

**INDIANA GAMING COMMISSION
BUSINESS MEETING**

**10:05 a.m., May 6, 1998
Indiana Government Center South
402 W. Washington Street
Indianapolis, IN 46204**

PRESENT: Commission members Donald R. Vowels, Chair; Ann Bochnowski, Vice-Chair; Thomas Milcarek, Secretary; Richard Darko; Robert Swan, David Ross, Jr., M.D. and Robert Sundwick. Staff: Jack Thar, Floyd Hannon, Kay Fleming, Jennifer Byrd, Jill Wulf, Michelle Marsden, Rhonda Dalton, Maj. Richard Shelton, Cpt. Mark Mason and members of the public.

Call to Order and Roll Call

Chairman Don Vowels called the meeting to order at approximately 10:05 a.m. (local time). A quorum was present.

Approval of the Minutes

Upon motion by Thomas Milcarek, second by Dr. Ross, the minutes of the March 17, 1998 business meeting were unanimously approved.

Report of the Executive Director

Jack Thar, Executive Director, gave a report to the Commission on the activities of the riverboats. He also introduced new staff of the Indiana Gaming Commission.

New Business

Resolution 1998-12

A Resolution Adopting 68 IAC 2-6-46.1, 68 IAC 10-8, 68 IAC 10-9, 68 IAC 10-10 and 68 IAC 15-1-4.1 and Amendments to 68 IAC 1-9, 68 IAC 2-3, 68 IAC 2-5, 68 IAC 10-4 and 68 IAC 11-5 for Publication as Proposed Rules.

Action: Upon motion by Richard Darko, second by Ann Bochnowski, and unanimous vote of those present, the Commission approved the above mentioned rules as proposed rules.

**Denial of Occupational License
Dama Elkins EM-DEN-98-3**

Dama Elkins applied for an Occupational License, Level 2 for employment with the Empress Casino as a cage cashier and subsequently transferred to the position of slot guest representative. During her employment with the Empress Casino it was discovered that Ms. Elkins stole tokens from the hoppers of electronic gaming devices.

Action: Upon motion by Robert Swan, second by Thomas Milcarek, and unanimous vote of those present, the Commission denies the application for Occupational License Level 2 submitted by Dama Elkins.

Audra May EM-DEN-98-2

Audra May applied for an Occupational License, Level 2 for employment with the Empress Casino as a cage cashier. During her employment with Empress, it was discovered that Ms. May took \$500 from a cash drawer.

Action: Upon motion by Robert Swan, second by Thomas Milcarek, and unanimous vote of those present, the Commission denies the application for Occupational License Level 2 submitted by Audra May.

Nicole Dumas EM-DEN-98-1

Nicole Dumas applied for an Occupational License, Level 2 for employment with the Empress Casino as a cage cashier. During her employment with Empress it was discovered that Ms. Dumas stole between \$3,000 and \$5,000 from the cage between January 1998 and April 1998.

Action: Upon motion by Robert Swan, second by Thomas Milcarek, and unanimous vote of those present, the Commission denies the application for Occupational License Level 2 submitted by Nicole Dumas.

Lee Leatherberry TR-DEN-98-8

Lee Leatherberry applied for an Occupational License, Level 2 for employment with Trump as a security officer. During his employment with Trump it was discovered that Mr. Leatherberry stole \$2,000 in \$100 chips from Trump by taking the chips from a live gaming device fill.

Action: Upon motion by Robert Swan, second by Thomas Milcarek, and unanimous vote of those present, the Commission denies the application for Occupational License Level 2 submitted by Lee Leatherberry.

Patrick F. Combs TR-DEN-98-9

Patrick F. Combs applied for an Occupational License, Level 2 for employment with the Trump Casino as an impressment specialist. During his employment with Trump, it was discovered that Mr. Combs took a bag of money containing \$56,800 and hid the bag on the boat.

Action: Upon motion by Robert Swan, second by Thomas Milcarek, and unanimous vote of those present, the Commission denies the application for Occupational License Level 2 submitted by Patrick F. Combs.

William H. Oliver, Jr. AZ-DEN-98-1

William H. Oliver, Jr. applied for an Occupational License, Level 2 for employment with Casino Aztar as a floor supervisor. During his employment with Casino Aztar it was discovered that a \$500 chip was missing from the craps table at which Mr. Oliver was working. Mr. Oliver violated numerous Aztar internal control policies while working at the craps table, including placing his hand in his coat pocket and failing to clear his hands.

Action: Upon motion by Robert Swan, second by Thomas Milcarek, and unanimous vote of those present, the Commission denies the application for Occupational License Level 2 submitted by William H. Oliver, Jr.

Constance L. Baker AR-DEN-98-2

Constance L. Baker applied for an Occupational License, Level 2 for employment with the Argosy Casino as a bartender. During her employment with the Argosy Casino it was discovered that Ms. Baker retained money that should have been placed in the cash register for the purchase of drinks by patrons.

Action: Upon motion by Robert Swan, second by Thomas Milcarek, and unanimous vote of those present, the Commission denies the application for Occupational License Level 2 submitted by Constance L. Baker.

Kham-Kong Bounnharaj MA-DEN-98-4

Kham-kong Bounnharaj applied for an Occupational License, Level 2 for employment with the Majestic Star Casino as a blackjack dealer. During her employment with Majestic Star, it was discovered that Ms. Bounnharaj knowingly paid a patron on a losing wager.

Action: Upon motion by Robert Swan, second by Thomas Milcarek, and unanimous vote of those present, the Commission denies the application for Occupational License Level 2 submitted by Ms. Bounnharaj.

Marc Andreani SB-DEN-98-5

Marc Andreani applied for an Occupational License, Level 2 for employment with Showboat as a dealer. On the application that Mr. Andreani submitted to the Commission, he indicated he had been convicted of the offense of gambling in 1996. Mr. Andreani indicated that he received supervision as the disposition for that offense. Mr. Andreani's attorney, Milan Petrovic, contacted the Commission staff and advised the Commission staff that he thought the conviction was dismissed. Mr. Petrovic was advised that he should submit certified court documents or other appropriate paperwork evidencing a dismissal of the charge. Mr. Petrovic has not submitted those documents.

Action: Upon motion by Robert Swan, second by Thomas Milcarek, and unanimous vote of those present, the Commission conditionally denies the application for Occupational License Level 2 submitted by Marc Andreani. The Commission staff may reinstate Mr. Andreani's temporary Occupational License if documents evidencing the dismissal of the charges are submitted.

Dominic Niro SB-DEN-98-4

Dominic Niro applied for an Occupational License, Level 2 for employment with Showboat as a poker dealer. On the application that Mr. Niro submitted to the Commission, he indicated that he had been convicted of the offense of being a "non bona fide volunteer for charity". Mr. Niro attached a letter that indicated he was volunteering as a dealer at a Lion's Club fundraiser. The fundraiser was raided, and Mr. Niro was charged with the offense because he was not registered as a volunteer. Mr. Niro's attorney, Phillip Makin, advised Mr. Niro, in a letter addressed to Mr. Niro that it was Mr. Makin's belief that the conviction was dismissed upon the completion of the term of probation. The Commission staff will advise Mr. Makin that he should submit certified court documents or other appropriate paperwork evidencing a dismissal of the charge.

Action: Upon motion by Robert Swan, second by Thomas Milcarek, and unanimous vote of those present, the Commission conditionally denies the application for Occupational License Level 2 submitted by Dominic Niro. The Commission staff may

reinstate Mr. Niro's temporary Occupational License if documents evidencing the dismissal of the charges are submitted.

Resolution 1998-13

A Resolution Granting Conditional Approval of The Game of Three Card Poker.

Action: Upon motion by Thomas Milcarek, second by Ann Bochnowski, and unanimous vote of those present, the Commission granted conditional approval of the Game of Three Card Poker for a trial period of six (6) months.

Resolution 1998-14

A Resolution Granting Conditional Approval of The Game of Super Sevens.

Action: Upon motion by Thomas Milcarek, second by Ann Bochnowski, and unanimous vote of those present, the Commission granted conditional approval of The Game of Super Sevens for a trial period of six (6) months.

Resolution 1998-15

A Resolution Concerning the Issuance of Convertible Preferred Stock by Argosy Gaming Company.

Action: Upon motion by Robert Swan, second by Robert Sundwick, and unanimous vote of those present, the Commission approved the issuance of Convertible Preferred Stock by the Argosy Gaming Company, under terms that are substantially the same as the terms outlined in the final term sheet including an amount of up to \$16 Million. This is subject to a review and approval of the terms of the respective Private Placement Memorandum and associated documents by the Commission staff.

Resolution 1998-16

A Resolution Concerning Debt Acquisition By Empress Casino Hammond Corporation

Action: Upon motion by Robert Swan, second by Ann Bochnowski, and unanimous vote of those present, the Commission approved the request of LMC Leasing Ltd's debt transactions in an amount of up to \$275 million. This is subject to a review and approval of the terms of the final draft and associated documents by the Commission staff.

Resolution 1998-17

A Resolution Concerning an Extension of the Certificate of Suitability Issued to RDI/Caesars Riverboat Casino, L.L.C. on May 20, 1996.

Action: Commissioner Darko abstained from voting due to his firm's representation of Bowen Engineering, a company that has filed a lien against RDI/Caesars. Upon motion by Dr. Ross, second by Robert Swan, and unanimous vote, the Commission approved the extension of the Certificate of Suitability. The Certificate of Suitability will remain valid until November 2, 1998.

FIFTH OHIO RIVER LICENSE

The Commissioners allowed Michael Jones, President of the Switzerland County Council; Steve Lyons, President of the Jefferson County Board of Commissioners; Robert F. List, Executive Vice President, Boomtown; Mike Finnigan, Chief Financial Officer of Hollywood Park; Doug Floyd, Attorney on behalf of the Crawford County Casino Corp; Jeff Lorenzo, on behalf of the Town of Leavenworth in Crawford County; Charles Parks, Chairman of the Crawford County Steering Committee for Riverboat Gaming; John Susman, President of the Dearborn County Council to speak about their issues pertaining to the issuance of the Fifth Ohio River License.

Action: Upon motion by Ann Bochnowski, second by Richard Darko the Commission voted to consider the issuance of the Fifth Ohio River License at the September Business Meeting.

Next Meeting

The tentative date for the next Business Meeting is Friday, June 12, 1998. The date is subject to confirmation and change. The location of the meeting will be decided at a later date.

Adjournment

Upon motion by Richard Darko, second by Dr. Ross, and unanimous vote, the meeting was adjourned at 1:10 p.m.

Minutes

The May 6, 1998 meeting was transcribed by Baynes & Shirey Reporting Services. Consequently, the transcript is the complete record of the meeting. Anyone wishing to see the transcript can review it in the Commission office or obtain a copy of the transcript from Baynes & Shirey, Bank One Center/Circle Center, 111 Monument Circle, Ste. 582, Indianapolis, IN 46207, (317) 231-9004.

Rhonda K. Dalton, Executive Secretary of the Indiana Gaming Commission Staff, prepared these minutes.

Respectfully submitted,


Rhonda K. Dalton

THE INDIANA GAMING COMMISSION:


Donald Vowels, Chair


Thomas Milcarek, Secretary