

**INDIANA GAMING COMMISSION  
BUSINESS MEETING**

**9:50 a.m., August 14, 1998  
Indiana Government Center South  
402 W. Washington Street  
Indianapolis, IN 46204**

**PRESENT:** Commission members Donald R. Vowels, Chair; Ann Bochnowski, Vice-Chair; Thomas Milcarek, Secretary; Richard Darko, and Robert Swan. Commissioners Robert Sundwick and David Ross, Jr., M.D. were not present. Staff: Jack Thar, Floyd Hannon, Cindy Dean, Jennifer Byrd, Rhonda Dalton, Michelle Marsden, Cpt. Mark Mason and members of the public.

**Call to Order and Roll Call**

Chairman Don Vowels called the meeting to order at approximately 9:50 a.m. (local time). A quorum was present.

**Approval of the Minutes**

Upon motion by Robert Swan, second by Thomas Milcarek, the minutes of the July 27, 1998 telephonic business meeting were unanimously approved.

**Report of the Executive Director**

Jack Thar, Executive Director, gave a report to the Commission on the activities of the riverboats, new employees, and introduced the new Executive Director of the Indiana Gaming Association.

**New Business**

**Denial of Occupational License**

**Robert Rigoni**

On or about May 13, 1996, Robert Rigoni applied for an Occupational License, Level 2 from the Indiana Gaming Commission to work for the Trump Casino as a floor supervisor. Mr. Rigoni's temporary Occupational License was revoked and his application for a permanent license was denied by the Commission staff on or about February 26, 1998 when the Commission discovered that Mr. Rigoni was arrested for Visiting a Common Nuisance. Mr. Rigoni appealed the decision of the Commission to Administrative Law Judge ("ALJ"), Bernard L. Pylitt. The ALJ held a hearing in this matter on June 17, 1998. ALJ Pylitt issued his Findings of Fact, Conclusions of Law,

and Recommendation in this matter and recommended that Mr. Rigoni's temporary Occupational License be placed on probationary status for a period of six (6) months subject to any conditions or restrictions the Commission deems appropriate.

**Action:** Upon motion by Robert Swan, second by Richard Darko, and unanimous vote of those present, the Commission accepts the ALJ's recommendation, places Mr. Rigoni's Occupational License on probation for a period of six months, imposes a \$100 fine to be paid within the first three months of Mr. Rigoni's probation, and orders that Mr. Rigoni self-evict himself from gaming on Indiana riverboats during his probationary period.

#### **Jeannie David**

On or about September 10, 1996, Jeannie David applied for an Occupational License, Level 2 from the Indiana Gaming Commission to work for the Trump Casino as a dealer. Ms. David's temporary Occupational License was revoked and her application for a permanent license was denied by the Commission staff when it was discovered that Ms. David was arrested for Visiting a Common Nuisance. Ms. David appealed the decision of the Commission to Administrative Law Judge ("ALJ"), Bernard L. Pylitt. The ALJ held a hearing in this matter on June 17, 1998. ALJ Pylitt issued his Findings of Fact, Conclusions of Law, and Recommendation in this matter. ALJ Pylitt recommends that Ms. David's temporary Occupational License be placed on probationary status for a period of one (1) year subject to any conditions or restrictions the Commission deems appropriate.

**Action:** Upon motion by Thomas Milcarek, second by Robert Swan, and unanimous vote of those present, the Commission accepts the ALJ's recommendation, places Ms. David's Occupational License on probation for a period of one year, imposes a \$250 fine to be paid within the first six months of Ms. David's probation, and orders that Ms. David self-evict herself from gaming on Indiana riverboats during her probationary period.

#### **Shane Brogan**

On or about March 29, 1996, Shane Brogan applied for an Occupational License, Level 2 from the Indiana Gaming Commission to work for the Trump Casino as a Dealer. Mr. Brogan's temporary Occupational License was revoked and his application for a permanent license was denied by the Commission staff on or about February 25, 1998 when the Commission discovered that Mr. Brogan was arrested for Visiting a Common Nuisance. Mr. Brogan appealed the decision of the Commission to Administrative Law Judge ("ALJ"), Bernard L. Pylitt. The ALJ held a hearing in this matter on June 17, 1998. ALJ Pylitt issued his Findings of Fact, Conclusions of Law, and Recommendation in this matter on or about July 17, 1998. ALJ Pylitt recommends that Mr. Brogan's temporary Occupational License be placed on probationary status for a period of one (1) year subject to any conditions or restrictions the Commission deems appropriate.

**Action:** Upon motion by Richard Darko, second by Robert Swan, and unanimous vote of those present, the Commission accepts the Administrative Law Judge, Bernard J. Pylitt recommendation, places Mr. Brogan's Occupational License on probation for a period of one year, imposes a \$250 fine to be paid within the first six months of Mr. Brogan's probation, and orders that Mr. Brogan self-evict himself from gaming on Indiana riverboats during his probationary period.

### **Jason Gentry**

On or about May 17, 1996, Jason Gentry applied for an Occupational License, Level 2 from the Indiana Gaming Commission to work for the Trump Casino as a floor supervisor. Mr. Gentry's temporary Occupational License was revoked and his application for a permanent license was denied by the Commission staff on or about February 25, 1998 when the Commission discovered that Mr. Gentry was arrested for Maintaining a Common Nuisance. Mr. Gentry appealed the decision of the Commission to Administrative Law Judge ("ALJ"), Bernard L. Pylitt. The ALJ held a hearing in this matter on June 17, 1998. Mr. Gentry was not present in person nor by counsel. After Mr. Gentry failed to appear at the hearing on June 17, 1998, ALJ Pylitt entered a written Notice of Proposed Recommended Default and Dismissal of Appeal. ALJ Pylitt issued his Findings of Fact, Conclusions of Law, and Recommendation in this matter on or about July 17, 1998. ALJ Pylitt recommends that the revocation of Mr. Gentry's temporary Occupational License and the denial of Mr. Gentry's application for a permanent Occupational License be upheld.

**Action:** Upon motion by Ann Bochnowski, second by Richard Darko, and unanimous vote of those present, the Commission accepts the ALJ's recommendation and adopts the proposed order as its own.

### **Cynthia Langley**

On or about May 28, 1996, Cynthia Langley applied for an Occupational License, Level 2 from the Indiana Gaming Commission to work for the Trump Casino as a Dealer. Ms. Langley's temporary Occupational License was revoked and her application for a permanent license was denied by the Commission staff on or about February 25, 1998 when the Commission discovered that Ms. Langley was arrested for Visiting a Common Nuisance. Ms. Langley appealed the decision of the Commission to Administrative Law Judge ("ALJ"), Bernard L. Pylitt. The ALJ held a hearing in this matter on June 17, 1998. ALJ Pylitt issued his Findings of Fact, Conclusions of Law, and Recommendation in this matter on or about July 17, 1998. ALJ Pylitt recommends that the revocation of Ms. Langley's temporary Occupational License and the denial of Ms. Langley's application for a permanent Occupational License be upheld.

**Action:** Upon motion by Robert Swan, second by Ann Bochnowski, and unanimous vote of those present, the Commission accepts the ALJ's recommendation and adopts the proposed order as its own.

### **Johnny Rodriguez**

Mr. Rodriguez applied for an Occupational License, Level 3 for employment with Showboat as a seaman. During his employment with Showboat it was discovered that Mr. Rodriguez was moving chairs and slot bases and utilizing a wire coat hanger to retrieve loose tokens from underneath slot machines. Mr. Rodriguez's temporary Occupational License was revoked and his application for a permanent license was denied by the Commission. Mr. Rodriguez appealed the decision of the Commission to Administrative Law Judge ("ALJ"), Bernard L. Pylitt. Mr. Rodriguez failed to appear at the hearing. After Mr. Rodriguez failed to appear at the hearing on June 17, 1998, ALJ Pylitt entered a written Notice of Proposed Recommended Default and Dismissal of Appeal. ALJ Pylitt issued his Findings of Fact, Conclusions of Law, and Recommendation in this

matter on or about July 17, 1998. ALJ Pylitt recommends that the revocation of Mr. Rodriguez's temporary Occupational License and the denial of Mr. Rodriguez's application for a permanent Occupational License be upheld.

**Action:** Upon motion by Thomas Milcarek, second by Ann Bochnowski, and unanimous vote of those present, the Commission accepts the ALJ's recommendation and adopts the proposed order as its own.

**Matthew Wanner  
Lisa Negro**

Mr. Wanner and Ms. Negro were both poker dealers at the Showboat. On or about May 21, 1998, the two were at the Hollywood Casino in Aurora, Illinois playing poker. While participating in that poker game, Ms. Negro and Mr. Wanner were caught exchanging signals underneath the poker table indicating if one or the other had a good poker hand. Based on the information, the other would determine whether or not to fold their hand. The Commission Staff issued a Notice of Revocation of the Temporary License and the Denial of the Permanent License Application to both Ms. Negro and Mr. Wanner on August 5, 1998.

**Action:** Upon motion by Ann Bochnowski, second by Tom Milcarek, and unanimous vote of those present, the Commission denies the application for Occupational Licenses submitted by Matthew Wanner and Lisa Negro.

**Disciplinary Action**

**Ronald A. Jacobson**

On or about May 28, 1996, Mr. Jacobson submitted an application for an Occupational License, Level 2 to the Commission to work as a Games Supervisor for Majestic Star. On or about January 29, 1998, Mr. Jacobson was a patron at the Blue Chip Casino. Mr. Jacobson was playing craps at the table that a second patron was playing at. Mr. Jacobson struck the second patron twice. The Commission staff initiated the disciplinary action. Upon approval of the Commission, the Commission staff and Mr. Jacobson agree that Mr. Jacobson will be placed on the State's Exclusion List for a period of one (1) year.

**Action:** Upon motion by Ann Bochnowski, second by Richard Darko, and unanimous vote of those present, the Commission approved the proposed terms of the settlement agreement.

**Denial of Felony Disqualification Waiver.**

**Nelson Tinsley**

On or about April 3, 1997, Nelson Tinsley applied for an Occupational License, Level 2 to work for Trump as a Security Officer. Mr. Tinsley revealed a conviction for Insurance/Mail Fraud, but it did not indicate that it was a felony. As a result, Mr. Tinsley received a temporary Occupational License. After discovering that the Insurance/Mail Fraud conviction was a felony, Commission staff revoked Mr. Tinsley's temporary

Occupational License. Mr. Tinsley then submitted a Request for a Felony Waiver on or about March 16, 1998. On or about March 26, 1998, the staff denied the request due to the fact that the Insurance/Mail fraud conviction was a federal felony, and that it was a crime of fraud, deceit, or misrepresentation, both of which are life-time statutory bars to the issuance of a waiver. Mr. Tinsley appealed the decision of the Commission to Administrative Law Judge ("ALJ"), Bernard L. Pylitt. Nelson Tinsley failed to respond to the Commissions' Motion for Summary Judgment filed on or about May 12, 1998. ALJ Pylitt recommended the denial of Tinsley's Request for a Felony Waiver be upheld on June 2, 1998.

**Action:** Upon motion by Thomas Milcarek, second by Ann Bochnowski, and unanimous vote of those present, the Commission approves the ALJ's recommendation and upholds the revocation of the temporary license and denial of the Permanent Occupational License.

### **Settlement Offers on Disciplinary Action**

**Complaint No. 98-TR-1, Trump Casino.** On or about May 4, 1998, the Commission initiated a disciplinary action against Trump casino. There were three counts covered in the disciplinary action all relating to problems with their internal control procedures. Upon approval of the Commission, the Commission staff and Trump Casino agree that Trump will pay a fine of \$8,000 for each count for a total fine of \$24,000.

**Action:** Upon motion by Ann Bochnowski, second by Robert Swan, and unanimous vote of those present, the Commission approves the settlement agreement and fines Trump Casino \$8,000 for each count for a total fine of \$24,000.

### **Resolution 1998-21**

A Resolution Granting A Temporary Supplier's License to Advanced Casino Systems Corporation and PDS Financial Corporation.

**Action:** Upon motion by Richard Darko, second by Thomas Milcarek, and unanimous vote of those present, the Commission granted Temporary Supplier's Licenses to the above mentioned suppliers.

### **Resolutions 1998-22**

A Resolution concerning the Renewal of Supplier's Licenses of GEMACO Playing Card Company, Mikohn Gaming Corporation, Paul-Son Gaming Supplies, Inc., Bud Jones Company, Inc., and Osborne Coinage Company.

**Action:** Upon motion by Robert Swan, second by Ann Bochnowski, and unanimous vote of those present, the Commission renewed the Supplier's Licenses of the above mentioned suppliers.

## **5<sup>th</sup> Ohio River License**

The awarding of the 5<sup>th</sup> Ohio River License will be considered at the September 14, 1998 Business Meeting. The Commission Staff recommends each applicant be allotted 20 minutes for their presentation and the county be allotted 10 minutes for their presentation. Commission Staff recommends the following information be included in their presentation: A brief update regarding the project; What the project has involved; Any changes in the project; Any changes that the county may have made with regard to their revenue sharing plan. Both the county and the company has advised Commission Staff of changes they have made. The Executive Director provided a brief update on the revenue sharing changes submitted.

Casino America has withdrawn its application for the Crawford County casino. The Commissioners allowed Doug Floyd, Attorney on behalf of the Crawford County Casino Corporation, to speak regarding the status of any possible new applicants.

**Action:** The Commissioners will allow Crawford County to make a presentation at the September 14<sup>th</sup> Business Meeting. The applicant will be allowed 20 minutes for their presentation and the county will be allowed 10 minutes.

The Commissioners allowed Floyd Coates, Chairman of the Citizens Against Gambling Expansion, to speak regarding his opposition to the expansion of riverboat gambling in the State of Indiana. Mr. Coates urged the Commissioners not to award the 5<sup>th</sup> Ohio River License and presented petitions signed by individuals who oppose riverboat gambling.

## **Year 2000**

Commissioner Swan inquired if any notification had been received from the riverboats regarding their computer systems and the Year 2000 problem. The Commissions MIS Department will review this and provide a report for the September 14<sup>th</sup> Business Meeting.

## **Next Meeting**

The next Business Meeting will be held Monday, September 14<sup>th</sup> in the Indiana Government Center South Auditorium. The time will be announced at a later date.

## **Adjournment**

Upon motion by Richard Darko, second by Thomas Milcarek, and unanimous vote, the meeting was adjourned at 10:50 a.m.

**Minutes**

The August 14, 1998 meeting was transcribed by Baynes & Shirey Reporting Services. Consequently, the transcript is the complete record of the meeting. Anyone wishing to see the transcript can review it in the Commission office or obtain a copy of the transcript from Baynes & Shirey, Bank One Center/Circle Center, 111 Monument Circle, Ste. 582, Indianapolis, IN 46207. (317) 231-9004.

Rhonda K. Dalton, Executive Secretary of the Indiana Gaming Commission Staff, prepared these minutes.

Respectfully submitted,

  
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Rhonda K. Dalton

THE INDIANA GAMING COMMISSION:

  
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Donald Vowels, Chair

  
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Thomas Milcarek, Secretary