

RESOLUTION 2017-108

A RESOLUTION UPDATING AUTHORITY PREVIOUSLY GRANTED TO THE EXECUTIVE DIRECTOR TO WAIVE REQUIREMENTS AND PROCEDURES OF 68 IAC 5-1 AND 68 IAC 5-2 IN TRANSFERS INVOLVING TWO LICENSED ENTITIES

The Indiana Gaming Commission (“Commission”) adopts the following resolution pursuant to the authority granted to it under Ind. Code art. 4-33, Ind. Code art. 4-35, and pursuant to 68 IAC 1-2-6.

The Commission has considered the following factors:

1. Under 68 IAC 5-1, supplier licensees that are publicly traded companies must comply with certain requirements when transferring an ownership interest, including a suitability investigation and Commission approval, in order to protect the Commission’s interest in the suitability of its licensees.
2. Under 68 IAC 5-2, supplier licensees who are not publicly traded companies must comply with certain requirements before transferring an ownership interest, including a suitability investigation and Commission approval, in order to protect the Commission’s interest in the suitability of its licensees.
3. The Commission or executive director may waive a requirement or procedure set forth in 68 IAC 5 in the event that the Commission or executive director determines that it is impractical or burdensome and the waiver is in the best interests of the public and the gaming industry and is not outside the technical requirements necessary to serve the purpose of the requirement or procedure. 68 IAC 1-2-13.
4. Compliance with the requirements of 68 IAC 5-1 and 68 IAC 5-2 are costly and time consuming for both the applicants and the Commission. The policy goal of the two provisions is to ensure that a party seeking an ownership interest is suitable under the Commission’s licensing standards.
5. In instances where the entities involved in the transfer of ownership are Indiana supplier licensees or are key persons of Indiana supplier licensees that have already undergone investigation by Commission staff, and are under the continued jurisdiction of the Commission, it is the determination of the Commission that there is little to gain from applying the requirements of 68 IAC 5-1 or 68 IAC 5-2 to the transaction.
6. In order to improve Commission efficiency and response time, the executive director should be granted the ability to waive the requirements of 68 IAC 5-1 and 68 IAC 5-2 to approve a transfer of ownership that occurs between Indiana supplier licensees.
7. This Resolution is being presented to supersede and replace Resolution 2017-33, which contained a citation to Title 68 of the Indiana Administrative Code that has now been repealed and replaced by 68 IAC 1-2-13. The current Resolution updates that citation.

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

SECTION 1: DEFINITIONS

The definitions set forth in Ind. Code art. 4-33, Ind. Code art. 4-35, 68 IAC 5-1-1 and 68 IAC 5-2-1 apply to this resolution.

SECTION 2: GRANT OF AUTHORITY TO THE EXECUTIVE DIRECTOR

The executive director is hereby authorized to waive any of the requirements and/or procedures set forth in 68 IAC 5-1 or 68 IAC 5-2 with regard to transfer of ownership in the event that all entities involved are Indiana licensees currently in good standing.

Additionally, the executive director is authorized to approve any transaction outlined in 68 IAC 5-1 or 68 IAC 5-2 when all entities involved are Indiana licensees currently in good standing.

The authority granted by this resolution is applicable only to supplier transfers and supplier licensees and does not provide additional authority to act on other types of ownership transfers.

This Resolution supersedes and replaces Resolution 2017-33.

SECTION 3: EFFECTIVE DATE

This resolution is effective immediately.

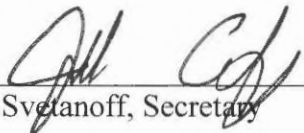
ADOPTED, THIS THE ADOPTED, THIS THE 29th DAY OF JUNE, 2017.

THE INDIANA GAMING COMMISSION



Cris Johnston, Chair

ATTEST:



Joseph Svetanoff, Secretary