

RESOLUTION 1994-10

**A RESOLUTION AMENDING PART II
OF THE INDIANA RIVERBOAT
OWNER'S LICENSE APPLICATION**

WHEREAS, the Indiana Gaming Commission ("the Commission"), has the power and duty under IC 4-33-4-1 to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

WHEREAS, the Commission has the power and duty to take any reasonable or appropriate action to enforce the Riverboat Gambling Law;

WHEREAS, pursuant to IC 4-33-4-1(a)(4), the Commission has the power and duty to "investigate applicants and determine the eligibility of applicants for licenses";

WHEREAS, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

WHEREAS, pursuant to IC 4-33-4-17, the Commission is to "decide promptly and in reasonable order all license applications";

WHEREAS, pursuant to IC 4-33-5 and IC 4-33-6, an applicant for a riverboat owner's license must provide certain information before the Commission may issue a license to that applicant;

WHEREAS, pursuant to RESOLUTION 1993-16, the Commission adopted Part II of the Riverboat Owner's License Application;

WHEREAS, pursuant to RESOLUTION 1994-5, the Commission granted the Executive Director of the Commission the authority to amend Part II of the Riverboat Owner's License Application by March 23, 1994; and

WHEREAS, the Executive Director has advised the Commission that the following changes have been made to Part II of the Riverboat Owner's License Application, and all applicants were advised of the changes by letter dated March 25, 1994:

- 1) Question 66 is omitted. The scope of the question is limited to request applicable documents between the Applicant and the Applicant's Substantial Owners, and the question is moved to the public section as Question 62A. Exhibits (d) and (t) were amended appropriately.
- 2) Question 67 is omitted. The scope of the question is limited to request

applicable documents between the Applicant and the Applicant's Substantial Owners and the question is moved to the public section as Question 62B.

- 3) Question 70 is omitted. The question is amended to request information about compensation, but limits the scope to seek information about plans in existence or which are to be created on behalf of the Applicant only. The amended question is moved to the public section as Question 62C.
- 4) Question 75 will remain in its current position, but that portion of the question seeking information about the Securities and Exchange Commission filings and disclosure documents is removed.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. DEFINITIONS.

The definitions set forth in IC 4-33-2 apply to these interim written guidelines.

SECTION 2. AMENDMENT TO PART II OF THE INDIANA RIVERBOAT OWNER'S LICENSE APPLICATION.

The Commission hereby adopts the following changes to Part II of the Indiana Riverboat Owner's License Application:

Question 66 is omitted. The revised text of this question is being moved to the public section on page 17 as question 62A. The scope of the question is being limited to request applicable documents between the Applicant and Applicant's Substantial Owners. This question is amended to read:

"Submit as **Exhibits 62A(a)** through **62A(t)**, as applicable, copies of the following documents which apply between the Applicant and the Applicant's Substantial Owners:"

The remainder of the question which constitutes the exhibits will be amended only in the following manner:

- (d) certified copies of the articles of incorporation or corporate charters, and amendments thereto of Applicant and/or any of its Substantial Owners;
- (t) share certificates (both sides) of any Business Entity held by or on behalf of Applicant.

Question 67 is omitted. The revised text of this question is being moved to the public section on page 17a as question 62B. The scope of the question is being limited to request applicable documents between the Applicant and Applicant's Substantial Owners. This question is amended to read:

"If there are instruments, agreements or contracts which relate to the organization between the Applicant and the Applicant's Substantial Owners which are not listed in 62A above, submit as **Exhibit 62B** said instruments, agreements or contracts, if applicable, a full description of all oral agreements and contracts, including any which relate to future compensation or payment, regardless of form, including but not limited to contingencies, or payments based on percent of revenue.

Question 70 is omitted. The revised text of this question is being moved to the public section on page 17a as question 62C. The question is amended to ask for information about compensation, but limits the scope of the question to seek information about plans which are in existence or are to be created by or on behalf of the Applicant and eliminates the reference to Substantial Owners. This questions is amended to read:

"Submit as **Exhibit 62C** a description of all compensation, bonus, profit sharing, pension, retirement, deferred compensation and similar plans in existence or to be created by or on behalf of the Applicant, including:"

Subsections 62C(a) through 62C(g) remain unchanged.

Question 75 will remain in its current position on page 24. That portion of the question requesting information about the Securities and Exchange Commission and disclosure documents is removed. Specifically, question 75 is amended to read:

"Submit as **Exhibit 75** a detailed statement concerning the capitalization of the proposed Riverboat Gambling Operation, including the amount and source of debt and equity involved, and the guarantees which Applicant can offer that Applicant will be able to operate a Riverboat Gambling Operation during the duration of the license; submit all documents which support or contradict this statement, including surety agreements, guarantor agreements, loan commitments and agreements, a list of assets which will be used or liquidated to constitute all or part of the capitalization, appraisals, broker's market studies to support real estate values, brokerage and bank statements, and Financial Statements, certified if available."

SECTION 3. EFFECTIVE DATE.

This resolution became effective on March 25, 1994, the date on which the changes were mailed to the applicants.


ADOPTED, THIS THE 8TH DAY OF APRIL, 1994:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:


Gilmer Gene Hensley, Secretary