

**STATE OF ILLINOIS
ILLINOIS GAMING BOARD**

Accel Entertainment Gaming, LLC,)	
)	
Petitioner,)	
)	
v.)	No. 19-UP-035
)	
Midwest Electronics Gaming, LLC d/b/a)	
ME Gaming,)	
)	
Respondent.)	

RE: Foxhole Pub N Grub, Inc. d/b/a Foxhole Pub N Grub (Lic. No. 150702886)

FINAL BOARD ORDER

This cause is before the Illinois Gaming Board (the "Board") pursuant to the Video Gaming Act, 230 ILCS 40, and 11 Ill. Adm. Code 1800.320.

The Board has before it the entire record of *Accel Entertainment Gaming, LLC, Petitioner ("Accel") v. Midwest Electronics Gaming, LLC d/b/a ME Gaming ("Midwest"), Respondent, In Re: Foxhole Pub N Grub, Inc. d/b/a Foxhole Pub N Grub (License No. 150702886), Docket No. 19-UP-035*. The record includes the Petition, the Response, the Administrator's Recommended Decision, and all filed Exceptions. After careful review and consideration of the entire record the Board hereby:

- (1) Allows Accel to withdraw its Petition;
- (2) Declines to address Midwest's arguments and allegations in its Exceptions that go beyond the scope of Rule 320; and
- (3) Dismisses this Petition.

This Final Order is subject to judicial review under the Administrative Review Law pursuant to 230 ILCS 10/17.1. The Board's Rules do not permit motions to reconsider this Order.

VOTED THIS THE 25th DAY OF April, 2024

[Redacted Signature]

Charles Schmadeke, Chairman

[Redacted Signature]

Dionne R. Hayden

[Redacted Signature]

Anthony Garcia

[Redacted Signature]

James Kolar

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ACCEL ENTERTAINMENT GAMING, LLC,)	
)	
Petitioner,)	
)	
v.)	No. 19-UP-035
)	
MIDWEST ELECTRONICS GAMING, LLC,)	
)	
Respondent—Cross Petitioner)	
)	
RE: Foxhole Pub N Grub, Inc.)	
d/b/a Foxhole Pub N Grub (License No. 150702886))	

ADMINISTRATOR RECOMMENDED DECISION

This dispute comes before the Illinois Gaming Board (the “Board” or “IGB”) under Section 1800.320(b) of the Board’s Adopted Rules (the “Rules”). 11 Ill. Adm. Code 1800.320(b). This Recommendation issues under Section 1800.320(b)(6) of the Rules. 11 Ill. Adm. Code 1800.320(b)(6).

On November 26, 2019, Accel Entertainment Gaming, LLC (“Accel”) petitioned the Board for an order declaring that: (1) Accel’s March 22, 2019 Use Agreement (“UA”) with Foxhole Pub N Grub d/b/a Foxhole Pub N Grub (“Foxhole”) to operate video gaming terminals is valid and enforceable; (2) the most recent renewal term of a UA between Foxhole and Midwest Electronics Gaming, LLC (“Midwest”) ended on October 20, 2019; and (3) Midwest shall immediately remove its video gaming terminals from Foxhole pursuant to Foxhole’s proper termination of its UA with Midwest Gaming.

On January 22, 2022, Accel requested to withdraw its Petition because Foxhole did not renew its video gaming license. Because Foxhole no longer possesses a valid Video Gaming Establishment license, Accel’s Petition is moot. Accordingly, the Petition should be dismissed.

For the foregoing reasons, I recommend that the Board enter an Order:

1. Adopting this Recommended Decision;

2. Dismissing Accel's Petition in the above-captioned matter; and
3. Directing that all further proceedings shall be cancelled, and the matter concluded.

Pursuant to Rule 320(b)(7), any party to this Petition wishing to file exceptions must do so no later than 14 days after receipt of the Recommended Decision.

DATED: February 9, 2022

RESPECTFULLY SUBMITTED,



MARCUS D. FRUCHTER
ILLINOIS GAMING BOARD ADMINISTRATOR

SERVICE LIST


Pursuant to Board Rules 1800.320(b)(12), and 1800.140, this Final Order is being served via e-mail upon all parties of record to *Accel Entertainment Gaming, LLC v. Midwest Electronics Gaming, LLC d/b/a ME Gaming, In Re Foxhole Pub N Grub, Inc. d/b/a Foxhole Pub N Grub (Lic. No. 150702886)*, Docket No. 19 UP 035 at the following e-mail addresses:

Attorneys for Accel Entertainment Gaming, LLC
Derek Harmer (DerekH@accelentertainment.com)
James Pellum (jimp@accelentertainment.com)
Emily Mattson (eblawfirm@outlook.com)
20W267 101st Street, Unit C
Lemont, IL 60439

Attorney for Midwest Electronic Gaming, LLC
James P. Murphy
CLARK HILL
130 E. Randolph St., Ste 3900
jmurphy@clarkhill.com

Timothy S. Jones
Midwest Electronics Gaming, LLC d/b/a Midwest
Electronics Gaming, LLC
601 N. Main St.
Ellsworth, IL 61737
Tim@Midwest.bz

Alecia Renee Sutton
Foxhole Pub N Grub, Inc. d/b/a Foxhole Pub N Grub
915 Fifth Street
Lincoln, IL 62656
suttonakl@hotmail.com


Illinois Gaming Board
160 North LaSalle, Ste. 300
Chicago, IL 60601

CERTIFICATE OF SERVICE


I, Agostino Lorenzini, certify that on April 25, 2024, I served a copy of the attached Final Order to all parties of record in *Accel Entertainment Gaming, LLC v. Midwest Electronics Gaming, LLC d/b/a ME Gaming, In Re Foxhole Pub N Grub, Inc. d/b/a Foxhole Pub N Grub (Lic. No. 150702886)*, Docket No. 19 UP 035 at the following e-mail addresses:

Attorneys for Accel Entertainment Gaming, LLC
Derek Harmer (DerekH@accelentertainment.com)
James Pellum (jimp@accelentertainment.com)
Emily Mattson (eblawfirm@outlook.com)
20W267 101st Street, Unit C
Lemont, IL 60439

Attorney for Midwest Electronic Gaming, LLC
James P. Murphy
CLARK HILL
130 E. Randolph St., Ste 3900
jmurphy@clarkhill.com

Timothy S. Jones
Midwest Electronics Gaming, LLC d/b/a Midwest
Electronics Gaming, LLC
601 N. Main St.
Ellsworth, IL 61737
Tim@Midwest.bz

Alecia Renee Sutton
Foxhole Pub N Grub, Inc. d/b/a Foxhole Pub N Grub
915 Fifth Street
Lincoln, IL 62656
suttonakl@hotmail.com


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Chicago, IL 60601