

INDIANA GAMING COMMISSION

BUSINESS MEETING

March 31, 2016

ORIGINAL

The Indiana Gaming Commission Business Meeting was stenographically taken down by me, Dianne Lockhart, CRR, RMR, a Notary Public in and for the County of Marion, State of Indiana, held at the Gaming Commission of Indiana, 101 West Washington Street, East Tower, Suite 1600, Indianapolis, Indiana, commencing at the hour of 12 noon, March 31, 2016. The following transcript is a true and accurate transcript of the proceedings held.

CIRCLE CITY REPORTING
135 North Pennsylvania
Suite 1720
Indianapolis, IN 46204
(317) 635-7857

A P P E A R A N C E S

ON BEHALF OF THE GAMING COMMISSION:

Cris Johnston, Chairman

Susan Williams, Commissioner

Anita Sherman, Commissioner

Joseph Svetanoff, Commissioner

Mike Herndon, Commissioner

Sara Gonso Tait, Executive Director

Jennifer Reske, Deputy Director

Greg Small, General Counsel

I N D E X

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|-----------------------------------|------|
| Call to Order and Roll Call | 3 |
| New Business..... | 3 |

1 CHAIRMAN JOHNSTON: Good afternoon.
2 Chairman Cris Johnston of the Indiana Gaming
3 Commission, and welcome to the cozy confines of
4 the Indiana Gaming Commission and today's special
5 meeting.

6 I would like to call the meeting, this
7 special meeting of March 31, 2016, to order.

8 And the first item is we will take the roll.
9 Commissioner Sherman.

10 COMMISSIONER SHERMAN: Here.

11 CHAIRMAN JOHNSTON: Commissioner Herndon.

12 COMMISSIONER HERNDON: Here.

13 CHAIRMAN JOHNSTON: Commissioner Williams.

14 COMMISSIONER WILLIAMS: Here.

15 CHAIRMAN JOHNSTON: And by phone,
16 Commissioner Svetanoff.

17 COMMISSIONER SVETANOFF: Here.

18 CHAIRMAN JOHNSTON: And the chairman, Cris
19 Johnston, is present.

20 Is there any old business to bring before
21 the Commission at this meeting?

22 Seeing none, we do have one matter this
23 morning -- or this afternoon. It is the Petition
24 for Administrative Review of an Order that was
25 adopted at the February 29th meeting -- or,

1 excuse me, the February 24th meeting, I believe,
2 2016.

3 And I will turn it over to Greg Small to
4 give us the background on this matter.

5 MR. SMALL: Thank you very much. Good
6 afternoon, Commissioners.

7 On February 24, 2016, the Commission
8 approved Order 2016-79 granting transfer of
9 ownership interest in riverboat owner's license.

10 On February 29, 2016, Unite Here Local 1
11 submitted its Petition for Administrative Review
12 to staff of that Order.

13 Unite Here brings its Petition pursuant to
14 Indiana Code 4-21.5-3-7. Unite Here claims it is
15 aggrieved or adversely affected by the
16 Commission's Order. The onus is on Unite Here to
17 state facts showing it has standing to be
18 eligible for administrative review of the Order.

19 Standing in this case is simply the legal
20 ability to challenge the Order via administrative
21 action. The Indiana Supreme Court has addressed
22 the legal concept of standing in administrative
23 actions in the case Huffman v. Indiana Office of
24 Environmental Adjudication. The Supreme Court
25 stated that, "Essentially to be aggrieved or

1 adversely affected, a person must have suffered
2 or be likely to suffer in the immediate future
3 harm to a legal interest, be it a pecuniary,
4 property, or personal interest."

5 As the ultimate authority of the Commission,
6 the Commissioners must either grant or deny Unite
7 Here's Petition. If you grant the Petition,
8 Unite Here becomes a party to the proceeding
9 before an administrative law judge. That
10 proceeding would involve Unite Here's substantive
11 challenge to Order No. 2016-79. If you deny the
12 Petition, Unite Here has the ability to appeal
13 that denial to an ALJ. That appeal would focus
14 on Unite Here's standing to obtain administrative
15 review of the Order and would not be a
16 substantive challenge to Order 2016-79.

17 Here, Unite Here fails to establish that it
18 has standing to challenge the Order. Staff
19 recommends that you deny the Petition because
20 Unite Here is not aggrieved or adversely affected
21 by the Commission's Order.

22 For clarity, I should also tell you that
23 Unite Here simultaneously submitted a Petition to
24 Stay Effectiveness of the Order. The procedure
25 governing the Petition to Stay differs from the

1 procedure for administrative review. The
2 Petition to Stay is not before the Commissioners
3 at this time. The Petition to Stay is set for
4 hearing on April 7, 2016, before an ALJ, and is
5 not for consideration by the Commission.

6 The only consideration at this time is for
7 the Petition for Administrative Review, which
8 staff recommends that you deny.

9 I'm happy to take any questions.

10 CHAIRMAN JOHNSTON: Any questions for Greg?

11 Seeing none, is there a -- does anyone from
12 the audience wish to speak at this special
13 meeting?

14 Seeing no one wishing to speak, is there --
15 what's the pleasure of the Commission?

16 COMMISSIONER WILLIAMS: I would make the
17 motion to deny the Petition.

18 COMMISSIONER SVETANOFF: I would second.

19 CHAIRMAN JOHNSTON: There's a motion and a
20 second to deny the petition.

21 All those -- any other questions?

22 All those in favor of the motion which
23 denies the Petition for Administrative Review,
24 say aye.

25 (Chorus of ayes.)

1 All those opposed.

2 The Order is adopted denying the Petition
3 for Administrative Review.

4 Are there any other matters to come before
5 the Commission today?

6 Seeing none, is there a motion to adjourn?

7 COMMISSIONER SHERMAN: So moved.

8 COMMISSIONER WILLIAMS: So moved.

9 COMMISSIONER HERNDON: Second.

10 CHAIRMAN JOHNSTON: There's a motion and a
11 second.

12 All those in favor, say aye.

13 (Chorus of ayes.)

14 Opposed.

15 This meeting is adjourned. Thank you very
16 much.

17 (At 12:08 p.m., March 31, 2016, this meeting
18 of the Indiana Gaming Commission was adjourned.)

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

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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 March 31, 2016, commencing at 12 noon at the
9 Gaming Commission of Indiana, 101 West Washington
10 Street, East Tower, Suite 1600, Indianapolis,
11 Indiana, was taken down in stenograph notes and
12 afterwards reduced to typewriting under my
13 direction, and that the typewritten transcript is a
14 true record of the proceedings had.

15 IN WITNESS WHEREOF, I have hereunto set my hand
16 and affixed my notarial seal this 13th day of
17 April, 2016.

18 *Dianne D. Lockhart*
19 _____
20 N O T A R Y P U B L I C

21 My Commission Expires:
22 June 4, 2023
23 County of Residence:
24 Marion County
25