

ORDER 2013-157

APPROVAL OF THE DEBT ACTIVITY PROPOSED BY BLUE SKY CASINO, LLC

Pursuant to IC 4-33-4-21 and 68 IAC 5-3-2, the Indiana Gaming Commission (“Commission”) reviews proposed debt transactions to analyze the financial health of riverboat licensees and to ensure that a riverboat owner’s license is not leased or hypothecated, and that money is not borrowed or loaned against a riverboat owner’s license.

The Commission has considered the following factors:

1. Blue Sky Casino, LLC (“Blue Sky”) requested Commission approval to undertake debt activity that would be subject to IC 4-33-4-21 and 68 IAC 5-3 regulation, along with a waiver of the applicable procedural requirements set forth in 68 IAC 5-3, including a waiver of the “two meeting requirement” of 68 IAC 5-3-2(b).
2. Blue Sky explained the details of the financing activity in confidential documents provided to the Commission.
3. The Commission has analyzed Blue Sky’s request to undertake debt activity, and the request for waiver of applicable procedural requirements.

The Commission has considered Blue Sky’s request for a waiver of the two-meeting rule and finds that the “two-meeting” rule is impractical and burdensome and that a waiver is in the best interest of the public and the gaming industry.

Based on the foregoing, and in accordance with its authority under 68 IAC 5-3-6, the Commission hereby **APPROVES** Blue Sky’s request for a waiver of the “two meeting” requirement.

The Commission has considered Blue Sky’s proposed transaction, in accordance with 68 IAC 5-3, and has carefully weighed the proposal, the supporting documentation, and the report of the Commission’s financial analyst.

Based on the foregoing, the Commission hereby **APPROVES** Blue Sky’s debt request, subject to the following conditions:

1. the terms articulated in the final financing documentation do not materially differ from the terms that Blue Sky has presented in writing for approval to date;
2. the terms of the final documentation do not violate IC 4-33-4-21;
3. Blue Sky provide the Commission with a legal opinion demonstrating compliance with IC 4-33-4-21;
4. Blue Sky close the proposed refinancing on or before September 12, 2014.

IT IS SO ORDERED THIS THE 12th DAY OF SEPTEMBER, 2013.

THE INDIANA GAMING COMMISSION:



Matt Bell, Chair

ATTEST:



Christopher Johnston, Secretary