

ORDER 2007-110

**AN ORDER OF THE INDIANA GAMING COMMISSION
CONCERNING THE APPEAL OF THE
COMMISSION'S DENIAL OF
THE OCCUPATIONAL LICENSE OF
ANDY TIET
FL-DEN-07-01**

The Indiana Gaming Commission ("Commission") adopts the following order pursuant to authority granted it under IC 4-33.

On or about December 1, 2006, Andy Tiet was issued a level 2 temporary occupational license to work as a dealer at French Lick Resort Casino. In the course of a background investigation, Mr. Tiet provided court documents from Orange County, California which indicated that he was convicted of the felony of Grand Theft in Los Angeles County, California in 2001.

Pursuant to IC 4-33-8-3(2), the Commission may not issue an occupational license to an individual who has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States. The Commission may revoke an applicant's temporary occupational license if it has been determined that the applicant has violated the Riverboat Gambling Act or is not suitable for licensure. On April 24, 2007, the Commission staff revoked Mr. Tiet's temporary occupational license and issued notice of denial of his application for a permanent license due to his felony conviction, as required by statute and by Commission regulations. At the regularly scheduled meeting on June 7, 2007 the Indiana Gaming Commission reviewed this matter and denied Mr. Tiet's application for permanent license. A copy of the Commission order was sent to Mr. Tiet.

Mr. Tiet filed a timely request for an appeal hearing. Documentation provided to the Commission by Mr. Tiet in support of his appeal clearly demonstrated the disposition of his 2001 criminal case in Los Angeles County, California resulted in a misdemeanor conviction pursuant to a plea agreement. Mr. Tiet did not provide these documents to the Commission staff prior to Commission action denying his license. The Commission staff determined Andy Tiet is not subject to disqualification for a felony conviction under IC 4-33-8-3(2) and is otherwise suitable for licensure.

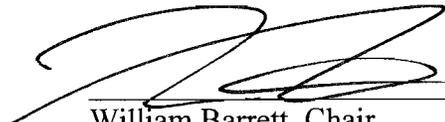
On October 25, 2007, Administrative Law Judge Gordon White issued Recommended Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order in the appeal with a recommended order that the Commission issue Andy Tiet a permanent occupational license. Andy Tiet and the Commission staff each waived the right to object to the ALJ's Recommended Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order.

The Indiana Gaming Commission having reviewed this matter and the attached Recommended Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order

hereby **ADOPTS** the recommendation of the Administrative Law Judge. Pursuant to IC 4-21.5-3, this order is effective fifteen (15) days after the order is served.

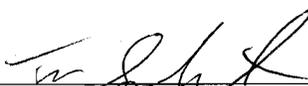
IT IS SO ORDERED, THIS THE 8th DAY OF NOVEMBER, 2007.

THE INDIANA GAMING COMMISSION:



William Barrett, Chair

ATTEST:



Tom Swihart, Secretary

THE INDIANA GAMING COMMISSION
APPEAL OF LICENSE DENIAL

IN RE: ANDY TIET,
Petitioner

CAUSE NO.
FL-DEN-07-01

RECOMMENDED FINDINGS OF FACT, ULTIMATE FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

Gordon White, designated by the Indiana Gaming Commission ("Commission"), pursuant to IC 4-21.5-3-9 to act as an administrative law judge ("ALJ") held a prehearing teleconference on September 18, 2007, concerning the appeal of a license denial brought by the Petitioner, Andy Tiet.

Petitioner participated in the teleconference and waived his right to be represented by counsel. Ron McClain, attorney for the Indiana Gaming Commission, represented the Commission staff.

Subsequent to the prehearing conference, Respondent submitted a motion for summary judgment in favor of the Petitioner.

The ALJ, after considering the evidence presented in the motion for summary judgment and taking notice of the file in this matter issues the following Recommended Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. On or about December 1, 2006, Andy Tiet was issued a level 2 temporary occupational license to work as a dealer at French Lick Resort Casino. Mr. Tiet disclosed misdemeanor arrests and convictions on his application for an occupational license. However, he did not disclose an arrest and conviction for Grand Theft as a felony in Los Angeles County, California in 2001.
2. On March 31, 2007, Mr. Tiet received a letter from Background Investigator Thomas Piskorowski instructing him to provide court documentation regarding his arrests and specified the information the documentation should contain. In response to this request, Mr. Tiet provided court documents from Orange County, California. A review of the documents provided by Mr. Tiet indicated he was convicted of the felony of Grand Theft in Los Angeles County,

California in 2001 and his probation was transferred to Orange County, California.

3. Pursuant to IC 4-33-8-3(2), the Commission may not issue an occupational license to an individual who has been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States. The Commission may revoke an applicant's temporary occupational license if it has been determined that the applicant has violated the Riverboat Gambling Act or is not suitable for licensure.
4. On April 24, 2007, the Commission staff revoked Mr. Tiet's temporary occupational license and issued notice of denial of his application for a permanent license due to his felony conviction, as required by statute and by Commission regulations.
5. Mr. Tiet was informed of the opportunity to request a waiver of the felony disqualification and advised of the due date for the request. He was also informed, however, that, due to the nature of his offense and the date his probation ended, he was not eligible, pursuant to IC 4-33-8-11(f), to apply for a waiver until February of 2009. He did not respond by the due date and the Commission staff had no further contact with Mr. Tiet.
6. At the regularly scheduled meeting on June 7, 2007, the Indiana Gaming Commission reviewed this matter and denied Mr. Tiet's application for permanent license. A copy of the Commission order was sent to Mr. Tiet. He also received a letter explaining his appeal rights under 68 IAC 7-1.
7. Mr. Tiet filed a timely request for an appeal hearing and this cause was initiated.
8. Documentation provided to the Commission by Mr. Tiet in support of his appeal clearly demonstrates the disposition of his 2001 criminal case in Los Angeles County, California resulted in a misdemeanor conviction pursuant to a plea agreement. Mr. Tiet did not provide these documents to the Commission staff prior to Commission action denying his license.
9. The Commission staff has determined Andy Tiet is not subject to disqualification for a felony conviction under IC 4-33-8-3(2) and is otherwise suitable for licensure.

ULTIMATE FINDINGS OF FACT

1. Andy Tiet is not a convicted felon and is not subject to the felony disqualification of IC 4-33-8-3(2).
2. The Commission staff has determined Andy Tiet is suitable for licensure.

CONCLUSIONS OF LAW

1. "The Commission may not issue an occupational license to an individual unless the individual...has not been convicted of a felony under Indiana law, the laws of any other state, or the laws of the United States." IC 4-33-8-3(2)
2. "The Commission may issue an occupational license to an individual if...the commission has determined that the applicant is eligible for an occupational license." IC 4-33-8-2(3)

ORDER

The Indiana Gaming Commission shall issue a permanent occupational license to Andy Tiet.

All of which is ORDERED, ADJUDGED AND DECREED, this 25th day of October, 2007.



Gordon E. White, Deputy Attorney General
Administrative Law Judge
Indiana Gaming Commission
402 West Washington Street
Indiana Government Center South, 5th Floor
Indianapolis, Indiana 46204
(317) 232-6307

**NOTICE OF RIGHT TO OBJECT TO RECOMMENDED FINDINGS OF
FACT, ULTIMATE FINDINGS OF FACT, CONCLUSIONS OF LAW AND
ORDER**

Either party may object to the ALJ's Recommended Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order: but any objection must be filed with the Indiana Gaming Commission, identifying the basis of the objection with reasonable particularity, no later than eighteen days from the ISSUANCE of this order unless such date is a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Gaming Commission's offices are closed during regular business hours in which case the deadline would be the first day which is not a Saturday, a Sunday, a legal holiday under state statute or a day that the Indiana Gaming Commission's offices are closed during regular business hours. The ALJ's Recommended Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order is not the final order of the Indiana Gaming Commission in this proceeding. In the absence of any objection, the Indiana Gaming Commission may affirm the ALJ's Recommended Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order as its final order or will serve notice of its intention to review any issue related to the ALJ's Recommended Findings of Fact, Ultimate Findings of Fact, Conclusions of Law and Order.

Copies issued on October 25, 2007, as follows:

Andy Tiet
725 Overlook Drive
Jasper, Indiana 47546
Petitioner
CERTIFIED MAIL NUMBER: 7003 3110 0003 5636 1452
RETURN RECEIPT REQUESTED

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Service by Interdepartmental Mail

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