

RESOLUTION 2004-13

A RESOLUTION ESTABLISHING THE PRO RATA COST OF THE NOVEMBER 4, 2003 REFERENDUM TO BE PAID BY APPLICANTS FOR AN OPERATING AGENT'S LICENSE IN ORANGE COUNTY

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under I.C. § 4-33 and pursuant to 68 IAC 1-2-6:

The Commission finds the following:

1. In RESOLUTION 2003-22, the Commission established the procedure to be utilized for the payment of the costs of a special election to be held in Orange County to determine whether riverboat gambling would be permitted in Orange County. The Commission determined that the first applicant for the contract as operating agent in Orange County would pay the total cost of the special election. Later applicants would be required to reimburse the first applicant in an amount equal to their pro rata share of the total cost of the special election.
2. Pursuant to Public Law 92-2003, Section 64, Orange County held a special election on November 4, 2003 to vote on a referendum to determine whether riverboat gambling would be permitted in Orange County.
3. Prior to the November 4, 2003 special election, Orange County officials determined the total cost of the special election would be \$16,110.00.
4. Orange County Development, LLC, (then known as LJB Gaming Associates, LLC) was the first applicant for the contract as operating agent. On September 12, 2003, Orange County Development, LLC paid the full cost of the special election to the Orange County Treasurer.
5. Bally's French Lick, Inc., Jacobs Entertainment, Inc., Tranchant Indiana, LLC, and Trump Indiana Casino Management, LLC were the other four entities that had applied for the contract as operating agent prior to the special election.
6. The Commission has determined that each applicant's pro rata share of the costs of the November 4, 2003 special election is \$3,222.00.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1. DEFINITIONS.

The definitions set forth in I.C. § 4-33-2 apply to this Resolution.

SECTION 2. SCOPE.

This Resolution applies to the applicants for an Operating Agent's License in Orange County.

SECTION 3. PROCEDURE AND ORDER FOR PAYMENT OF PRO RATA SHARE OF ELECTION COSTS.

Pursuant to Resolution 2003-22, Bally's French Lick, Inc. is to issue a cashier's check or a certified check made payable to Orange County Development, LLC in the amount of \$3,222.00 at the following address: 7-F The Meadows, Terre Haute, IN 47803. This check must be received no later than noon (Indianapolis time) on February 20, 2004.

Pursuant to Resolution 2003-22, Jacobs Entertainment, Inc. is to issue a cashier's check or a certified check made payable to Orange County Development, LLC in the amount of \$3,222.00 at the following address: 7-F The Meadows, Terre Haute, IN 47803. This check must be received no later than noon (Indianapolis time) on February 20, 2004.

Pursuant to Resolution 2003-22, Tranchant Indiana, LLC is to issue a cashier's check or a certified check made payable to Orange County Development, LLC in the amount of \$3,222.00 at the following address: 7-F The Meadows, Terre Haute, IN 47803. This check must be received no later than noon (Indianapolis time) on February 20, 2004.

Pursuant to Resolution 2003-22, Trump Indiana Casino Management, LLC is to issue a cashier's check or a certified check made payable to Orange County Development, LLC in the amount of \$3,222.00 at the following address: 7-F The Meadows, Terre Haute, IN 47803. This check must be received no later than noon (Indianapolis time) on February 20, 2004.

SECTION 4. NOTIFICATION TO THE COMMISSION.

Orange County Development, LLC is to notify the Commission by noon on Thursday, February 26, 2004, that it has or has not received the appropriate funds from each of the applicants as set forth in Section 3.

SECTION 5. EFFECTIVE DATE.

This Resolution is effective immediately.

ADOPTED, THIS THE 6TH DAY OF FEBRUARY, 2004:

THE INDIANA GAMING COMMISSION:

A handwritten signature in cursive script, appearing to read "Donald R. Vowels", written above a horizontal line.

Donald R. Vowels, Chair

ATTEST:

A handwritten signature in cursive script, appearing to read "Thomas Milcarek", written above a horizontal line.

Thomas Milcarek, Secretary