

**BEFORE THE ATTORNEY GENERAL  
OF THE STATE OF NORTH DAKOTA**

Drew H. Wrigley, in his official capacity as )  
Attorney General for the State of North )  
Dakota, )

Complainant, )

vs. )

Western Distributing Company; Plains )  
Gaming Distributing, Inc.; and Midwest )  
Gaming Distributing, Inc. )

Respondents. )

**COMPLAINT**

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[¶ 1] COMES NOW, Complainant Drew H. Wrigley, in his official capacity as Attorney General for the State of North Dakota (“Attorney General”), and for its Complaint against Respondents, alleges and states as follows:

**PARTIES**

[¶ 2] Western Distributing Company (“Western”) is a North Dakota corporation licensed as a distributor under N.D.C.C. ch. 53-06.1. Western’s principal address is 120 West Sweet Avenue in Bismarck, North Dakota. David L. Wisdom (“Wisdom”) has been a stockholder, officer, and agent of Western at all relevant times herein. Wisdom is also the registered agent of Western.

[¶ 3] Plains Gaming Distributing, Inc. (“Plains”) is a North Dakota corporation licensed as a distributor under N.D.C.C. ch. 53-06.1. Plains’ principal address is also 120 West Sweet Avenue in Bismarck, North Dakota. Wisdom has been a stockholder, officer, and agent of Plains at all relevant times herein. Debra Stoltman, who is a shareholder and officer for both Western and Plains, is the registered agent of Plains.

[¶ 4] Midwest Gaming Distributing, Inc. (“Midwest”) is a North Dakota corporation with its principal address listed as 4630 Skyway Street, in Bismarck, North Dakota. Midwest is “owned” by Wisdom’s sister, Sherry Wick. Midwest has listed Sherry Wick as its only employee on its gaming license applications. Midwest also operates out of 120 West Sweet Avenue by and through Western’s and/or Plains’ employees, officers, and shareholders. Jonathan P. Sanstead (“Sanstead”), who is a shareholder in Western and Plains, is the registered agent for Midwest.

### **LEGAL AUTHORITY**

[¶ 5] The Attorney General is charged with licensing distributors under N.D.C.C. ch. 53-06.1. Pursuant to N.D.C.C. § 53-06.1-15.1(9), the Attorney General may suspend, deny, or revoke a distributor’s application or license for violation by the distributor (or any officer, director, agent, member, or employee of the distributor) of N.D.C.C. ch. 53-06.1 or any gaming rule. In addition, the Attorney General may impose a monetary fine on a licensed distributor for failure to comply with N.D.C.C. ch. 53-06.1 or any gaming rule. The monetary fine for each violation by a distributor is a minimum of one hundred dollars and may not exceed five thousand dollars.

[¶ 6] Pursuant to N.D.C.C. § 53-06.1-01.1, the state gaming commission has adopted rules to administer and regulate the gaming industry, including methods of competition and doing business by distributors, and to protect and promote the public interest. Under N.D. Admin. Code § 99-01.3-02-13(1)(a), the Attorney General may deny, suspend, or revoke the license of a distributor when the distributor has violated any provision of the gaming laws or rules or has knowingly allowed, caused, aided, abetted, or conspired with another person to cause the person to violate any provision of the gaming laws or rules. The Attorney General, pursuant

to N.D. Admin. Code § 93-01.3-02-13(1)(b), may also deny, suspend, or revoke a license when, for any reason, it is deemed to be in the public interest, including when the licensee is a threat to the effective regulation of gambling or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities.

[¶ 7] At all relevant times alleged herein, N.D.C.C. § 53-06.1-11(5) provided maximum levels of monthly rent that could be paid by a licensed organization to a site (a bar) for charitable gaming purposes. With respect to electronic pull tab devices, the maximum amount of monthly rent is \$100 per electronic pull tab device for the first five machines at a site, and \$50 for each machine beyond five machines at the same site. Rent must be a fixed dollar amount per month and an organization may not pay any additional rent or expense, from any source, or for any other purpose. N.D. Admin. Code § 99-01.3-02-06(3) (eff. 2018).

[¶ 8] Licensed organizations must have a rental agreement with the owner of a site to conduct charitable gaming at the venue. The owner of the site is the lessor and the licensed organization is the lessee. Pursuant to N.D. Admin. Code § 99-01.3-01-03, a license to conduct gaming at a site is effective for one year, beginning July first and ending June thirtieth, but may be issued at any time during the year. Pursuant to N.D. Admin. Code § 99-01.3-15-02(3) (eff. 2018), an officer, director, shareholder, agent, or employee of a distributor may not interfere with or attempt to influence a lessor's relationship with an organization involving a lease agreement, interfere with or attempt to influence an organization's management, employment practices, policy, gaming operation, disbursement of net proceeds, or procure a site for an organization. A distributor may notify an organization of an available site.

**FACTS REGARDING THE FACILITATION OF  
RENT PAYMENTS ABOVE THE STATUTORY MAXIMUM;  
AND INTERFERENCE WITH OR ATTEMPTING TO INFLUENCE LESSOR'S  
RELATIONSHIPS WITH ORGANIZATIONS**

[¶ 9] Wall of Honor, Inc. (“Wall of Honor”) is a North Dakota nonprofit corporation based out of Bismarck, North Dakota. Wall of Honor produces and provides a digital indoor billboard showcasing North Dakota veterans, active and retired military personnel, emergency responders, and medical professionals. Wall of Honor’s initial filing date with the North Dakota Secretary of State was January 2, 2020. Wisdom was instrumental in forming and facilitating financing for Wall of Honor in the year prior to its formation. Western’s, Plains’, and Midwest’s officers, agents, and/or employees also assisted in the formation and development of Wall of Honor. Western, Plains, and Midwest have conspired through their officers, agents, employees, and shareholders with Wall of Honor to violate North Dakota’s gaming laws and rules.

[¶ 10] Advanced Gaming Solutions, LLC, (“AGS”) is a North Dakota registered limited liability company with its principal address listed with the North Dakota Secretary of State as Jonathan Sanstead, 719 Schick Drive, Bismarck, ND 58501. Sanstead recently became a part owner of Western and Plains, and has performed work or services for Western, Plains, and Midwest at all relevant times alleged herein. AGS’s initial filing date with the North Dakota Secretary of State was August 6, 2020. AGS provides bookkeeping and other gaming services for licensed organizations, including receiving payment from gaming organizations for a percentage of each electronic pull tab ticket played at the gaming organizations’ sites. Terry and Troy Guthmiller originally ran AGS. The Guthmillers were affiliated with Wisdom and/or Western, Plains, and Midwest. Justin Disterhaupt and Chad Wick (Sherry Wick’s son and Wisdom’s nephew) now run AGS. Western, Plains, and Midwest have conspired through their officers, agents, employees, and shareholders with AGS to violate North Dakota’s gaming laws

and rules.

[¶ 11] Wisdom and other Western, Plains, and Midwest officers, agents, and/or employees, through their relationship with AGS and Wall of Honor, assisted fraternal organizations (American Legions and Veterans of Foreign Wars) to become licensed organizations in order to conduct or expand their charitable gaming activities. The Loyd Spetz Post No 1 of the American Legion (“Bismarck American Legion”), the American Legion 126 Joseph E Appert (“Hazelton American Legion”), and the American Legion Post #91 of New Salem (“New Salem American Legion”) are three of the American Legion posts that were provided assistance. These American Legion posts became aligned with Western, Plains, and/or Midwest as their gaming distributors, although the relationship with the New Salem American Legion was short-lived due to the conduct described herein.

[¶ 12] Wisdom’s vision for Wall of Honor included locating sites for charitable gaming organizations that were aligned with Western, Plains, and/or Midwest as their distributors. The strategy included having Wall of Honor sales personnel visit sites throughout North Dakota to gain information on what the site currently has for gaming, what the site can handle, and what the site wanted to accomplish with gaming. The intent was to offer a Wall of Honor billboard (including the potential of payment for the Wall of Honor billboard) to entice the site/lessor to switch charitable gaming organizations to a fraternal organization aligned with Western, Plains, and/or Midwest. In turn, the fraternal organizations would use funds from gaming to donate back to Wall of Honor.

[¶ 13] Initially, Terry and Troy Guthmiller were the sales personnel primarily involved for Wall of Honor. Terry and Troy Guthmiller and/or Western representatives visited fraternal organizations (including the Bismarck, Hazelton, and New Salem American Legions) to promote

and assist them to become involved or more involved with charitable gaming, particularly through the use of electronic pull tab machines. Terry and Troy Guthmiller also visited sites consistent with the above-described plan to gather information that would assist with locating sites for fraternal organizations aligned with Western, Plains, and/or Midwest. Subsequently, Wall of Honor used Dennis Beck (“Beck”) to help secure sites for its billboards, which included assisting with obtaining gaming sites for fraternal organizations aligned with Western, Plains, and/or Midwest.

[¶ 14] Through the above actions, the Bismarck, Hazelton, and New Salem American Legions began charitable gaming with a focus on placing as many electronic pull tab devices supplied by Western, Plains, and/or Midwest at sites as possible. Up until at least December 2022, Tammy Ibach (Executive Director of Wall of Honor) provided regular updates to Wisdom and Western/Plains/Midwest, including financial information associated with the amount of rent paid by the Wall of Honor to sites that switched gaming organizations to those aligned with Western, Plains, and Midwest.

BISMARCK AMERICAN LEGION –  
RUSTY’S SALOON & GRILL AND JACK’S STEAKHOUSE

[¶ 15] The Bismarck American Legion became involved in gaming with the assistance of Terry and Troy Guthmiller, Beck, Wall of Honor, Wisdom, and Western/Plains/Midwest. On October 9, 2020, Troy Guthmiller emailed a representative of the Bismarck American Legion a proposed gaming agreement. The proposed gaming agreement required that “[a]ll equipment necessary to perform the gaming activities would be acquired by Manager [AGS] acting as agent for the Charity [Bismarck American Legion], **exclusively from Western Distributing Co., Inc., Plains Gaming Distributing Company, Inc. and/or Midwest Gaming Distributing, Inc.**” (emphasis added). The Bismarck American Legion representative who received the proposed

agreement expressed concerns, but an agreement was entered into when the concerned representative was out of state for the winter. The Bismarck American Legion proceeded to become a licensed organization and uses the services provided by AGS.

[¶ 16] A gaming committee was established at the Bismarck American Legion, which included Russ Kroshus (a former employee of Western) and Beck (the Veteran's Liaison Officer for Wall of Honor).

[¶ 17] The Bismarck American Legion obtained at least two of its three sites with the assistance of the Wall of Honor paying "rent" for its billboards contingent upon the site changing gaming organizations. In late 2020 and/or early 2021, Wall of Honor reached an agreement with Rusty's Saloon & Grill wherein the Wall of Honor would pay Rusty's Saloon & Grill \$650 per month for placement of the billboard, and Rusty's Saloon & Grill changed gaming organizations from the Mandan Baseball Club to the Bismarck American Legion on July 1, 2021. During the same period, Wall of Honor reached an agreement to pay Jack's Steakhouse \$1,000 per month for placement of the billboard, and Jack's Steakhouse switched gaming organizations from Horse Race North Dakota to the Bismarck American Legion on July 1, 2021. Western, Plains, and/or Midwest have been the distributors for the gaming machines in Rusty's Saloon & Grill and Jack's Steakhouse since the gaming organizations were changed in July 2021.

[¶ 18] As of September 2022, Rusty's Saloon & Grill and Jack's Steakhouse were still receiving rent payments on a quarterly basis from Wall of Honor. As of the fall of 2022, the Bismarck American Legion continued to use AGS, including payment for a percentage of each electronic pull tab ticket played at its sites. The Bismarck American Legion was also paying Western, Plains, and Midwest collectively over \$30,000 per month in the Fall of 2022. As of at least May 2022, the Bismarck American Legion continued to donate trust funds from gaming

directly to Wall of Honor.

NEW SALEM AMERICAN LEGION –  
TOTTEN TRAIL BAR AND GRILL AND REUNION GRILL & BAR

[¶ 19] In 2019, the New Salem American Legion began the process of getting licensed as a charitable gaming organization and was initially aligned with Western, Plains, and/or Midwest as its distributor. Upon information and belief, Wisdom financed or arranged to finance the start-up money to fund the New Salem American Legion's gaming operations. The New Salem American Legion was intended to be a founding charity to sponsor Wall of Honor with Wisdom. A site acquisition representative for the New Salem American Legion was retained by Wisdom for the New Salem American Legion and directed by Wisdom and Western, Plains, and Midwest officers, agents, and/or employees to obtain sites for the New Salem American Legion. The New Salem American Legion was able to obtain certain charitable gaming sites, including Totten Trail Bar and Grill in Coleharbor in part by Wall of Honor offering to pay these sites rent for placement of its billboards.

[¶ 20] The site acquisition representative for the New Salem American Legion visited Totten Trail Bar and Grill at the direction of Wisdom and Wall of Honor. She was concerned about the practice of offering Wall of Honor money contingent upon Totten Trail Bar and Grill changing charitable organizations. When she was driving to Totten Trail Bar and Grill, she called Sanstead (Wisdom and Western, Plains, and Midwest's attorney), to express her concerns. She was directed to proceed forward. She then informed Totten Trail Bar and Grill that it would be paid to place the Wall of Honor billboards if it changed its charitable organization to the New Salem American Legion. Totten Trail Bar and Grill was promised \$1,000 per month to put the Wall of Honor billboard in its location if it changed gaming organizations. Totten Trail Bar and Grill accepted the Wall of Honor billboards and changed gaming organizations to the New Salem



American Legion. The site acquisition representative ultimately left her position with the New Salem American Legion due to her concerns with this practice.

[¶ 21] The New Salem American Legion was uncomfortable with Wall of Honor's, Wisdom's, and Western/Plains/Midwest's involvement with obtaining sites and ended the relationship. As a result, the previously promised payment of \$1,000 per month from Wall of Honor never materialized at Totten Trail Bar and Grill other than an initial payment by Wall of Honor of \$100. Totten Trail Bar and Grill was not subsequently paid by Wall of Honor because it continued to use the New Salem American Legion as its gaming organization, but the New Salem American Legion was no longer using Western, Plains, and/or Midwest as its primary distributor.

[¶ 22] The New Salem American Legion was also the gaming organization at the ReUnion Grill & Bar in McCluskey, ND. The New Salem American Legion released the ReUnion Grill & Bar from its site agreement effective immediately on April 15, 2021, based on its understanding the ReUnion Grill & Bar was approached by Wall of Honor as a lure for a charitable gaming organization aligned with Western, Plains, and/or Midwest as distributors.

HAZELTON AMERICAN LEGION –  
REUNION GRILL & BAR AND GUNDY'S BAR & GRILL

[¶ 23] The Hazelton American Legion also became a licensed organization through the assistance of Wisdom, AGS, and Western/Plains/Midwest employees, agents, or officers. The Hazelton American Legion also entered into a Service Provider Agreement with AGS.

[¶ 24] The Hazelton American Legion became the gaming organization at ReUnion Grill & Bar after the New Salem American Legion released the site. The ReUnion Grill & Bar continued to be paid "rent" (\$350 per month) by Wall of Honor at least through September 2022.

[¶ 25] The Hazelton American Legion also obtained Gundy's Bar & Grill in Medina as a site through Wall of Honor rent payments as described above. As of September 2022, Gundy's Bar & Grill was still receiving quarterly "rent" (\$250 per month) from Wall of Honor.

[¶ 26] Other sites were obtained by the Hazelton American Legion through the offer of Wall of Honor billboards. Some sites did not require payment for the billboards, but were still induced to switch or allow gaming organizations through the offer of having Wall of Honor billboards.

[¶ 27] As of at least March 2022, the Hazelton American Legion continued to donate trust funds from gaming directly to Wall of Honor. The Hazelton American Legion uses Western, Plains, and/or Midwest as a distributor.

#### WILLISTON VETERANS OF FOREIGN WARS

[¶ 28] On April 7, 2022, and consistent with Wisdom and Western, Plains, and/or Midwest's vision for Wall of Honor, Beck (the veteran liaison for Wall of Honor) presented to the Williston Veterans of Foreign Wars ("Williston VFW") about becoming a more active gaming organization. He explained the goal was for Wall of Honor to go into bars and restaurants to assist veteran's organizations with charitable gaming. He explained Wall of Honor works exclusively with a bookkeeping company run by veterans and a distributing company run by veterans. Beck was referring to Western, Plains, and/or Midwest when referring to the distributing company and AGS when referring to the bookkeeping company.

[¶ 29] Beck explained that as part of the collaboration, they could assist Williston VFW with getting a gaming site agreement signed and Wall of Honor could pay the bar/restaurant to host the Wall of Honor billboard. He indicated that if a site owner decided to switch gaming organizations away from an affiliated veteran's organization, the site would no longer receive the

rent payments from the Wall of Honor. He described that the agreements entered into by the Wall of Honor to receive money from the veterans' organizations are used to pay bars and restaurants where they place billboards.

[¶ 30] The Williston VFW was subsequently provided a collaboration agreement for its consideration. The collaboration agreement provided that the veteran's organization is or intends to be licensed to conduct charitable gaming and place gaming equipment at various North Dakota sites, and the Wall of Honor will support the veterans organization in gaining gaming sites. The collaboration agreement further provided the veterans organization will support the Wall of Honor by donating 25% of the net proceeds generated from charitable gaming at the collaboration site. Upon information and belief, this type of agreement reflects what has occurred with the veterans' organizations discussed above, and likely others.

[¶ 31] Beck and other Wall of Honor representatives attended several meetings at Western's office/warehouse at 120 West Sweet Avenue where Western's, Plain's, and Midwest's day-to-day operations occur. Wisdom, Sanstead, and other Western/Plains/Midwest officers, agents, and employees also attended these meetings along with AGS representatives. During these meetings it was discussed how Wall of Honor could assist with obtaining gaming sites for veteran's organizations, which would then use Western, Plains, or Midwest as the distributor. The "pitch" Beck provided to the Williston VFW was created by Wisdom and Sanstead. Beck questioned whether what was occurring was appropriate, but was informed by Sanstead it was legal.

#### THE DRINK AT LAKEWOOD—MANDAN, ND

[¶ 32] Western/Plains/Midwest officers, agents, and/or employees and Chad Wick of AGS approached The Drink at Lakewood ("The Drink") in Mandan, North Dakota, to persuade

The Drink to switch gaming organizations. The Drink was offered \$1,000 to place the Wall of Honor billboard if The Drink would switch charitable organizations. The Drink refused the offer. However, such conduct is an unlawful attempt to influence a lessor's relationship with an organization involving a lease agreement and an unlawful attempt to procure a site for an organization in violation of N.D. Admin. Code § 99-01.3-15-02(3) (eff. 2018).

HARBOR BAR & Grill – COLEHARBOR, ND

[¶ 33] Western/Plains/Midwest officers, agents, and/or employees have approached the Harbor Bar & Grill (“Harbor Bar”) in Coleharbor, ND, to persuade Harbor Bar to switch gaming organizations. Wisdom sent Chad Wick from AGS to the Harbor Bar, who provided a proposal to the Harbor Bar to switch gaming organizations. AGS sent a proposal to the Harbor Bar from the Bismarck American Legion to procure the site for gaming. Harbor Bar was offered \$500 to display the Wall of Honor billboard by Tammy Ibach from Wall of Honor in a proposal dated January 24, 2022. The Harbor Bar understood the proposal from the Wall of Honor to be contingent upon switching charities from the American Wildlife Federation to the Bismarck American Legion. The Harbor Bar refused the offer. However, such conduct is an unlawful attempt to influence a lessor's relationship with an organization involving a lease agreement and an unlawful attempt to procure a site for an organization in violation of N.D. Admin. Code § 99-01.3-15-02(3) (eff. 2018).

GUNNY'S BAR – ELGIN, ND

[¶ 34] Western/Plains/Midwest officers, agents, and/or employees and the Wall of Honor approached Gunny's Bar in Elgin, ND, to persuade it to change gaming organizations. Gunny's was offered payment for the Wall of Honor billboard as well as funds to remodel space for additional electronic pulltab machines. Gunny's Bar decided to remain with its current

gaming organization. However, such conduct is an unlawful attempt to influence a lessor's relationship with an organization involving a lease agreement and an unlawful attempt to procure a site for an organization in violation of N.D. Admin. Code § 99-01.3-15-02(3) (eff. 2018).

### **LOANING MONEY TO ORGANIZATION**

[¶ 35] A distributor may not loan money (excluding credit) to a licensed organization. N.D. Admin. Code § 99-01.3-15-02(8) (eff. 2018).

[¶ 36] At the time the Hazelton American Legion was initiating its gaming activities, it did not have sufficient funds to begin operations. Western's books show a loan to Beck in the amount of \$20,000. Beck is the Veterans Liaison Officer for Wall of Honor. The loan to Beck shown on Western's books was actually a loan to establish the bank for the Hazelton American Legion to become a gaming organization. Upon information and belief, the Hazelton American Legion has paid back \$7,500 to Western as of the time of this Complaint.

### **VIOLATIONS**

[¶ 37] Through the actions of their officers, employees, agents, and/or shareholders described above, Western, Plains, and Midwest have violated and/or conspired to violate N.D.C.C. § 53-06.1-11(5) by facilitating the payment of rent, through Wall of Honor payments, that exceeds the maximum rent allowed by law. This has occurred, at a minimum, with respect to the following sites: (1) Jack's Steakhouse (\$1,000 more per month), (2) Rusty's Saloon & Grill (\$650 more per month), (3) Gundy's Bar & Grill (\$250 more per month), (4) ReUnion Grill & Bar (\$350 more per month), and (5) Totten Trail Bar and Grill (one-time payment of \$100), consisting of at least five violations of the North Dakota Gaming Laws.

[¶ 38] Through the actions of their officers, employees, agents, and/or shareholders described above, Western, Plains, and Midwest have violated and/or conspired to violate N.D.

Admin. Code § 99-01.3-15-02(3) (eff. 2018), by interfering with or attempting to influence a lessor's relationship with an organization involving a lease agreement. Through its collaboration with Wall of Honor and AGS, Western, Plains, and Midwest have influenced or attempted to influence (1) Jack's Steakhouse, (2) Rusty's Saloon & Grill, (3) Gundy's Bar & Grill, (4) ReUnion Grill & Bar, (5) Totten Trail Bar and Grill, (6) The Drink, (7) Harbor Bar, and (8) Gunny's Bar to switch charitable gaming organizations through the use of Wall of Honor billboards, including through payment associated with the same. There are at least eight violations associated with this conduct. In addition, it is believed other sites changed or were approached to change gaming organizations by or through actions of Western/Plains/Midwest officers, agents, and employees through the offer of the Wall of Honor billboard, and the Attorney General reserves the ability to amend this complaint as additional discovery and investigation may warrant.

[¶ 39] Through the actions of their officers, employees, agents, and/or shareholders described above, Western, Plains, and Midwest have violated and/or conspired to violate N.D. Admin. Code § 99-01.3-15-02(3) (eff. 2018) by interfering with or attempting to influence an organization's management, employment practices, policy, gaming operation, disbursement of net proceeds, or procuring sites for an organization. Western, Plains, and Midwest have used Wall of Honor and AGS to procure sites for the Bismarck American Legion, Hazelton American Legion, and the New Salem American Legion. Western, Plains, and Midwest have used Wall of Honor and AGS to attempt to procure sites for gaming organizations at The Drink, Harbor Bar, and Gunny's Bar. Western, Plains, and Midwest have also attempted to influence the Bismarck American Legion, Hazelton American Legion, and New Salem American Legion's management, gaming operation, and disbursement of net proceeds through the Wall of Honor and AGS as

described in the allegations above. There are at least eleven violations of this section: (1) procuring Jack's Steakhouse for the Bismarck American Legion; (2) procuring Rusty's Saloon & Grill for the Bismarck American Legion; (3) procuring Gundy's Bar & Grill for the Hazelton American Legion; (4) procuring the ReUnion Grill & Bar for the Hazelton American Legion; (5) attempting to procure The Drink for a gaming organization; (6) attempting to procure Harbor Bar for a gaming organization; (7) attempting to procure Gunny's Bar for a gaming organization; (8) attempting to influence the Bismarck American Legion's management, gaming operation, and disbursement of net proceeds; (9) attempting to influence the Hazelton American Legion's management, gaming operations, and disbursement of proceeds; (10) attempting to influence the New Salem American Legion's management, gaming operations, and disbursement of proceeds; and (11) attempting to influence the Williston VFW's management, gaming operations, and disbursement of proceeds.

[¶ 40] Western has violated N.D. Admin. Code § 99-01.3-15-02(8) (eff. 2018), by loaning money to the Hazelton American Legion to facilitate its gaming operations.

[¶ 41] It is believed additional violations have occurred and the Attorney General reserves the ability to amend this Complaint in the event further violations become known during discovery or through further investigation.

[¶ 42] The foregoing violations have significantly impacted charitable gaming organizations in North Dakota by creating an unfair advantage for Western, Plains, and Midwest to procure sites for aligned charitable organizations. This conduct has resulted in millions of dollars in charitable gaming proceeds being diverted to charitable organizations aligned with Western, Plains, and/or Midwest as a distributor.

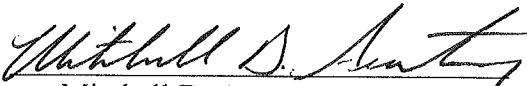
[¶ 43] Wherefore, the Attorney General requests the following:

- a. Revocation of Western Distributing Company's distributor license;
- b. Revocation of Plains Gaming Distributing, Inc.'s distributor license;
- c. Revocation of Midwest Gaming Distributing, Inc.'s distributor license;
- d. Imposition of a fine in the amount of \$120,000, jointly and severally against Western, Plains, and Midwest for the twenty-four violations of N.D.C.C. § 53-06.1-11(5) and N.D. Admin. Code § 99-01.3-15-02(3) (eff. 2018) above;
- e. Imposition of a fine of \$5,000 against Western for the violation of loaning money to the Hazelton American Legion; and
- f. Recovery of costs, disbursements, and attorneys' fees as allowed by law.

**NOTICE:** Respondents must answer this Complaint within twenty days after service of the complaint or the allegations may be deemed admitted and may result in a default order revoking the subject licenses. Such answer must be served in the manner allowed for service under the North Dakota Rules of Civil Procedure.



Dated this 11th day of April, 2023.

By   
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