

ORDER 2008-58
ORDER APPROVING RECOMMENDATION OF ADMINISTRATIVE LAW
JUDGE IN THE MATTER OF ROBERT HIGGINBOTHAM,
07-OL-CA-01

On or about April 3, 2007, Robert Higginbotham received a Level 3 occupational license to work as a porter at Caesars Indiana Casino. On July 18, 2007, he was convicted of Domestic Battery, a Class D felony. Upon obtaining court records from this conviction, Commission staff initiated a disciplinary action, # 07-OL-CA-01.

On February 20, 2008, while the disciplinary action against Mr. Higginbotham was pending, his occupational license terminated as a function of a "voluntary quit."

As a result of this termination, Commission staff filed a Motion to Dismiss in the disciplinary action against Mr. Higginbotham's license, on the grounds that the Commission may not discipline a license that no longer exists. On May 9, 2008, Administrative Law Judge Gordon White issued Findings of Fact and a Recommendation that the Commission dismiss cause # 07-OL-CA-01.

Mr. Higginbotham has not objected to the Recommendation. Commission staff has not issued Notice that it intends to review the Recommendation. Therefore, under IC 4-21.5-3-29(c), the Commission must affirm the Recommendation.

For the reason that Mr. Higginbotham's license no longer exists, the ALJ's recommendation that the Commission dismiss the disciplinary action is hereby:

AFFIRMED

Pursuant to IC 4-21.5-3-6, this Order will become effective fifteen (15) days after it is served.

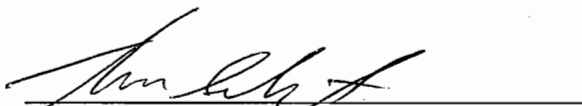
IT IS SO ORDERED THIS THE 28th DAY OF MAY, 2008.

THE INDIANA GAMING COMMISSION:



William W. Barrett, Chair

ATTEST:



Thomas Swihart, Secretary