

INDIANA GAMING COMMISSION

FOURTH QUARTER 2010

BUSINESS MEETING

NOVEMBER 10, 2010

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The Indiana Gaming Commission Fourth Quarter 2010 Business Meeting, reported by Kathleen Andrews, RPR, Notary Public in and for the County of Hamilton, State of Indiana, held at the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, commencing at 1:00 p.m. on November 10, 2010.

ASSOCIATED REPORTING, INC.
Two Market Square Center, Suite 940
251 East Ohio Street
Indianapolis, Indiana 46204
(317) 631-0940

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APPEARANCES

On Behalf of the Gaming Commission:

Tim Murphy, Chairman
Tom Swihart, Commissioner
Marc Fine, Commissioner
Robert Morgan, Commissioner
V. Sue Shields, Commissioner
Ernest Yelton, Executive Director
Jennifer Reske, Deputy Director
Adam Packer, General Counsel
Tami Timberman-Wright, Administrative Assistant

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1 CHAIRMAN MURPHY: Welcome, everyone, to the
2 fourth quarter meeting of the Indiana Gaming
3 Commission. The meeting is now called to order.
4 The first item will be to take the roll of the
5 Commissioners.
6 Commissioner Swihart?
7 COMMISSIONER SWIHART: Present.

8 CHAIRMAN MURPHY: Commissioner Fine?
9 COMMISSIONER FINE: Here.
10 CHAIRMAN MURPHY: Commissioner Shy?
11 Commissioner Shy is absent.
12 Commissioner Morgan?
13 COMMISSIONER MORGAN: Present.
14 CHAIRMAN MURPHY: Commissioner Shields?
15 COMMISSIONER SHIELDS: Present.
16 CHAIRMAN MURPHY: And the Chair is also
17 present. We have a quorum.
18 The next item of business will be the approval
19 of the minutes of the last meeting. Commissioners,
20 you've been provided the minutes of the last
21 meeting. Are there any questions?
22 COMMISSIONER SWIHART: Move to approve.
23 CHAIRMAN MURPHY: Is there a second?
24 COMMISSIONER FINE: Second.
25 CHAIRMAN MURPHY: It's been moved and

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1 seconded. All those in favor of approval, signify
2 by saying aye.
3 (Chorus of ayes.)
4 CHAIRMAN MURPHY: Opposed?
5 The minutes of the last meeting are
6 unanimously approved.
7 The next order of business will be the report
8 of the Executive Director by Executive Director
9 Ernest Yelton.
10 EXECUTIVE DIRECTOR YELTON: Thank you,
11 Mr. Chair. Members of the Commission, we begin
12 with our usual staff report.

13 By looking at the dais this afternoon, I'm
14 sure you've already noted the change. After five
15 and a half years serving as the general counsel of
16 the Gaming Commission, Phil Sicuso has accepted a
17 position with Bingham McHale here in Indianapolis,
18 hereinafter referred to as "the dark side."
19 Replacing him is Adam Packer. Adam joined us in
20 2006 and has recently served for a period of time
21 as our deputy general counsel, and we welcome him
22 to our executive staff.

23 Replacing Adam as our deputy director is Lea
24 Ellingwood. Lea, would you stand. Lea also joined
25 our legal staff in 2006. Congratulations, Lea.

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1 On a somber note, I regret to announce that
2 Gaming Control Officer Brian Buroker passed away on
3 November 2, and our thoughts and prayers continue
4 to be with his family and friends.

5 Since our last meeting, the Background and
6 Financial Investigation Division has completed the
7 three-year investigation reports of Ameristar,
8 Aristocrat, Midwest Gaming Supply and Bally Gaming.
9 Those reports have previously been submitted to all
10 of the members of the Commission. Mr. Brown and
11 Ms. Leek are here to answer any questions you may
12 have about any one of those reports.

13 Commissioners?

14 Since our last Commission meeting, the IGC
15 staff has added 13 individuals to the Exclusion
16 List, which effectively and permanently bars those

17 patrons from entering any casino in Indiana.

18 The following individuals were observed either
19 past-posting or pinching their bets while at an
20 Indiana casino: Kapptolia Anderson and Theresa
21 Hill.

22 The following individuals were observed taking
23 illegal possession of a TITO, casino chips, or U.S.
24 currency in excess of approximately \$500 while at a
25 casino: Ahmad El Turkmani, Quantez Martin, Jimmy

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1 Long, Patrick Hines, Lori Hines, Floyd Weddle, and
2 Scott Hunt.

3 The following is a summary of the remaining
4 individuals added to the list:

5 Georgi Goergiev was observed and later
6 admitted to paying another patron \$100 to claim a
7 jackpot he had won at the Hollywood Casino. Upon
8 completing the appropriate W2G forms after the
9 discrepancy was discovered, he provided a false
10 Social Security number.

11 while employed as a slot supervisor at
12 Horseshoe Hammond, Jason Kelly issued a fraudulent
13 TITO ticket to an unknown patron worth \$819.

14 Kenneth Young was observed at the French Lick
15 Casino Aztar sliding dice while playing craps.
16 Young was required to pay \$2000 in restitution to
17 the French Lick Casino as part of a diversion
18 agreement with the Orange County prosecutor.

19 Rolinda Evans was observed attempting to make
20 multiple fraudulent ATM withdrawals while at
21 Indiana Live Casino.

22 And for the year 2010, the Commission has
23 placed 66 patrons on the Exclusion List, bringing
24 the grand total to 202.

25 Since our last meeting was held on

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1 September 16, we have renewed four junketeer
2 certificates of registration and three junket
3 operator certificates of registration. No new
4 certificates of registration have been issued since
5 June 17. Currently, there are 19 junketeers and 18
6 junket operators who are authorized to conduct
7 business at the casinos in Indiana.

8 All 13 casinos are now on line for child
9 support intercepts for patrons who receive a W2G
10 and owe child support in excess of \$2,000. In the
11 first quarter of the fiscal year, 12,925 searches
12 produced 25 intercepts, totaling \$46,966.06
13 captured in support arrearages.

14 Finally, as our Waiver Summary, Hollywood was
15 granted relief from the requirement for a table
16 controller for the bonus feature since the bonus
17 bet is not a progressive feature but merely a side
18 bet.

19 Also, it's requested to approve to place
20 dedicated coverage on progressive displays showing
21 incrementation when the display reaches a minimum
22 of \$40,000. As we've done in other waivers, the
23 Revenue Audit Department will be responsible for
24 daily verification of the incremented amounts.

25 Finally, it was granted a waiver allowing

1 employees of massage service, providing massages in
2 the poker room, to accept chips for payment of
3 service. As Occupational Licensees, the employees
4 of the massage services are required to redeem
5 their chips in accordance with applicable rules and
6 internal controls.

7 Grand Victoria's request was approved to pay
8 out odds of six to five on low minimum wage
9 blackjack tables.

10 And finally, Horseshoe Hammond and Horseshoe
11 Southern Indiana were granted a waiver allowing
12 U.S. coins to be used at table games.

13 If there are no other questions, members of
14 the Commission, that concludes the Executive
15 Director's report.

16 CHAIRMAN MURPHY: Any questions for Executive
17 Director Yelton?

18 Thank you, Executive Director Yelton.

19 There being no old business, we'll now move on
20 to patron matters and Ericka Plummer.

21 MS. PLUMMER: Good afternoon, Commissioners.
22 You have before you 17 orders regarding the
23 Voluntary Exclusion Program. Pursuant to the rules
24 of the program, the identity of Voluntary Exclusion
25 Program participants must remain confidential.

1 Pursuant to 68 IAC 6-3-2(g), a participant in
2 the program agrees that if he or she violates the

3 terms of the program and enters the gaming area of
4 a facility under the jurisdiction of the
5 Commission, they will forfeit any jackpot or thing
6 of value won as a result of wagers.

7 Under Orders 2010-175 through 2010-192, a
8 total sum of \$37,090.06 was forfeited by John Doe,
9 10-93 through John Doe 10-110. These winnings were
10 collected at Belterra, Blue Chip, Hollywood,
11 Hoosier Park, Horseshoe, Horseshoe South, and
12 Majestic Star casinos. These winning were withheld
13 as required by the Commission regulations.

14 The Commission staff recommends that you
15 approve the remittance of these winnings for John
16 Doe 93 through John Doe 110.

17 CHAIRMAN MURPHY: Do the Commissioners have
18 any questions of Ms. Plummer? If not, is there a
19 motion to approve the orders?

20 COMMISSIONER SHIELDS: So move.

21 COMMISSIONER SWIHART: I second the motion.

22 CHAIRMAN MURPHY: It's been moved and
23 seconded. All those in favor, signify by saying
24 aye.

25 (Chorus of ayes.)

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1 CHAIRMAN MURPHY: Opposed? Orders 2010-175
2 through 192 are approved.

3 MS. PLUMMER: Thank you.

4 CHAIRMAN MURPHY: Moving on, we'll move to
5 patron exclusion matters and Joe Hoage.

6 JOE HOAGE: Thank you, Mr. Chairman, members

7 of the Commission. You have before you Order
8 No. 2010-193, which is an appeal of Barbara
9 Burnett's placement on the Commission's Exclusion
10 List.

11 On February 8, 2010, Ms. Burnett was observed
12 via video surveillance taking unauthorized
13 possession of another patron's TITO worth
14 approximately \$887 while at the Horseshoe Hammond
15 Casino. She was charged with one count of
16 conversion as an "A" misdemeanor, which is still
17 pending in the Hammond City Court.

18 On May 6, 2010, the Executive Director took
19 action pursuant to Indiana Code 4-33-4-7(a) to
20 exclude Ms. Burnett from all the gaming facilities
21 in Indiana. Ms. Burnett appealed within the 15-day
22 time period, and the matter was assigned to an ALJ.

23 On August 13, 2010, at a telephonic pretrial
24 hearing, Ms. Burnett stated she was unsure whether
25 she wanted to continue her appeal at that time, to

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1 which the ALJ gave Ms. Burnett until August 27,
2 2010, to notify Commission staff of her intentions.

3 From that time Ms. Burnett failed to have any
4 further contact with the Commission, and it was
5 assumed that she no longer wanted to continue her
6 appeal. So at that point on October 13, 2010,
7 Commission staff filed a motion for default
8 judgment.

9 Under the rules of AOPA, if she wanted to
10 fight that, the motion for default judgment, she is
11 required to respond in writing within seven days.

12 She did not respond in writing within those seven
13 days. At that point the ALJ entered default
14 judgment against Ms. Burnett at that time.

15 According to AOPA, if there are no objections
16 to an ALJ's order of findings of fact and
17 recommendations, the Commission is required to
18 affirm. And since Ms. Burnett was entered default
19 judgment in this matter, she was not allowed to
20 make an objection. So, therefore, before you is
21 Order No. 2010-193, which pursuant to AOPA, you are
22 required to affirm.

23 CHAIRMAN MURPHY: Do the Commissioners have
24 any questions of Mr. Hoage? If not, is there a
25 motion to approve order 2010-193?

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1 COMMISSIONER SHIELDS: I so move.

2 COMMISSIONER MORGAN: Second the motion.

3 CHAIRMAN MURPHY: It's been moved and
4 seconded. All those in favor, signify by saying
5 aye.

6 (Chorus of ayes.)

7 CHAIRMAN MURPHY: Opposed? Order 2010-193 is
8 unanimously approved. Thank you, Mr. Hoage.

9 MR. HOAGE: Thank you.

10 CHAIRMAN MURPHY: Moving on to occupational
11 licenses next.

12 MR. HOAGE: Yes. Before you now you have
13 order No. 2010-194, which is in regards to Kennita
14 F. Cole's occupational license.

15 On or about January 23, 2008, Ms. Cole

16 submitted a level 3 occupational license
17 application and was granted a temporary level 3
18 license. She was later issued a permanent license
19 for 2008, which was renewed in 2009 and 2010.

20 On July 26, 2010, Ms. Cole pled guilty to
21 endangering children, a level 3 felony under case
22 No. C0902434-B in the Hamilton County Criminal
23 Court in Ohio, and she was sentenced to four years
24 of community control, costs, and probation.

25 As a result of her felony conviction, Ms. Cole

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1 has failed to maintain suitability for licensure by
2 violating Indiana Code 4-33-8-3, which forbids the
3 issuance of an occupational license to any
4 individual who has been convicted of a felony under
5 the laws of the State of Indiana or any other state
6 or jurisdiction.

7 On August 10, 2010, the Commission filed a
8 disciplinary complaint before the administrative
9 law judge, seeking to revoke Ms. Cole's
10 occupational license due to her failure to maintain
11 suitability for licensure. Ms. Cole failed to file
12 an answer to the Commission's complaint, which
13 resulted in the Commission filing a motion for
14 default judgment.

15 As with Ms. Burnett in our last order, she was
16 given seven days to respond in writing to that
17 motion for default. She failed to respond to that.
18 The administrative law judge accepted the
19 Commission's motion and granted a motion for
20 default in that matter.

21 As again with Ms. Burnett, under AOPA, you are
22 required to affirm the administrative law judge's
23 decision in this matter because our motion for
24 default was granted in the matter.

25 So basically, you have before you order

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1 No. 2010-194 which was to revoke the permanent
2 occupational license of Kennita F. Cole.

3 CHAIRMAN MURPHY: Any questions of Mr. Hoage
4 regarding the order? If not, is there a motion to
5 approve?

6 COMMISSIONER SWIHART: Move to approve.

7 COMMISSIONER FINE: Second.

8 CHAIRMAN MURPHY: It's been moved and
9 seconded. All those in favor, signify by saying
10 aye.

11 (Chorus of ayes.)

12 CHAIRMAN MURPHY: Opposed, same sign. Order
13 No. 2010-194 is approved. Thank you, Mr. Hoage.

14 The next item on the agenda is supplier
15 matters, Sherry Green.

16 MS. GREEN: Good afternoon. You have before
17 you order 2010-195 concerning the renewal of
18 suppliers' licenses.

19 Pursuant to Indiana Code 4-33 and 68 IAC 2-2,
20 the Commission has previously approved a permanent
21 supplier's license for the following companies:
22 Aristrocat Technologies, Inc. and Paltronics, Inc.
23 A supplier's license is valid for a period of one
24 year.

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1 supplier's license must be renewed annually, and a
2 payment of \$7500 for the annual renewal fee must be
3 remitted. Each of these licensees has requested
4 renewal of their license and has paid the
5 appropriate renewal fees. The Commission staff
6 recommends that you approve the renewal of the
7 licenses for the two suppliers.

8 CHAIRMAN MURPHY: Any questions? Do the
9 Commissioners have any questions of Ms. Green
10 regarding supplier license renewal? If not, is
11 there a motion to approve order 2010-195?

12 COMMISSIONER MORGAN: Motion to approve.

13 COMMISSIONER FINE: Second.

14 CHAIRMAN MURPHY: It's been moved and
15 seconded. All those in favor, signify by saying
16 aye.

17 (Chorus of ayes.)

18 CHAIRMAN MURPHY: Opposed, same sign. Order
19 2010-195 is approved. Thank you, Ms. Green.

20 MS. GREEN: Thank you.

21 CHAIRMAN MURPHY: The next item on the agenda
22 is disciplinary actions. Ms. Gray.

23 MS. GRAY: Good afternoon, Commissioners. You
24 have before you a settlement agreement with
25 Bally's, Order 2010-196, wherein the supplier sent

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1 unapproved Flash Cards, which are equivalent to

2 EPROMS, to a casino. Bally has agreed to a
3 monetary settlement of \$1,500 in lieu of
4 disciplinary action. The Commission staff
5 recommends that you approve order 2010-196.

6 CHAIRMAN MURPHY: Any questions of Ms. Gray
7 regarding the order? If not, is there a motion to
8 approve order 2010-196?

9 COMMISSIONER SHIELDS: I so move.

10 COMMISSIONER MORGAN: Second.

11 CHAIRMAN MURPHY: It's been moved and
12 seconded. All those in favor of approval signify
13 by saying aye, please.

14 (Chorus of ayes.)

15 CHAIRMAN MURPHY: Opposed? Order 2010-196 is
16 unanimously approved.

17 MS. GRAY: Order 2010-197 is a settlement
18 agreement with Gaming Partners International,
19 wherein the supplier failed to notify the
20 Commission at least ten days in advance that they
21 were sending table layouts to a casino. Gaming
22 Partners International has agreed to a monetary
23 settlement of \$1,500 in lieu of disciplinary
24 action. The Commission staff recommends that you
25 approve order 2010-197.

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1 CHAIRMAN MURPHY: Any questions of Ms. Gray
2 regarding order 2010-197? If not, is there a
3 motion to approve?

4 COMMISSIONER MORGAN: Motion to approve.

5 COMMISSIONER FINE: Second.

6 CHAIRMAN MURPHY: It's been moved and
7 seconded. All those in favor, signify by saying
8 aye.

9 (Chorus of ayes.)

10 CHAIRMAN MURPHY: Opposed? Order 2010-197 is
11 approved.

12 MS. GRAY: Thank you.

13 CHAIRMAN MURPHY: The next item on the agenda
14 regards casino renewals and Adam Packer.

15 MR. PACKER: Thank you, Mr. Chair. Members of
16 the Commission, before you are three orders, 198,
17 199, and 200, regarding the usual annual renewals
18 for Aztar, Belterra, and Horseshoe Southern
19 Indiana.

20 The only unique aspects of these renewals are
21 for Aztar, as you may recall, the Commission
22 appointed an attorney-in-fact over the Evansville
23 property back in March of 2008. The Commission has
24 not taken action since then on Aztar's request for
25 annual renewal because of the circumstances

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1 surrounding the attorney-in-fact and related
2 conditions. This will be the first renewal that
3 Aztar has had since that time.

4 Also, for Belterra, their license renewal date
5 was October 22 of 2010, so the executive director
6 has issued an interim renewal of Belterra's license
7 to bridge the time between their renewal date and
8 the next available Commission meeting, which is
9 today.

10 Other than those two unique factors, these are

11 just the regular annual renewals for these three
12 casino licenses, and the staff recommends that you
13 approve orders 198, 199 and 200.

14 CHAIRMAN MURPHY: Any questions of Mr. Packer
15 regarding the orders? If not, is there a motion to
16 approve the orders?

17 COMMISSIONER SHIELDS: So move.

18 COMMISSIONER MORGAN: Second.

19 CHAIRMAN MURPHY: It's been moved and
20 seconded. All those in favor, signify by saying
21 aye.

22 (Chorus of ayes.)

23 CHAIRMAN MURPHY: Opposed? Orders 2010-198
24 through 200 are approved. Thank you, Mr. Packer.

25 The next item of business is disciplinary

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1 matters and Ms. Gray.

2 MS. GRAY: Good afternoon again,
3 Commissioners. You have before you 12 settlement
4 agreements concerning disciplinary actions.

5 The first settlement is with Ameristar, Order
6 2010-201, which includes two counts. In the first
7 count, the casino failed to timely file two RG-2s.
8 In the second count, the casino failed to timely
9 notify the gaming agents of an employee
10 termination. Ameristar has agreed to a total
11 monetary settlement of \$7,000 in lieu of
12 disciplinary action. Are there any questions?

13 CHAIRMAN MURPHY: Continue.

14 MS. GRAY: The second order, 2010-202, is a

15 settlement agreement with Aztar and includes two
16 counts. In the first count, the casino failed to
17 correctly cancel four decks of playing cards. And
18 in the second count, the casino failed to timely
19 place dedicated coverage on a progressive game with
20 a jackpot payout in excess of \$50,000. Aztar has
21 agreed to a monetary settlement of \$6,000 in lieu
22 of disciplinary action. Are there any questions
23 concerning this order?

24 CHAIRMAN MURPHY: Do the Commissioners have
25 any questions?

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1 MS. GRAY: The third order, 2010-203, is a
2 settlement agreement with Belterra wherein the
3 casino did not secure tournament and nonvalue chips
4 at closed tables. Belterra has agreed to a
5 monetary settlement of \$2,500 in lieu of
6 disciplinary action. Are there any questions?

7 Order 2010-204 is a settlement agreement with
8 Blue Chip wherein the casino allowed an underage
9 person onto the casino floor. Blue Chip has agreed
10 to a monetary settlement of \$1,500 in lieu of
11 disciplinary action. Are there any questions?

12 Order 2010-205 is a settlement agreement with
13 French Lick and includes three counts. In the
14 first count, the casino failed to correctly cancel
15 numerous decks of playing cards. In the second
16 count, the rule requiring the timely notification
17 to the Commission of a position change was
18 violated. And in the third count, an underage
19 person was allowed on the casino floor.

20 French Lick has agreed to a total monetary
21 settlement of \$4,500 in lieu of disciplinary
22 action. Are there any questions?

23 Order 2010-206 is a settlement agreement with
24 Grand Victoria which includes two counts. In the
25 first count, the casino failed to properly monitor

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1 the soft count room during the count process. And
2 in the second count, the casino did not ensure the
3 proper coverage during a power outage.

4 Grand Victoria has agreed to a monetary
5 settlement of \$15,000 in lieu of disciplinary
6 action. Are there any questions?

7 Order 2010-207 is a settlement agreement with
8 Hollywood involving nine counts. In the first
9 count, the casino failed to timely notify the
10 gaming agents of the termination of 10 employees
11 and the change of position for 11 employees from a
12 level three to a level two license.

13 In the second count, the casino allowed 14
14 employees to work on an expired badge.

15 The third count violated the VEP rule.

16 In the fourth count, the casino violated the
17 rule regarding the receiving of tips.

18 In the fifth count, the casino violated the
19 rule regarding the storing of cards that are not
20 being utilized at a live gaming table, as well as
21 the rule requiring the notification to the
22 Commission of a violation.

23 In the sixth count, the casino allowed an

24 underage person on the casino floor on four
25 different occasions.

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1 The seventh count violated the rule requiring
2 a member of the Commission staff or an enforcement
3 agent to be present at the point of delivery when a
4 live gaming device is delivered.

5 In the eighth count, the casino failed to have
6 a sufficient number of surveillance employees
7 during the drop and count process.

8 In the ninth count, the casino failed to
9 timely report a cage variance.

10 Hollywood has agreed to a monetary settlement
11 of \$115,500 in lieu of disciplinary action. Are
12 there any questions?

13 COMMISSIONER SWIHART: I have a question. I
14 get a little concerned when I see this amount of
15 money, \$115,500. What really concerns me is count
16 6, when you have third, fourth, fifth and sixth
17 occurrences in six months for underage people going
18 into the casino. This has been an issue that we've
19 been looking at very closely, at least since I've
20 been here since '06, and I would like to know if
21 this is going to get turned around.

22 MS. GRAY: Well, there is a representative
23 here from Hollywood.

24 EXECUTIVE DIRECTOR YELTON: Mr. Mason is here,
25 I think.

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1 MR. MASON: Yes, sir. Thank you. With
2 respect to the minors, that falls right under me as
3 director of security and regulatory affairs. I can
4 tell you what we do with our minors. And when
5 we're looking through, we have two officers that
6 are assigned to the entrance to monitor people
7 coming through until we get to about 3,000 people
8 on the floor, and then we bring in extra officers.
9 But those two officers are also always told, "If
10 you think you're getting swamped, call and we'll
11 bring some more officers up here to help you."

12 We've established an under 30 line at the
13 Commission's suggestion, to where if people look
14 under 30, we sort of corral those off to the side.
15 We preshift the date of majority at each preshift
16 for each shift of each day what day you have to be
17 on your driver's license. That is also broadcast
18 twice during each shift, and the people at
19 turnstiles have to audibly acknowledge, "I heard
20 you say that date."

21 We've even gone so far as to put a calendar on
22 the wall, a numerical calendar that gives the date
23 of majority. And it changes at midnight in 8-inch
24 letters, LED letters, that they stand up and look
25 at the wall.

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1 We've got three ID verification devices where
2 they're supposed to swipe the IDs. We also ask
3 them to ask questions about the IDs. "What street
4 do you live on?" Not necessarily what's the street

5 address but, "what street do you live on?" You
6 know, a question about the ID to make sure that it
7 is a proper ID. And still we have issues such as
8 this.

9 The discipline we handle with our officers is
10 those things that we've asked them to do -- check
11 the IDs, swipe the IDs, talk to the person, all of
12 those, look at the wall, make sure it's the ID --
13 if they follow those, we will not discipline them
14 if they followed all of those, because we figure
15 those are a good basis for checking to see if
16 someone is underage. If someone gets through with
17 that -- they may have borrowed their older
18 brother's ID and look similar to them -- we don't
19 feel it's right to hold the officer accountable if
20 they physically resemble that person.

21 But if they do not follow those, it's the only
22 policy we have on property that if you mess up
23 once, you're fired. Those four individuals, those
24 officers were fired because they didn't follow
25 those procedures.

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1 It's unfortunate. It's something we take very
2 serious. It drives me nuts because it's so simple
3 to do. We've given them a lot of tools. If they
4 just follow those tools, they know they're okay,
5 and it would be an anomaly if someone slips
6 through. But in these cases, oftentimes they don't
7 swipe. Oftentimes they don't check it. We've had
8 officers that they've given them a vertical ID,
9 which usually means you're under 21, and they'll

10 accept it without even looking at it. And they
11 just make bad choices, but they suffer pretty stiff
12 consequences.

13 CHAIRMAN MURPHY: Mr. Mason, when you let
14 these four officers go, what did they give as a
15 reason? Were they swamped?

16 MR. MASON: No, sir. The one, we had the two
17 officers up there checking at the time. In most of
18 these -- and when I say no, I can't speak to every
19 one of them. In the majority of them, they're not
20 swamped. They're just standing there, and they're
21 just not doing their job.

22 The problem we have with swamps -- and I don't
23 think it's unique to us; I think it's unique with
24 any casino -- you can have a small number of
25 people, but if a bus group just got off, for a

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1 short period of time they are going to be swamped.
2 They're going to have a lot of people coming
3 through. And by the time we get a third officer up
4 there to help, it's going to be passed. But it's
5 not uncommon for us to back people up, which
6 frustrates the guests, waiting for someone to check
7 the IDs.

8 CHAIRMAN MURPHY: Have you replaced the four
9 officers yet?

10 MR. MASON: We have replaced, I believe we
11 have. I think we're only down one part-time
12 officer at this time.

13 COMMISSIONER SWIHART: Do you have continuing

14 training programs to reinforce these rules?

15 MR. MASON: We go through those in the
16 preshifts every day. We have about a 20 to 25
17 minute preshift before each shift every day for
18 each of the three shifts.

19 CHAIRMAN MURPHY: Any other questions from the
20 Commissioners?

21 COMMISSIONER FINE: Just generally speaking,
22 nine counts, that's a lot.

23 MR. MASON: It's not something I'm proud of.

24 COMMISSIONER FINE: It doesn't sound like this
25 is just an underage issue. There's a lot more

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1 going on.

2 MR. MASON: We've had some issues with -- the
3 biggest issue that we keep seeing is -- the
4 underage, we had four of them one month. We had a
5 couple the last quarter. It's easy to try to
6 rationalize, but that doesn't make it right. When
7 you think of the number of people that come through
8 the turnstiles, it's still a small number, but it
9 still should be zero. That's our goal.

10 The other issue we've had is we've had some
11 issues with badges, getting badges renewed on time.
12 We've had some turnover in our executive staff in
13 the H&R department and food and beverage. And
14 while H&R doesn't have a lot of people, food and
15 beverage has a lot of people underneath them.

16 Just today I left our executive staff
17 meeting where -- I live close to Indianapolis, and
18 usually when we have Commission meetings, it's a

19 good day for me because I don't drive all the way
20 to the casino and come back. Today I drove down
21 because we had an executive staff meeting, and
22 expired badges was a topic of the executive staff,
23 and I wanted to be there. We need to toughen up
24 the policy where, if you're a front line employee
25 and you don't get your badge renewed on time, you

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1 get a three-day suspension automatically. If
2 you're above a front level, you get a five-day
3 suspension. If you're a manager or supervisor and
4 you don't notify your front line person that
5 they're due, you get a five-day suspension.

6 At our recent executive retreat, our general
7 manager asked that I put together -- he gave me a
8 whole segment just to talk about the escalating
9 fines that we've seen in the last just this year.
10 I did a statistical analysis from 2001 forward, and
11 I think that people didn't realize how bad it was.
12 And they're on board now, and I believe we're going
13 to see, I'll be very disappointed if you don't see
14 marked improvement.

15 CHAIRMAN MURPHY: Thank you, Mr. Mason.

16 EXECUTIVE DIRECTOR YELTON: If I may,
17 Mr. Chair? Commissioner Swihart, Chris has been
18 instructed that when we do get the minor violation,
19 that she is to investigate the facts on each one.
20 If, as Mark indicated, it's where you've got a very
21 good ID that it's very easy to let the person in,
22 we do not bring those before you. We only bring

23 the ones before you when the security officer makes
24 a blatant mistake by either not checking it, not
25 swiping it, ignoring it, or whatever.

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1 And, Commissioner Fine, we are well aware of
2 the violations that are presented to you today, and
3 we are in the process of having a dialogue with
4 Mark and his people about corrective action, which
5 we'll keep you apprized of.

6 COMMISSIONER FINE: Thank you.

7 MR. MASON: Thank you.

8 CHAIRMAN MURPHY: Ms. Gray.

9 MS. GRAY: The eighth order, 2010-208, is a
10 settlement agreement with Hoosier Park and includes
11 two counts. In the first count, an underage person
12 was allowed on the casino floor on two separate
13 occasions. In the second count, an employee was
14 allowed to work with an expired badge. Hoosier
15 Park has agreed to a monetary settlement of \$7,000
16 in lieu of a disciplinary action.

17 Are there any questions regarding this
18 agreement?

19 order 2010-209 is a settlement agreement with
20 Horseshoe Hammond wherein an underage person was
21 allowed on the casino floor on three separate
22 occasions. Horseshoe Hammond has agreed to a
23 monetary settlement of \$13,500 in lieu of
24 disciplinary action.

25 Are there any questions?

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1 The tenth order, 2010-210, is a settlement
2 agreement with Horseshoe Southern Indiana and
3 includes four counts. In the first count, the
4 casino failed to secure playing cards that were not
5 being used at a live table game. In the second
6 count, the casino failed to timely notify gaming
7 agents that an employee was terminated. In the
8 third count, the casino allowed an underage person
9 onto the casino floor. The fourth count violated
10 the VEP rule.

11 Horseshoe Southern Indiana has agreed to a
12 monetary settlement of \$10,000 in lieu of
13 disciplinary action.

14 Are there any questions?

15 Order 2010-211 is a settlement agreement with
16 Indiana Live and includes two counts. In the first
17 count, the casino allowed an underage person on the
18 casino floor on two separate occasions. The second
19 count violated the rule regarding sensitive keys.
20 Indiana Live has agreed to pay a total monetary
21 settlement of \$6,000 in lieu of disciplinary
22 action.

23 Are there any questions?

24 The final order, 2010-212, is a settlement
25 agreement with Majestic Star, which includes five

1 counts. In the first count, the casino violated
2 the rule requiring that chips be secured during
3 nongaming hours.

4 The second count violated the rules regarding
5 card specifications.

6 In the third count, the rule requiring logic
7 boards and computer chips that store memory in an
8 electronic gaming device to be sealed with evidence
9 tape by a gaming agent was violated.

10 In the fourth count, the rule requiring that
11 the surveillance room be staffed by at least two
12 surveillance employees at all times was violated.
13 The casino also failed to have coverage of a live
14 table game and a chip tray.

15 The fifth count violated the rule requiring
16 that gaming agents be timely notified of an
17 employee termination.

18 Majestic Star has agreed to pay a total
19 monetary settlement of \$33,000 in lieu of
20 disciplinary action.

21 Are there any questions?

22 The Commission staff recommends that you
23 approve orders 2010-201 through 2010-212, each of
24 which approves one of the settlement agreements
25 that we have just discussed.

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1 CHAIRMAN MURPHY: Is there a motion to approve
2 the orders?

3 COMMISSIONER MORGAN: Motion to approve.

4 COMMISSIONER FINE: Second.

5 CHAIRMAN MURPHY: It's been moved and
6 seconded. All those in favor, signify by saying
7 aye.

8 (Chorus of ayes.)

9 CHAIRMAN MURPHY: Opposed? Orders 2010-201
10 through 212 are approved. Thank you, Ms. Gray.

11 MS. GRAY: Thank you.

12 CHAIRMAN MURPHY: The next item on the agenda
13 is licensure. Adam Packer.

14 MR. PACKER: Thank you, Mr. Chairman. Members
15 of the Commission, Order 213 before you is an order
16 regarding the Gambling Game License of Indianapolis
17 Downs, LLC.

18 At the March 31, 2008, Commission meeting, the
19 Commission granted a Gambling Game License under
20 the then new Racino Act to Indianapolis Downs, LLC,
21 to conduct gambling games at a facility located in
22 Shelbyville, Indiana. One of the conditions of
23 that license, and I'm quoting directly from that
24 order, is that, "Gomes + Cordish Gaming Management,
25 LLC, or another suitable operator, receive a

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1 permanent supplier's license to serve as the
2 gaming operations manager for Indianapolis Downs no
3 later than September 30, 2008."

4 Gomes Cordish has notified the Commission that
5 it no longer participates in the day-to-day
6 operations at the facility in Shelbyville, Indiana
7 Live. Additionally, Indianapolis Downs employs the
8 on-site management team at Indiana Live, including
9 General Manager, Richard Kline; Vice-president of
10 Internal Audit, Karin Brugler; Chief Financial
11 Officer, Fred Burford; and Director of
12 surveillance, Lois Coyle-Duffy, all who have

13 extensive experience, which was one of the
14 Commission's concerns for the Indianapolis Downs
15 group back in '08.

16 The Indianapolis Downs has requested that the
17 Commission modify the terms of its license and the
18 terms of that order from the March, 2008, meeting
19 to reflect the fact that Gomes Cordish is no longer
20 on site, participating in the day-to-day
21 operations. Specifically, they've asked that the
22 Commission remove that portion, that continuing
23 condition, as the Commission put it, of the license
24 order.

25 The Commission staff's only concern regarding

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1 Indianapolis Downs going forward is the long and
2 still pending vacancy in the Director of Slot
3 Operations position. Accordingly, Commission staff
4 has prepared an order that would modify the terms
5 of Gaming Commission Order 2008-26, which was the
6 original license order, effective on the date that
7 a new Director of Slot Operations receive a
8 temporary occupational license.

9 Commission staff recommends that the
10 Commission modify the terms of Indianapolis Downs'
11 license in accordance with its request, effective
12 when Indianapolis Downs hires a Director of Slot
13 Ops, and that person receives a temporary license.

14 CHAIRMAN MURPHY: Is Karin Brugler in the
15 room?

16 MS. BRUGLER: Yes, I'm here.

17 CHAIRMAN MURPHY: Karin, would you care to

18 advise us on the status of filling that position?

19 MS. BRUGLER: Absolutely. Good afternoon,
20 Commissioners.

21 Yes, we are currently in the process of
22 recruiting for that position, and we do have some
23 candidates that we are in the process of
24 interviewing for that. As you can imagine, this is
25 a very important position for us, so we are taking

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1 every effort that we can to make sure that we get a
2 good, qualified person for us in place, and that we
3 do it timely.

4 CHAIRMAN MURPHY: In terms of timely, what is
5 your timeline?

6 MS. BRUGLER: Well, we're hoping to get
7 somebody in place as soon as possible, but it just
8 depends on the number of candidates that we do
9 have. Like I said, we've identified a couple right
10 now. We're still in the process of even
11 identifying more than that.

12 CHAIRMAN MURPHY: So you haven't actually made
13 an offer?

14 MS. BRUGLER: We have not made any offers at
15 this point. We're still in the recruiting process,
16 lining up candidates and interviewing them right
17 now.

18 CHAIRMAN MURPHY: Any other questions of
19 Ms. Brugler?

20 COMMISSIONER MORGAN: Do you think you might
21 fill the position within 60 days? What's your

22 goal?

23 MS. BRUGLER: Well, our goal, like I said, is
24 as soon as possible. It just depends on the
25 availability of the candidates. You know, getting

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1 candidates, good, qualified people that want to
2 relocate to this area is not always easy for us.
3 And rather than quickly hire somebody that's not
4 experienced to the level of what we're looking for,
5 we would rather take our time and make sure we're
6 getting a really good, qualified candidate that
7 will serve the property well. We've had some past
8 history of not such good hiring, and so we
9 definitely want to make sure that we make sure we
10 get a good, solid candidate in there.

11 COMMISSIONER MORGAN: I understand.

12 CHAIRMAN MURPHY: Thank you.

13 EXECUTIVE DIRECTOR YELTON: Can I ask Karin a
14 question?

15 CHAIRMAN MURPHY: Sure.

16 EXECUTIVE DIRECTOR YELTON: You understand the
17 order that we're presenting to the Commissioners
18 will be conditional upon that person getting at
19 least a temporary license?

20 MS. BRUGLER: Yes, we do.

21 EXECUTIVE DIRECTOR YELTON: Do you expect that
22 to be done before our March meeting? If you don't,
23 maybe we'll withdraw that from consideration of the
24 Commissioners.

25 MS. BRUGLER: Well, I would hope that we could

1 make it by that timeline. We will certainly make
2 every effort, and I have no reason to believe that
3 we can't.

4 EXECUTIVE DIRECTOR YELTON: Well, the only
5 reason I ask, although a great deal of this delay
6 is not your fault, we've been working with Cordish
7 for a long period of time getting this position
8 filled, a long period of time. And now, since
9 we've been dealing with you in the past few weeks,
10 we've made it perfectly clear that we would
11 recommend this change in your licensing requirement
12 upon this being done. Don't get me wrong, we don't
13 want to rush you into hiring the wrong person. But
14 again, this is really, our patience is getting a
15 little thin.

16 MS. BRUGLER: We understand that.

17 EXECUTIVE DIRECTOR YELTON: Okay. Of all
18 people, I know you will.

19 MS. BRUGLER: Absolutely. Absolutely.
20 Historically, just so that the Commission
21 understands, it's not exactly like we've been
22 dormant during this whole process. We've actually,
23 you know, our goals have changed a little bit.
24 Initially, under Cordish Management, the goal was
25 to hire a vice-president of slot operations. And

1 we went that direction. We actually pulled in
2 several candidates and got to the point of making

3 an offer.

4 It was about that point then when the
5 situation with the management agreement changed.
6 That caused us to change our direction because we
7 no longer needed a vice-president level person
8 because Cordish Management was expecting that that
9 person would have multi-property responsibilities
10 as well. So at that time we decided that it would
11 serve us much better if we had a director position.

12 There were also other considerations. We had
13 thought that there might be an onset of live table
14 games allowed at the racetrack eventually, and so a
15 vice-president was more in order for us to get
16 somebody with table games experience and slot
17 experience. So that was the direction we were
18 originally going.

19 When all of that didn't seem like that was
20 going to be likely, we changed direction, and now
21 our interest is in getting a director position
22 instead of the VP position.

23 CHAIRMAN MURPHY: Thank, you, Ms. Brugler.

24 MS. BRUGLER: Thank you.

25 CHAIRMAN MURPHY: Any other questions of

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1 Mr. Packer regarding the modification of the
2 Indiana Live license? If not, is there a motion to
3 approve order 2010-213?

4 COMMISSIONER SWIHART: Move to approve.

5 COMMISSIONER FINE: Second.

6 CHAIRMAN MURPHY: It's been moved and
7 seconded. All those in favor, signify by saying

8 aye.

9 (Chorus of ayes.)

10 CHAIRMAN MURPHY: Opposed? Order 2010-213 is
11 unanimously approved. Thank you, Mr. Packer.

12 we'll now move on to the rules and back to
13 Adam Packer.

14 MR. PACKER: Thank you, Mr. Chair.
15 Commissioners, Resolution 214 is regarding an
16 emergency rule concerning local development
17 agreements. In the Indiana Supreme Court case,
18 City of East Chicago v. East Chicago Second
19 Century, and the recently certified Supreme Court
20 case, Foundations of East Chicago v. City of East
21 Chicago, the Supreme Court of Indiana has affirmed
22 the Commission's jurisdiction and authority over
23 local development agreements.

24 Local development agreements, as you know, are
25 the agreements between the casino operator and

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1 local interests to promote economic development,
2 education, et cetera, in the local communities.
3 The certification of the Foundations of East
4 Chicago v. City of East Chicago case has removed,
5 in the staff's opinion removed the last legal
6 barrier to this rule-making. There currently are
7 not any administrative rules on the books governing
8 or setting up a framework for Commission staff for
9 the Commission to govern local development
10 agreements. And given the Supreme Court's clear
11 declaration of our authority over local development

12 agreements, Commission staff believes that it is an
13 immediate need to pass a framework of rules that
14 would allow us to govern local development
15 agreements, the modification of local development
16 agreements, and the disbursement of monies under
17 local development agreements.

18 Therefore, we have prepared the rule-making
19 that is in front of you today. It is an emergency
20 rule, and it will be effective for 180 days after
21 a renewal. One concern that some Commissioners
22 have raised is the use of the word, person, and the
23 definition thereof in the document. As the rule
24 document makes clear, the emergency rule
25 incorporates all definitions from the Gaming

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1 Commission Administrative Code and from the
2 statute. That includes the definition of person
3 that is not limited to a natural person. It's an
4 individual or a business entity.

5 So when the word, person, is used in this
6 rule, it doesn't just mean flesh and bones. It
7 also means business entities. And Commission staff
8 believes that that term is the broadest term
9 available to us under our current definitions and
10 will allow us to capture the greatest number of
11 entities for coverage under this rule.

12 The Commission staff believes that this rule
13 sets up the framework that is necessary to abide by
14 the Supreme Court's affirmation of the Commission's
15 authority over local development agreements. Some
16 provisions are not scheduled to take effect until

17 July 1 of 2011, which gives the parties and the
18 recipients of local development agreement funds
19 time to adjust to the new rules.

20 Commission staff recommends approval of
21 Resolution 214, adopting emergency rule regarding
22 local development agreements. I'm happy to answer
23 any questions.

24 Also, Jeff Neuenschwander, staff attorney,
25 assisted executive staff in the preparation of this

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1 ruling. He is also available to answer any
2 questions if you have them.

3 CHAIRMAN MURPHY: Questions of Mr. Packer from
4 the Commissioners? If there are none, is there a
5 motion to approve resolution 2010-214?

6 COMMISSIONER SWIHART: Move to approve.

7 COMMISSIONER FINE: Second.

8 CHAIRMAN MURPHY: It's been moved and
9 seconded. All those in favor?

10 (Chorus of ayes.)

11 CHAIRMAN MURPHY: Opposed? Resolution
12 2010-214 is unanimously approved. Thank you,
13 Mr. Packer.

14 The next item under rules, Resolution
15 2010-215, is to be presented by Jeff
16 Neuenschwander.

17 MR. NEUENSCHWANDER: Good afternoon,
18 Mr. Chair, Members of the Commission. Before you
19 is Order 2010-215 concerning child support seizure
20 emergency rule.

21 At the June 17, 2010, Commission meeting, in
22 response to Senate Enrolled Act 163, the Commission
23 approved Resolution 2010-125, authorizing an
24 emergency rule concerning delinquent child support
25 withholding from casino winnings. Since that time

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1 Commission staff has received written comments from
2 the casinos based on their experiences applying
3 those requirements at their properties. That
4 feedback is being used in the permanent rule-making
5 process that is underway, but staff believes it is
6 necessary to enact those changes in an emergency
7 rule while the permanent rule-making process
8 continues.

9 The changes include modifications that reflect
10 the fact that the Department of Child Services
11 maintains the obligor list and a change in the
12 reporting requirement designed to enhance patron
13 privacy.

14 The current emergency rule will expire on
15 December 30, 2010. If you adopt this resolution,
16 staff will file a new emergency rule with the
17 improvements that will be effective on December 30
18 for a period of 90 days, with the optional 90-day
19 extension while staff continues with the permanent
20 rule-making process. The Commission staff
21 recommends that you approve order 2010-215.

22 CHAIRMAN MURPHY: Do the Commissioners have
23 any questions of Mr. Neuenschwander on the
24 resolution? If not, is there a motion to approve
25 Resolution 2010-215?

1 COMMISSIONER FINE: Move for approval.

2 COMMISSIONER SHIELDS: Second.

3 CHAIRMAN MURPHY: It's been moved and
4 seconded. All those in favor, signify by saying
5 aye.

6 (Chorus of ayes.)

7 CHAIRMAN MURPHY: All opposed, same sign.
8 Resolution 2010-215 has been unanimously approved.
9 Thank you, Mr. Neuenschwander.

10 MR. NEUENSCHWANDER: Thank you, Mr. Chairman.

11 CHAIRMAN MURPHY: The next item on the agenda,
12 the MBE/WBE to be presented by Jenny Reske.

13 DEPUTY DIRECTOR JENNIFER RESKE: Thank you,
14 Mr. Chair. Good afternoon, Commissioners.

15 As you know, the Commission has set a goal of
16 10.9 percent for construction expenditures with
17 women-owned business enterprises. A casino
18 licensee who fails to meet the goal must either
19 become compliant or demonstrate that it made good
20 faith effort in attempting to meet the goal.

21 In 2009 the following casinos failed to reach
22 the goal: Ameristar, Blue Chip, Hollywood, and
23 Horseshoe Southern Indiana. At the September,
24 2010, Commission meeting the Commission recognized
25 that Ameristar, Blue Chip, and Horseshoe Southern

1 Indiana made a good faith effort toward meeting

2 their WBE requirements, but elected to request
3 additional information from Hollywood in order to
4 make a determination regarding their efforts.
5 Based upon the information received from Hollywood
6 subsequent to our September meeting, Commission
7 staff recommends adoption of Resolution 2010-216,
8 finding that although Hollywood Casino failed to
9 reach the goal, it exhibited good faith effort in
10 attempting to do so.

11 CHAIRMAN MURPHY: Any questions of Ms. Reske
12 regarding order 2010-216? If not, is there a
13 motion to approve the order?

14 COMMISSIONER FINE: Move for approval.

15 COMMISSIONER MORGAN: I second the motion.

16 CHAIRMAN MURPHY: It's been moved and
17 seconded. All those in favor, signify by saying
18 aye.

19 (Chorus of ayes.)

20 CHAIRMAN MURPHY: Opposed? Order 2010-216 is
21 unanimously approved.

22 Moving on to the next order, 2010-217.

23 DEPUTY DIRECTOR JENNIFER RESKE: Thank you,
24 Mr. Chairman. The statute requires the Commission
25 to establish annual goals for casino expenditures

1 with minority and women-owned business enterprises,
2 also called MBE and WBE. The annual goals must be
3 derived from a statistical analysis of utilization
4 study of purchases for goods and services.

5 During the past two years the Commission has
6 tracked purchases made with certified minority and

7 women-owned business enterprises, as well as those
8 purchases made with nonminority vendors. During
9 the two years, construction expenditures for
10 minority-owned business enterprises dropped to an
11 average of 12.48 percent, although minority-owned
12 business enterprise firms represent 23.2 percent of
13 those firms ready, willing, and able to provide
14 construction goods and services.

15 Staff hired the law firm of Coleman, Stevenson
16 & Montel to advise us on whether two years of
17 expenditure data is sufficient for the Commission
18 to determine whether a new goal is appropriate.
19 Coleman has advised the Commission that considering
20 two years of data is in fact appropriate. Based
21 upon expenditure data for 2008 and 2009 and upon
22 the advice received from Coleman, staff recommends
23 setting the goal of MBE construction. As with the
24 WBE construction goals, staff recommends setting
25 the goal at capacity as determined by our study,

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1 which is 23.2 percent. With that, Mr. Chair, staff
2 recommends approval of Resolution 2010-217.

3 CHAIRMAN MURPHY: Any questions of Ms. Reske
4 regarding order 2010-217? If not, is there a
5 motion to approve the order?

6 COMMISSIONER MORGAN: Motion to approve.

7 COMMISSIONER SWIHART: Second.

8 CHAIRMAN MURPHY: It's been moved and
9 seconded. All those in favor signify by saying
10 aye.

11 (Chorus of ayes.)
12 CHAIRMAN MURPHY: Opposed? Order 2010-217 is
13 unaniously approved. Thank you, Ms. Reske.
14 DEPUTY DIRECTOR JENNIFER RESKE: Thank you.
15 CHAIRMAN MURPHY: Our next meeting is
16 scheduled for March 17, St. Patrick's Day, here in
17 Indianapolis at a location to be announced. If
18 there is no further business to come before the
19 Commission, I would entertain a motion to adjourn.
20 COMMISSIONER SWIHART: So moved.
21 COMMISSIONER FINE: Second.
22 CHAIRMAN MURPHY: It's been moved and
23 seconded. All those in favor.
24 (Chorus of ayes.)
25 CHAIRMAN MURPHY: Opposed? We stand

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1 adjourned. Thank you, everyone.
2 (The meeting was adjourned at 1:56 p.m.)
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