

**INDIANA GAMING COMMISSION  
REGULAR BUSINESS MEETING**

**11:15 a.m., November 13, 1996**

**Indiana State Teachers Association Building  
150 W. Market St., Second Floor**

**PRESENT:** Commission members' Alan Klineman, Chair; Ann Bochnowski, Vice-Chair; Don Vowels, Secretary; Robert Swan; Robert Sundwick; Dr. David Ross; Staff Members' Jack Thar, Floyd Hannon, Kay Fleming, Cindy Dean, Deana Garner, Frank Brady, Charlie Vonderschmitt, Jill Wulf, Michelle Marsden and members of the public.

**Call to Order and Roll Call**

Chairman Alan Klineman called the meeting to order at approximately 11:25 a.m., noting that Commissioner Thomas Milcarek was not present. A quorum was present.

**Approval of the Minutes**

Upon motion by Robert Sundwick, second by Ann Bochnowski, the minutes of the October 11, 1996 meeting were unanimously approved as distributed.

**Report of the Executive Director**

Floyd Hannon, Deputy Director, standing in for Jack Thar, Executive Director, gave an updated report to the Commission on the activities of the riverboats.

**Old Business**

None

**New Business**

**Resolution 1996-55**

A Resolution concerning an Extension of the Certificate of Suitability issued to RDI/Caesars Riverboat Casino, L.L.C. on May 20, 1996.

**ACTION:** Upon motion by Robert Sundwick, second by Dr. David Ross, and unanimous vote of those present, the Commission adopted to extend RDI/Caesars Riverboat Casino, L.L.C. until February 1, 1997.

**Resolution 1996-56**

A Resolution Granting Temporary Supplier's Licenses to Anchor Coin and Aristocrat.

**ACTION:** Upon motion by Robert Swan, second by Robert Sundwick, and unanimous vote of those present, the Commission adopted to grant temporary Supplier's Licenses to Anchor Coin and Aristocrat.

**Resolution 1996-57**

A Resolution Granting an Extension of the Temporary Occupational Licenses issued November 20, 1995 through February 29, 1996.

**ACTION:** Upon motion by Robert Sundwick, second by Ann Bochnowski, and unanimous vote of those present, the Commission adopted to extend temporary licenses that were issued to applicants for employment with Casino Aztar between November 20, 1995 through February 29, 1996 for an additional six (6) month period.

**Disciplinary Action**

**Empress Casino Hammond Corporation**

On or about November, the Commission initiated a disciplinary action against the Empress Casino Hammond Corporation ("Empress") in Complaint No. 96-EM-1, due to the fact that on or about June 26, 1996, the Empress hired a temporary agency to provide catering services on the riverboat. The temporary agency assigned individuals who were under the age of twenty-one (21) to work.

**ACTION:** Upon motion by Ann Bochnowski, second by Dr. David Ross, and unanimous vote of those present, the Commission approved to fine the Empress \$1,500 per individual under the age of twenty-one (21) who were allowed to work on the riverboat for a total fine of \$4,500.

**Denying Application for an Occupational License**

**REF: Mark Heck**

Mark D. Heck submitted an application for Occupational License, Level 2 on or about December 5, 1995. The Commission revoked Mr. Heck's temporary Occupational License and denied Mr. Heck's application for a permanent license on July 15, 1996 due to the fact that it discovered Mr. Heck had failed to reveal his Criminal History on the application submitted to the Commission staff. On or about September 20, 1996, Mr. Heck appealed the decision of the Commission and requested a hearing in the matter. The Commission appointed Bernard L. Pylitt the Administrative Law Judge in this matter. Judge Pylitt conducted a hearing in this appeal on October 18, 1996 in Evansville, Indiana. The Commission was represented by Kay Fleming, Chief Counsel. Mr. Heck was present, in person, and by counsel, Scott Danks.

**ACTION:** Upon motion by Dr. David Ross, second by Ann Bochnowski, and unanimous vote to those present, the Commission accepted the Findings of Fact, Conclusions of Law, and Recommendation that the revocation of Mr. Heck's temporary Occupational License and the denial of his application for a permanent license be denied.

### **Request for a Felony Disqualification Waiver**

REF: Donald Anderson

Donald Anderson submitted an application for Occupational License, Level 2 on May 29, 1996. The Commission denied Mr. Anderson's application due to the fact that Mr. Anderson had been convicted of a felony. Mr. Anderson submitted a Request for Felony Waiver Form on June 17, 1996, requesting a waiver of the felony disqualification. On September 6, 1996, the Commission adopted the Findings of Fact and Recommendation that was submitted by Kay Fleming, the review officer appointed in this matter, and denied Mr. Anderson's Request for a Felony Waiver. Mr. Anderson appealed the decision of the Commission and requested a hearing on September 20, 1996. The Commission appointed Bernard L. Pylitt the Administrative Law Judge in this matter. Judge Pylitt conducted a hearing in this appeal on October 22, 1996 in Hammond, Indiana. The Commission was Represented by Kay Fleming, Chief Counsel. Mr. Anderson was present, pro se.

On November 8, 1996, Judge Pylitt submitted his Findings of Fact, Conclusions of Law, and Recommendation to the Commission. His recommendation is that the denial of Mr. Anderson's Request for a Felony Waiver by upheld.

**ACTION:** Upon motion by Robert Swan, second by Robert Sundwick, and unanimous vote of those present, the Commission accepts the Findings of Fact, Conclusions of Law, and Recommendation filed by Judge Pylitt and denies Mr. Anderson's Request for a Felony Waiver.

### **Issuing the Indiana Gaming Company, L.P. A Riverboat Owner's License**

The Indiana Gaming Commission issued a Certificate of Suitability to the Indiana Gaming Company, L.P. on June 30, 1995. During the time since the issuance of the Certificate of Suitability, Indiana Gaming Company, L.P. has been finalizing those steps necessary to commence regular riverboat excursions pursuant to IC 4-33. This order will become effective at such time as the Commission staff finds that Indiana Gaming Company, L.P. has completed those tasks set forth in Section B of the order, but not before December 2, 1996.

**ACTION:** Upon motion by Robert Sundwick, second by Dr. David Ross, and unanimous vote of those present, the Commission adopts this Order to issue to Indiana Gaming Company, L.P. a Riverboat Owner's License pursuant IC 4-33.

## **Appointment of an Administrative Law Judge**

Pursuant to IC 4-33-3-23 and IC 4-21.5-3-9, the Indiana Gaming Commission hereby appoints Bernard L. Pylitt to serve as the administrative law judge to conduct any hearing authorized under IC 4-33. This appointment will remain in effect until the Commission takes further action with respect to the appointment, or Bernard L. Pylitt would be disqualified from serving as an administrative law judge pursuant to IC 4-21.5

**ACTION:** Upon motion by Robert Swan, second by Don Vowels, and unanimous vote of those present, the Commission appoints Bernard L. Pylitt to serve as Administrative Law Judge to conduct any hearing authorized under IC 4-33.

### **Next Meeting**

Chairman Klineman indicated that the Commission will announce at a later date, the date for the next business meeting.

### **Adjournment**

Upon motion by Don Vowels, second by Robert Sundwick, and unanimous vote, the meeting was adjourned at 1:40 p.m.

### **Minutes**

The November 13, 1996 meeting was transcribed by Baynes & Shirey Reporting Services; consequently, the transcript is the complete record of the meeting. These minutes were prepared by Michelle Marsden, Executive Secretary, of the Indiana Gaming Commission staff. Anyone wishing to see the transcript can review it in the Commission office or obtain copy of the transcript from Baynes & Shirey, Bank One Center/Circle Center, 111 Monument Circle, Ste. 582, Indianapolis, IN 46207, (317) 231-9004.

Respectfully submitted,

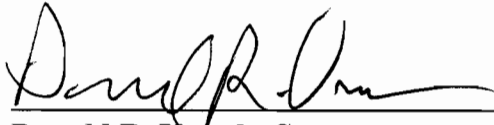
  
Michelle Marsden

**THE INDIANA GAMING COMMISSION:**



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**Alan I. Klineman, Chair**



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**Donald R. Vowels, Secretary**