future having something to support their decision to not use Iowa vendors would be helpful.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contracts as submitted by Diamond Jo Worth, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

Dubuque Racing Association, Ltd.: Mr. Dixon presented the following contracts for Commission approval:

- Aramark – Linen Service
- Capital Sanitary Supply – Janitorial and Paper Supplies
- Everi Payments – Cash Advance Processing Agreement and ATM Service Agreement (OSV)
- Guest Supply – Vendor for In-Room Guest Supplies per Hilton Brand Standard Specifications (OSV)
- Lime Rock Springs – Beverage Service
- Lincoln Financial Group C/O C&B Insurance – Employee Life, AD&D and STD Insurance Management Group
- Performance Food Group – Grocery and Food Service Purchases
- Pinseekers RE, LLC – Sublease of Land to Construct Pinseekers Facility (OSV)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the contracts as submitted by Dubuque Racing Association, Ltd. Commissioner Campbell seconded the motion, which carried unanimously.

IOC Black Hawk County, Inc.: Chad Moine, Senior Vice President and General Manager, presented the following contracts for Commission approval:

- Element Construction Services, Inc. – General Construction
- Mediacom – Cable and Internet Provider

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhardt moved to approve the contracts as submitted by IOC Black Hawk County, Inc. Commissioner Ostergren seconded the motion, which carried unanimously.

Ameristar Casino Council Bluffs, LLC: Paul Czak, General Manager, presented the following contracts for Commission approval:

- Cummins Allison Corp – New Countroom Counting Machine
- Eakes Inc. dba Eakes Office Solutions – Copy Machine and Printer Supply and Maintenance (OSV)
- Edwards Chevrolet Cadillac Inc – Vehicle Purchase

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as submitted by Ameristar Casino Council Bluffs, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

Wild Rose Clinton, L.L.C.: Rick Gilson, Vice President of Operations for Wild Rose Casinos, presented a contract with USA Security for Surveillance Equipment, for Commission approval.

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contract as submitted by Wild Rose Clinton, L.L.C. Commissioner Ostergren seconded the motion, which carried unanimously.

Wild Rose Jefferson, L.L.C.: Mr. Gilson presented a contract with Empower Retirement as an Administrative & Technology Services Vendor for Northwest Bank (OSV) for Commission approval.

Commissioner Burkhart thanked Mr. Gilson for the explanation on this for the use of the out of state vendor. Mr. Gilson said he is happy about this one because it is a clear indication that their employees are contributing more to their 401K's. Commissioner Campbell said just so everyone knows what they are talking about, this contract is 100% out of state, however, this contract is with Northwest Bank and they have branches all over the state of Iowa.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contract as submitted by Wild Rose Jefferson, L.L.C. Commissioner Ostergren seconded the motion, which carried unanimously.

Casino Queen Marquette, Inc.: Ms. Corbeil presented a contract with Andrew J. and Katherine M. Torkelson for a Real Estate Sale to the Torkelson's, for Commission approval:

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contract as submitted by Casino Queen Marquette, Inc. Commissioner Burkhart seconded the motion, which carried unanimously.

Diamond Jo, LLC: Wendy Runde, General Manager, presented a contract with Conlon Construction for a Patio Renovation, for Commission approval:

Chair Olsen asked Ms. Runde to walk him through what exactly they are doing with the patio renovation. Ms. Runde said today they have a concrete paver system on the second floor around the event space. She said the membrane under those pavers has pulled away causing leaks. They are in the process of removing the pavers. She joked that the leaks have intermittently made their fine dining steakhouse into a bad version of a rainforest café. This is an attempt at a very expensive solution.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contract as submitted by Diamond Jo, LLC. Commissioner Burkhart seconded the motion, which carried unanimously.

HGI – Lakeside, LLC: Mr. Monroe presented the following contracts for Commission approval:

- Embark IT, Inc – Audio System
- Everi Payments Inc – Provides 3rd Party Electronic Access to Cash and/or Credit for Patrons (OSV)
- Performance Foodservice – Food & Supplies for Kitchen
- Terrell Taylor dba CSSI – Installation & Cable (Fiber Optic) for Surveillance and Maintenance

- The Printer Inc – Printing Costs Related to Marketing Mailers

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as presented by HGI – Lakeside, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

Grand Falls Casino Resort, LLC: Sharon Haselhoff, General Manager, presented the following contacts for Commission approval:

- Video Security Specialists – Surveillance Equipment & Install (OSV)
- United States Postal Service – Direct Mail Marketing Postage

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the contracts as presented by Grand Falls Casino Resort, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

SCE Partners, LLC: Doug Fisher, General Manager, presented a contract with Sioux City Compressed Steel Co. for disposal of slot chairs, table games and chair bases (RP) for Commission approval:

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contract as submitted by SCE Partners, LLC. Commissioner Campbell seconded the motion, which carried unanimously.

Riverside Casino and Golf Resort, LLC: Damon John, General Manager, presented the following contacts for Commission approval:

- Cintas Corporation – Casino Uniforms
- Elite Casino Resorts, LLC – Goods and Services Cost Allocations (RP)
- MedOne Healthcare Systems – Prescription Drug Benefit Plan
- Office Express – Office and EVS Supplies
- Principal Financial Group – Plan Record Keeper/Custodian
- U.S. Foods – Food Purchases
- Video Security Specialists – Surveillance Equipment & Install (OSV)
- Zurich North America – Insurance-Workers' Comp & General Liability (OSV)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the contracts as presented by Riverside Casino and Golf Resort, LLC. Commissioner Ostergren seconded the motion, which carried unanimously.

Harveys Iowa Management Company LLC: Thomas Roberts, General Manager, presented the following contacts for Commission approval:

- DH Pace – Installation of New Exterior Garage Doors
- MMC, Mechanical Contractors, Inc. – Mechanical Contractor, Changing Out Rooftop HVAC Units

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as presented by Harveys Iowa Management Company LLC. Commissioner Burkhardt seconded the motion, which carried unanimously.

Iowa West Racing Association d/b/a Horseshoe Casino Council Bluffs: Mr. Roberts presented the following contacts for Commission approval:

- Aroi Asian Cuisine LLC, dba Aroi Asian Cuisine – Reimbursement for Complimentary Meals for Guests
- DH Pace – Installation of Exterior Garage Doors
- MMC, Mechanical Contractors, Inc. – Mechanical Contractor, Changing Out Rooftop HVAC Units
- VSR Industries – Slot Bases and Locks (OSV)

Hearing no comments or questions, Chair Olsen requested a motion. Commissioner Campbell moved to approve the contracts as presented by Iowa West Racing Association d/b/a Horseshoe Casino Council Bluffs. Commissioner Ostergren seconded the motion, which carried unanimously.

HEARINGS:

Riverside Casino and Golf Resort, LLC: Ms. Eick advised Riverside Casino and Golf Resort, LLC and Commission staff had entered into a Stipulated Agreement for a violation of Iowa Code § 99F.9(5) (Minor). On August 12, 2023 a minor approached the turnstile at the main casino entrance with an adult companion. Surveillance showed the minor walked past the posted security officer who failed to request identification, which allowed the minor to enter the gaming floor unchallenged. The minor was on the gaming floor for thirty-three minutes and gambled at three different slot machines.

Later that day an off-duty employee of Riverside Casino contacted the surveillance department to report that an underage person she knew had posted on social media a video of herself on the Riverside Casino gaming floor earlier that morning. Surveillance conducted a review and verified this was true and in addition to being on the gaming floor from 3:03 am-3:40 am, the minor had also approached the main entrance turnstile prior to that at 2:27 am. When asked for identification the minor provided an expired driver's license. When asked for another form of identification the minor provided a passport that belonged to someone else who had presented the same passport three minutes earlier at the same entrance but to a different security officer. During this time, the minor was on the gaming floor for thirty-seven minutes and gambled at four different slot machines.

Mr. John commented that at Riverside Casino they know gaming is a privilege and they take it very seriously. They regret having an incident like this and have taken actions to fix it. He said this was a complex situation and the expired ID was refused. He said that since the ID was expired though, when the minor presented the passport the security officer should have called over a manager. He commented that this is a training opportunity for situations such as this. He also said

that every time a patron leaves the gaming floor, they should be required to present identification each time they re-enter to try to stop situations such as this.

Commissioner Campbell asked Mr. John if he knew of any charges that were brought against the minor for this incident. Mr. John responded that the minor was charged with using a fraudulent ID.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to approve the Stipulated Agreement with an administrative penalty of \$20,000. Commissioner Campbell seconded the motion, which carried unanimously.

Wild Rose Jefferson, LLC.: Ms. Eick stated that Wild Rose Jefferson, LLC and Commission staff had entered into a Stipulated Agreement for a violation of Iowa Code § 99F.9(5) (Minor). On November 25, 2023, a facility employee experienced a medical emergency which captured some surveillance and security resources for approximately 25-30 minutes. 911 was called, first responders attended to the employee and the employee left by ambulance. During this time security stopped a group at the main entrance turnstiles. While the security officer was checking the identification of the group, two underage females from the group decided to bypass the line and enter the gaming floor without showing identification. Surveillance observed both females did not present identification and appeared young. They began attempting to locate the females on the gaming floor.

After 25 minutes on the gaming floor one of the females was located and asked for identification which showed she was a minor and escorted off the gaming floor. She did not gamble while on the floor. The other female was on the gaming floor for 54 minutes, consumed one alcoholic beverage that a friend handed her, and did not gamble.

Mr. Gilson said that he is always disappointed when they have a failure and something like this happens. He said they have a number of procedures in place so things like this don't happen. He said Wild Rose Jefferson is a very modest facility and the staff is very close, so when one employee faints and goes down, it affects everyone and therefore the staff was not focused on what they should have been focused on. Mr. Gilson said in this particular case, they had about a dozen people come in at the same time, all of who appeared to be underage. While the security officer was checking identification, two individuals snuck in.

Mr. Gilson said he is disappointed that it took 25-55 minutes to find two people on the gaming floor as it should have never taken that long. He said they have talked through this with staff and hope that never happens again. He said he was also disappointed that the security officer failed to take a picture of the ID to make sure the person was underage and they did not call the Jefferson police department. This security officer is no longer employed for other reasons, not this particular incident.

Mr. Gilson stated this incident took place over a year ago and he wished it could have been handled at the April or June meeting. He said if he is going to be given a \$20,000 fine, he would like to

talk to the staff about it so they take it seriously. He said he has lost a year of training with his staff.

Ms. Eick said this was a valid point, however, there is an initial incident report that is done within 60-90 days, so that would have been a great time to follow up with staff regarding the incident.

Commissioner Campbell asked how the employee that had the medical emergency is doing. Mr. Gilson said they found out he had some underlying medical issues going on and he is now on medication and doing much better now.

Commissioner Burkhart said this is one with all the extenuating circumstances she doesn't really like that we have a standard \$20,000 fine, but does understand this is a standard violation. The Commissioners do empathize and appreciate the detailed explanation. They will certainly have follow-up conversations with Commission staff about the length of time between initial incident reports and Commission review of referrals.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Burkhart moved to approve the Stipulated Agreement with an administrative penalty of \$20,000. Commissioner Ostergren seconded the motion, which carried unanimously.

PUBLIC COMMENT:

Mark Weinhardt, Attorney with Weinhardt Law Firm representing Riverside Casino and Washington County Riverboat Foundation, stated that he misread the agenda and simply signed up to place something on record if they felt necessary based on what the Commission does on the administrative item 15C of the agenda. He said he would like the opportunity to make a comment later on after that agenda item.

Ms. Eick said that following an informal conversation the day before, she thought an agreement was made at that time that there would not be a public comment by the parties at today's meeting.

Mr. Weinhardt said he understood there wouldn't be a discussion during item 15C, but he wanted the opportunity to make a record if he believes legal error has been committed. He said he didn't know what the Commission was going to do but he would like the opportunity to say something if he felt necessary.

Ms. Eick said the public comment section of the agenda is in the same place it always is, before administrative business. She then turned it over to Mr. Ranscht, who said he believes it is the Chair's discretion to allow deferred public comment following agenda item 15C.

Chair Olsen said yes in this situation they will allow it, only if there is an error. He said they are not looking for any other public comments at that point in time.

Guy Cook, legal counsel with Grefe & Sidney, P.L.C. representing Cedar Rapids Development Group, said he wished to make no public comment now consistent with the agenda and the rules

for the meeting, including the rules for public comment which provide they are not intended to discuss debatable issues. He said they have no comment to make now, should there be additional opportunities, they will preserve that.

Christopher Jones, legal counsel with Shuttleworth & Ingersoll, P.L.C. representing Linn County Gaming Association, said he is withdrawing his request for public comment at this time. He just asked for an opportunity to speak following Mr. Weinhardt's comments.

Mr. Higgins, made a public comment that he needed to recognize Sara Huston, hotel director. He said it was hypocritical of him to not introduce her at the beginning of the meeting. He said he will take all criticism for the hotel, but she deserves the credit.

ADMINISTRATIVE BUSINESS:

Report on 2025 Horseracing Integrity and Safety Authority (HISA) Financial Assessment: Ms. Eick stated the Commission received its assessment from HISA at the beginning of November and it has been shared with all the stakeholders in the industry. The assessment for 2025 is \$1,528,004 and with credit for the services the Commission provides, it is expected to be reduced to \$1,126,404. Last year's assessment was just shy of \$1.2 million and with the credit it came to just over \$800,000. There have been significant increases this year. The decision before the Commission is whether to opt in or out of the voluntary assessment from HISA. The Commission does not have the funds or the appropriation to pay for that assessment out of its budget. Therefore, it would be staff's recommendation to opt out of the assessment. The option, if the Commission does not pay that assessment, is to enter into a voluntary agreement to get a credit for the services the state does provide. Staff's recommendation, therefore, is to enter into that voluntary agreement and task staff with negotiating that agreement. Ms. Eick noted one other item, because of the HISA regulations and additional requirements that staff, particularly state veterinarians have to do under HISA, there will be an increased cost because of that in the IRGC's budget.

Jon Moss, Executive Director of Iowa HBPA Inc., stated he was making himself available for any additional questions they might have. He said they have done this in the past, but when it comes to this particular issue, it's a little more complex than others. He said he would offer up an update regarding federal litigation challenging HISA.

Chair Olsen said the status of the litigation probably doesn't affect how the Commission needs to address this agenda item. He said he understands the frustration but it's a large increase for one year when he doesn't believe that there has been much change in the services.

Mr. Moss said the point of the update is to make everyone aware as they go into this agreement that they believe the Supreme Court will take up this case. He said they hope to have a hearing in April and will have a judgement by the end of June. He said hopefully he hopes they will have a little bit of finality in regards to this, but he is not sure it's something the Commission is supposed to take into consideration when entering into this agreement. He said HISA might not be enforceable by the end of June this coming year, so asked them to be please be knowledgeable of that.

Commission Burkhardt asked Ms. Eick what the deadline was to enter into the voluntary agreement or not. Ms. Eick said typically they have done that in January, but that is not a hard deadline. She said as a practical matter, we start bringing staff on in April and start racing in May, so they need to have something in place at that time or some understanding of who is doing what.

Commissioner Ostergren stated that he doesn't think there is anything going to happen with that litigation that is going to affect what they have to decide on for the 2025 racing season.

Ms. Eick stated that she believes the industry would agree that if someone has to do the work they would prefer that IRGC be the one to do it and she feels it is beneficial to the industry to have IRGC do it.

Commission Burkhardt moved to opt out of the financial assessment for HISA for 2025. Commissioner Campbell seconded the motion, which carried unanimously.

Consideration of Extension of Voluntary Implementation Agreement among the Horseracing Integrity & Safety Authority, Inc., Horseracing Integrity & Welfare Unit and the Iowa Racing and Gaming Commission: Commissioner Burkhardt moved to direct staff to attempt to enter into an agreement with HISA to utilize Commission resources in an effort to obtain the maximum credit available for Iowa stakeholders to cover the 2025 assessment. Commissioner Campbell seconded the motion, which carried unanimously.

Petition for Declaratory Order by Riverside Casino and Golf Resort, LLC and Washington County Riverboat Foundation, Inc. Regarding Iowa Code Section 99F7(11):

Description of Petition: Ms. Eick asked Mr. Ranscht to take the podium to review this matter and answer any questions the Commission may have. Mr. Ranscht stated that the petition for declaratory order is a process that every state agency has available so people can ask the agency for a determination about a certain law or rule. He said this particular one came in on November 8, 2024 from Riverside Casino and Golf Resort, LLC and Washington County Riverboat Foundation, Inc. and it's asking the Commission to issue a declaration about section 99F.7 of the code. Mr. Ranscht said the petition is asking the Commission to declare that the 2021 referendum in Linn County did not meet the requirements of the Iowa Code, and because it did not meet the requirements of the Iowa Code, the Commission won't, and indeed can't, issue a license in Linn County. That is the basis of why this has been filed. Mr. Ranscht stated the petition also requested the Linn County process be put on hold while considering this petition, which is a separate item on the agenda under 15C.3.

Mr. Ranscht said the November 8th date is important because that's the date of filing and Iowa law says within 30 days of that the Commission has to do one of four things in writing. The Commission can answer the question, decline to answer the question, agree that it will answer the question by a certain time, or set out a schedule to hear interested parties and then decide to answer or decline. Mr. Ranscht said that is the purpose of agenda item 15C.2, which one of the options

the Commission wants to carry out. Understanding those four options, Mr. Ranscht turned it back over to Chair Olsen to discuss and decide what option to select.

Decide 30-day Action Item under Iowa Code section 17A.9(5): Chair Olsen stated that the Commission has looked at this a lot and it is really the Commission's job to gather as much information as they possibly can before making any decisions. He said there are reasons why they could decline this petition right now, but he doesn't think that is in the best interest of the Commission or best interest of gaming if they do that. His thought process would be that they set a schedule, listen to all the information, as they have been consistent in doing, gather all the information and at that point in time make a decision they feel is best.

Commissioner Ostergren stated that he shared Chair Olsen's view. He said often a declaratory order is requested by a regulated entity who wants the regulator to affirmatively say that some activity they want to do is valid under the rules. If the Commission says yes, it is valid under the rules, then the petitioner has the protection against future administrative action based on those specific facts and circumstances. He explained that for some regulated entities, this is a lot better than doing something and having a regulator say it violates the rules and then it turning into a contested case. It's better to use it as a shield in advance to get confirmation from your regulator that some proposed activity is valid. He said this specific petition is instead an attempt to use the petition for declaratory ruling as a sword potentially to say somebody else is not compliant with the rules and they want the legal effect of that determination. Commissioner Ostergren said regulated entities can do that with a petition for declaratory order, but there is a process for that and parties on the other side get to decide if they want to participate in that process or not. In this case the time frame for the other side to make that decision has not passed yet, so we don't know what will happen.

Commissioner Ostergren said we are in a situation where obviously we have a pending licensing action that creates a different thing called other agency action. In that other agency action we ultimately have to decide whether the criteria to issue a license have been met. We can't avoid this question. It's going to have to be answered in one format or another. Commissioner Ostergren said his preference is to set a briefing schedule so they can be sure that they give Linn County the full opportunity, if they choose to participate in the process, to present the best legal arguments they have, and then to allow the petitioner to provide a response. He said there might be other parties that also want to submit legal arguments. Commissioner Ostergren restated that his preference would be to direct Ms. Eick and Mr. Ranscht to come up with a briefing schedule to present to the petitioner, Cedar Rapids Development Group, and Linn County Gaming Association so that we can get the best legal arguments they have to get this answered.

Commissioner Burkhart stated that although this is not a new process for the Commission, it is a new process to her as an individual Commissioner. She said she is trying to understand the process and how the Commission has used this process in the past. She said it is a complicated issue and at times she has gone back and forth between the four different options they have. She has reviewed referendum 1 and referendum 2 and prior referendum language from other counties. She said ultimately, in the spirit of yesterday, which she commented was a great day hearing from well

over 100 Iowans with differing opinions, she thinks the best course of action at this point is to set a schedule, hear all of the information and then make a determination.

Hearing no further comments or questions, Chair Olsen requested a motion. Commissioner Ostergren moved to direct staff to prepare an order that indicates the Administrator will issue a further schedule for declaratory order proceedings after the time for other parties to intervene has passed. Commissioner Campbell seconded the motion.

Commissioner Ostergren further stated that they are contemplating a February 6, 2025 meeting to vote on the Linn County license application so he would like the briefing schedule to be such that they can act on the petition at the meeting before that in January. He said he wants to give enough time for the opponents to issue their arguments but he also doesn't want to drag this out. He said between now and February we should have a briefing schedule, a meeting to resolve this and still have a February 6th vote.

Commissioner Campbell asked Mr. Ranscht if the schedule the Commission has used in the past had worked well. Mr. Ranscht responded that in a past example he looked at the timeline was very similar, with a petition filed in early to mid-November 2014 that was decided by late January or early February 2015. He said the exact number of days might have varied slightly, but it followed the same general timeline Commission Ostergren is suggesting.

Motion carried unanimously.

Consideration of Request for Stay of Any License Application for Linn County: Mr. Ranscht stated that this is the secondary request of the petition. He said the petitioners are asking the Commission to pause the Linn County process and the application process while they consider the petition. He said in light of the decision to establish a schedule, they can decide what to do with that request.

Chair Olsen said since they are agreeing to listen and agreeing to put a process in place, he doesn't see any reason a stay would be granted, which is consistent with what the Commission has done in the past.

Commissioner Ostergren said he agrees with that. He said that because of the way the declaratory action works, it requires consent from the other side of the petition and that consent has not yet been given. He feels there is no reason for a stay because this needs to be resolved quickly. He sees no facts sufficient to show that anyone would be harmed by moving forward with the license review process because they are going to have an answer at or before the February 6th meeting.

Commissioner Campbell moved to deny the request for stay and direct staff to prepare a written order to that effect. Commissioner Ostergren seconded the motion.

Commissioner Burkhart wanted to confirm that we have received stay requests in other proceedings and if we have a process in place to handle those stay requests that is similar to this. Ms. Eick said that is correct, we routinely handle those, for example during racing season, and this would be consistent in how we have handled those matters.

Motion carried unanimously.

Mr. Weinhardt, Mr. Cook and Mr. Jones all announced that they had no further comment to make.

ADJOURN: At 10:13 AM, hearing no further business to come before the Commission, Chair Olsen requested a motion to adjourn. Commissioner Campbell so moved. Commissioner Burkhart seconded the motion, which carried unanimously.

MINUTES TAKEN BY:


CHANTELLE S. ARMINTROUT