

ORDER 2021-111

AN ORDER OF THE INDIANA GAMING COMMISSION APPROVING A DEBT TRANSACTION PROPOSED BY BOYD GAMING CORPORATION

On April 29, 2021, Boyd Gaming Corporation (“Boyd”) requested Indiana Gaming Commission (“Commission”) approval to undertake debt activity that would be subject to Ind. Code § 4-33-4-21, Ind. Code § 4-35-5-7 and 68 IAC 5-3, along with a waiver of the applicable procedural requirements set forth in 68 IAC 5-3, pursuant to Resolution 2017-109. Boyd’s request is merely a resubmission of its February 22, 2021 request which was approved by the Commission through Order 2021-64, except that this new request seeks additional time to close on all proposed transactions through December 31, 2021. The Commission reviews proposed debt transactions to analyze the financial health of casino licensees and to ensure that a casino owner’s license is not leased or hypothecated and that money is not borrowed or loaned against a casino owner’s license.

The Commission has considered the following factors related to Boyd’s request:

1. Boyd explained the details of the debt activity in confidential documents provided to the Commission;
2. The Commission has analyzed Boyd’s request to undertake debt activity and the request for waiver of applicable procedural requirements; and
3. On April 29, 2021, an interim approval of this transaction was granted by the Executive Director pursuant to the delegation of authority found in Resolution 2017-109. Prior to issuing the interim approval, the transaction was reviewed by the Executive Director, the Commission Chair, and a Commission Financial Investigator. Resolution 2017-109 requires that an interim approval must be reported at the next business meeting held under 68 IAC 2-1-5.

COMMISSION ACTION

The Commission finds that the “two-meeting” rule, as provided in 68 IAC 5-3-2, is impractical and burdensome and that a waiver is in the best interest of the public and the gaming industry. Based on the foregoing and in accordance with its authority under 68 IAC 1-2-13, the Commission hereby **APPROVES** Boyd’s request for a waiver of the “two meeting” requirement.

The Commission has considered the transaction proposed by Boyd and in accordance with 68 IAC 5-3 has carefully weighed the request, the supporting documentation, and the report of the Commission’s financial analyst. Based on the foregoing, the Commission hereby **APPROVES** Boyd’s debt request, subject to the following conditions:

1. The terms articulated in the final financing documentation do not materially differ from the terms that Boyd has presented in writing for approval to date;
2. The terms of the final documentation do not violate Ind. Code § 4-33-4-21 or Ind. Code § 4-35-5-7;
3. Boyd must provide the Commission with a legal opinion demonstrating compliance with Ind. Code § 4-33-4-21 and Ind. Code § 4-35-5-7; and
4. Boyd must close the proposed financing on or before December 31, 2021.

IT IS SO ORDERED THIS 25th DAY OF MAY, 2021.

THE INDIANA GAMING COMMISSION:



Michael B. McMains, Chair

ATTEST:



Jason Dudich, Secretary