

**INDIANA GAMING COMMISSION  
BUSINESS MEETING  
10:00 a.m., November 15, 2002  
115 W. Washington St., Ste. 950 South  
Indianapolis, Indiana 46204**

**Present:** Commission Members: Donald R. Vowels, Chair; Thomas Milcarek, Secretary; David Carlton, Dale Gettelfinger, and Marya Rose. Dr. David Ross and Ann Bochnowski were not present. Staff: Glenn R. Lawrence, Cynthia L. Dean, Billy Hamilton, Jennifer Arnold, Jennifer Chelf, Susan Brodnan, Michelle Marsden, Rhonda Dalton, Major Mark Mason, and members of the public.

**Call to Order and Roll Call**

Chairman Donald Vowels called the meeting to order at approximately 10:15 a.m. local time. A quorum was present.

**Approval of the Minutes**

Upon motion by Thomas Milcarek, second by Marya Rose, and unanimous vote of those present, the minutes of the September 27, 2002 business meeting were unanimously approved.

**Report of the Executive Director**

Executive Director Lawrence reported to the Commission on the activities of the riverboat licensees and Commission office.

A resolution dealing with Hornblower Marine Services was voted on at a previous business meeting. The vote was unanimous and a quorum was present. Commissioner Gettelfinger subsequently learned that Hornblower Marine Services was a client of his firm and recused himself from that vote and any future actions involving Hornblower. Commission staff have reviewed the record and determined there were a sufficient number of votes to pass the resolution.

**Resolution 2002-30**

A resolution granting the Executive Director authority to initiate disciplinary actions against riverboat licensees, supplier licensees, and occupational licensees.

**Action:** Upon motion by Dale Gettelfinger, second by David Carlton, and unanimous vote of those present, the Commission granted the Executive Director, or the Executive Director's designee, authority to initiate disciplinary actions against riverboat licensees, supplier licensees, and occupational licensees. All settlement offers entered into between the parties and written findings of fact, conclusions of law, and recommendations issued by an Administrative Law Judge will be presented to the Commission at a meeting held under 68 IAC 1-2-5 before the settlement offer or the recommendations are accepted and deemed a final Commission action.

**Resolution 2002-31**

A resolution granting the Executive Director authority to enter into settlement agreements with applicants for an occupational license.

**Action:** Upon motion by Thomas Milcarek, second by Dale Gettelfinger, and unanimous vote of those present the Commission granted the Executive Director, or the Executive Director's designee, authority to determine whether or not a temporary or a permanent Occupational License should be issued to an applicant and whether or not conditions should be placed on the Occupational License. In the event that such a determination results in the revocation of a temporary Occupational License or the denial of an application for a permanent Occupational License, the matter will be presented to the Commission at a meeting held under 68 IAC 1-2-5.

#### **Resolution 2002-32**

A resolution granting the executive director the authority to issue permanent Occupational Licenses, Levels 1, 2, and 3.

**Action:** Upon motion by David Carlton, second by Marya Rose, and unanimous vote of those present, the Commission delegated the authority of the issuance of permanent Occupational Licenses, Levels 1, 2, and 3 to the Executive Director.

#### **New Game Approvals**

##### **Resolution 2002-33**

Kings Gaming submitted the game of Play Four Poker for use in Indiana and submitted a draft of proposed rules for the game. Gaming Laboratories International has reviewed the information and material submitted by Kings Gaming and has forwarded its report to the Commission and has found that the game of Play Four Poker is a variation of the traditional game of Poker.

**Action:** Upon motion by Dale Gettelfinger, second by David Carlton, and unanimous vote of those present, the Commission approved the game of Play Four Poker for use in Indiana for a trial period of six (6) months. During the trial period, all riverboats who offer the game of Play Four Poker must have pre-approved rules of the game and must report those matters as directed by the Executive Director or the Executive Director's designee. At the end of the trial period, the Commission will consider approving the game of Play Four Poker to be offered on Indiana riverboats on a permanent basis.

##### **Resolution 2002-34**

New Vision Gaming has submitted the game of Pai Gow Mania for use in Indiana. Majestic Star Casino has advised that it supports the game for use in Indiana and submitted a draft of proposed rules for the game which it purports to utilize if the game of Pai Gow Mania is approved. Gaming Laboratories International has reviewed the information and materials submitted by New Vision Gaming and has forwarded its report to the Commission and has found that the game of Pai Gow Mania is a variation of the traditional game of Poker.

**Action:** Upon motion by David Carlton, second by Dale Gettelfinger, and unanimous vote of those present, the Commission approved the game of Pai Gow Mania for use in Indiana for a trial period of six (6) months. During the trial period, all riverboats who offer the game of Pai Gow Mania must have pre-approved rules of the game and must report those matters as directed by the Executive Director or the Executive Director's designee. At the end of the trial period, the Commission will consider approving the game of Play Four Poker to be offered on Indiana riverboats on a permanent basis.

##### **Resolution 2002-35**

Caesars Indiana has advised the Commission, in writing, that it wishes to offer Hop Bets at its Craps tables and has submitted this request to Chief Counsel Cynthia Dean and internal controls that reflect its desire to offer Hop Bets. Hop Bets are approved to be offered on Indiana riverboats. A riverboat licensee may not offer Hop Bets on Craps tables until they have: filed approved internal control procedures

regarding Hop Bets; submitted a detailed request to the Chief Counsel requesting the ability to offer Hop Bets; and received approval for appropriate table layouts that reflect that Hop Bets are a wager that will be accepted at the specified Craps tables.

**Action:** Upon motion by Tom Milcarek, second by David Carlton, and unanimous vote of those present, the Commission approved the request of Caesars Indiana to offer Hop Bets at its Craps tables.

#### **Resolution 2002-37**

Shuffle Master Gaming submitted the game of Crazy 4 Poker for approval for play on Indiana riverboats. Gaming Laboratories International has reviewed the information and materials submitted by Shuffle Master and found that the game of Crazy 4 Poker is a variation of the traditional game of Poker. Shuffle Master received conditional approval of the game for a period of six (6) months, pursuant to Resolution 2002-24 which was adopted by the Commission on September 27, 2002. Caesars Indiana has agreed to sponsor the game of Crazy 4 Poker, and has submitted a draft of proposed rules for the game which it purports to utilize. Shuffle Master submitted a revised version of Crazy 4 Poker for approval for play on Indiana riverboats. GLI has reviewed the information and material submitted by Shuffle Master regarding the revised version of the game and has forwarded its report to the Commission and has found that the revised game of Crazy 4 Poker is a variation of the traditional game of Poker.

**Action:** Upon motion by David Carlton, second by Marya Rose, and unanimous vote of those present, the Commission approved the revised game of Crazy 4 Poker for a trial period of six (6) months for use on Indiana riverboats. During the trial period, all riverboats who offer the game of Crazy 4 Poker must have pre-approved rules of the game and must report those matters as directed by the Executive Director, or the Executive Director's designee, which matters shall include, but are not limited to, the following information: the amount of play, the revenue generated by the game of Crazy 4 Poker, and whether the riverboat licensee wishes to continue offering the game of Crazy 4 Poker. The riverboat licensee must also document any customer complaints or incidents that are generated by the game of Crazy 4 Poker and forward those reports to the Commission. At the end of the trial period, the Commission will consider approving the game of Crazy 4 Poker to be offered on Indiana riverboats on a permanent basis.

#### **Occupational License Matters**

##### **Raymond T. Willis 2002-OL-TR-1**

On March 19, 2002, the Commission initiated a disciplinary action against Raymond T. Willis after Commission staff was unable to obtain information from Mr. Willis regarding his criminal background and driving record after numerous requests for the information. Subsequent to filing the disciplinary action, and for reasons unrelated to the disciplinary action, Mr. Willis was terminated from his position at Trump due to attendance issues. The actions of Mr. Willis constitute violations of Indiana gaming regulations regarding occupational licensees. Commission staff recommends and Mr. Willis agrees that the violations do not render Mr. Willis unlicensable in Indiana. Mr. Willis agrees to comply with future requests for information from the Commission regarding issues relating to his suitability for licensure. The Commission agrees to not pursue further sanctions against Mr. Willis regarding this Complaint. The Executive Director and Mr. Willis have signed a settlement agreement, pending Commission approval, with respect to the action against Mr. Willis.

**Action:** Upon motion by Dale Gettelfinger, second by David Carlton, and unanimous vote of those present, the Commission approved the proposed terms of the settlement agreement.

**Mary McGill**  
**HH-DEN-02-4**

Mary McGill applied for an occupational license, level 3, for employment as an Environmental Service Technician at Horseshoe Casino. On or about January 24, 2001, the Commission issued Ms. McGill a temporary occupational license. It was discovered that Ms. McGill failed to disclose a 1994 misdemeanor arrest for retail theft on her application. Commission staff sent Ms. McGill four letters requesting court documentation showing the outcome of the arrest and a written explanation of her failure to disclose. Ms. McGill did not submit the requested information. Commission staff revoked Ms. McGill's temporary occupational license and denied her application for a permanent license on or about October 9, 2002.

**Action:** Upon motion by Marya Rose, second by David Carlton, and unanimous vote of those present, the Commission denied the application for an occupational license, level 3, submitted by Mary McGill. Pursuant to IC 4-21.5-3-6 the order will become effective fifteen (15) days after it is served.

**Michael Padon**  
**BT-DEN-02-4**

Michael Padon applied for, and received an occupational license, level 2, for employment as a dealer at Caesars Indiana on or about January 26, 2000. On or about June 5, 2001 the Commission issued Mr. Padon a permanent level 2 occupational license. During the course of his employment, it was discovered that Mr. Padon had generated a false player rating card in order to provide compensation benefit to a patron who had not earned it. On or about October 23, 2002, Mr. Padon applied for a temporary occupational license to work for Belterra Casino in the Table Games Department. Because of Mr. Padon's actions while licensed to work for Caesars, the Commission staff denied Mr. Padon's application for an occupational license to work for Belterra Casino. Commission staff advised Mr. Padon of this action on or about November 7, 2002.

**Action:** Upon motion by Marya Rose, second by Dale Gettelfinger, and unanimous vote of those present, the Commission denied the application for an occupational license, level 2, submitted by Mr. Padon. The order will become effective fifteen (15) days after it is served.

**Danielle Franklin**  
**CS-DEN-02-1**

On or about July 8, 1999 Danielle Franklin applied for an occupational license level 2 for employment as a dealer at Caesars Indiana. During the course of her employment it was discovered that Ms. Franklin had taken two chips from the table while performing her duties as a dealer. Commission staff revoked Ms. Franklin's temporary occupational license and denied her application for a permanent license on or about November 7, 2002.

**Action:** Upon motion by Dale Gettelfinger, second by Thomas Milcarek, and unanimous vote of those present, the Commission denied the application for an occupational license, level 2 submitted by Ms. Franklin. The order will become effective fifteen (15) days after it is served.

**Mark Lewis**  
**BT-DEN-02-3**

On or about June 5, 2002, Mark Lewis applied for an occupational license, level 2, for employment as a cage cashier at Belterra. During the course of his employment it was discovered that Mr. Lewis had stolen \$600 while performing his duties as a cage cashier. Mr. Lewis' employment was terminated. Commission staff revoked Mr. Lewis' temporary occupational license and denied his application for a permanent license. Commission staff formally advised Mr. Lewis of this action on or about November 7, 2002.

**Action:** Upon motion by Marya Rose, second by David Carlton, and unanimous vote of those present, the Commission denied the application for an occupational license, level 2 submitted by Mr. Lewis. The Order will become effective fifteen (15) days after it is served.

### **Suppliers License Matters**

#### **Resolution 2002-36**

A resolution concerning the renewal of Suppliers' License held by Tech Innovations, Inc.

**Action:** Upon motion by Thomas Milcarek, second by David Carlton, and unanimous vote of those present, the Commission granted the renewal of the Supplier's License issued to Tech Innovations, Inc.

### **Bond Reduction**

#### **Request for Bond Reduction RDI/Caesars Riverboat Casino, LLC**

\$1,000,000 was posted to secure the performance by Caesars of its obligation to construct an indoor swimming pool at the hotel. The swimming pool was completed and opened on March 1, 2002. Therefore, the amount of the Surety Bond posted by Caesars that is allocated to the construction of the swimming pool may be reduced by \$1,000,000.

\$2,000,000 was posted to secure the performance by Caesars of its obligation to complete construction of a golf course. The golf course was completed and the course opened to the public on October 1, 2002.

**Action:** Upon motion by Dale Gettelfinger, second by David Carlton, and unanimous vote of those present, the Commission authorizes the American Home Assurance Company of Pennsylvania to reduce the Surety Bond posted by Caesars in the amount of \$3,000,000. The new bond posted by Caesars will be in the amount of \$2,000,000.

### **Minority/Women's Business Enterprise Issues**

#### **Trump Indiana/Majestic Star**

Plans have been received from both Trump Indiana and Majestic Star. Both licensees continue to meet the statutory requirements. Keith Rogers appeared on behalf of Trump Indiana and Karry Rogers, appeared on behalf of Majestic Star. Both Trump and Majestic Star continue to meet the MBE/WBE statutory requirements.

#### **Belterra Casino and Resort**

Ron Gifford, Baker and Daniels local counsel, Jack Godfrey, General Counsel for Pinnacle Entertainment, Alain Uboldi, General Manager, and Gwen Smith, MBE/WBE appeared on behalf of Belterra Casino and Resort. Belterra continues to meet the MBE/WBE statutory requirements.

#### **Request to Amend the Minority and Women Business Development Plan Submitted by Belterra Casino and Resort**

In December 2001, the Commission approved an MBE/WBE Action Plan submitted by Belterra. A Belterra has submitted a request to amend Section VIII(B)(1)(a) of the Action Plan. The original section required Belterra to establish a Fund Advisory Committee. The Fund Advisory Committee was established and individuals were specifically named. Belterra has requested the ability to amend the Action Plan to include a general description of each individual that comprises the Fund

Advisory Committee. Belterra also requests the ability to replace individuals that are no longer able to serve with notification and approval by the Executive Director. Upon notification to the Executive Director, the Executive Director would have the ability to deem the individual's service unsuitable and require placement of the individual by Belterra.

**Action:** Upon motion by Dale Gettelfinger, second by Marya Rose, and unanimous vote of those present, the Commission approved the amendment to Section VIII of the Action Plan, specifically paragraph (B)(1)(a).

#### **Development Fund**

Belterra submitted an MBE/WBE Action Plan in December 2001 which was approved by the Commission. At that time, the Commission required Belterra to deposit \$750,000 into the development fund. If the Commission has determined that Belterra has not demonstrated substantial improvement in meeting its MBE/WBE goals on October 18, 2002, Belterra will deposit another \$750,000 into the fund.

Commission staff recommends that Belterra is in substantial compliance with the MBE/WBE statutory requirements and have taken steps in making up the requirements as a result of non-compliance in the MBE/WBE area. Commission staff has not taken steps to require that Belterra deposit the additional funds.

#### **Disciplinary Actions**

##### **Horseshoe Hammond, Inc.**

##### **02-HH-1**

In October 2001, Commission staff sent a memorandum to all riverboat licensee General Managers regarding occupational licensee issues. The memo addressed the riverboat's responsibility to notify the Commission of any employee changes within fifteen (15) days of the change. On August 12, 2002, Commission staff notified Horseshoe of two instances where Commission agents were not notified of termination and reinstatement of employees. Horseshoe submitted a written response outlining revised procedures that would be implemented to prevent future violations. In September 2002, Commission staff responded that disciplinary actions would not be initiated but that future violations would result in a disciplinary action. On or about October 7, 2002, Commission agents received notification that a Horseshoe dealer returned from medical leave on September 11, 2002. After the agent attempted to process the information, it was discovered that Human Resources had notified commission agents that the employee was voluntarily terminated on November 11, 2001. It was later discovered that the employee changed her mind and was not terminated. Commission agents were not notified that the dealer was to remain an active employee. The employee continued working from November 2001 with an inactive gaming license. On or about October 25, 2002, Horseshoe submitted correspondence to Commission staff indicating that Horseshoe will audit its active employee list approximately every two weeks to ensure that similar violations do not occur. Pending commission approval, Executive Director Glenn Lawrence and General Manager Rick Mazer have signed a settlement agreement. The Commission staff recommends that Horseshoe pay a monetary fine in the amount of \$1,500 and waive all rights to judicial review.

**Action:** Upon motion by David Carlton, second by Marya Rose, and unanimous vote the Commission approved the proposed terms of the Settlement agreement.

## **Consideration of License Renewal**

### **Aztar Indiana Gaming Company**

By letter dated October 22, 2002, James L. Brown, Sr. Vice President/General Manager of Casino Aztar Evansville requested a renewal of the Riverboat Owner's License and submitted a check for payment of the annual renewal fee. As discussed at previous business meetings, an investigation will not be conducted in the first and second years for a licensee who is not in a reinvestigation phase. Staff recommends that the Commission grant the renewal of the Riverboat Owner's License of Aztar Indiana Gaming for the period December 5, 2002 to December 4, 2003.

**Action:** Upon motion by Thomas Milcarek, second by David Carlton, and unanimous vote of those present, the Commission granted the renewal of Aztar's Riverboat Owner's License for a period of one year subject to continued compliance with Indiana Code 4-33, Title 68 of the Indiana Administrative Code and the conditions directed by the Commission on March 2, 2001. The renewal of the Riverboat Owner's License will be valid for a period of one (1) year from December 5, 2002 to December 4, 2003.

### **Indiana Gaming Company**

By letter dated November 13, 2002, Larry Kinser, General Manager, requested a renewal of the Riverboat Owner's License and submitted a check for payment of the annual renewal fee. As discussed at previous business meetings, an investigation will not be conducted in the first and second years for a licensee who is not in a reinvestigation phase. Staff recommends that the Commission grant the renewal of the Argosy's Riverboat Owner's License for the period December 10, 2002 to December 9, 2003.

**Action:** Upon motion by David Carlton, second by Dale Gettelfinger, and unanimous vote of those present, the Commission granted the renewal of Argosy's Riverboat Owner's License for a period of one year subject to continued compliance with Indiana Code 4-33, Title 68 of the Indiana Administrative Code and the conditions directed by the Commission on December 7, 2001. The renewal of the Riverboat Owner's License shall be valid for a period of one year from December 10, 2002 to December 9, 2003.

### **Other Business**

Executive Director Glenn R. Lawrence proposed live meeting dates for 2003. The meeting dates are: January 10, 2003; March 14, 2003; May 9, 2003; July 11, 2003; September 12, 2003; and November 14, 2003.

Mr. Lawrence thanked Commission staff for their assistance during his first weeks as Executive Director.

### **Next Meeting**

The next meeting of the Indiana Gaming Commission will be January 10, 2003. The time will be announced at a later date.

### **Adjournment**

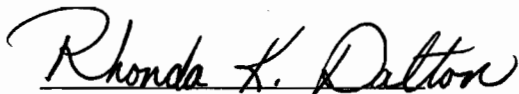
Upon motion by David Carlton, second by Marya Rose, and unanimous vote of those present, the meeting was adjourned.

**Minutes**

Baynes & Shirey Reporting Services transcribed the November 15, 2002, Business Meeting. 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) 231-9003.

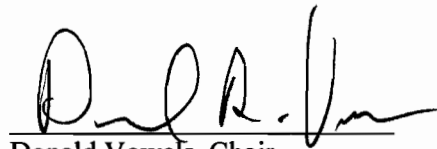
Rhonda K. Dalton, Executive Secretary of the Indiana Gaming Commission Staff, prepared these minutes.

Respectfully submitted,

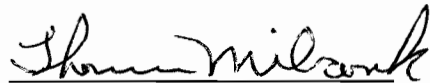


Rhonda K. Dalton

THE INDIANA GAMING COMMISSION:



Donald Vowels, Chair



Thomas Milcarek, Secretary