

ORDER 2017-85
ORDER RATIFYING PREVIOUSLY ISSUED ORDER 2017-63

Resolution 2012-151 allows the Executive Director, upon obtaining consent from one Commissioner, to exercise the powers and duties of the Indiana Gaming Commission (“Commission”) under Ind. Code § 4-33-4-1 and Ind. Code § 4-35-4-1.

The Commission has considered the following factors:

1. On March 1, 2017, Ho Van Phung (“Phung”) submitted an incomplete Level 1 occupational license reinvestigation application to the Commission. As part of the reinvestigation process, the Commission determined that Mr. Phung had failed to maintain suitability for licensure as required under 68 IAC 2-3-9.
2. Mr. Phung was notified and given multiple opportunities to reobtain suitability for licensure and failed to do so.
3. Due to the high level of responsibility associated with the position of Captain, the Commission requires individuals holding this position to hold Level 1 occupational licenses. A Level 1 occupational licensee is subject to the highest level of suitability review and is expected to exhibit the highest levels of compliance and integrity. Phung has failed in both regards.
4. Executive Director Sara Gonso Tait, after examining all facts related to Phung’s reinvestigation, determined that an emergency existed and issued Order 2017-63, suspending Phung’s license immediately, pending administrative proceeding to revoke the license before an administrative law judge.
5. Director Tait issued Order 2017-63 under the authority granted to the Executive Director in Resolution 2012-151. Resolution 2012-151 allows the Executive Director the ability to take any action authorized in Ind. Code art. 4-33, Ind. Code art. 4-35, or Title 68 of the Indiana Administrative Code, where it is impractical to wait until the Commission’s quarterly meeting to act.
6. Resolution 2012-151 requires that the Executive Director report any action taken under Resolution 2012-151 to the Commission for ratification or other action by the Commission.
7. Per the requirements laid out in Resolution 2012-151, the Executive Director has consulted with and on June 14, 2017, received approval from Commission Chairman Cris Johnston to exercise the authority granted in the Resolution.

Based on the foregoing, the Commission hereby **RATIFIES** the Executive Director’s June 14, 2017 Order 2017-63.

IT IS SO ORDERED THIS 29th DAY OF JUNE, 2017.

THE INDIANA GAMING COMMISSION:

ATTEST:



Cris Johnston, Chair



Joseph Syetanoff, Secretary