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TO: Safety and Licensing Committee

Common Council

FROM: Lt. Ben Goodin

DATE: 10/9/2025

RE: Supplemental Letter from the Police Department pertaining to Recommendation

for Denial of Santino LLC's (dba Houdini's Escape Gastropub) Mechanical

Amusement Device License Application

Committee Members:

The purpose of this letter is to add supplemental information and evidence gathered related to the Appleton Police Department's recommendation to deny the Mechanical Amusement Device License Application submitted by Santino LLC's (dba Houdini's Escape Gastropub).

Wis. Stat. §945.01(3)(a) defines a gambling machine as "a contrivance which for a consideration affords the player an opportunity to obtain something of value, the award of which is determined by chance, even though accompanied by some skill and whether or not the prize is automatically paid by the machine."

Wis. Stat. **§945.01(3)(b)** states a gambling machine does not include any of the following:

- **1.** A device used in conducting a bingo occasion or raffle under ch. $\underline{563}$, used in conducting a lottery under ch. $\underline{565}$, or used in conducting a race under ch. $\underline{562}$.
- **2.** Any amusement device if it rewards the player exclusively with one or more nonredeemable free replays for achieving certain scores and does not change the ratio or record the number of the free replays so awarded.
- **3.** An amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to prizes, toys and novelties, each having a wholesale value which is not more than 7 times the cost



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charged to play the amusement device once or \$5, whichever is less. In this subdivision, "skill" means, within an opportunity provided for all players fairly to obtain prizes or rewards of merchandise, a player's precision, dexterity or ability to use his or her knowledge which enables him or her to obtain more frequent rewards or prizes than does another less precise, dextrous or knowledgeable player.

Wis. Stat. **§945.02** states "Whoever does any of the following is guilty of a Class B misdemeanor:

- (1) Makes a bet; or
- (2) Enters or remains in a gambling place with intent to make a bet, to participate in a lottery, or to play a gambling machine; or
- (3) Conducts a lottery, or with intent to conduct a lottery, possesses facilities to do so.

Wis. Stat. **§945.03** states:

- (1m) Whoever intentionally does any of the following is engaged in commercial gambling and, except as provided in sub. (2m), is guilty of a Class I felony:
- (a) Participates in the earnings of or for gain operates or permits the operation of a gambling place; or
- **(b)** For gain, receives, records or forwards a bet or offer to bet or, with intent to receive, record or forward a bet or offer to bet, possesses facilities to do so; or
- (c) For gain, becomes a custodian of anything of value bet or offered to be bet; or
- (d) Conducts a lottery where both the consideration and the prize are money, or with intent to conduct such a lottery, possesses facilities to do so; or
- **(e)** Sets up for use for the purpose of gambling or collects the proceeds of any gambling machine; or
- **(f)** For gain, maintains in this state any record, paraphernalia, tickets, certificates, bills, slip, token, paper, writing or other device used, or to be used, or adapted, devised or designed for use in gambling; or



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(g) For gain, uses a wire communication facility for the transmission or receipt of information assisting in the placing of a bet or offer to bet on any sporting event or contest, or for the transmission of a wire communication which entitles the recipient to receive money or credit as a result of a bet or offer to bet.

(2m) If the violation of sub. <u>(1m)</u> involves the possession, operation, setup, collection of proceeds, participation in earnings or maintenance of, or involves acting as the custodian of anything of value bet or offered to be bet on, not more than 5 video gambling machines on premises for which a Class "B" or "Class B" license or permit has been issued under ch. <u>125</u>, the person may be penalized as follows:

- (a) If the violation involves one video gambling machine, the person may be required to forfeit not more than \$500.
- **(b)** If the violation involves 2 video gambling machines, the person may be required to forfeit not more than \$1,000.
- **(c)** If the violation involves 3 video gambling machines, the person may be required to forfeit not more than \$1,500.
- (d) If the violation involves 4 video gambling machines, the person may be required to forfeit not more than \$2,000.
- **(e)** If the violation involves 5 video gambling machines, the person may be required to forfeit not more than \$2,500.

Wis. Stat. **§945.04** states

- **(1m)** Except as provided in sub. <u>(2m)</u>, whoever intentionally does any of the following is guilty of a Class A misdemeanor:
- (a) Permits any real estate owned or occupied by him or her or under his or her control to be used as a gambling place; or
- **(b)** Permits a gambling machine to be set up for use for the purpose of gambling in a place under his or her control.



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(2m) If the violation of sub. $(\underline{1m})$ involves the setup or use of not more than 5 video gambling machines on premises for which a Class "B" or "Class B" license or permit has been issued under ch. $\underline{125}$, the person may be penalized as follows:

- (a) If the violation involves one video gambling machine, the person may be required to forfeit not more than \$500.
- **(b)** If the violation involves 2 video gambling machines, the person may be required to forfeit not more than \$1,000.
- **(c)** If the violation involves 3 video gambling machines, the person may be required to forfeit not more than \$1,500.
- (d) If the violation involves 4 video gambling machines, the person may be required to forfeit not more than \$2,000.
- **(e)** If the violation involves 5 video gambling machines, the person may be required to forfeit not more than \$2,500.

The amusement device application submitted by Houdini's Escape Gastropub listed the following Brand/Name & Type of Devices:

- -Big Daddy Games Power Player 3 video game
- -Big Daddy Games Spooky Tall video game
- -Big Daddy Games Dragon Deluxe video game
- -Big Daddy Games Viva La Jackpot video game
- -IT Golden Tee Golf video game
- -Jenka Labs Arcade video game
- -Big Daddy Games 30-in-one video game
- -Big Daddy Games 60-in-one video game
- -Arachnid Electronic Dart game
- -Technik Pulltab vending machine

On 09/27/25 I explored the Big Daddy Games website for an extended period of time looking at the three types of consoles Big Daddy Games uses, saving screenshots from the website for the



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"Skill Plus" games, "Dragon Deluxe" games, "Power Player" games, "Spooky" games and reviewing user manuals for all three consoles. I could not locate any screenshots or further information on "30-in-one" or "60-in-one" video games. I saved the following screenshots from www.bigdaddygames.net:





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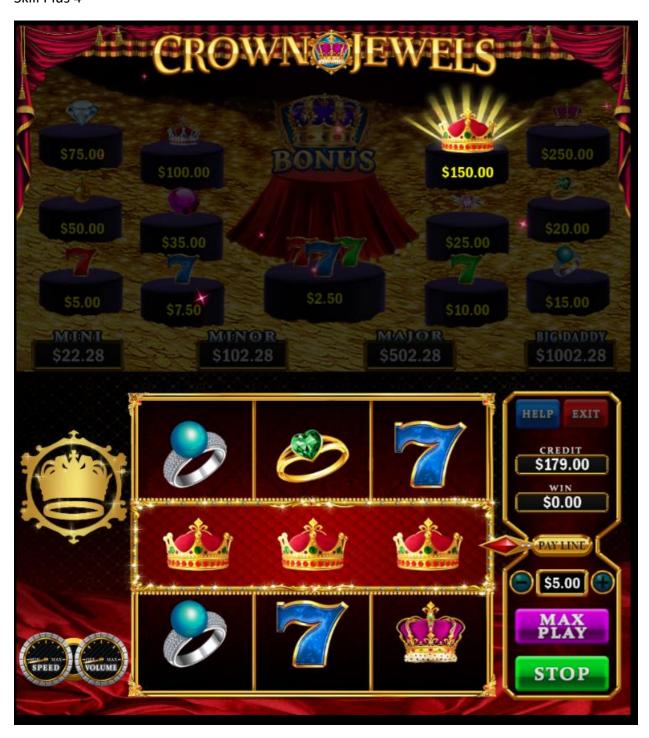


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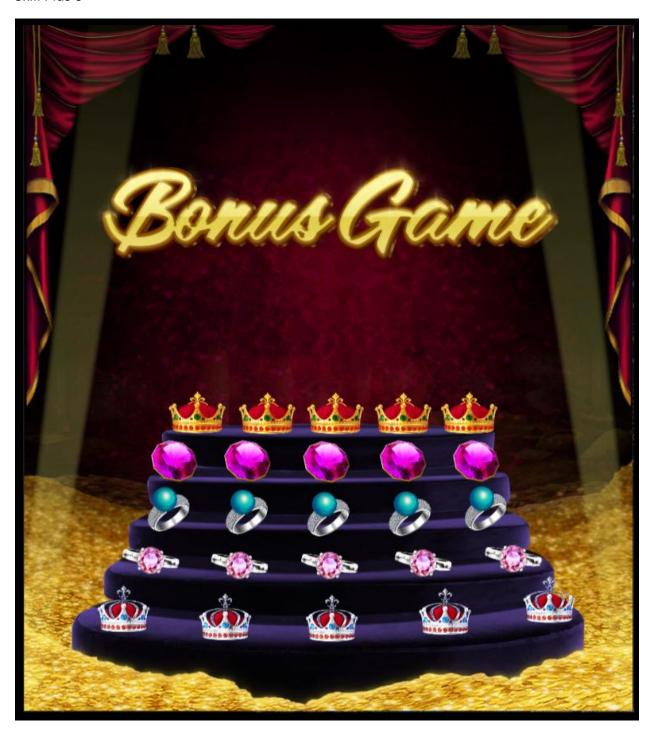


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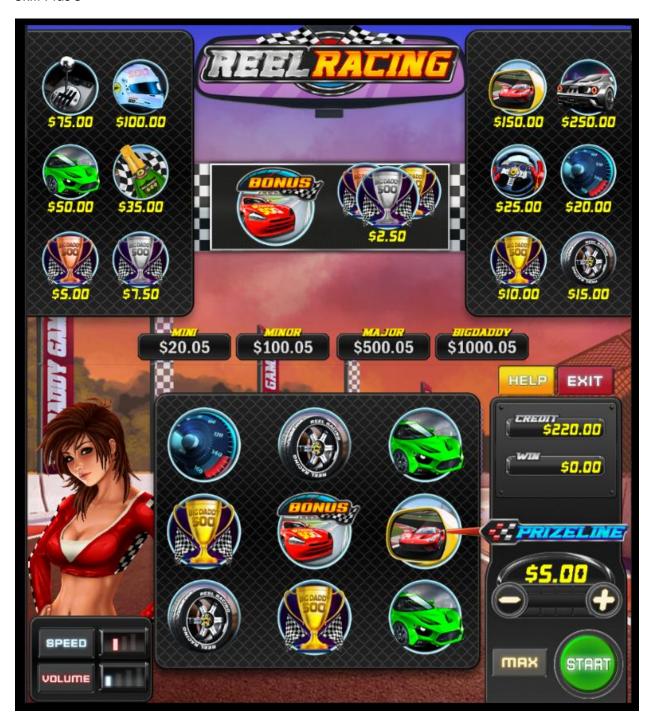


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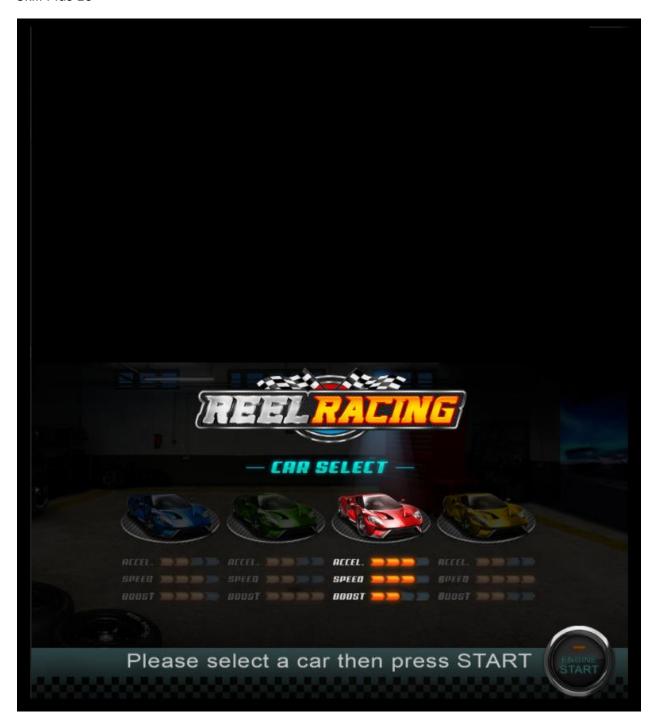
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Skill Plus 13





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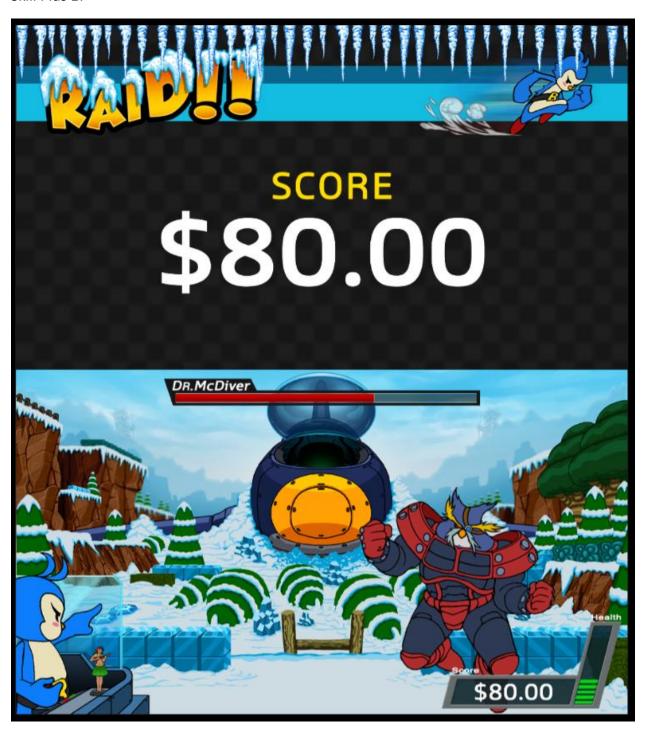


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Dragon Deluxe 1



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Big Daddy Games

The Ultimate in Function and Design

Home / Games / Dragon Deluxe











Dragon Deluxe

Three Game Pack with the Exciting Deluxe Feature. Fill the grid for HUGE WINS!

Festival, Tiger Paradise, Koi

Game Features:

- Adjacent Wins
 Free Spins and Multipler Feature
- Falling Tokens Dragon Deluxe Feature
 Cascading Credits and WILD Stacks
- Mandatory Preview and Reveal
 SKILL WHEEL
- Progressive Ready

Available On:

- 43" Wood Cabinet
 43" C Curve Cabinet
- · 32" Wood Cabinet



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Power Player 1



Big Daddy Games

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Home / Games / Power Player 3 18-in-1













Power Player 3 18-in-1

MASSIVE 18 Games-in-One customizable for any Market!

(12) 25-Line; Spooky 2, Buffaloed, Reel Racing, Spooky 2 Reburied, Dinosaur, Crown Jewels, Starz N Barz, Bier Frau, Midway, Spooky Cash, Zombie-U, and Tostada

(4) Poker; Poker Underground, Pirate Jack Poker, Deuces Wild, Pirate Jacks or Better

(2) Keno; VolKENO, Robot Bob Keno

Game Features:

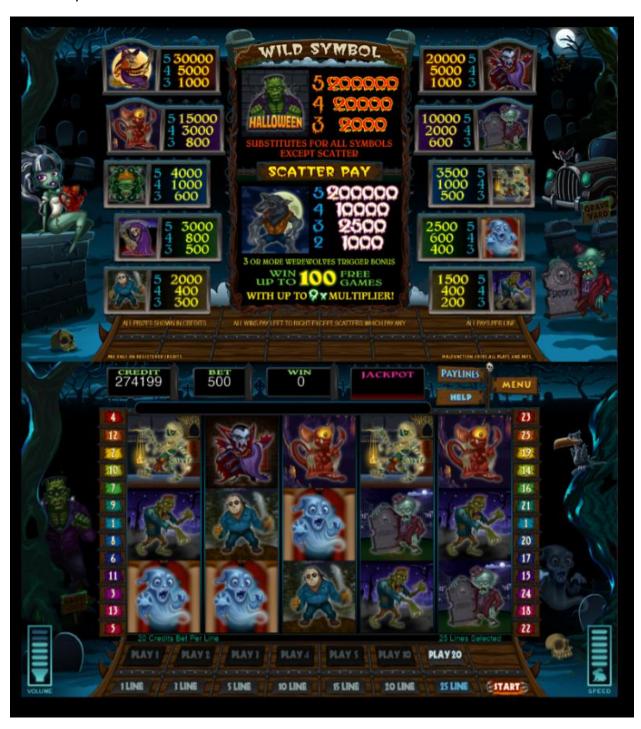
- Mandatory Preview and Best Play Reveal
- SKILL WHEEL
- Progressive Ready

Available On:

• 28" Dual Upright Cabinet



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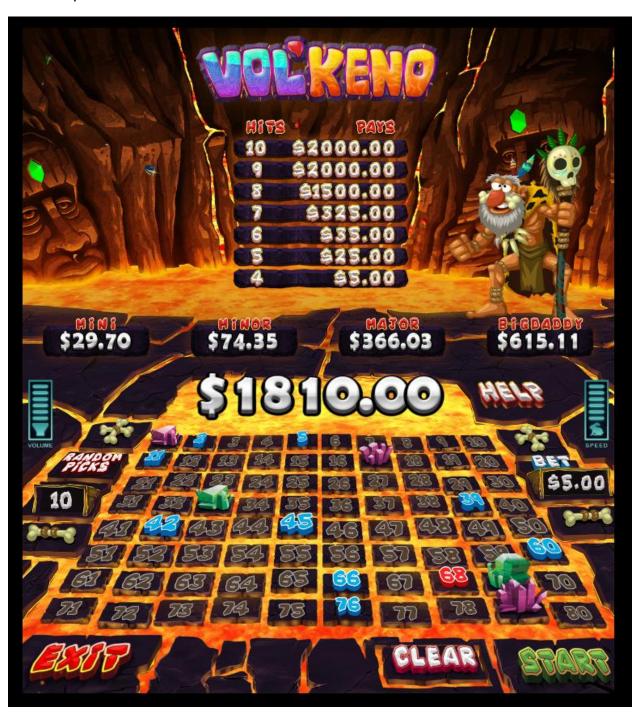


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Spooky 1



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LOGIN

Big Daddy Games The Ultimate in Function and Design











Spooky Tall

Big Daddy's Classic Hits ... Now even BIGGER! SPOOKY 2 and SPOOKY CASH

Game Features:

- 25-Line

- TOMBSTONE and CROW Bonus
 Menu Option as Single or Dual Pack
 #1 Hit Yesterday and TODAY!
 TALL Vertical Format for Today's Locations
- Mandatory Preview and Reveal
 SKILL WHEEL
- Progessive Ready

Available On:

- 43" Wood Cabinets
- 43" C Curve Cabinets
- 32" Wood Cabinets



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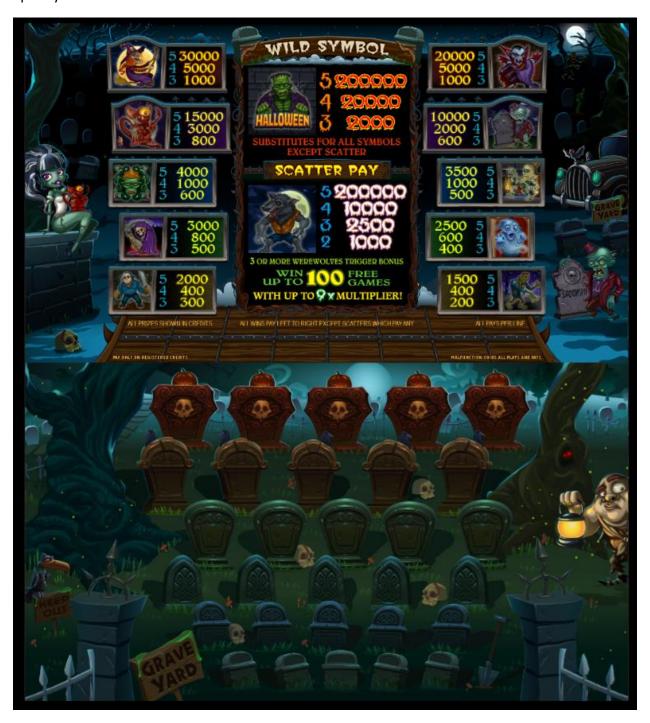
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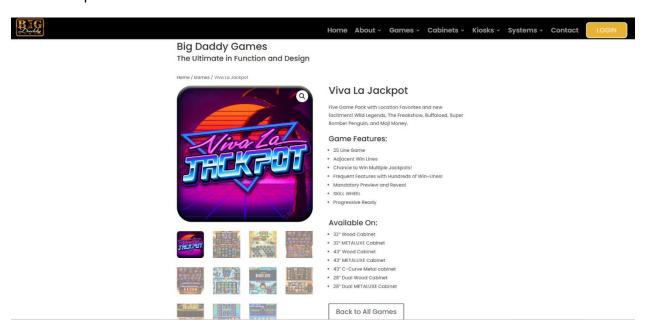
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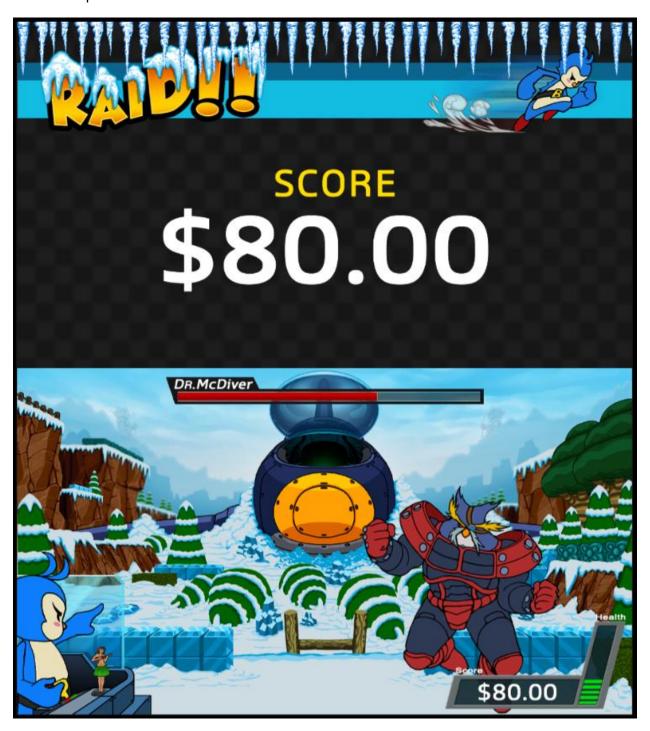


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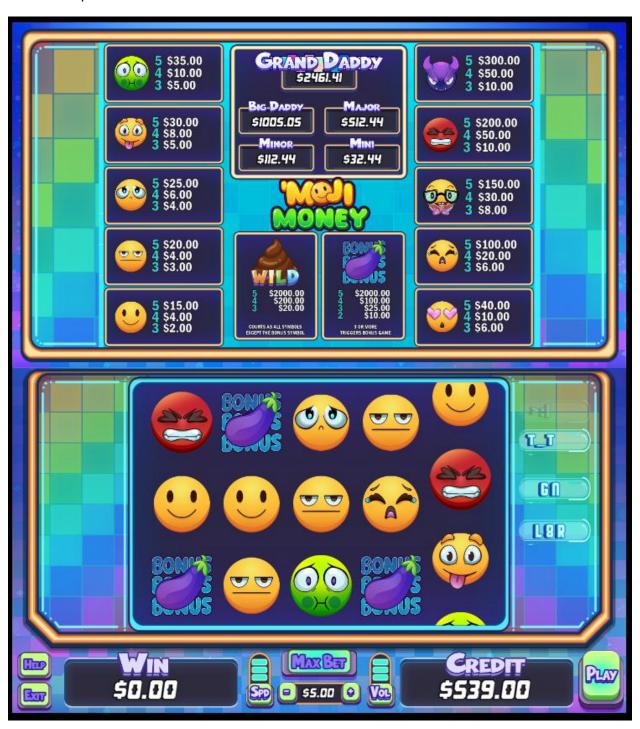
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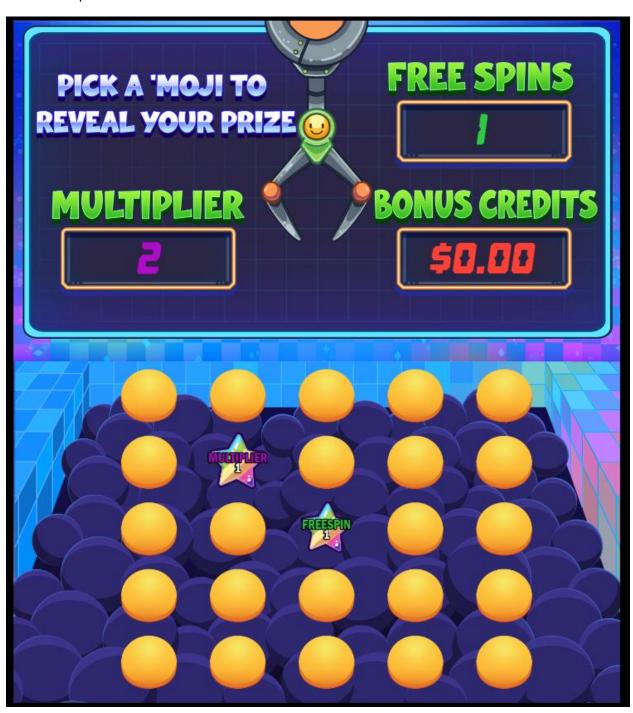
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Systems image 1



Supercharge your gaming experience with Big Daddy Games! Tailor games to maximize profits and player satisfaction. Promote and grow game play. Centralize money transactions. Control prize ticket printing.

The possibilities are endless!

All Big Daddy Games systems come with step-by-step setup guides and excellent <u>tech support</u>. Your Games...Our Business!

Systems image 2



Big Daddy Games The Ultimate in Function and Design

Home / Systems / Max Connect POS











Max Connect POS

POS System with full ticket history, game accounting reporting and remote dashboards included. See <u>link</u> to review the massive features of the Max Connect System!

CREDIT TRANSFER Option:

The Max Connect External POS is installed behind a counter is set to received credit pulses from an external Bill Validator, often housed in a BV "Box" (not included with the Max Connect System). The Attendant inserts Bills into the external BV, set in pulse mode, and credits of bill (s) inserted an accumulated and displayed as ESCROW \$XXXX.

Attendant then selects the on-screen game number for transfer of credits to be sent and confirms CREDIT. Credits pulses are then sent to that game's iConnect board, which are in turn credited on that game. Player plays game.

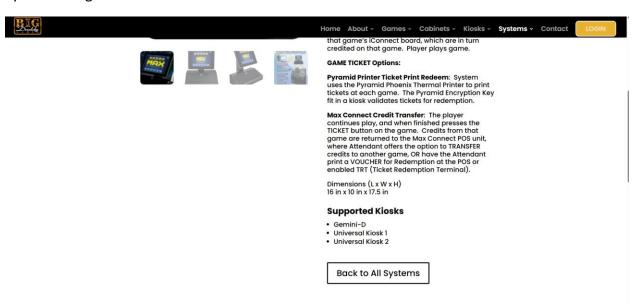
GAME TICKET Options:



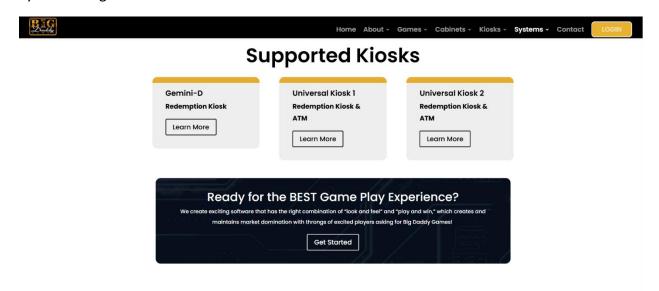
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Systems image 3



Systems image 4





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Systems image 5



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LOGIN

Big Daddy Games

The Ultimate in Function and Design



Global **Progressive** System

Elevate and infuse excitement into any location with a Big Daddy Progressive Server.

- Connect all your Big Daddy Games together to
- Share growing the progressive prize pool.

 Maximize your earning potential with players competing to WIN the GRANDADDY of them all!

 Randomly awarded prizes and
- fully adjustable play contribution percentages customize to suit any location.
 The eye-catching display and location-specific prizes further enhance the fun!

Back to All Systems



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Systems image 6



Big Daddy Games
The Ultimate in Function and Design

Home / Systems / Max Connect POS

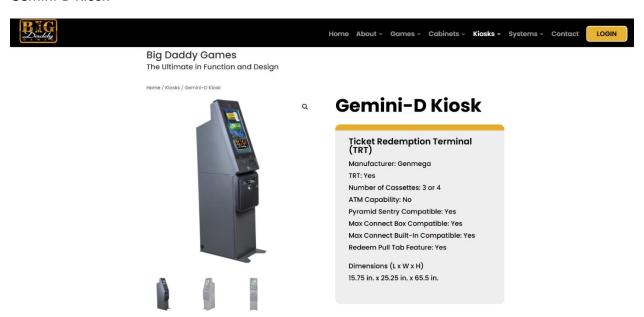




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Gemini-D Kiosk



Universal Kiosk 1



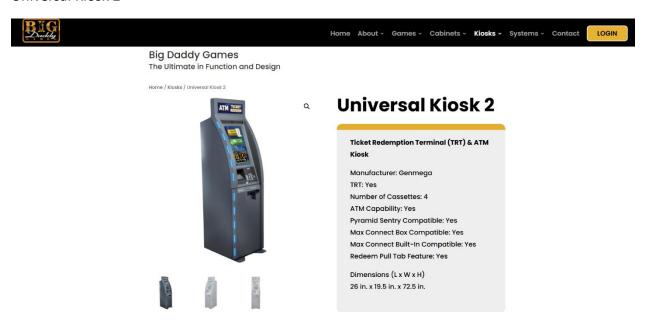




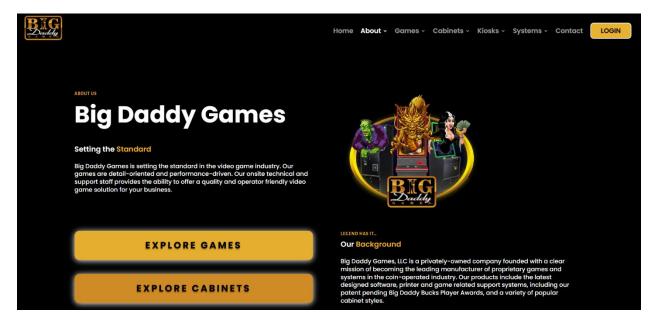
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Universal Kiosk 2



Website image 1





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Website image 2



Many of these images from gameplay show dollar signs, credits in the form of dollar signs, the word "win" with a dollar amount beneath it, varying jackpots labeled in dollar amounts titled "mini", "minor", "major", and "big daddy". Some of the images depict a traditional slot machine-style of play. Slot machine-style games have outcomes that are based purely on chance, thus qualifying them as a gambling machine per Wisconsin statute.

The picture labeled "Systems image 1" is a picture from the website depicting the computer system that runs these games. The site states "Tailor games to maximize profits and player satisfaction. Promote and grow game play. Centralize money transactions. Control prize ticket printing. The possibilities are endless!" The image labeled "Systems image 2" talks about the attendant inserting bills into the "external BV" which stands for Bill Validator. "Systems image 3" shows the player will hit the "Ticket" button once done playing and the attendant can either transfer credits to another game or print a voucher for redemption for the player. This language alone makes it clear that the operating system that runs Big Daddy Games machines involves the insertion of currency into the games in order to play them and the player can redeem their winnings in the form of a voucher. It appears this language makes these machines fit the Wisconsin statutory definition of gambling machines.

The user manuals for all three kiosks are being sent to the Appleton City Clerk's Office along with this memo. Of note, all three manuals indicate the kiosks have a "cash dispensing unit".

On 10/6/25 I reviewed the following videos on Big Daddy Games' YouTube channel, "Big Daddy Games LLC":



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Skill Game Options https://www.youtube.com/watch?v=ZyWE6JVj7S4 published 7 months ago

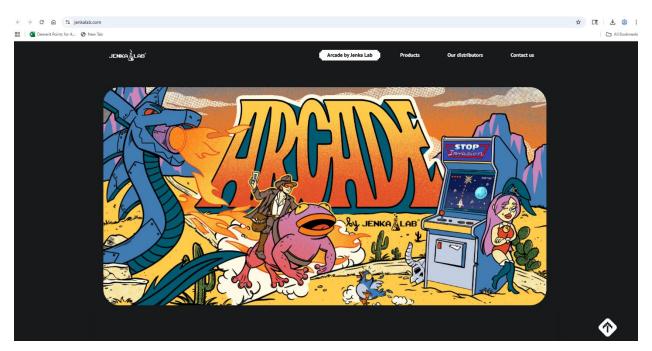
Viva La Jackpot https://www.youtube.com/watch?v=uTmAdiK0iQY published 7 months ago

Power Player 2 https://www.youtube.com/watch?v=4LdFkzgn8c8 published 5 years ago

The game examples under the Skill Game Options video were named as "Follow Me," "Skill Wheel," and "Mandatory Reveal." None of the gameplay images from this video are found on the Big Daddy Games website, which leads me to believe these three games are the only skill-based games Big Daddy Games offers.

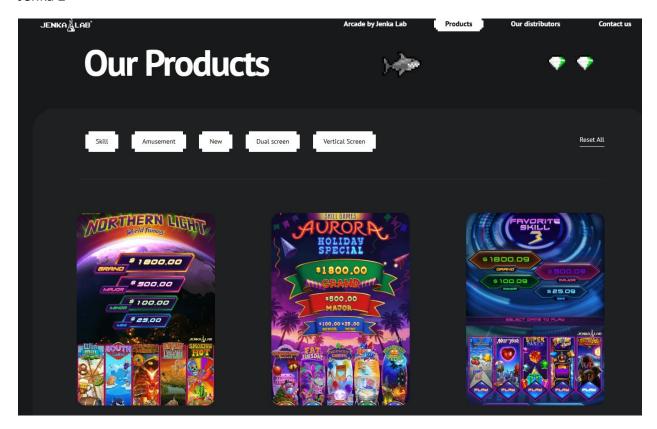
The gameplay videos from Viva La Jackpot and Power Player 2 included several games from images I have attached to this memo. The gameplay depicted in these videos is extremely similar to slot machine-style games which leads me to believe they are purely games of chance.

On 09/27/25 I explored the Jenka Labs website for an extended period of time looking at gameplay images and information about their games. Most of the images showed various prizes listed in dollar amounts labeled as "grand", "major", "minor", and "mini". The game descriptions are labeled as either amusement games or skill games. I obtained the following screenshot images from www.jenkalab.com:





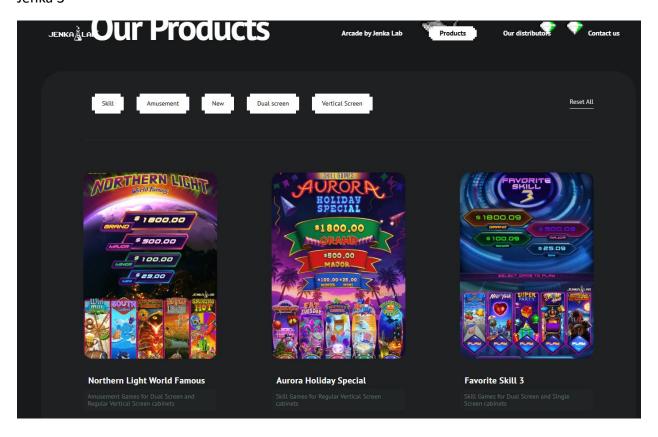
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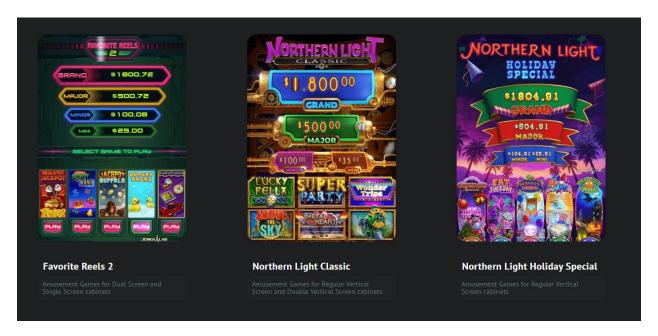
Fax: 920.832.5553 police.appletonwi.gov

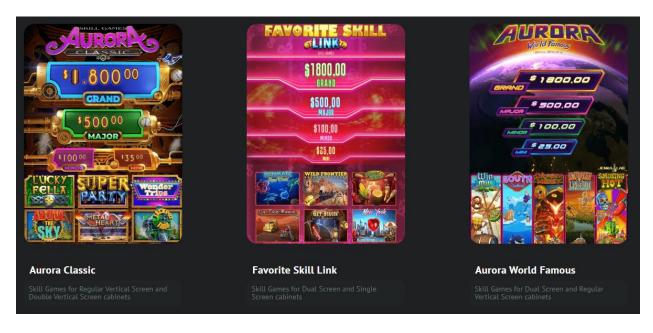




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Jenka 4

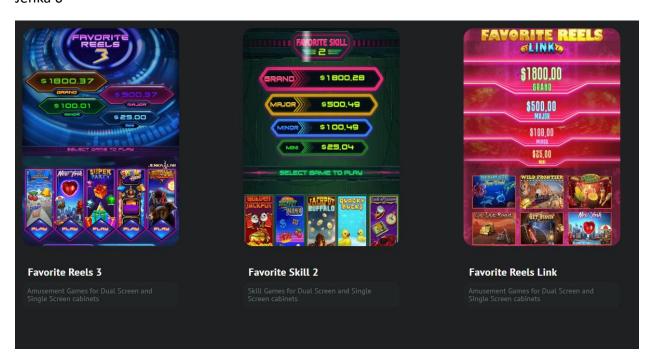


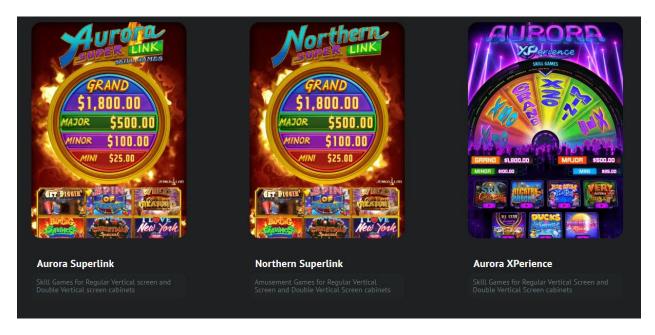




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Jenka 6



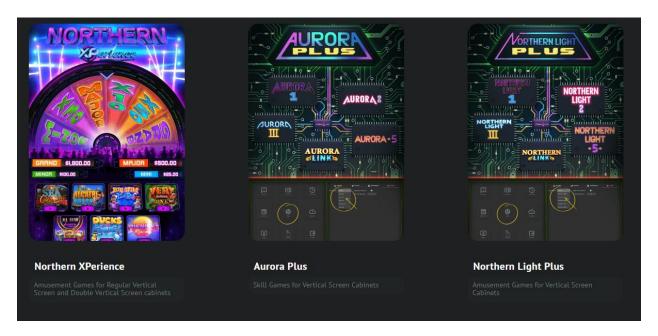


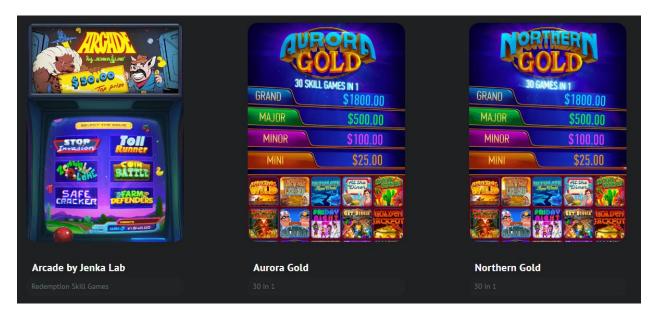


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Jenka 8

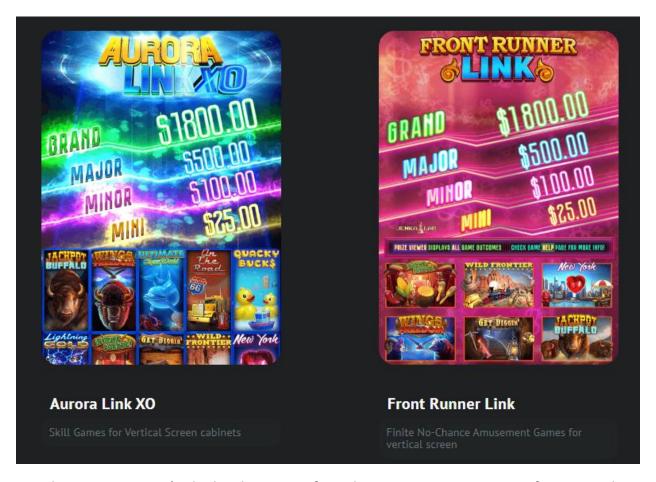






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Jenka 10

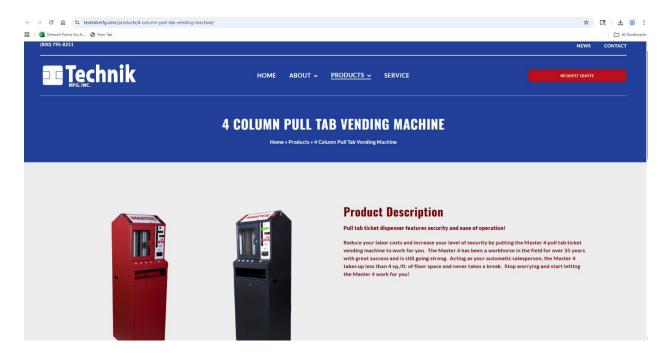


Based on conversation I've had with an agent from the Wisconsin Department of Revenue, the only legal pull tab machine in the State of Wisconsin is Wisconsin Souvenir Milkcap pull tabs. Houdini's Escape Gastropub listed a "Technik Pulltab vending machine" on their application. On 9/27/2025 I explored the Technik pull tab website, www.technikmfg.com, and saved the following screenshots:



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Technik 1



Technik 2





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Technik 3

Optional Features

- Custom cabinet colors.
- Custom graphics.Pyramid bill validator to accept \$1, \$5, \$10, \$20, \$50 and \$100 USD.
- Pyramid, MEI, ICT or JCM bill validators available.
 Printer interface with hand-held printer for accounting reports.
- Audible 126 decibel security alarm with magnetic contacts and/or mercury tilt switch.
 Matching base cabinet. 21" W x 20.5" D x 36" H. Weight 70 lbs.
- High secure Medeco or Tubar locks.
 Wall mount bracket available.

Technik 4

8 COLUMN PULL TAB VENDING MACHINE

Home » Products » 8 Column Pull Tab Vending Machine



Product Description

Eight columns of pull tab and sweepstake ticket vending. Pull tab dispensers offering larger game variety!

 $\label{thm:conditional} The \ Grand \ Master \ is \ indeed \ the \ grandest \ of \ all \ pull \ tab \ vending \ machines. \ It \ will \ attract \ many$ players and provide them with a larger variety of games, thus decreasing your time spent loading the machine. It's ease of operation and reliability will give you the confidence to let the Grand Master pull tab dispenser do the work for you.



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Technik 5

Standard Information Becolumns with a total capacity of 6,400 pull tab or sweepstakes tickets. Designed to look like a casino style machine, with red cabinet and colorful graphics. High security polycarbonate windows and 16 gauge steel cabinet. Easy loading and access to all features directly through the front of the cabinet. Tickets and money are kept in separately locked compartments. Dispenses a wide variety of pull tabs and sweepstakes tickets including both 3 and 5 window tickets. Reliable bill acceptor with 1000 bill stacker. Flexible pricing function allows each column to be priced separately. Dimensions: 23"W x 19"D x 70"H Weight: 300 lbs Full one-year parts warranty.

Technik 6

Optional Features
 Printer to provide hard copies of all accounting features.
 Sound alarm if vending machine is opened.
 Custom graphics available.

I forwarded the user manuals for both 4 column and 8 column pull tab vending machines to the City of Appleton Clerk's Office along with this memo. Wisconsin Souvenir Milkcap is not referenced anywhere on the Technik website that I can find.

The "IT Golden Tee Golf video game" and the "Arachnid Electronic Dart game" listed on Houdini's Escape Gastropub application do not appear to be gambling machines. The Appleton Police Department does not object to these two devices.

Images labeled as Power Player 13 and Power Player 15 have the word "keno" depicted in the screenshots. The website www.britannica.com defines keno as the following:

"keno, gambling game played with cards (tickets) bearing numbers in squares, usually from 1 to 80. A player marks or circles as many of these numbers as he wishes up to the permitted maximum, after which he hands in, or registers, his ticket and pays according to how many numbers he selected. At regular daily intervals a total of 20 numbered balls or pellets are randomly drawn from a container, and prizes are paid out by the house according to how many of each player's selected numbers are drawn."

This description of keno indicates this game requires all chance and no skill, thus qualifying a machine that houses this game as an illegal gambling machine.



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My assessment of the games listed on this application is based on information currently available to me. If new information is obtained that shows the devices listed on the application are not illegal gambling machines, then the Appleton Police Department's recommendation to deny may change. I am hoping to review some of these machines in person with the manufacturer to gain further understanding of them.

Based on the collective information obtained from the above-mentioned websites, user manuals and review of applicable Wisconsin statutes pertaining to gambling machines, I believe all of the devices that the Houdini's Escape Gastropub wishes to install in their business qualify as illegal gambling machines (except for the golf game and dart game). Therefore, the Appleton Police Department recommends denial of the Mechanical Amusement Device Application.

Respectfully submitted,
Lt. Ben Goodin
Appleton Police Department