

INDIANA GAMING COMMISSION
BUSINESS MEETING
DECEMBER 21, 2021

The Indiana Gaming Commission Business Meeting was stenographically taken down by me, Dianne Lockhart, RMR, CRR, a Notary Public in and for the County of Marion, State of Indiana, virtually via Microsoft Teams in Indianapolis, Indiana, commencing at the hour of 2:14 p.m., December 21, 2021. The following transcript is a true and accurate transcript of the proceedings held.

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A P P E A R A N C E S

ON BEHALF OF THE GAMING COMMISSION:

Michael McMains, Chairman

Marc D. Fine, Commissioner

Susan Williams, Commissioner

Jason Dudich, Commissioner

Chuck Cohen, Commissioner

Daniel Housman, Commissioner

Darren Root, Commissioner

Greg Small, Executive Director

Jennifer Reske, Deputy Director

Dennis Mullen, General Counsel

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1 CHAIRMAN McMains: Good afternoon, everyone,
2 and welcome to the December 21, 2021, business
3 meeting of the Indiana Gaming Commission.

4 First we'll call the meeting to order. It's
5 my pleasure to call the meeting to order.

6 And, Greg, would you read the roll of the
7 Commissioners.

8 EXECUTIVE DIRECTOR SMALL: Absolutely.
9 Chairman McMains.

10 Chairman McMains.

11 CHAIRMAN McMains: Present.

12 EXECUTIVE DIRECTOR SMALL: Vice Chair Fine.
13 You're muted.

14 CHAIRMAN McMains: You're muted, Marc.

15 COMMISSIONER FINE: Yeah. Present. Sorry.

16 EXECUTIVE DIRECTOR SMALL: Secretary Dudich.

17 COMMISSIONER DUDICH: Present.

18 EXECUTIVE DIRECTOR SMALL: Commissioner
19 Williams.

20 COMMISSIONER WILLIAMS: Present.

21 EXECUTIVE DIRECTOR SMALL: Commissioner
22 Cohen.

23 COMMISSIONER COHEN: Present.

24 EXECUTIVE DIRECTOR SMALL: Commissioner
25 Housman.

1 COMMISSIONER HOUSMAN: Present.

2 EXECUTIVE DIRECTOR SMALL: Commissioner
3 Root.

4 COMMISSIONER ROOT: Present.

5 EXECUTIVE DIRECTOR SMALL: All accounted
6 for.

7 We're going to pause for one second. It
8 appears Chairman McMains may have dropped off.
9 As soon as he gets back on, we'll -- we'll
10 continue with the meeting.

11 CHAIRMAN McMAINS: I'm sorry, everyone. I
12 had a little technical issue there. Am I back
13 online, Greg?

14 EXECUTIVE DIRECTOR SMALL: Yes, you are,
15 Chair.

16 CHAIRMAN McMAINS: Okay. So I believe all
17 the Commissioners are present, was that correct?

18 EXECUTIVE DIRECTOR SMALL: That is correct.

19 CHAIRMAN McMAINS: All right. Thank you.

20 Now for the approval of the minutes for the
21 last meeting, November 17, 2021. Commissioners,
22 have you had a chance to review those minutes?

23 Yes. And, if so, are there any additions or
24 corrections to the minutes as written?

25 Hearing none, what is your pleasure?

1 COMMISSIONER WILLIAMS: Mr. Chairman, I move
2 to approve the minutes.

3 COMMISSIONER DUDICH: Second.

4 CHAIRMAN McMANS: Thank you.

5 It's been properly moved and seconded to
6 approve the minutes of the November 17, 2021,
7 meeting of the Indiana Gaming Commission.

8 Any discussion on the motion?

9 Hearing none, all in favor of the motion,
10 please signify by saying aye.

11 (Chorus of ayes.)

12 Opposed.

13 Motion carries unanimously. Thank you.

14 Greg.

15 EXECUTIVE DIRECTOR SMALL: Thank you,
16 Mr. Chair. And I do want to say I already failed
17 in my first task, which was the court reporter
18 wanting me to request that you identify yourself
19 by name before you make a motion or second, so if
20 you could please do that, that would help with
21 the record. And I apologize, I should have said
22 that previously.

23 CHAIRMAN McMANS: For the record, I think
24 it was Susan who moved to approve the minutes and
25 Jason who seconded; is that correct?

1 EXECUTIVE DIRECTOR SMALL: That's correct.

2 CHAIRMAN McMANS: Thank you.

3 EXECUTIVE DIRECTOR SMALL: I'll start with
4 the staff update. Jeremy Berkey is a new gaming
5 agent who started on December 6th and has been
6 assigned to Hoosier Park Casino. Jerry brings
7 with him over 37 years in law enforcement
8 experience with the Indiana State Police. Jerry
9 possesses a Bachelor of Science in public
10 affairs, in addition to being a graduate of the
11 FBI National Academy and Northwestern University
12 School of Policy and Police Command.

13 Next we have Lloyd Hawkins, who is also a
14 new gaming agent starting on December 6th. He
15 will be assigned to Indiana Grand Casino. Lloyd
16 brings with him over 20 years of law enforcement
17 experience working for the City of Bloomington,
18 the Town of Ellettsville, and also the IU Health
19 Bloomington Hospital. Lloyd possesses a Bachelor
20 of Science from Vincennes University in homeland
21 security and public safety. He is also working
22 on a master's degree from IUPUI in criminal
23 justice and public safety.

24 Next is Zachary Robinson, who will be a new
25 gaming agent also starting on December 6th.

1 Zachary has been assigned to the Caesars Southern
2 Casino. Zachary brings over three years of law
3 enforcement experience with the Harrison County
4 Sheriff's Department. Zachary possesses a
5 Bachelor of Science degree in criminal justice,
6 and is currently studying to receive his master's
7 degree from Indiana University and will be in
8 criminal justice with an emphasis on public
9 safety.

10 Jason Morgan will be starting as an agent --
11 or started as an agent on December 6th as well.
12 Jason has been assigned to Horseshoe Hammond
13 Casino. Jason brings over 20 years of law
14 enforcement experience working for the Dyer
15 Police Department. Jason possesses a bachelor's
16 degree in political science, with a minor in
17 criminal justice from Purdue University.

18 Next we have Juli Schnell, a new gaming
19 agent starting on the 13th of December. Juli has
20 been assigned to Bally's Casino in Evansville.
21 Juli brings over 25 years of experience with the
22 Indiana State Police, most recently in field
23 intelligence. Juli possesses a bachelor's degree
24 from Indiana University in criminal justice.

25 Mark Clephane is an agent who started on

1 December 13th. Mark has over 35 years of law
2 enforcement experience. He came to us from the
3 Indiana State Police and served as a district
4 investigations commander for ISP. Mark has a
5 Bachelor's of Science degree in criminal justice
6 and criminology from Ball State University. Mark
7 is also working toward his master's degree in
8 executive development and public service.

9 David Seiber is a gaming agent who began on
10 December 13th. David has been assigned to the
11 Horseshoe Hammond Casino. David brings over 25
12 years of law enforcement experience with the
13 Chicago Police Department. David possesses a
14 Bachelor of Science in business administration
15 from Bob Jones University in South Carolina.

16 And, finally, we welcome Chris Watson. He
17 became our new IT assistant director on
18 December 13th. Chris brings with him over 20
19 years of experience in IT in developing and
20 supporting customer applications and processes.
21 Most recently Chris worked for the federal sector
22 as a database administrator. We are excited to
23 have Chris aboard and look forward to working
24 with him.

25 And we want to welcome all of our new

1 employees to the Commission.

2 Moving on to reinvestigations. Our
3 investigations division has completed a
4 reinvestigation for the following licensee,
5 Interblock d.d. The confidential report is in
6 your materials. Director Brown is also present
7 should you have any questions.

8 The IGC has added three individuals to the
9 statewide exclusion list since the September 2021
10 meeting. The total of individuals on that list
11 now stands at 906.

12 The IGC has also granted four waivers to
13 Indiana casinos since the previous meeting. This
14 information is included in your materials and
15 will be posted on the Commission's website.

16 That concludes my report. Thank you.

17 CHAIRMAN McMAINS: Thank you, Greg.

18 Any questions for Greg, Commissioners?

19 Hearing none, should we administer the oath,
20 Greg?

21 EXECUTIVE DIRECTOR SMALL: Yes.

22 Chairman McMains, we submitted oaths to be
23 completed by all that were going to address the
24 Commission and those have been provided, and we
25 will keep those on file.

1 CHAIRMAN McMAINS: Wonderful. Thank you.

2 Any items of old business to come before the
3 Commission today?

4 Hearing none, items of new business?

5 Dustin.

6 MR. MOLOY: Thank you, Mr. Chairman.

7 Good afternoon, Commissioners. Order
8 2021-197 is before you, and it involves an
9 ownership transfer request between supplier
10 licensee Interblock d.d. and IB OCM Voteco.

11 Along with this order you should have Order
12 2021-198 involving an ownership transfer between
13 vendor licensee Smarkets Holdings USA, Inc., and
14 Susquehanna Growth Equity Fund VI.

15 After receiving the respective transfer
16 applications, the Commission completed a
17 background and financial investigation of each
18 transferee, finding that both were substantially
19 compliant with Indiana statutes and regulations
20 and finding no derogatory information that would
21 affect the transferees' suitability for holding
22 the interest in Interblock and Smarkets
23 respectively.

24 Approving Orders 2021-197 and 198 would have
25 the effect of approving these two ownership

1 transfer requests.

2 Thank you, Mr. Chairman.

3 CHAIRMAN McMAINS: Thank you, Dustin.

4 Commissioners, any questions for Dustin
5 regarding the proposed orders?

6 Hearing none, what is your pleasure,
7 Commissioners?

8 COMMISSIONER DUDICH: Mr. Chairman, Jason
9 Dudich. I recommend -- or make a motion to
10 approve Order Number 2021-197 and Order Number
11 2021-198 as presented by staff.

12 COMMISSIONER WILLIAMS: Mr. Chairman, this
13 is Susan. Second.

14 CHAIRMAN McMAINS: Thank you, Commissioners.

15 It's been properly moved and seconded to
16 approve Orders 2021-197 and 198.

17 Is there any further discussion on the
18 motion?

19 Hearing none, all in favor of the motion,
20 please signify by saying aye.

21 (Chorus of ayes.)

22 Opposed.

23 Motion carries unanimously.

24 MR. MOLOY: Thank you.

25 CHAIRMAN McMAINS: Alex, I think you're up.

1 MR. DUDLEY: Good afternoon, Mr. Chairman
2 and Commissioners.

3 You have before you Orders 2021-199 through
4 204 concerning the petitions for removal from the
5 exclusion list of Troy Johnson, Scott McGaha,
6 Jacob Mills, De'Lone Garner, Brandon Mullins and
7 Timothy Wong.

8 Petitioners have been placed on the
9 exclusion list for over three years and have
10 petitioned to be removed from the exclusion list.
11 Telephonic hearings were conducted at which each
12 provided support for their -- their petitions.

13 Based on the totality of the factors
14 relevant in these matters, the reviewing officer
15 has concluded that all petitioners have met the
16 standard of clear and convincing evidence as
17 reflected in staff's findings of fact and
18 recommendation.

19 Adopting staff's findings and
20 recommendations would have the effect of granting
21 petitioners' petitions for removal from the
22 statewide exclusion list.

23 Thank you, Mr. Chairman.

24 CHAIRMAN McMANS: Thank you, Counsel.

25 Commissioners, any questions for Alex?

1 Hearing none, what is your pleasure
2 concerning proposed Orders 2021-199 through 204?

3 COMMISSIONER DUDICH: Mr. Chairman, Jason
4 Dudich. I would make a motion that the
5 Commission approve Orders 2021-199 through
6 2021-204 as presented by staff.

7 COMMISSIONER FINE: Mr. Chairman, this is
8 Marc Fine. I second the motion.

9 CHAIRMAN McMANS: Thank you, Commissioners.
10 It's been properly moved and seconded to
11 approve Orders 2021-199 through 2021-204.

12 Any discussion on the motion?

13 Hearing none, all in favor of the motion,
14 please signify by saying aye.

15 (Chorus of ayes.)

16 Opposed.

17 The motion carries unanimously. Thank you.
18 Robert.

19 MR. OPAT: Thank you.

20 Good afternoon, Commissioners. First you
21 have before you Order 2021-205. Pursuant to
22 Indiana Code Section 4-33-7-8 and 68 IAC Section
23 2-2-8, a supplier's license must be renewed each
24 year, along with a payment of \$7,500 for the
25 renewal fee.

1 Each of the following licensees has
2 submitted a timely request for renewal, along
3 with that required payment: Aristocrat
4 Technologies, Incorporated; American Gaming
5 Systems, LLC; SBTech Malta Limited; and United
6 Tote Company.

7 Approving Order 2021-205 would have the
8 effect of renewing the licenses of each of those
9 licensees for a period of one year.

10 Next on the agenda you have before you
11 Orders 2021-206 through 2021-209 regarding the
12 renewal of four casino owner licensees: Belterra
13 Casino; Caesars Southern Casino; Bally's
14 Evansville Casino; and Hollywood Casino.

15 All four of these licensees have filed the
16 proper paperwork and paid their renewal fee.

17 Previously the Commission had approved the
18 written powers of attorney for these four casino
19 licensees. However, these approvals expire upon
20 the renewal of the casino owner's licenses. For
21 that reason, all casinos must request renewal of
22 the Commission's approval of their written powers
23 of attorney concurrently with the request for
24 renewal or they must present the Commission with
25 a new written power of attorney naming a new

1 trustee-in-waiting.

2 All four of these casino licensees have
3 stated their intent to maintain their existing
4 trustees-in-waiting and have not presented the
5 Commission with any modifications to their powers
6 of attorney.

7 Approving Orders 2021-206 through 2021-209
8 would have the effect of renewing the license and
9 approving the powers of attorney for Belterra,
10 Caesars Southern, Bally's Evansville, and
11 Hollywood for a period of one year.

12 I'll move on to the next renewals. Next you
13 have before you Order 2021-210. Pursuant to
14 Indiana Code Section 4-38-6-6, a vendor's license
15 must be renewed each year, along with a payment
16 of \$50,000.

17 Each of the following vendor licensees
18 has -- has submitted a timely request for
19 renewal, along with the required payment:
20 American Wagering, Incorporated, for its
21 arrangement with Caesars Southern; American
22 Wagering, Incorporated, for its arrangement with
23 Horseshoe Hammond; and Churchill Downs
24 Interactive Gaming, LLC.

25 Approving Order 2021-210 would have the

1 effect of renewing the vendor licenses of each of
2 those respective licensees for a period of one
3 year.

4 Next you have before you Order 2021-211.
5 Pursuant to Indiana Code Section 4-38-8-1, a
6 certificate of authority to conduct sports
7 wagering must be renewed each year, along with a
8 payment of \$50,000 for the renewal fee.

9 Rising Star Casino has submitted a timely
10 request for renewal of its certificate of
11 authority, along with the required payment.

12 Approving Order 2021-211 would have the
13 effect of renewing that certificate of authority
14 for a period of one year.

15 Finally, you have before you Orders -- Order
16 2021-212. Pursuant to Indiana Code Section
17 4-33-24-15 and 68 IAC Section 26-3-10, a paid
18 fantasy sports operator license must be renewed
19 each year, along with a payment of \$5,000.

20 Yahoo Fantasy Sports, LLC, has submitted a
21 timely request for renewal, along with that
22 required payment.

23 Approving Order 2021-212 would have the
24 effect of renewing the license of Yahoo Fantasy
25 Sports for a period of one year.

1 Thank you, Commissioners.

2 CHAIRMAN McMAINS: Thank you, Robert.

3 Commissioners, any questions for Robert?

4 Hearing none, what is your pleasure
5 concerning proposed Orders 2021-205 through 212?

6 COMMISSIONER FINE: Mr. Chairman, this is
7 Marc Fine. I move for approval of Orders
8 2021-205 through Order 2021-212.

9 COMMISSIONER WILLIAMS: Second,
10 Mr. Chairman, Susan Williams.

11 CHAIRMAN McMAINS: Thank you, Commissioners.

12 It's been properly moved and seconded to
13 approve Orders 2021-205 through 2021-212.

14 Is there any discussion on the motion?

15 Hearing none, all in favor of the motion,
16 please signify by saying aye.

17 (Chorus of ayes.)

18 Opposed.

19 Opposed.

20 Motion carries unanimously. Thank you.

21 Danielle.

22 MS. LEEK: Good afternoon, Commissioners and
23 Executive Staff.

24 Order 2021-213 will approve the permanent
25 sports wagering vendor license for Unibet

1 Indiana, LLC. Unibet Indiana and its key persons
2 have submitted the required applications and
3 received temporary licenses issued by the IGC.

4 Commission staff conducted a background and
5 financial investigation on Unibet, along with its
6 substantial owners and key persons. Commission
7 staff found no material derogatory information
8 that would affect suitability for the applicant.

9 Staff's final report has been provided in
10 the confidential Commission meeting documents.

11 Approving Order 2021-213 will grant the
12 permanent sports wagering vendor license to
13 Unibet Indiana, LLC, subject to yearly annual
14 renewal.

15 I'm happy to answer any questions that you
16 might have.

17 CHAIRMAN McMAINS: Thank you.

18 Commissioners, any questions for Danielle?

19 Hearing none, what is your pleasure
20 concerning proposed Order 2021-213?

21 COMMISSIONER DUDICH: Mr. Chairman, Jason
22 Dudich. I would make a motion for approval of
23 Order 2021-213 as presented by staff.

24 CHAIRMAN McMAINS: Thank you.

25 COMMISSIONER WILLIAMS: Mr. Chairman, I

1 second that motion, Susan.

2 CHAIRMAN McMAINS: Thank you. Thank you,
3 Commissioners.

4 It's been properly moved and seconded to
5 approve Order 2021-213.

6 Any discussion on the motion, Commissioners?

7 Hearing none, all in favor of the motion,
8 please signify by saying aye.

9 (Chorus of ayes.)

10 Opposed.

11 Motion carries unanimously.

12 Angela, you're up.

13 MS. BUNTON: Good afternoon, Commissioners
14 and Executive Staff.

15 You have before you a settlement agreement
16 concerning disciplinary action against Boyd
17 Gaming Corporation.

18 Order 2021-214 is a settlement agreement
19 with Boyd Gaming Corporation totaling \$150,000.
20 Relevant details have been provided in your
21 meeting materials. Details on the settlement
22 agreement will also be available on the
23 Commission's website following the meeting.

24 Mr. Chair, this concludes my presentation.

25 CHAIRMAN McMAINS: Thank you, Angela.

1 Commissioners, any questions for Angela
2 regarding the proposed order?

3 Hearing none, what is your pleasure
4 regarding proposed Order 2021-214?

5 COMMISSIONER WILLIAMS: Mr. Chairman, I
6 would move that the Commission adopt 2021-214 as
7 presented.

8 CHAIRMAN McMANS: Thank you, Commissioner
9 Williams.

10 COMMISSIONER DUDICH: This is Jason Dudich.
11 I'll second.

12 CHAIRMAN McMANS: Thank you, sir.

13 It's been properly moved and seconded to
14 approve Order 2021-214.

15 Any further discussion on the motion?

16 Hearing none, all in favor of the motion,
17 please signify by saying aye.

18 (Chorus of ayes.)

19 Opposed.

20 Motion carries unanimously.

21 Alex, you're back up.

22 MR. DUDLEY: Commissioners, you have before
23 you Order 2021-215. This order concerns a
24 settlement agreement entered into by the
25 Commission and Indiana Sports Gaming, LLC, doing

1 business as BetIndiana.

2 In January of 2020, BetIndiana was granted a
3 temporary sports wagering vendor license. Since
4 that time, however, BetIndiana has failed to
5 employ key persons necessary to maintain a vendor
6 license and lacks certain sports wagering
7 operator fundamentals.

8 In December of 2021, the Commission staff
9 and BetIndiana reached a settlement agreement.
10 Per the agreement, the parties agreed to a
11 suspension of BetIndiana's temporary license.
12 BetIndiana also has until February 1, 2022, to
13 provide the Commission with a myriad of items
14 which are outlined in the settlement agreement or
15 face the possibility of further disciplinary
16 action, including, but not limited to, revocation
17 of its temporary license.

18 Approving Order 2021-215 ratifies the
19 settlement agreement.

20 Thank you, Mr. Chairman.

21 CHAIRMAN McMANS: Thank you, Alex.

22 Any questions, Commissioners, for Alex?

23 Hearing none, what is your pleasure
24 concerning Order 2021-215?

25 COMMISSIONER WILLIAMS: Mr. Chairman, I move

1 that we approve Order 2021-215.

2 CHAIRMAN McMAINS: Thank you, Commissioner
3 Williams.

4 COMMISSIONER COHEN: Mr. Chairman, Chuck
5 Cohen. I second.

6 CHAIRMAN McMAINS: Thank you, sir.

7 It's been properly moved and seconded to
8 approve Order 2021-215.

9 Is there any discussion on the motion?

10 Hearing none, all in favor of the motion,
11 please signify by saying aye.

12 (Chorus of ayes.)

13 Opposed.

14 Motion carries unanimously.

15 Thank you.

16 Robert.

17 MR. OPAT: Yes. Good afternoon again,
18 Commissioners.

19 Next I would like to turn your attention to
20 matters involving occupational licensees of the
21 Commission.

22 First you have before you Order 2021-216
23 regarding a felony waiver application submitted
24 by Paul Salerno. After the application was
25 received, a hearing was conducted and the review

1 officer prepared a finding of fact and
2 recommendation.

3 Approving Order 2021-216 would have the
4 effect of adopting the review officer's finding
5 of fact and recommendation and approve
6 Mr. Salerno's felony waiver request.

7 CHAIRMAN McMANS: Thank you, Robert.

8 Any questions for Robert?

9 Hearing none, Commissioners, what is your
10 pleasure regarding Order 2021-216?

11 COMMISSIONER FINE: Mr. Chairman, this is
12 Marc Fine. I move for approval of Order
13 2021-216.

14 CHAIRMAN McMANS: Thank you, sir.

15 COMMISSIONER WILLIAMS: Second, Susan.

16 CHAIRMAN McMANS: Thank you, Commissioner
17 Williams.

18 It's been properly moved and seconded to
19 approve Order 2021-216.

20 Any further discussion on the motion?

21 Hearing none, all in favor of the motion,
22 please signify by saying aye.

23 (Chorus of ayes.)

24 Opposed.

25 Motion carries unanimously.

1 MR. OPAT: Thank you. Next you have before
2 you Orders 2021-217 and 2021-218. These orders
3 concern applications for occupational licensees
4 to work for Indiana -- pardon me -- for
5 occupational licenses to work for Indiana
6 licensees.

7 With regards to these orders, each applicant
8 failed to disclose his or her complete criminal
9 history, thus failing to meet the established
10 standards for licensure. Each applicant was
11 given an opportunity to withdraw his or her
12 application for licensure from consideration, but
13 they failed to do so. Detailed information
14 regarding these orders is contained in your
15 confidential Commission materials.

16 Approving Orders 2021-217 and 2021-218 would
17 have the effect of denying these applications for
18 occupational licenses.

19 Finally, you have before you Orders 2021-219
20 through 2021-225. These orders concern
21 settlement agreements between Commission staff
22 and occupational licensees.

23 In lieu of disciplinary action, Commission
24 staff offered each of these licensees a
25 settlement agreement that would have them agree

1 to an unpaid, voluntary relinquishment of their
2 occupational license for a period of regularly
3 scheduled working days, with no vacation or other
4 time off, paid time off to be used.

5 Each of these licensees has agreed to the
6 terms of the settlement agreements. Detailed
7 information regarding each of these matters is
8 contained in the confidential materials that have
9 been provided to you.

10 Approving Orders 2021-219 through 2021-225
11 would have the effect of ratifying the agreements
12 with these occupational licensees.

13 CHAIRMAN McMAINS: Thank you, Robert.

14 Commissioners, any questions for Robert
15 regarding proposed Orders 2021-217 through
16 2021-225?

17 Hearing none, Commissioners, what is your
18 pleasure?

19 COMMISSIONER FINE: Mr. Chairman, this is
20 Marc Fine. I move for approval of Orders
21 2021-217 through Order 2021-225.

22 CHAIRMAN McMAINS: Thank you, Commissioner
23 Fine.

24 COMMISSIONER COHEN: Mr. Chairman, Chuck
25 Cohen, I second.

1 CHAIRMAN McMAINS: Thank you, Commissioner
2 Cohen. I gather you seconded. I think I may
3 have stepped on you there. Is that correct?

4 COMMISSIONER COHEN: Yes, Mr. Chairman, I
5 second.

6 CHAIRMAN McMAINS: It's been properly moved
7 and seconded to approve Orders 21 -- I'm sorry,
8 2021-217 through 2021-225.

9 Any further discussion on the motion?

10 Hearing none, all in favor of the motion,
11 please signify by saying aye.

12 (Chorus of ayes.)

13 Opposed.

14 Thank you. Motion carries unanimously.

15 Dustin.

16 MR. MOLOY: Thank you, Mr. Chairman.

17 Commissioners, you have before you Orders
18 2021-226 and 2021-227 concerning two separate
19 requests received from casino licensees Spectacle
20 Gary Holdings, LLC, and Boyd Gaming Corporation
21 whereby both casinos requested approval of a
22 proposed financing transaction.

23 In addition to seeking permission to act on
24 the proposed financial transactions, both casino
25 licensees also requested a waiver of 68 IAC's

1 so-called two meeting requirement in accordance
2 with the Commission's authority contained in
3 Resolution 2017-109. The confidential details of
4 each of the proposed financial transactions, as
5 well as Commission staff's analysis, were
6 provided to the Commissioners in their
7 confidential materials.

8 In accordance with the procedures identified
9 in Resolution 2017-109, each casino licensee was
10 issued an interim approval for their proposed
11 financing transaction.

12 The interim approvals for each casino
13 licensee contained the following conditions:
14 First, the terms articulated in the final
15 financing documentation do not materially differ
16 from the terms that were presented in writing for
17 approval.

18 Second, the terms in the final documentation
19 do not violate IC 4-33 or 4-35.

20 Third, each casino licensee must provide the
21 Commission with a legal opinion demonstrating
22 compliance with IC 4-33 and 4-35.

23 And, finally, each casino licensee must
24 close on the respective financing transaction by
25 certain dates.

1 Resolution 2017-109 requires that any
2 interim financing approval that is issued must be
3 reported to the Commission for consideration
4 or -- and final ratification or other direction
5 at the next Commission meeting.

6 Thank you, Mr. Chairman.

7 CHAIRMAN McMANS: Thank you, Dustin.

8 Any questions for Dustin, Commissioners?

9 Hearing none, what is your pleasure
10 concerning Orders 2021-226 and 227?

11 COMMISSIONER DUDICH: Mr. Chairman, Jason
12 Dudich. I would move for approval of Order
13 2021-226 and 2021-227 as presented by staff.

14 CHAIRMAN McMANS: Thank you, Commissioner
15 Dudich.

16 Is there a second?

17 COMMISSIONER ROOT: Darren Root, I would
18 second.

19 CHAIRMAN McMANS: Thank you, Commissioner
20 Root.

21 It's been properly moved and seconded to
22 approve Orders 2021-226 and 2021-227.

23 Any discussion on the motion?

24 Hearing none, all in favor of the motion,
25 please signify by saying aye.

1 (Chorus of ayes.)

2 Opposed.

3 Motion carries unanimously.

4 Dennis.

5 MR. MULLEN: Good afternoon, Commissioners.

6 I think Executive Director Small has some
7 comments before I present Order 2021-228 to you
8 all, so I'll kick it over to him.

9 EXECUTIVE DIRECTOR SMALL: Thank you,
10 Dennis. I appreciate that.

11 We've had some developments in the Vigo
12 County casino license, so I thought it was
13 appropriate to give some comments to the
14 Commissioners and to the public in general before
15 Dennis starts here.

16 First off, obviously we're very happy to
17 announce that the IGC and Lucy Luck Gaming have
18 agreed to a settlement which will be before the
19 Commissioners here momentarily.

20 While the IGC is confident we would have
21 prevailed in the matter, doing so would have
22 taken months, if not years, of litigation. This
23 settlement allows the IGC to avoid the legal
24 costs of continuing the litigation, and with the
25 selection of the new applicant for the Vigo

1 County license, this new licensee will be
2 obligated to pay an additional statutory five
3 million dollar license fee, so the state will be
4 able to replace the funds expended to settle this
5 matter. Removal of this obstacle is a step
6 forward toward realizing the benefits of a
7 successful casino for Vigo County.

8 Now, unfortunately the bad news. At
9 approximately 4 p.m. yesterday afternoon, the
10 Commission received Full House's complaint which
11 was filed in Marion County, and, separately, an
12 administrative appeal.

13 Because these filings arrived late in the
14 day and staff had not had ample opportunity to
15 review and evaluate, there was a consideration of
16 pulling the issuance of the license from the
17 agenda. However, we've decided to move forward
18 with that.

19 It is the Commission policy that we do not
20 discuss pending litigation. However, I do
21 believe some general statements are necessary
22 here.

23 First and foremost, the Commission conducted
24 a fair and transparent process focused on
25 maximizing the potential for a successful casino

1 project in Vigo County. The Commission conducted
2 due diligence to ensure that the process was
3 proper and conducted in accordance with all
4 applicable laws, including vetting the process in
5 advance with the public access counselor.

6 After receiving full consideration in accord
7 with all legal requirements, Full House was not
8 selected for the casino license in Vigo County.
9 Full House left that day as one of three
10 disappointed applicants; a fact all the
11 participants were aware of, as only one applicant
12 could be selected for the license.

13 It's disappointing that a company held to
14 high standards of character and integrity would
15 make such claims against the Commission.

16 These suits could potentially stall the
17 project yet again, potentially costing the State
18 and Vigo County tens of millions of dollars in
19 lost economic benefit.

20 Indiana's casino law was meant to promote
21 the economic interests of the State. This
22 license was authorized by a 2019 bill, and here
23 we are in late December of 2021 and a shovel has
24 not been put in the ground in Vigo County. To
25 say that we are frustrated by this fact would be

1 a great understatement.

2 We believe Full House's claims are meritless
3 and we will respond accordingly. The IGC
4 continues to focus upon seeing this important
5 economic development project in Vigo County to
6 fruition, and we will continue to work to that
7 end.

8 Thank you.

9 CHAIRMAN McMAINS: Thank you, Greg. Well
10 said.

11 MR. MULLEN: Well, Commissioners, with that,
12 before you is Order 2021-228, which is an order
13 that would approve the settlement agreement that
14 Executive Director Small just described to you,
15 including all the relevant terms.

16 If you have any other questions regarding
17 that order, we're happy to answer them.

18 CHAIRMAN McMAINS: Commissioners, I have a
19 comment that I'd like to share for the public
20 concerning Lucy Luck and Mr. Greg Gibson.

21 I understand this was difficult, and clearly
22 Mr. Gibson and Lucy Luck put the interests of
23 their community above their own personal
24 interests in reaching this settlement, and we
25 really appreciate it. Thank you.

1 Commissioners, any other comments about the
2 proposed settlement agreement?

3 Hearing none, what is your pleasure
4 regarding proposed Order 2021-228?

5 COMMISSIONER FINE: Mr. Chairman, this is
6 Marc Fine. I move for approval of Order
7 2021-228.

8 COMMISSIONER DUDICH: This is Jason --

9 COMMISSIONER COHEN: Mr. Chairman, this is
10 Chuck Cohen. Second.

11 CHAIRMAN McMAINS: Thank you, gentlemen. I
12 believe Commissioner Dudich and Commissioner
13 Cohen both seconded the motion.

14 Is there any further discussion on the
15 motion?

16 Hearing none, all in favor of the motion,
17 please signify by saying aye.

18 (Chorus of ayes.)

19 Opposed.

20 The motion carries unanimously.

21 Thank you, Commissioners.

22 Commissioners, would you like to discuss
23 this matter of Full House's complaint, or shall
24 we go ahead and proceed with this motion first
25 and then share your thoughts about that?

1 Dennis, why don't you present your motion.

2 MR. MULLEN: Yes, Commissioners. So the
3 motion is before you as 2021-229, which would
4 issue a casino owner's license to Churchill
5 Downs. That -- that order would be subject to
6 the same conditions that the certificate of
7 suitability included, and including the five
8 million dollar payment upon issuance of the
9 license.

10 As additional conditions of that order, the
11 license would be deemed issued upon Judge Gamboa
12 issuing an order dismissing the Lucy Luck gaming
13 matter with prejudice as described in the
14 settlement agreement that you all just approved
15 in 2021-228.

16 As an additional condition to the order, the
17 petition for review that Executive Director Small
18 described included a request for a stay of the
19 issuance of the Vigo County casino license
20 subject to IC Article 4-21.5, so the order would
21 be conditioned on a judicial finding that that
22 stay isn't applicable to that license.

23 We're happy to answer any additional
24 questions you have at this time.

25 CHAIRMAN McMANS: Thank you, Dennis.

1 Commissioners, any questions or comments
2 concerning this matter?

3 COMMISSIONER DUDICH: Mr. Chairman, if I
4 may.

5 CHAIRMAN McMains: Yes, sir, Commissioner
6 Dudich.

7 COMMISSIONER DUDICH: Thank you. I do want
8 to echo Executive Director Small's comments.
9 This is my first time going through this process
10 of issuing a license in this manner. And being
11 on the outside, I understand that it's a
12 deliberative and very specific process that the
13 Commission goes through, and now I have
14 experience on it from the inside.

15 And a lot of discussion, a lot of dialogue
16 about this, the impact that it has to Indiana,
17 the benefit it has to Vigo County and to
18 Terre Haute, but I continue to echo what I've
19 always said in these meetings is these licenses
20 are -- are -- are ways that the State can improve
21 its revenue and improve economic development,
22 workforce, etc., and we think a lot about the
23 right person and the right operator and the right
24 fit for Indiana and the community. And it's not
25 a decision that we take lightly.

1 We spend a lot of time reading and
2 understanding the applicants, asking questions
3 during a public process, and making a decision
4 that's in the best interests of Indiana and its
5 citizens.

6 So I would echo Executive Director Small's
7 comments. It's a little frustrating that we went
8 through this process and -- and this is kind of
9 what we're seeing on the back end from one of the
10 three operators that was not selected.

11 So I'm just -- I appreciate Executive
12 Director Small's comments. I am confident in the
13 process that we took as the Commission in
14 selecting the operator for the Vigo County
15 license, and it is -- it is a decision that the
16 Commission made in its judgment as to what was
17 best for Indiana.

18 And these kind of legal actions, as we've
19 seen before, have slowed down the opportunity for
20 growth in Indiana from an economic development,
21 workforce and revenue standpoint, so I am very
22 happy to move forward with this granting
23 licensure to Churchill and moving forward with
24 this project.

25 It's been well overdue, and to quote

1 Commissioner Fine, the winner is always going to
2 be Terre Haute and Vigo County, and we need to
3 move forward and continue to give Vigo County and
4 Terre Haute what they have been waiting for for
5 quite some time.

6 Thank you, Mr. Chairman.

7 CHAIRMAN McMAINS: Thank you, Commissioner
8 Dudich.

9 COMMISSIONER WILLIAMS: Mr. Chairman, a few
10 years back I was involved in some relatively high
11 stakes competitive contracts on behalf of the
12 State of Indiana, and there's much in common with
13 what happened then and our recent selection
14 process. And I was struck by two key factors as
15 I was reflecting back on my days at the Building
16 Commission and then now on the Gaming Commission.

17 The two key similarities that I experienced
18 firsthand was that the process was impeccable,
19 very carefully conducted with legal -- the
20 State's legal experts advising us, outside
21 counsel advising us, and that was very careful
22 and it was very precious to that Commission that
23 I served on then and this Commission now.

24 And the second is that -- that when the
25 selection was made, there were one or two or

1 three unsuccessful parties who were very unhappy,
2 and they expressed that unhappiness in a variety
3 of ways, but, it's understandable, there's a lot
4 of emotion and money and so forth spent, but the
5 process is the process and there can only be one
6 winner.

7 And so as I reflect on all of -- all of the
8 things that Greg said, I would say that my
9 comfort level with the way this was conducted and
10 my comfort level with the integrity of the
11 process is such that I'm going to support moving
12 forward.

13 CHAIRMAN McMains: Thank you, Commissioner
14 Williams.

15 Commissioners, any further comments?

16 Well, with respect, I would like to candidly
17 speak to Full House. I've always held Full House
18 in high regard. As you know, I'm actually the
19 person that -- on our Commission, Mike McMains,
20 that made the motion to grant the application for
21 Vigo County to Full House and I voted for it. As
22 I sit here today, I believe I may have made a
23 mistake.

24 Important criteria that we consider when
25 granting gaming licenses to licensees in the

1 state of Indiana based on Indiana law is their
2 character, their integrity, their reputation,
3 their behavior. And, frankly, this action of
4 filing this complaint -- these complaints can
5 only be viewed by me as -- as sour grapes. I
6 think it's vindictive, it's malicious. I think
7 it's frivolous. I'm embarrassed for Full House
8 for having done this.

9 And the -- the other question that comes to
10 my mind, I've thought a lot about this the last
11 several hours, is what does Full House hope to
12 accomplish? Do you really think the Commission,
13 Indiana Gaming Commission, is going to change
14 their mind because you file a complaint? I mean,
15 you've heard comments from other Commissioners.
16 I rather doubt that's going to happen.

17 So what is the outcome of proceeding down
18 this path? Well, Executive Director Small talked
19 about that. It's potentially very costly to the
20 State of Indiana. And, most importantly, it
21 seems to me, it's very costly to the community of
22 the greater Vigo County population of our state,
23 the west central part of Indiana.

24 Those folks have waited a long time for this
25 wonderful economic development project. And this

1 is simply, it seems to me, a delay tactic, and
2 it's hurtful to them. It will not prevail, you
3 will not prevail, and, respectfully, I hope that
4 you will reconsider this action. I think it's
5 inappropriate, and it's not in keeping with the
6 reputation that I have always garnered for your
7 company.

8 For the people of Vigo County, I will tell
9 you this, and you heard other Commissioners
10 address this, we are committed to help bring this
11 wonderful economic development package to your
12 community as quickly as we possibly can, and we
13 will continue to work in that fashion.

14 Thank you, folks.

15 Any other comments, ladies and gentlemen?

16 Hearing none, what is your pleasure,
17 Commission, regarding proposed Order 2021-229?

18 COMMISSIONER FINE: Mr. Chairman, this is
19 Marc Fine. I move for approval of Order
20 2021-229.

21 COMMISSIONER WILLIAMS: Mr. Chairman, I
22 second that.

23 CHAIRMAN McMANS: Thank you, Commissioner
24 Fine and Commissioner Williams.

25 It's been properly moved and seconded to

1 approve Order 2021-229.

2 Is there any further discussion on the
3 motion?

4 Hearing none, all in favor of the motion,
5 please signify by saying aye.

6 (Chorus of ayes.)

7 Opposed.

8 The motion carries unanimously. Thank you,
9 Commissioners.

10 I want to take a moment and at our end of
11 the year meeting here comment and speak a little
12 bit to the Commission, my fellow Commissioners
13 and to our staff.

14 This has been a difficult year. It's been a
15 difficult year for a lot of Hoosiers and for a
16 lot of reasons, but I recognize that our
17 Commission and our staff has done a lot of heavy
18 lifting, and I thank you and I sincerely
19 appreciate your service to our state.

20 Is there any other business to come before
21 the meeting today?

22 Hearing none, is there a motion to adjourn?

23 COMMISSIONER DUDICH: So moved, Jason
24 Dudich.

25 COMMISSIONER WILLIAMS: Second.

1 CHAIRMAN McMAINS: It's been properly moved
2 and seconded to adjourn this meeting.

3 All in favor, please signify by saying aye.

4 (Chorus of ayes.)

5 Motion carries unanimously. This meeting is
6 adjourned.

7 (At 3:02 p.m., December 21, 2021, this
8 meeting of the Indiana Gaming Commission was
9 adjourned.)

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1 STATE OF INDIANA)
) SS:
 2 COUNTY OF MARION)

3
 4 I, Dianne D. Lockhart, a Notary Public and
 5 Stenographic Reporter within and for the County of
 6 Marion, State of Indiana at large, do hereby certify
 7 that the Indiana Gaming Commission Business Meeting
 8 held on December 21, 2021, commencing at 2:14 p.m.
 9 virtually via Microsoft Teams in Indianapolis,
 10 Indiana, was taken down in stenograph notes and
 11 afterwards reduced to typewriting under my direction,
 12 and that the typewritten transcript is a true record
 13 of the proceedings had.

14 IN WITNESS WHEREOF, I have hereunto set my hand
 15 and affixed my notarial seal this _____ day of
 16 December, 2021.

17
 18 _____
 19 N O T A R Y P U B L I C

20 My Commission Expires:
 21 June 4, 2023

22 County of Residence:
 23 Marion County

24
 25

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