

**ORDER 2006-37**

**AN ORDER OF THE INDIANA GAMING COMMISSION  
CONCERNING THE VOLUNTARY EXCLUSION PROGRAM**

On or about September 23, 2004, John Doe #9 submitted an application to the Indiana Gaming Commission ("Commission") to participate for one (1) year in the Voluntary Exclusion Program. Pursuant to 68 IAC 6-3-2(g), a participant in the program agrees that if he or she violates the terms of the program and enters the gaming area of a facility under the jurisdiction of the Commission, he or she agrees to forfeit any jackpot or thing of value won as a result of a wager made at any facility under the jurisdiction of the Commission. Forfeited jackpots are to be withheld by the riverboat licensee and remitted to the Commission, which shall collect such funds as a fine levied against the individual for violating the terms of the program.

On November 4, 2005, John Doe #9 won a jackpot at Argosy Casino in the amount of \$3,750.00 (\$3,622 post tax withholding). Argosy Casino withheld the jackpot and remitted it to the Commission as a fine levied against John Doe #9 for violation of the voluntary exclusion program. On November 17, 2005, the Commission approved an order remitting the jackpot to the Commission as a fine levied against John Doe #9. On November 18, 2005, the Commission sent a letter to John Doe #9 advising him of the order and of his right to appeal forfeiture of the jackpot pursuant to 69 IAC 6-3-2(g).

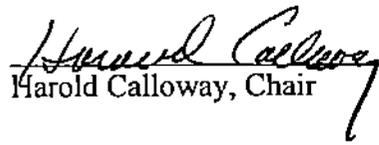
On December 5, 2005, the Commission received a letter from John Doe #9 appealing the Commission's order and requesting a hearing on this matter. On December 28, 2005, the appeal was submitted to an Administrative Law Judge in the Attorney General's Office. Prior to a hearing being conducted, the Commission moved for Summary Judgment. Summary Judgment was granted and the hearing was vacated. The Administrative Law Judge found that John Doe #9 was lawfully on the Voluntary Exclusion List and that the proceeds of his November 4, 2005 jackpot at Argosy Casino were properly levied as a fine against him. The Administrative Law Judge issued the attached Proposed Findings of Fact, Conclusions of Law, and Recommendations.

The Commission, after having reviewed this matter and the attached Proposed Findings of Fact, Conclusions of Law, and Recommendations hereby **ADOPTS THE RECOMMENDATION** of the Administrative Law Judge and the remittance of the jackpot in the amount of \$3,622.00 as a fine levied against John Doe #9.

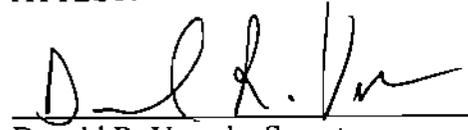
Pursuant to IC 4-21.5-3-5, this ORDER becomes effective 15 days following receipt of the Order of the Indiana Gaming Commission.

**IT IS SO ORDERED THIS THE 7<sup>TH</sup> DAY OF JUNE, 2006.**

**THE INDIANA GAMING COMMISSION:**

  
Harold Calloway, Chair

ATTEST:

  
Donald R. Vowels, Secretary