

**INDIANA GAMING COMMISSION  
REGULAR BUSINESS MEETING**

**12:35 p.m., December 17, 1996**

**Robert A. Pastrick Marina  
Aldis Avenue, East Chicago, Indiana**

**PRESENT:** Commission members Alan Klineman, Chair; Ann Bochnowski, Vice-Chair; Thomas Milcarek; Dr. David Ross; Staff Members Jack Thar, Floyd Hannon, Kay Fleming, Michelle Marsden and members of the public.

**Call to Order and Roll Call**

Chairman Alan Klineman called the meeting to order at approximately 12:35 p.m. (local time), noting that Commissioners Robert Sundwick, Robert Swan and Donald Vowels were not present. A quorum was present.

**Approval of the Minutes**

The minutes of November 13, 1996 Business Meeting were not approved at this time, Mr. Milcarek was not at that business meeting and sustained from approving so there was not a quorum for this vote. Approval of the November 13, 1996 minutes will be brought up at the next Business Meeting.

**Report of the Executive Report**

Jack Thar, Executive Director, gave an update report to the Commission on the activities of the riverboats. Mr. Thar advised the Commission that the City of Evansville would like Casino Aztar to donate two (2) parcels of real estate at the end of the river route of Main Street in lieu of \$2 millions that Aztar was to pay the city for Dress Plaza. (Aztar was to pay a total of \$3 million dollars to the City for Dress Plaza and Aztar has already paid the City \$1 million). The two pieces of property have been appraised; one appraisal was for \$2 million and the other appraisal was for \$1.8 million. This would be a change in the Development Agreement between the City of Evansville and Casino Aztar. This would of been an agenda item but both Commissioners from Evansville could not make this meeting on short notice. It was decided that this issue would be place on the next business meeting agenda.

**Old Business**

None

## **New Business**

### **Resolution 1996-58**

A Resolution Concerning an Extension of the Certificate of Suitability issued to Showboat Marina Casino Partnership on January 8, 1996.

**Action:** Upon motion by Ann Bochnowski, second by Thomas Milcarek and unanimous vote of those present, the Commission extended the Certificate issued to Showboat Marina Partnership until June 2, 1997.

### **Resolution 1996-59**

A Resolution concerning the issuance of a Temporary Supplier's License to GameCash, Inc.

**Action:** Upon motion by Dr. David Ross, second by Ann Bochnowski and unanimous vote of those present, the Commission granted a temporary Supplier's License to GameCash, Inc.

### **Resolution 1996-60**

A Resolution Adopting, as Final Rules, 68 IAC 1-2-5.1; 68 IAC 2-2-6.1; 68 IAC 3-4; 68 IAC 2-3-6.1; 68 IAC 2-6-37; 68 IAC 10-6; 68 IAC 10-7; and Amending 68 IAC 14-3-2; 68 IAC 14-3-3; 68 IAC 15-9-1; and 68 IAC 15-9-4.

**Action:** Upon motion by Dr. David Ross, and second by Ann Bochnowski and unanimous vote of those present, the Commission adopted the above mentioned Final Rules and Amended Rules.

## **Bond Reduction Requests**

### **Empress**

In October of 1996, Empress Casino Hammond, Corp. ("Empress") made the following payments pursuant to the conditions place on the Riverboat Owner's License that was issued to Empress and the Project agreement executed by Empress and the City of Hammond: Hammond Port Authority-\$2,500,00; Nurseryland Foundations, Inc.-\$750,000; and Pediatric Care Center-\$250,000. For a total of \$3,500,000.

**Action:** Upon motion by Thomas Milcarek, and second by Dr. David Ross and unanimous vote of those present, the Commission authorized the United States Fidelity and Guaranty Company to reduce the Surety Bond posted by Empress in a total amount of \$3,500,000.

### **Casino Aztar**

On September 5, October 3, November 11, and December 5, 1996 Casino Aztar made the following equal payments to the City of Evansville pursuant to the Development Agreement between Casino Aztar and the City of Evansville and as a condition of the Riverboat Owner's License issued to Casino Aztar: Downtown Revitalization- \$83,333.33; Economic Development-\$16,666.67; Pigeon Creek Greenway-\$4,166.67, for a total of \$104,166.67 for each month and a grand total of \$416,666.68.

**Action:** Upon motion by Ann Bochnowski, and second by Dr. David Ross and unanimous vote of those present, the Commission authorized the National City Bank to reduce the Letters of Credit posted by Casino Aztar, beginning with Letter of Credit 101, in a total amount of \$416,666.68.

### **Request for Felony Waiver**

REF: Luis F. Raudry Jr.

Luis F. Raudry, Jr. received an offer of employment with Trump Indiana, Inc. as a Blackjack and Craps dealer. Mr. Raudry submitted an application for an Occupational License, Level 2 on or about May 6, 1996. The application for an Occupational License, was subsequently denied in accordance with IC 4-33-8-3(2) due to a felony conviction. Mr. Raudry submitted a request for Felony Waiver form on or about May 15, 1996, requesting a Waiver of the felony disqualification pursuant to IC 4-33-8-11 and 68 IAC 2-4. Kay Fleming, Chief Counsel for the Indiana Gaming Commission ("Commission"), was appointed as the review officer by John J. Thar, Executive Director of the Commission, on August 15, 1996. On October 9, 1996, at the Empress Casino Hammond Pavilion, Kay Fleming conducted a review of Mr. Raudry's request for a felony waiver, and Mr. Raudry was present.

In accordance with 68 IAC 2-4-9(c), Kay Fleming, review officer, issued to the Commission written Findings of Fact and a Recommendation to the Commission December 17, 1996. Kay Fleming recommended to the Commission that the Request for Felony Waiver of Luis F. Raudry, Jr. be denied by the Commission.

**Action:** Upon motion by Ann Bochnowski, second by Thomas Milcarek, and unanimous vote of those present, the Commission adopted the recommendation of the Review Officer, Kay Fleming, without further review and denied the request for Felony Waiver of Luis F. Raudry, Jr.

### **Other Business**

#### **Continuation of RDI/Caesars Certificate of Suitability**

The issue of the extending the Certificate of Suitability for RDI/Caesars was brought before the Commission. It is due to expire on February 1, 1997. Due to bad weather and conflict of schedules, the Commission discussed continuation on the Certificate until the next non-telephonic business meeting.

**Action:** Upon motion by Ann Bochnowski, second by Dr. David Ross, and unanimous vote of those present, the Commission voted to continue the extension of the Certificate of Suitability for RDI/Caesars until the next non-telephonic business meeting and a presentation can be made before the whole Commission. The staff was directed to prepare Resolution 1996-61 to reflect this action.

## Consideration for a License in Switzerland County or Crawford County

The Commission discussed deferring any action on making a decision on the last license on the Ohio River between Switzerland County and Crawford County. The Commission would like more time to study the performance of the Ohio River riverboats, as well as, what problems, if any, are facing the RDI/Caesars Army Corps permit. Mr. Klineman did indicate that he did want this issue to be on the next agenda, even if it is a telephonic business meeting, so all of the Commissioners can discuss any issues surrounding the last two (2) Ohio River license.

### 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 Dr. David Ross, second by Thomas Milcarek, and unanimous vote, the meeting was adjourned at 1:45 p.m.

### Minutes

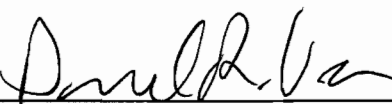
The December 17, 1996 minutes were prepared by Michelle Marsden, Executive Secretary, of the Indiana Gaming Commission staff. A transcript is not available.

Respectfully submitted,

  
Michelle Marsden

### THE INDIANA GAMING COMMISSION:

  
Alan I. Klineman, Chair

  
Donald R. Vowels, Secretary