



Administration Department

DATE: January 9, 2024

FROM: Whitnie Olsen, Senior Administrative Assistant

ITEM: Gaming Site Authorization

REQUEST:

Consider the request to approve Bismarck Youth Baseball, LLC to conduct gaming at the Scheels Youth Baseball Complex, 2000 Shiloh Drive.

BACKGROUND INFORMATION:

Gaming site authorizations expire on June 30th of each year. The Bismarck Administration Department administers the annual gaming site authorizations and renewals.

RECOMMENDED CITY COMMISSION ACTION:

Consider approving the gaming application.

STAFF CONTACT INFORMATION:

Jason Tomanek, Acting City Administrator, 701-355-1300, jtomanek@bismarcknd.gov

ATTACHMENTS:

1. ADMIN - Gaming Site Authorization



STATE GAMING LICENSE - APPLICATION FORM
 NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
 LICENSING SECTION
 SFN 53839 (7-2023)

License Number G-
License Year Ending June 30, 2024

1. Official, Legal Name of Organization (Do Not Abbreviate) BISMARCK YOUTH BASEBALL INC		Business Telephone Number	
Business Address (Street) 1237 WEST DIVIDE AVE	City BISMARCK	State ND	ZIP Code 58501
Mailing Address PO BOX 176	City BISMARCK	State ND	ZIP Code 58501
E-mail Address INFO@BISMARCKYOUTHBASEBALL.COM	Contact Person	Official Position of Contact Person	
2. To be applicable for a State Gaming License an eligible organization must demonstrate that they have been actively fulfilling their primary purpose by submitting copies of the non-profit corporation's charter, articles of incorporation, corporate certificate, organizational by-laws and minutes of board meetings for the last two years with this application for state gaming license.		Have the materials for demonstrating a primary purpose been included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
3. Is the Organization recognized as tax exempt by the Internal Revenue Service a.) If yes, enclose copy of tax exemption letter received from IRS; if letter has not been received, enclose a letter of explanation (New Applicants Only)		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
4. Provide Organization's Federal Employer Identification Number (EIN) 45-0420820			
5. Type of ELIGIBLE Organization (Check One)		6. Is the Organization Chartered By	
<input type="checkbox"/> a) Charitable	<input type="checkbox"/> e) Public Safety	<input type="checkbox"/> International Organization	
<input type="checkbox"/> b) Civic & Service	<input checked="" type="checkbox"/> f) Public Spirited	<input type="checkbox"/> National Organization	
<input type="checkbox"/> c) Educational	<input type="checkbox"/> g) Religious	<input type="checkbox"/> State Organization	
<input type="checkbox"/> d) Fraternal	<input type="checkbox"/> h) Veterans	<input checked="" type="checkbox"/> None of the Above	
7. How long has the Organization existed in North Dakota? FORMED IN 1997			
8. Name and Title of Organization's Top Executive Official (i.e., Cmdr, Pres., etc.) MATT SAGSVEEN		Daytime Telephone Number 701-527-2526	
9. Name of Gaming Manager <i>Jesse Wiedrich</i>		Daytime Telephone Number <i>701-870-1302</i>	
9a. Signature of Gaming Manager <i>[Signature]</i>		Date <i>12/14/23</i>	
10. List the <u>Full</u> Governing Board of the Organization (The full Governing Board of the organization is primarily responsible and may be held accountable for the proper determination and use of net proceeds)			
Name MATT SAGSVEEN	Daytime Telephone Number 701-527-2526	Name JESSE WIEDRICH	Daytime Telephone Number 701-870-1302
Name RYAN LARSON	Daytime Telephone Number 701-471-6495	Name ERIC BARTSCH	Daytime Telephone Number 701-425-1932
Name DALON GRIMM	Daytime Telephone Number 701-471-6495	Name PAULA HUBER	Daytime Telephone Number 701-400-1097
Name STEVE KRALJIC	Daytime Telephone Number 701-224-1693	Name CHRIS NYHUS	Daytime Telephone Number 701-341-7920
Name JIM PATTON	Daytime Telephone Number 701-400-4390	Name ZACH PELHAM	Daytime Telephone Number 701-751-3034
Name JON PETERSEN	Daytime Telephone Number 303-829-6405	Name TYLER SCHAFFER	Daytime Telephone Number 701-367-3464
11. Has the Organization ever been Convicted of a Felony, Class A Misdemeanor Unlawful Gambling or Organized Criminal Activity?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
12. Is organization properly registered as a non profit organization with the North Dakota Secretary of State?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
13. Does the Organization currently have a <u>Local / Restricted Event Permit</u> that was issued by a City/County?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
14. Does the Organization Own or Rent the premises at which Games of Chance will be conducted?		<input checked="" type="checkbox"/> Rent <input type="checkbox"/> Own	

AFFIDAVIT

The Top Executive Official declares that the information is correct and authorizes the Attorney General to inspect the organization's bank and accounting records.	Signature of Top Executive Official <i>[Signature]</i>	Date <i>12/14/23</i>
--	---	-------------------------

Additional List of Board Members for Bismarck Youth Baseball

Kent Schweigert

701-333-8780

Chantel Shorey

701-426-2652

Germain Krueger

701-220-6525

Krystall Atkinson

701-471-4277



RENTAL AGREEMENT
OFFICE OF ATTORNEY GENERAL
LICENSING SECTION
 SFN 9413 (7-2023)

License Number (Office Use Only)

Site Owner (Lessor) BISMARCK PARKS AND REC		Site Name SCHEELS BASEBALL COMP		Site Phone Number
Site Address 2000 SHILOH DR	City BISMARCK	State ND	Zip Code 58501	County BURLEIGH
Organization BISMARCK YOUTH BASEBALL INC		Rental Period 7/14/2024 to 7/14/2024		Monthly Rent Amount
1. Is Bingo going to be conducted at the site?		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	
1a. If "Yes" to number 1 above, is Bingo the primary game conducted? - If Bingo is the primary game, enter the monthly rent amount to be paid. Then answer questions 2 - 7 but do not enter any rent amounts.		<input type="checkbox"/> No	<input type="checkbox"/> Yes	\$
2. Is Twenty-One conducted at this site? Number of Tables with wagers up to \$5 _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
Number of Tables with wagers over \$5 _____ X Rent per Table \$ _____				\$
3. Is Paddlewheels conducted at this site? Number of Tables _____ X Rent per Table \$ _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
4. Is Pull Tabs Involving either a jar bar or standard dispensing device conducted at this site? Please Check: <input type="checkbox"/> Jar Bar <input type="checkbox"/> Standard Dispensing Device		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
5. Are Electronic Pull-Tabs conducted at this site? If "Yes" please indicate the number of devices _____		<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	\$
Total Monthly Rent				\$
6. If the only gaming activity to be conducted at the site is a raffle drawing, please check here. <input checked="" type="checkbox"/>				

TERMS OF RENTAL AGREEMENT:

This RENTAL AGREEMENT is between the Owner (LESSOR) and Organization (LESSEE) that will be leasing the site to conduct games of chance. The LESSOR agrees that no game will be directly operated as part of the lessor's business.

The LESSOR agrees that the (lessor), (lessor's) spouse, (lessor's) common household members, (management), (management's) spouse, or an employee of the lessor who is in a position to approve or deny a lease may not conduct games at any of the organization's sites and except for officers and board of directors members who did not approve the lease, may not play games at that site. However, a bar employee may redeem a credit ticket voucher from an electronic tab device, winning pull tab involving a dispensing device, pay a prize board cash prize, and award a prize board merchandise prize involving a dispensing device, and sell raffle tickets or sports pool chances on a board on behalf of an organization.

The LESSOR agrees that the lessors on call or temporary or permanent employee(s) will not, directly or indirectly, conduct games at the site as an employee of the lessee on the same day the employee is working in the area of the bar where alcoholic beverages are dispensed or consumed.

If the LESSEE provides the Lessor with a temporary loan of funds for redeeming credit ticket vouchers from an electronic pull-tab device, or pull tabs or prize boards involving a dispensing device, the lessor agrees to repay the entire loan immediately when the lessee discontinues using the device at the site.

The LESSOR agrees not to interfere with or attempt to influence the lessee's selection of games, determination of prizes, including a bingo jackpot prize, or disbursement of net proceeds.

The LESSOR agrees not to loan money to, provide gaming equipment to, or count drop box cash for the lessee.

The LESSOR agrees any advertising by the lessor that includes charitable gaming must include the charitable gaming organization's name.

A LESSOR who is an officer or board member of an organization may not participate in the organization's decision-making that is a conflict of interest.

At the LESSOR's option, the lessee agrees that this rental agreement may be automatically terminated if the lessee's gaming license is suspended at this site for more than fourteen days or revoked.

Signature of Lessor 	Title Executive Director	Date 12/15/2023
Signature of Lessee 	Title President	Date 12/15/2023

North Dakota Century Code § 53-06.1-11 (Gross Proceeds - Allowable Expenses - Rent Limits)

4. For a site where bingo is conducted:
 - a. If bingo is the primary game, the monthly rent must be reasonable
 - b. If bingo is not the primary game, but is conducted with twenty-one, paddlewheels, or pull tabs, no additional rent is allowed.
5. For a site where bingo is not the primary game.
 - a. If twenty-one or paddlewheels is conducted, the monthly rent may not exceed two hundred dollars multiplied by the necessary number of tables based on criteria prescribed by gaming rule. For each twenty-one table with a wager greater than five dollars, an additional amount up to one hundred dollars may be added to the monthly rent. If pull tabs is also conducted involving only a jar bar, the monthly rent for pull tabs may not exceed an additional one hundred seventy-five dollars. If pull tabs is conducted involving only a dispensing device or a jar bar and dispensing device, the monthly rent for pull tabs may not exceed an additional three hundred twenty-five dollars.
 - b. If twenty-one and paddlewheels are not conducted but pull tabs is conducted involving either a jar bar or dispensing device, the monthly rent may not exceed four hundred dollars.
 - c. If pull tabs is conducted using one or more electronic pull tab devices, the monthly rent may not exceed one hundred seventy-five dollars per machine for the first five machines in the same venue. For each additional machine in the same venue beyond five, the monthly rent may not exceed seventy-five dollars per machine up to a maximum of one thousand two hundred fifty dollars per month for all electronic pull tab devices in a single venue.

North Dakota Administrative Code § 99-01.3-02-06 (Rental Agreement)

3. Rent must be a fixed dollar amount per month
 - a. A participatory or graduated rate arrangement based on gross proceeds or adjusted gross proceeds is prohibited.
 - b. If bingo is the primary game or if a site is leased by an organization that has the alcoholic beverage license for that site, the monthly rent must be reasonable. Factors include time usage, floor space, local prevailing rates, and available sites and services. An organization may pay seasonal expenses, such as snow removal, air-conditioning, and heating, to a vendor.
 - c. If bingo is not the primary game, the maximum monthly rent must be according to subsection 5 of North Dakota Century Code section 53-06.1-11.

Special considerations are:

 - (1) If two or more organizations conduct twenty-one or paddlewheels, or both, involving a table and pull tabs for less than a month at a temporary site which is a public or private premise, or if two or more organizations are issued site authorizations to conduct games at a site on different days of the week, the maximum monthly rent, in the aggregate, may not exceed the limit set by subsection 5 of North Dakota Century Code section 53-06.1-11; and
 - (2) If a raffle, calcutta, sports pool, or poker is conducted with twenty-one, paddlewheels or pull tabs, no additional rent is allowed.
 - d. Except for applying subsection 3 or 4 of section 99-01.3-03-04, and additional rent paid to a lessor for simulcast racing, an organization or employee may not pay any additional rent or expense, from any source, or for any other purpose, including office or storage space, snow removal, maintenance or cleaning fees, equipment, furnishings, entertainment, or utilities. Except for a leased site at which bingo is the primary game conducted, an organization may not pay for any capital or leasehold improvements or remodeling.
- *4. If there is a change in the monthly rent or any other material change to a rental agreement, the agreement must be amended and a copy received by the attorney general before its effective date.

North Dakota Administrative Code § 99-01.3-08-01 (Restrictions and Requirements)

4. An organization may pay monthly rent for more than one table provided that each additional table is used at least thirteen times a quarter. This level of activity is based on a site's historical experience, or seasonal activity, for each of the previous four quarters, regardless of which organization conducted twenty-one at the site. For a new site or a site that has been completely remodeled in appearance and function, the level of activity must be reviewed and reestablished after the first full quarter. If an additional table is used at least thirteen times in at least one but not all of the previous four quarters, the allowable monthly rent for that table must be prorated over all the active months of the licensing year. For example, if a second table was used at least thirteen times in only two of the previous four quarters, the additional monthly rent for the second table would be a maximum of two hundred dollars per month (or three hundred dollars per month if a wager greater than five dollars is accepted on the table) multiplied by six months (totaling one thousand two hundred dollars) and prorated to one hundred dollars per month for the licensing year. The organization shall document each table's usage, which includes the date, table number, and drop box cash amount for each table and how the prorated rental amounts were determined. This documentation must be retained with the organization's twenty-one records for three years.



REQUEST FOR RECORD CHECK
OFFICE OF ATTORNEY GENERAL
 SFN 50424 (01-18)

Mail this form and fee(s) to:
 OFFICE OF ATTORNEY GENERAL
 GAMING DIVISION
 600 EAST BOULEVARD AVE - DEPT 125
 BISMARCK ND 58505-0040

Fee is \$15.

- New Employee
 Renewal

- Indian Gaming
 Manufacturer
 Distributor
 Charitable Organization

Please Type or Print Legibly Using Blue or Black Ink

EMPLOYEE INFORMATION							
Last Name <i>Wiedrich</i>			First Name <i>Jesse</i>			Middle Name <i>Tyler</i>	
Social Security Number <i>502-02-1064</i>		Date of Birth <i>11-1-83</i>		Place of Birth (city and state) <i>Bismarck ND</i>			
Mailing Address <i>4126 Daniel St</i>						MALE <input checked="" type="checkbox"/> FEMALE <input type="checkbox"/>	
City <i>Bismarck</i>		State <i>ND</i>	Zip Code <i>58504</i>		Work Phone Number <i>701-667-0509</i>	Other Phone Number <i>701-870-1302</i>	
Have you ever previously used any other first or last name, including a maiden name? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "YES", list all other names used:							
PRIVACY ACT NOTIFICATION <small>Your social security number is requested to permit the Gaming Division to conduct a background investigation pursuant to N.D.C.C. § 53-06.1-03. Disclosure of your social security number is voluntary. However, not providing this information will result in the requirement that other information be provided, including the submission of fingerprints.</small>							
PREVIOUS RESIDENCE(S)							
CHARITABLE ORGANIZATIONS, MANUFACTURERS AND DISTRIBUTORS				INDIAN GAMING			
Charitable organizations are responsible for completing out of state record checks. Disclose all of the states in which you have lived during the previous 5 years.				Out-of-State record checks will be completed by (select one): <input type="checkbox"/> Gaming Division <input type="checkbox"/> Tribe Disclose all of the states in which you have lived during the previous 10 years.			
State <i>ND</i>	Month & Year <i>11/83 to 12/23</i>	State	Month & Year / to /	State	Month & Year / to /	State	Month & Year / to /
State	Month & Year / to /	State	Month & Year / to /	State	Month & Year / to /	State	Month & Year / to /
CERTIFICATION AND AUTHORIZATION							
I declare that the employee information on this form is true and correct. I authorize the Office of Attorney General to obtain information about my background and to release information on any criminal record found, including a copy of a "Report of Arrest and Prosecution," to the organization, distributor, manufacturer, or tribe referenced below. I understand that knowingly making any false or misleading statement is a criminal offense and will result in denial of my application and may also result in criminal prosecution.							
Applicant Signature <i>[Signature]</i>						Date <i>12-14-23</i>	
ORGANIZATION, DISTRIBUTOR, MANUFACTURER, OR TRIBE							
Organization, Distributor, Manufacturer, or Tribe Requesting the Record Check <i>Bismarck Youth Baseball</i>						Organization /Distributor /Manufacturer License No.	
Employment Statement: This person will be employed on: <u><i>12-1-23</i></u> Date of Employment				If Indian Gaming Casino, this person will be employed as: <input type="checkbox"/> Gaming Employee <input type="checkbox"/> Non-Gaming Employee			
Signature of Organization, Distributor, Manufacturer, or Tribal Representative <i>[Signature] Treasurer</i>				Title <i>Treasurer</i>		Date <i>12-15-23</i>	
OFFICE OF ATTORNEY GENERAL USE ONLY						Date Stamp	
_____ No information is available because either no information exists or dissemination is prohibited.							
_____ No check has been done in the state of _____ because access to record system was denied.							
_____ Criminal Record Found (read attached copy of Report of Arrest and Prosecution)							

Based on the result of a record check, an organization, distributor, or tribe must determine whether a person is eligible for employment as a gaming employee. North Dakota Century Code § 53-06.1-06(5)(a) and (b), prohibits a person who has a certain criminal history record from being eligible for employment for a certain time. As referenced by these laws, section 6-08-16.1 relates to issuing a check or draft without account; chapter 12.1-06 relates to criminal attempt, facilitation, solicitation, and conspiracy; chapter 12.1-23 relates to theft and related offenses; chapter 12.1-24 relates to forgery and counterfeiting; chapter 12.1-28 relates to gambling and related offenses; and chapter 53-06.2 relates to parimutuel horse racing.



GAMING ORGANIZATION E-MAIL CONTACT

NORTH DAKOTA OFFICE OF ATTORNEY GENERAL
GAMING DIVISION
SFN 54481 (5-2023)

License No. G- _ _ _ _

This form should be to used update, add, or change information regarding a licensed gaming organizations point of contacts.

<input checked="" type="checkbox"/> New Contact	<input type="checkbox"/> Replacing Previous Contact	<input type="checkbox"/> Additional Contact
Official, Legal Name of Gaming Organization <i>Bismarck Youth Baseball</i>		
Name of the Contact Person <i>Jesse Wiedrich</i>		Title of Contact Person <i>Vice President</i>
Contact Person's E-mail <i>jiwiedrich@dakota community bank.com</i>		Contact Person's Daytime Telephone Number <i>701-870-1302</i>

By signing and submitting this form, the contact person agrees to receive information from the Office of Attorney General at the above e-mail address

Signature of Contact Person 	Date <i>12-14-23</i>
RETURN TO: Email: agolicensing@nd.gov Fax: (701) 328-3535 OFFICE OF ATTORNEY GENERAL LICENSING SECTION 600 EAST BOULEVARD AVENUE - DEPT 125 BISMARCK ND 58505-0040 Questions Regarding Licensing (701) 328-2329	