

INDIANA GAMING COMMISSION
BUSINESS MEETING
MARCH 31, 2008

ORIGINAL

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7 The above-captioned business meeting was
8 stenographically taken down by me, Robin L.
9 Helton, a notary public in and for the County
10 of Marion, State of Indiana, at 1:00 p.m., on
11 March 31, 2008, at the Indiana Government Center,
12 South Auditorium, 402 West Washington Street,
13 Indianapolis, Indiana, and the following
14 transcript is a true and accurate transcript of
15 the proceedings held.
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22 **CIRCLE CITY REPORTING**
23 135 North Pennsylvania
24 Suite 2050
25 Indianapolis, IN 46204
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A P P E A R A N C E S

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COMMISSION MEMBERS PRESENT:

- William Barrett, Chairman
- Tom Swihart, Commissioner
- Tim Walsh, Commissioner
- Mary H. Shy, Commissioner
- Marc D. Fine, Commissioner
- Ernest Yelton, Executive Director
- Jennifer Arnold, Deputy Director
- Phil Sicuso, General Counsel
- Tamara Timberman, Secretary

1 CHAIRMAN BENNETT: Good afternoon, ladies and
2 gentlemen. We will call the first quarter of 2008
3 business meeting of the Indiana Gaming Commission
4 to order.

5 We will begin with the roll call. Commissioner
6 Swihart.

7 COMMISSIONER SWIHART: Present.

8 CHAIRMAN BARRETT: Commissioner Walsh.

9 COMMISSIONER WALSH: Here.

10 CHAIRMAN BARRETT: Commissioner Shy.

11 COMMISSIONER SHY: Here.

12 CHAIRMAN BARRETT: Commissioner Fine?

13 COMMISSIONER FINE: Present.

14 CHAIRMAN BARRETT: And Commissioner Murphy and
15 Commissioner Cummings are absent. We have a
16 quorum.

17 Ladies and gentlemen, the first item on our
18 agenda is the approval of the minutes from the
19 business meetings in November and December. We
20 will take them in order. Commissioners, you have
21 had a chance to review the minutes, is there a
22 motion as to the approval of the November 8th
23 minutes?

24 COMMISSIONER SWIHART: Move to approve.

25 COMMISSIONER WALSH: I will second it.

1 CHAIRMAN BARRETT: Moved to approve and
2 seconded. All in favor?

3 (COMMISSION MEMBERS VOTED AYE)

4 CHAIRMAN BARRETT: Now, as to the minutes of
5 the December 6th meeting. Is there a motion to
6 approve those?

7 COMMISSIONER SWIHART: Move to approve.

8 COMMISSIONER WALSH: I will second that.

9 CHAIRMAN BARRETT: Moved and seconded. All in
10 favor?

11 (COMMISSION MEMBERS VOTED AYE)

12 CHAIRMAN BARRETT: Thank you.

13 Next, we will begin with the report of the
14 executive director, Executive Director Yelton.

15 EXECUTIVE DIRECTOR YELTON: Thank you,
16 Mr. Chairman and Commission.

17 First of all, I would like to introduce staff
18 additions since our last meeting. When I call your
19 name, please stand and be recognized. We have a
20 few here today.

21 We will start out with Tony Fudge. Tony is our
22 background investigation. Then we move to
23 Clara McCarty. And Diane Brown. Clara and Diane
24 have joined our audit division as field auditors.

25 From Charity Gaming, I would like to introduce

1 Debbie Bowman. There she is, back there. She is
2 with Charity Gaming, as I indicated, along with our
3 latest investigator of charity gaming, Rudy Eidam.
4 He's back there, too. Thank you.

5 James Regan. James has become our third
6 Assistant Director of Enforcement, and he will now
7 be in charge of the northern casinos on behalf of
8 the Division of Gaming Enforcement.

9 I regret to announce the resignation of Andrew
10 Klinger as our deputy counsel; but wish to
11 congratulate him on his appointment as general
12 counsel for the Lottery Commission. I'm pleased to
13 announce that Adam Packer has been chosen as our
14 new deputy counsel replacing Andrew.

15 The Enforcement Division, Division 6 gaming
16 academy class of 32 gaming agents graduated on
17 Wednesday, March the 5th. They have now completed
18 their field training. Ten agents, together with a
19 veteran supervisor, will report to duty at both
20 Hoosier Park and Indiana Downs today. They will
21 immediately begin badging occupation licensees.
22 And within the next few days overseeing the
23 receiving and testing of electronic gaming devices
24 at both locations. The remaining agents have been
25 deployed to various vacancies in the other casinos

1 throughout the State of Indiana.

2 Since our last meeting, the investigators have
3 completed 116 comprehensive investigations. Some
4 of which include the principals at two casinos,
5 both Hoosier Park and Indiana Live. During the
6 same time period they received an additional 66 new
7 applications for licensure. The division has also
8 implemented the newly revised personal disclosure
9 forms, one, two and three. Those applications have
10 been posted on our Web site and distributed to
11 Indiana licensees. After years of using rather
12 outdated forms, the news ones are a welcome
13 addition at least to the processing at the
14 Commission and I think with the licensees as well.

15 The Charity Gaming Division, along with the
16 gaming control and gaming licensing divisions,
17 conducted 12 educational seminars to inform
18 organizations of the new statutory and regulatory
19 changes, and to share the purposes and goals of
20 newly enacted legislation.

21 The seminars were held in Valparaiso, Plymouth,
22 Fort Wayne, Lafayette, Evansville, Jasper, New
23 Albany, Columbus, Terre Haute, New Castle,
24 Greensburg and Fishers. Organizations qualified
25 with the Commission were sent notice for the

1 scheduled seminars, and dates and locations were
2 posted on the Charity Gaming Web site. The
3 seminars were attended by approximately 421
4 organizational representatives.

5 Statistics for the period beginning the 1st of
6 January show that we had single event applications
7 processed and issued in the number of 405; annual
8 event license applications processed and issued,
9 173; and distributor license applications processed
10 and issued 8.

11 Our field investigators continue to conduct
12 statutory on-site inspections of organizations who
13 have applied for annual bingo licenses and annual
14 charity gaming night licenses. Since January, the
15 Charity Gaming has issued 34 annual bingo licenses
16 and 26 annual charity gaming night licenses under
17 the legislation that was passed last year.

18 The Gaming Control Division since the last
19 Commission meeting has seized or caused the removal
20 of 354 illegal gaming devices from 45 locations.
21 Additionally, investigations of distributors across
22 the state have revealed a large number of illegal
23 electronic gaming devices have been moved out of
24 the State of Indiana to avoid seizure. The Gaming
25 Control Division has or is investigating 11

1 different distributors statewide.

2 Our conservative estimates of illegal devices
3 that were disposed of by the distributors out of
4 the state is in excess of 1,500 based on interviews
5 with these distributors.

6 The Gaming Control Division has also been
7 involved in the enforcement action of two illegal
8 poker operations. Numerous others are being
9 investigated today as we speak.

10 The division has also been involved in five
11 multi-agent operations including state, local and
12 federal agencies. Since September 14, when they
13 became operational, the division has instituted 106
14 criminal investigations, which 78 have been
15 presented to prosecutors. Charges have been filed
16 in 17 of the cases, charges are pending in 28, and
17 15 cases were the result of voluntary
18 relinquishment and compliance. And the remaining
19 18 cases are still under investigation.

20 The total number of electronic gaming devices
21 seized is 596 to date, 13 illegal pull tab
22 machines, 16 cases of pull tabs, component parts of
23 215 illegal gaming devices, 16 boxes of illegal
24 component parts, 6 poker tables, 6 blackjack
25 tables, 1 roulette wheel, over \$65,000 cash and

1 numerous financial records.

2 As predicted, the 2005 legislative session
3 concentrated on issues involving property tax
4 relief. There were three bills that survived that
5 impacted our Commission. House Enrollment Act 1105
6 addressed pension issues of our gaming agents. The
7 mandatory retirement age has been raised from 60 to
8 65. This will benefit several of our veteran
9 agents who have brought in valuable experience to
10 our division when they signed up.

11 It also developed a drop, d-r-o-p, program that
12 enhances departing benefits for those agents that
13 can predict their retirement in advance.

14 House Enrollment Act 227 was proposed and
15 supported by the Casino Association of Indiana.
16 Now, all information maintained by the IGC
17 concerning an individual's licensing process is
18 confidential, with the exception of name, place of
19 employment, job title, gaming experience, reasons
20 for denial, revocation or discipline, and
21 information regarding a felony waiver request.

22 Finally, HEA 1153, granted a Charity Gaming PPT
23 licensee the ability to conduct winner take all
24 drawings. Those drawings are subject to a \$300
25 limit. Additionally, the bill allows patrons to be

1 dealers in a euchre game associated with a Charity
2 Gaming night.

3 As for litigation: On February 11th, Majestic
4 Star filed a complaint for declaratory judgment
5 against the City of Gary and the Commission
6 regarding a series of -- local development
7 agreement, a contract entered into by Majestic Star
8 and its predecessors and interest in the City of
9 Gary. The case is pending in Judge Reid's court
10 here in Marion County.

11 Majestic Star named the Commission as a party
12 to the lawsuit, and the Commission is being
13 represented by the Attorney General's Office. The
14 parties recently submitted briefs in response to
15 Gary's motion to transfer venue to Lake County.

16 On February 25th, Caesar's and three of its
17 employees filed a complaint for declaratory
18 judgment and injunctive relief to prevent the
19 Commission from releasing certain personal
20 information about occupational licensees to any
21 person who requests the information. The case was
22 filed in Judge Moberly's court here in Marion
23 County, as well.

24 The suit came in response from the public
25 access counsel's opinion released February 11th in

1 which the PAC concluded that our refusal to release
2 personal information about occupational licensees
3 did not have explicit support in state law. On
4 February 12, however, the individual who originally
5 requested the personal information withdrew his
6 request, and late last week the lawsuit was
7 dismissed.

8 On September 14, Tomas Donovan filed a
9 complaint for damages against the Commission for
10 failing to intervene in a case involving the
11 legality of his eviction from Grand Victoria. The
12 case was assigned, again, to Judge Moberly's court.
13 He alleged that the Commission must give him an
14 administrative hearing on the question of whether
15 Grand Victoria properly evicted him from being an
16 advantage player.

17 The Commission, represented again by the
18 Attorney General's Office, filed a Motion to
19 Dismiss With Prejudice, which Judge Moberly granted
20 on March 18th of this year.

21 Finally, Members of the Commission, I would
22 like to report to the waivers that have been
23 granted to the various jurisdictions and venues
24 since we last met.

25 All of the riverboats were granted a waiver

1 allowing the count room employees to open the bill
2 validator boxes until one with both cash and
3 tickets could be counted to test the currency
4 counter allowing for more accurate tests prior to
5 the count process.

6 Further, all riverboats were granted relief
7 from completing a multiple transaction log for
8 manual paid jackpots over \$3,000. The Indiana
9 Casino Association members were granted a waiver to
10 allow the casinos a winning patron receipt for
11 jackpot one and resetting the EGD prior to the
12 processing and payment of the jackpot.

13 Aztar was granted relief from the rules on drop
14 bucket process and hard count process since the
15 casino is now fully tito.

16 Blue Chip was granted relief from tracing table
17 game fills and credit slip originals to the manual
18 orders for fills and credits since the order used
19 is the computerized one.

20 Caesar's was approved to place dedicated
21 coverage on progressive displays showing
22 incrementation when the display reads a minimum of
23 \$40,000. The account income department -- product
24 department, excuse me, will be responsible for
25 daily verification and the increments amounts.

1 French Lick was approved to allow department
2 managers to retain Title 31 paperwork for two
3 additional business days to properly review all of
4 its transactions. It was also granted a waiver to
5 allow the list of employees who have access to the
6 sensitive key box to be submitted to the gaming
7 enforcement agent on a weekly basis rather than a
8 daily basis.

9 Finally, we approved a request to allow French
10 Lick to allow the cage to retain the original copy
11 of the tip and gratuity form, while the tip count
12 team would retain the duplicate.

13 Grand Victoria was granted its request to
14 eliminate the drop meters and drop-off set meters
15 that identify the total drop, allowing all income
16 into the slot machines to be accounted for in
17 individual identified meters.

18 We approved Horeshoe's request to allow hand
19 scanners at the cage entrances instead of a key
20 lock.

21 Resorts was allowed to have level three
22 employees of two restaurants to pass through an
23 area beyond the turnstiles to get to their jobs.

24 And finally, Hoosier Park Indiana Live were
25 given a blanket waiver that on all of those who

1 have been granted previously to the Casino
2 Association, or all of the casinos in the past
3 regarding EDGs, cage operations or the count room
4 process.

5 And that, Mr. Chairman and Members of the
6 Commission, concludes the Executive Director's
7 report for today.

8 CHAIRMAN BENNETT: Thank you, Executive
9 Director Yelton.

10 Do the Commissioners have any questions they
11 want to ask of the Executive Director at this time?
12 Thank you.

13 Next, voluntary exclusion orders and issues.
14 Mr. Shouse.

15 MR. SHOUSE: Good afternoon. You have before
16 you 17 orders regarding the voluntary exclusion
17 program. Pursuant to the program, voluntary
18 exclusion program participants must remain
19 confidential. Pursuant to 68 IAC 6-3-2(g)
20 participants of the program, he or she, who
21 violates terms of the program and enters the gaming
22 area facility will forfeit any jackpot or thing of
23 value.

24 Under Order 2008, 1 through 17, a total sum of
25 \$28,460 was forfeited by John Doe, 1 through 17.

1 These winnings were collected at Argosy, Blue Chip,
2 Caesar's, French Lick, Grand Victoria, Horseshoe,
3 Majestic Star and Resorts. These winnings were
4 withheld as required. And Commission staff
5 recommends you approve the remittance of these
6 winnings and fines levied against John Does 1
7 through 17.

8 CHAIRMAN BENNETT: Thank you, Mr. Shouse.

9 Do the Commission Members have any questions?

10 Thank you, sir, you did an excellent job. I
11 appreciate that. With 17 of them, it takes a good
12 bit of consolidation to keep things moving timely.
13 So in accordance with our usual practice on these,
14 the Chair will call for a consolidated motion on
15 those orders, Orders 2008-1 through 2008-17, on
16 voluntary exclusion.

17 COMMISSIONER SWIHART: Move to approve 1
18 through 17.

19 COMMISSIONER SHY: Second.

20 CHAIRMAN BENNETT: Move and seconded. All in
21 favor?

22 (COMMISSION MEMBERS VOTED AYE)

23 CHAIRMAN BENNETT: All opposed?

24 Approved unanimously.

25 We have next a couple of appeals and denials.

1 Mr. Packer.

2 ADAM PACKER: Thank you, Mr. Chairman.

3 The first voluntary exclusion appeal before you
4 is 2008-18 regarding John Doe Number 27. John Doe
5 27 had applied for voluntary exclusion for a period
6 of one year on July 31, 2006. On September 1st,
7 2007, John Doe 27 was apprehended at Blue Chip with
8 \$4,250 in chips. The Commission approved the
9 remittance of the dollar value of those chips in
10 the November 8th Commission meeting.

11 This John Doe appealed that decision, and the
12 appeal went through the administrative process to
13 the Commission's administrative law judge, Mary Lee
14 Comer. Judge Comer issued a finding of facts and
15 conclusions of law, which has been provided to you
16 today. And because of the procedural aspects of
17 this particular appeal and the voluntary exclusion
18 appeal, absent an objection to the ALJ's
19 recommendation, the Commission must affirm it.

20 In this case, Judge Comer recommended that the
21 Commission deny the appeal and continue to accept
22 the seizure of the money. So I ask you today to
23 affirm in accordance with that procedure.

24 CHAIRMAN BENNETT: Thank you, Mr. Packer.

25 There was no timely objection filed by John Doe 27?

1 ADAM PACKER: That's correct.

2 CHAIRMAN BENNETT: Okay. Do the Commission
3 Members have any questions?

4 Call for a motion to approve the denial and
5 affirm Judge Comer's decision in VEP 07-027.

6 COMMISSIONER SWIHART: So move.

7 COMMISSIONER WALSH: I will second it.

8 CHAIRMAN BARRETT: It's been moved and
9 seconded. All in favor?

10 (COMMISSION MEMBERS VOTED AYE)

11 CHAIRMAN BARRETT: Okay, approved. Thank you.

12 ADAM PACKER: Next is 2008-19. Similar fact
13 pattern to the previous VEP appeal. This
14 particular John Doe won a jackpot while still on
15 the voluntary exclusion list and enrolled in the
16 program. John Doe 32 appealed that remittance and
17 went through the administrative law judge process
18 with Judge Comer. Her recommendation was to deny
19 the appeal and affirm the remittance of the money
20 that was done by the Commission on the November 8th
21 Commission meeting.

22 There was no timely objection filed, so again,
23 pursuant to the administrative process for
24 voluntary exclusion of appeals, the Commission must
25 affirm Judge Comer's recommendation. I ask you to

1 do that now.

2 CHAIRMAN BENNETT: If I might, Mr. Packer, just
3 to follow up for my colleagues who are not versed
4 in AOPA and our council. Once the ALJ has entered
5 the decision under the Administrative Orders and
6 Procedures Act, any party has 15 days to file an
7 objection. Failure to file an objection ends the
8 administrative review effectively. And there is
9 nothing before us other than the option to approve
10 it. So that said, I will call for a motion to
11 approve.

12 COMMISSIONER SWIHART: Move to approve.

13 COMMISSIONER WALSH: I will second that.

14 CHAIRMAN BARRETT: It's been moved and seconded
15 to approve Judge Comer's decision in VEP 07032.
16 All in favor? All opposed?

17 (COMMISSIONER MEMBERS VOTED AYE)

18 CHAIRMAN BARRETT: Approved unanimously. Thank
19 you, Mr. Packer.

20 Moving then to occupational licensee matters.

21 ADAM PACKER: First before you is Order 2008-20
22 which is a consolidated occupational license
23 denial. The applicants, Phillip Green, Robert
24 Harris, Dwayne Henderson, Antonio Ingram, Donald
25 Newton, and James Walton all applied for

1 occupational licenses and received temporary
2 licenses.

3 During the pendency of the investigation into
4 their application for permanent licensure, it was
5 discovered that those individuals either had felony
6 convictions, or in one case one of the individuals
7 was involved in a theft at Majestic Star. So they
8 were all determined to be unsuitable for licensure.
9 None applied for the relevant waiver process or any
10 administrative relief to our decision to deny.

11 And at this point the order in front of the
12 Commission is to formalize the denial of their
13 applications for permanent occupational licenses.
14 None of them are currently working in the casinos,
15 for your information. Their temporary licenses
16 were revoked as soon as they were found to be
17 unsuitable.

18 COMMISSIONER WALSH: Why did you group them all
19 together? For simplicity or --

20 ADAM PACKER: I believe that Chairman Barrett
21 requested it.

22 COMMISSIONER WALSH: Oh, I see.

23 ADAM PACKER: They were just getting to be time
24 consuming.

25 COMMISSIONER WALSH: I didn't know if there was

1 any connection between the --

2 ADAM PACKER: No, other than the fact that all
3 but one of them had felony convictions that they
4 failed to disclose and we uncovered during our
5 investigation process. So the facts are very
6 similar in all but one of the cases.

7 CHAIRMAN BARRETT: And I would point out for my
8 fellow members and for the public, that these
9 people were all made aware of today's meeting. And
10 if any of them had chosen to appear, they could
11 have. So the consolidation is not to stop the
12 process, it's merely to streamline it.

13 ADAM PACKER: I will ask you to deny all
14 applications by approving the order that's in front
15 of you.

16 CHAIRMAN BARRETT: Any further questions? If
17 not, we will call for a motion on Order 2008-20.

18 COMMISSIONER WALSH: I will make a motion to
19 approve Order 2008-20.

20 COMMISSIONER SWIHART: Second.

21 CHAIRMAN BARRETT: Been moved and seconded.

22 All in favor? Any opposed?

23 (COMMISSION MEMBERS VOTED AYE)

24 CHAIRMAN BARRETT: Approved unanimously.

25 Then the disciplinary action.

1 ADAM PACKER: The next matter before you is
2 Order 2008-21, the matter of Fred Moy. Mr. Moy had
3 applied for an occupational license and received a
4 permanent occupational license. So when we
5 discovered his felony conviction, in this case, for
6 syndicated gambling in the State of Illinois, we
7 had to commence a disciplinary action against him
8 instead of following a procedure that we do for
9 folks with temporary licenses.

10 Mr. Moy was convicted of a bookmaking type of
11 gambling felony in 1988. By operation of statute,
12 that makes him ineligible for license. The felony
13 waiver process does not apply to Mr. Moy because of
14 the character of his felony as a gambling-related
15 felony. So the administrative process to
16 Judge Comer, the Commission's argument was
17 essentially that the statute forbids him from
18 holding an occupational license despite the fact
19 that it had been 20 years.

20 Judge Comer issued recommendation and findings
21 of fact that the Commission revoke his occupational
22 license, and that is the question before you today.
23 I would recommend that you affirm the ALJ's
24 recommendation in this case to revoke Mr. Moy's
25 license.

1 CHAIRMAN BARRETT: Once again, there was a
2 failure to file a timely objection; correct?

3 ADAM PACKER: That's correct.

4 CHAIRMAN BARRETT: Do the Commission members
5 have any questions for Mr. Packer? If not, I will
6 call for a motion on proposed Order 2008-21.

7 COMMISSIONER WALSH: I will make a motion to
8 approve Order 2008-21.

9 COMMISSIONER SWIHART: Second.

10 CHAIRMAN BARRETT: It's been moved and
11 seconded. All in favor? Any opposed?

12 (COMMISSION MEMBERS VOTED AYE).

13 CHAIRMAN BARRETT: Approved unanimously. Thank
14 you, Mr. Packer.

15 Mr. Brown, supplier licensees. Good afternoon,
16 Mr. Brown.

17 MR. BROWN: Good afternoon, Chairman Barrett
18 and Commissioners and staff.

19 I trust you have had the opportunity to read
20 the reports that I have put in your packets. I
21 have prepared short briefs about each company to
22 refresh your memory before we go forward with the
23 licensees. I will begin with Patriot Gaming.

24 On or about August 29, 2007, Mark Komorowski,
25 president and owner of Patriot Gaming &

1 Electronics, submitted application to conduct
2 business with Indiana casino licensees.

3 Patriot Gaming was incorporated in June of
4 2002, and is currently in good standing with the
5 State of Indiana. The company is based and
6 operates a warehouse for storage and display of
7 slot machines and related equipment in Fort River,
8 New Jersey.

9 Patriot Gaming & Electronics focuses on
10 purchasing, reconditioning and reselling used slot
11 machines and parts associated with slot machines.
12 Patriot Gaming has been licensed in Mississippi,
13 New Jersey and Pennsylvania with governmental
14 regulated casinos. The company also does business
15 internationally with Canada, Peru, Ecuador and the
16 Caribbean. Patriot Gaming was recently approved in
17 Indiana for a temporary license 11/26/07, and plans
18 to conduct business with most Indiana licensees.

19 A background and financial investigation was
20 conducted of Mr. Komorowski and the entity, Patriot
21 Gaming and Electronics, Incorporated. The staff
22 could find no information that would affect the
23 applicant's suitability.

24 Do you have any questions?

25 MR. BARRETT: Does anyone have any questions

1 for Mr. Brown?

2 All right. Then the Chair will call for a
3 motion to approve a permanent supplier license for
4 Patriot Gaming & Electronics, Inc.,
5 as outlined in proposed Order 2008-22.

6 COMMISSIONER SWIHART: So moved.

7 COMMISSIONER WALSH: I will second it.

8 CHAIRMAN BARRETT: All in favor? All opposed?

9 (COMMISSION MEMBERS VOTED AYE)

10 CHAIRMAN BARRETT: Approved unanimously.

11 Then, as to Fairchild Communications.

12 MR. BROWN: Fairchild Communication Systems,
13 Incorporated. Fairchild is owned and operated by
14 both Charles Fairchild and his wife, Louann
15 Fairchild. The company is based out of
16 Indianapolis with a satellite office in Fort Wayne.
17 Charles Fairchild is the President and CEO of
18 Fairchild Communications and manages all day-to-day
19 business operations.

20 Fairchild Communications is a full-service
21 communication system contractor offering design,
22 sales and installation of services to electronic
23 systems such as surveillance, security, access
24 control and fire alarms. Fairchild also runs
25 communication systems for many of the Indianapolis

1 public school buildings.

2 The company has no history of conducting
3 business in the gaming industry and is currently
4 seeking license and service to Indiana casino
5 licensees. A background and financial
6 investigation was conducted on Fairchild
7 Communication, and Charles and Louann Fairchild.
8 And IAC staff could find no derogatory information
9 that could affect the outcome of suitability.

10 MR. BARRETT: Do the Commission Members have
11 any questions for Mr. Brown? If not, the Chair
12 will call for a motion on proposed Order 2008-23 to
13 grant a permanent supplier's license to Fairchild
14 Communication Systems, Incorporated.

15 COMMISSIONER SWIHART: So move.

16 COMMISSIONER WALSH: I will second it.

17 CHAIRMAN BARRETT: It's been moved and
18 seconded. All in favor? All opposed?

19 (COMMISSION MEMBERS VOTED AYE)

20 CHAIRMAN BARRETT: Thank you, Mr. Brown.

21 Next, we will move on to renewals.

22 Ms. Rich, good afternoon.

23 MS. RICH: Good Afternoon. You have before you
24 Order 2008-24, concerning the renewal supplier
25 licenses. Pursuant to Indiana Code 4-33 and 68 IAC

1 2-2, the Commission has previously issued supplier
2 licenses for the following: IEP, Ltd.; Midwest Game
3 Supply Company; IGT; AC Coin; WMS Gaming, Inc.;
4 Bally Technologies, Inc., and Dallmann Systems,
5 Inc.

6 A supplier's license is valid for a period of
7 one year pursuant to IC 4-33-7-8 and 68 IAC 2-2-8,
8 a supplier's license must be renewed annually along
9 with the payment of \$5,000 for the annual renewal
10 fee must be remitted. Each of these licensees has
11 requested renewal of their license and to pay their
12 appropriate renewal fees. The Commission staff
13 recommends that you approve the renewal of the
14 licenses.

15 EXECUTIVE DIRECTOR YELTON: If I may, also,
16 Members of the Commission. As Kesha said, one of
17 the renewals is IGT. IGT was also up for its
18 reinvestigation this time, and we previously
19 submitted with you the results of that
20 reinvestigation conducted by the investigators, and
21 they are both here if you have any questions about
22 that. They will be happy to answer your questions.
23 They are a little bit different since there was a
24 complete reinvestigation. The others are just the
25 one-year renewals.

1 CHAIRMAN BARRETT: Okay. Do the Commissioners
2 have any questions for either of the investigators
3 or Ms. Rich? If not, the Chair will call for a
4 motion on proposed Order 2008-24 concerning the
5 renewal of the supplier's licenses.

6 COMMISSIONER SWIHART: Move to approve.

7 COMMISSIONER WALSH: I will second it.

8 CHAIRMAN BARRETT: Moved and seconded. All in
9 favor? All opposed?

10 (COMMISSION MEMBERS VOTED AYE).

11 CHAIRMAN BARRETT: Approved unanimously.

12 General Counsel Sicuso as to casino licensing.

13 GENERAL COUNSEL SICUSO: Thank you, Mr. Chair.
14 I will be presenting, following a presentation, I
15 believe, by each of the racetracks, regarding the
16 resolution of their licensure.

17 CHAIRMAN BARRETT: The first presentation is
18 from Hoosier Park.

19 MR. JIM BROWN: Good afternoon, Chairman
20 Barrett, Commissioners, Executive Director Yelton,
21 Indiana Gaming Commission Executive Staff.

22 My name is Jim Brown, and I'm the general
23 manager of Centaur, Hoosier Park Racing and
24 proposed casino.

25 I'm a graduate of what is now the Kelley School

1 of Business at Indiana University. Possess 27
2 years of experience in the gaming and entertaining
3 industry, and have an extended relationship with
4 casino gaming in the State of Indiana. This
5 relationship commenced with the inception of casino
6 gaming in the Hoosier State where I opened and
7 served as president and general manager of
8 Indiana's first riverboat casino in Evansville from
9 1995 until early last year.

10 My relationship with the Indiana gaming
11 continues today due to my extremely good fortune of
12 being offered the opportunity, in September of
13 2007, to join Rod Ratcliff, Centaur and Hoosier
14 Park. I would like to point out Rod Ratcliff, our
15 Chairman and CEO, is joining us today. Rod founded
16 Centaur in 1993. And our company, under Rod's
17 guidance and leadership, has been an advocate for
18 and participant in Indiana's gaming and racing
19 industries since that time.

20 Also, as you all may already know, Centaur is
21 Indiana-based, owned and operated by a privately
22 held company with shareholders ranging from farmers
23 to business leaders.

24 Joining Rod and I today are executives from
25 Centaur and senior management and staff members

1 from Hoosier Park. Also, my colleague, the general
2 manager of racing for Hoosier Park, Rick Moore,
3 joins us today.

4 I stand before you today with the intention of
5 requesting the privilege of being granted, under
6 Indiana Code 435, a license to conduct gambling
7 games at our Hoosier Park facility in Anderson,
8 Indiana. Hoosier Park, LLT, holds an existing
9 valid racing license issued by the Indiana Horse
10 Racing Commission. Hoosier Park's licensee is in
11 good standing with the IHRC, and there are no
12 pending disciplinary or regulatory issues which
13 would otherwise prohibit the Indiana Gaming
14 Commission from considering the issuance of a
15 gaming license to this entity.

16 Our officers, directors, managers and
17 shareholders, we believe, possess the requisite
18 levels of character, reputation, experience and
19 financial integrity to hold a gaming license and to
20 operate a gaming operation at a racetrack facility.
21 We are also of the understanding that the Indiana
22 Gaming Commission has conducted and completed the
23 background investigation of our applicants, our key
24 persons and shareholders as required by law, and
25 further believe there is no impediment to license

1 issuance.

2 I would like to take several minutes to update
3 you on various aspects of our project and our
4 progress. Our wholly completed facility is
5 expected to open in early June of this year,
6 pending regulatory approval, and is located less
7 than one mile off of interstate 69 in Anderson,
8 Indiana. Hoosier Park Racing & Casino will provide
9 a fully integrated gaming, racing, dining and
10 entertainment experience, and will feature 35,000
11 spaces of dedicated customer parking, offering
12 valet services, a dedicated motor coach arrival and
13 departure area, a 54,000-square-foot casino floor
14 designed to provide an intimate and exciting
15 community experience.

16 The casino will offer 2,000, one hundred
17 percent ticket in and ticket out slots and
18 electronic games with the latest in
19 customer-friendly slot and marketing technology,
20 a high limit area allowing for a semi-private
21 gaming experience, an ABC New York-style deli
22 located directly off the casino floor, a highly
23 designed centrally located and elevated casino
24 feature bar with seating up to 40 patrons and the
25 latest in audio and video capabilities, large

1 window views of Hoosier Park home stretch in order
2 to provide an additional action element to the
3 gaming area during live racing, a race wagering
4 area, multiple conveniently located rest rooms, two
5 dedicated casino service bars, and conveniently
6 located casino cashier and player reward areas.

7 One of the fundamental design goals was to
8 present a seamless fully integrated
9 multi-dimensional entertainment experience to our
10 guests. To assist in accomplishing this, the
11 Hoosier Park casino area will link directly with
12 our grandstand and clubhouse via a glass enclosed
13 connector featuring escalators, elevator and
14 monumental staircase.

15 The second floor of our grandstand and
16 clubhouse, directly linked by the connector,
17 will be an attraction in its own right. This
18 prominent area known as "The Terrace" will offer
19 guests seven dining and entertainment venues, along
20 with other products and amenities, including a
21 steakhouse, clubhouse race view dining, an
22 expandable 200-foot buffet featuring multiple food
23 stations, a lounge offering live racing or simply a
24 place to meet and relax, a gift shop, multiple live
25 and race wagering areas, easy access to grandstand

1 seating, three quick dining outlets in the terrace
2 area, including the Terrace Cafe featuring
3 Starbucks and Johnny Rockets. Our clubhouse dining
4 area also allows us the capability to convert this
5 place into a tiered showroom that we plan to
6 utilize and present live nationally-recognized
7 entertainment acts. Interior design throughout the
8 facility is rich and engaging and concentrates on
9 bold, rich earth tones designed to provide
10 interest, a sense of motion, and serve as a
11 synergistic backdrop to the excitement and energy
12 of the casino racetrack and related areas.

13 Our primary project architect and design team
14 is CSO Architects. CSO was founded in 1961 and is
15 one of Indiana's largest and most reputable designs
16 firms. Indiana-based Hagerman & Construction is
17 spearheading our project construction. Hagerman
18 also served as a general contractor for the
19 original Hoosier Park facility.

20 Construction progress remains on schedule.
21 Grandstand and clubhouse renovation work and
22 enhancements are due to be completed this week in
23 time for our spring Standardbred meet which
24 commences on Saturday, April 5th. Site work is
25 ongoing and there is full expectation that all site

1 work will be completed well in time for our planned
2 early June casino opening. Construction work on
3 the casino building is also proceeding on or ahead
4 of schedule.

5 The connector escalators and staircase has
6 been installed, the building is sealed, and all
7 electrical, HVAC and plumbing work is in the
8 process of completion and we expect to begin final
9 finish work within the next several weeks. Carpet
10 and slot machine installation is currently
11 scheduled to commence in mid-April. We are also in
12 possession of all required permits and approvals to
13 date. All major FF & E items and systems,
14 including gaming equipment, slot management,
15 surveillance and AV systems are ordered, and
16 delivery and installation currently ahead of
17 critical path timelines. Our entire exterior and
18 exterior signage package is in the process of
19 fabrication and will be installed in May. All
20 other FF & E items and systems are on schedule.

21 The exciting PowerPoint presentation that you
22 have been watching today, that was a joke, really
23 tones down with only the headings of the subject
24 matter as we go.

25 CHAIRMAN BARRETT: So you would rather we watch

1 you?

2 MR. JIM BROWN: If you have to.

3 All recruiting and staff related critical path
4 milestones are on schedule. We have made numerous
5 community outreach recruiting presentations and
6 have held multiple job fairs in Anderson and
7 surrounding communities. We now have well over
8 3,000 job applications on file for over 500 new
9 positions at Hoosier Park.

10 A talented, experienced senior management team
11 has been in place since the first of the year, and
12 along with many other preopening responsibilities
13 is interviewing and fulfilling positions necessary
14 to insure an organized and successful opening. All
15 organizational charts are completed and have been
16 submitted to the Indiana Gaming Commission for
17 approval. Team member handbooks, orientation
18 presentations, training manuals, wage rates, start
19 dates, policies, procedures, processes,
20 presentations and critical path items are in the
21 final stages of completion or have already been
22 finalized.

23 Our employment training affirmative action in
24 diversity, plans and statements have all been
25 submitted to the Indiana Gaming Commission. We

1 fully expect a diverse, well-trained, proactively
2 friendly and primarily local work force to welcome
3 our customers in early June; and all goals and
4 requirements, as well as the intended spirit of our
5 work force makeup, will be enthusiastically met or
6 exceeded.

7 We have held ongoing meetings with the Indiana
8 Gaming Commission executives and staff. They have
9 been extremely helpful and accessible as we
10 diligently proceed in the approval process
11 regarding all regulatory aspects of this project.
12 Indiana Gaming Commission agents are onsite as of
13 today, at 7 a.m., and they will begin preparation
14 for oversight of licensing fashion, system and slot
15 installations and all regulatory-related
16 activities. They are currently in temporary office
17 space and are expected to move to their permanent
18 office location later in April.

19 Hoosier Park's marketing plan and efforts will
20 employ a broad variety of marketing strategists to
21 insure successful and productive ongoing business
22 levels. These strategists will be integrals whose
23 fundamental goal is initially creating broad market
24 awareness of our facility and on an ongoing basis
25 attracting and retaining a broad base of loyal

1 repeat customers.

2 At Hoosier Park, we will take a highly
3 proactive approach in responsible gaming to the
4 identification and prevention of problem and
5 underage gambling. Responsible gaming awareness
6 information will be included in our employee
7 handbook, and will be a key component in our
8 orientation programs and follow-up training and
9 reinforcement will be provided on a regular basis.

10 We will also display customer awareness
11 materials, such as posters, brochures and cards
12 throughout our facility and make these materials
13 available to customers through our employees. We
14 are in the process of developing property-wide
15 voluntary self-exclusion programs for individuals
16 who feel they may have a gambling disorder and will
17 diligently enforce the Indiana statewide
18 self-exclusion program. We take this issue
19 seriously and the Indiana Gaming Commission, as
20 well as the State of Indiana, can expect a high
21 level of commitment from us on an ongoing basis.

22 Another important element in operating our
23 business responsibly is being a solid corporate
24 citizen and being involved in our local community.
25 These have always been high priorities at Centaur

1 and Hoosier Park. We have demonstrated a strong
2 commitment in the past by contributing time,
3 resources and support to a wide array of local
4 agencies, organizations, charities, funding efforts
5 and numerous other worthy causes.

6 In addition, our Hoosier Park management staff
7 has served on numerous area boards. Our commitment
8 to being a good corporate citizen and being
9 involved in our communities and state is
10 passionate, steadfast and can be counted on in the
11 future.

12 Before closing my comments, I would like to
13 address a fundamentally significant aspect of our
14 Hoosier Park undertaking. When legislation was
15 passed in 2007 enabling gaming at Indiana's
16 racetracks, facility owners and operators were
17 passed with a set of primary goals,
18 responsibilities and obligations deemed critically
19 important to the economic well-being and growth of
20 host communities as well as the State of Indiana.

21 They included enhancing horseracing, including
22 breeding and racing at Indiana's racetracks;
23 providing economic investment; Increasing revenues
24 paid to city, county and state government; creation
25 of jobs; expanding area tourism; and providing

1 property tax relief to Indiana citizens.

2 Centaur and Hoosier Park have already embarked
3 on the fulfillment of several of these
4 responsibilities. State government is in
5 possession of \$150 million, with another \$100
6 million payment due in late 2008. This total \$250
7 million will go directly toward Indiana property
8 tax relief.

9 Our development project, now nearing
10 completion, will provide over \$100 million in
11 economic investment, along with providing
12 construction and employment-related earnings to
13 Indiana citizens. Based on our projections during
14 the first five years of operation, Centaur and
15 Hoosier Park will provide over \$200 million in
16 purse money for the Indiana horse racing industry;
17 over \$400 million to the state government in direct
18 gaming taxes; \$40 million dollars to Madison
19 County, in which \$18 million will go directly to
20 the City of Anderson; over 500 new jobs for
21 primarily local residents. These new jobs along
22 with existing Hoosier Park employment, represent
23 what is expected to be above \$200 million over a
24 five-year period of employee earnings, including
25 wages, tips and benefits.

1 We project over 3 million visitors a year to
2 our Hoosier Park facility. This represents a vast
3 increase in regional tourism growth and
4 expenditures in our local community. The
5 aforementioned obligations and projections do not
6 include expected direct and indirect increases in
7 innkeeper taxes, sales and use taxes, property
8 taxes and state income taxes due to our operation.

9 On a short related note, another key aspect of
10 providing benefit to our community and state is to
11 meet or exceed all minority and women-owned
12 business enterprise goals. We pledge to
13 consistently reach these goals along with our
14 commitment to purchase from local and state vendors
15 whenever possible.

16 In closing, our vision with both a consistency
17 and commitment of purpose is to provide our
18 customers with a seamlessly integrated first-class
19 gaming, racing, dining and entertainment facility
20 offering outstanding products, services and
21 well-trained, friendly customer service oriented
22 employees; to operate our facility responsibly and
23 with integrity; to be outstanding corporate
24 citizens and community partners; to comply with all
25 applicable acts and rules associated with our

1 licensure; maximize economic benefits; and
2 enthusiastically fulfill the goals we have
3 established, the commitments we make, and
4 obligations we accept in our relationship and
5 partnership with our host community and the State
6 of Indiana.

7 We have provided you with complete details
8 concerning our financing, and it is my
9 understanding that Dr. Charlene Sullivan has
10 provided the Commission with her report on our
11 financial structure and that the Commission has a
12 basis to determine that it is adequate and
13 conforms to the requirements of IC 4-35.

14 On behalf of Rod Ratcliff and all of us at
15 Centaur and Hoosier Park, I respectfully request
16 the privilege of being granted, under Indiana Code
17 4-35, a license to conduct gambling games at our
18 Hoosier Park facility in Anderson, Indiana.

19 Thank you.

20 CHAIRMAN BARRETT: Thank you for that
21 presentation, Mr. Brown.

22 Before we hear from Mr. Sicuso, do any
23 Commission members have any questions for
24 Mr. Brown?

25 COMMISSIONER WALSH: What was your attendance

1 in '07? Do you expect three million people next
2 year?

3 MR. JIM BROWN: Yes.

4 COMMISSIONER WALSH: How many were there in
5 '07?

6 MR. JIM BROWN: I couldn't tell you a total
7 number. For a Standardbred meet, which is
8 approximately three months in the spring, we
9 average 8 to 900 per day. For the thoroughbred
10 meet in the fall, we average over 1,000 per day.
11 We expect daily counts in the neighborhood of 8,000
12 per day.

13 COMMISSIONER WALSH: What is high limit slots?

14 MR. JIM BROWN: High limit slots would be the
15 standard high limit area that are on all of the
16 Indiana riverboats.

17 COMMISSIONER WALSH: What does "high limit"
18 mean?

19 MR. JIM BROWN: We will have two \$100 games.

20 COMMISSIONER WALSH: Thank you.

21 MR. JIM BROWN: You're welcome.

22 CHAIRMAN BARRETT: Thank you, Mr. Brown.

23 Mr. Sicuso?

24 GENERAL COUNSEL SICUSO: Thank you, Mr. Chair.

25 Order 2008-25 deals directly with Hoosier

1 Park's application for gambling gaming license and
2 essentially does four things as it is proposed. The
3 first is to grant the gambling gaming license for
4 an initial license period of five years. The
5 second thing it does is approve the design, the
6 appearance, the esthetics and construction of the
7 proposed slot machine facility in Anderson. The
8 third thing it does is formally approve the
9 financing package that's been proposed for the
10 project. And the fourth thing is to waive any of
11 the technical requirements in the administrative
12 code that would otherwise require closing approval.

13 The grant of the gambling gaming license is
14 conditioned upon two things. The first is that
15 they did not commence the slot machine gambling
16 until the executive director authorizes them to do
17 so. The second condition is the standard
18 boilerplate we have in all of our orders, that they
19 substantially comply with all of the relevant state
20 laws and regulations.

21 The financing approval is conditioned on two
22 things. The first is quarterly financial reports
23 from the licensee related entities and a general
24 requirement that Hoosier Park will keep adequate
25 capitalization to maintain the facility during the

1 duration of the licensure period.

2 With that in mind, the staff does recommend
3 that you grant the gambling gaming license and
4 approve 2008-25.

5 CHAIRMAN BARRETT: Thank you, Mr. Sicuso.

6 Do the Commission Members have any questions
7 for Mr. Sicuso?

8 COMMISSIONER SWIHART: Are the financial
9 statements audited?

10 GENERAL COUNSEL SICUSO: No. I think in the
11 past what we've required when we do quarterly
12 reporting is the annual report needs to be audited,
13 but each quarter is nonaudited. We plan to work
14 with the staff to come up with an appropriate
15 deadline for each quarter. Probably 45 to 60 days
16 at the end of the quarter.

17 COMMISSIONER SWIHART: Thank you.

18 COMMISSIONER BARRETT: Any further questions?
19 If not, the Chair will call for a motion on Order
20 2008-25 concerning the application of Hoosier Park,
21 LLP, a wholly-owned subsidiary of Centaur, Inc.,
22 for a gambling license under IC 4-35.

23 COMMISSIONER SWIHART: Move to approve.

24 COMMISSIONER WALSH: I second that.

25 CHAIRMAN BARRETT: It's been moved and

1 seconded. All in favor? All opposed?

2 (COMMISSION MEMBERS VOTED AYE)

3 CHAIRMAN BARRETT: Unanimously approved.

4 Mr. Brown and everyone, congratulations. We
5 look forward to the investment in Indiana jobs and
6 Indiana future that your facility will provide.
7 Even though you will not have a vote, welcome
8 aboard.

9 Next, we will here from Indiana Live.

10 MR. HEMMERLE: Chairman Barrett, Commissioners,
11 Executive Director Yelton, Commission staff, my
12 name is Mark Hemmerle, general manager for Indiana
13 Live Casino. It is my pleasure to be here on
14 behalf of Indianapolis Downs, LLC. It is my
15 privilege and pleasure, because I've been away for
16 a couple of years.

17 When I was planning this, I realized none of
18 you were on the Commission when I was last before
19 the Commission in 2005. I was general counsel for
20 a number of years and then moved into operations in
21 '04 and '05 and continued that up in the Chicago
22 area. So it is my pleasure to be back before you
23 today.

24 With me today is Ross Mangano, Chairman of the
25 Indianapolis Downs, LLC. As you have known, you

1 completed your investigation on him and you know
2 him to be a man of integrity. We plan to pay the
3 fee early, which we did. He has a great reputation
4 and his leadership is what helped us identify the
5 Cordish Group to develop and manage the property.

6 With that, we were privileged to find Dennis
7 Gomes. Again, you are familiar with his
8 background. Dennis has been in the industry for
9 nearly 40 years, initially as an investigator both
10 in Nevada and New Jersey; and he is a very
11 successful operator for the Hilton Casinos in
12 Nevada, President of the Golden Nugget, President
13 of the Taj Mahal for Donald Trump, 10 years prior
14 to going with Cordish ran the Tropicana in Las
15 Vegas.

16 As you know, we have paid our \$150 million and
17 licensing fee. We have funding in place for the
18 next \$100 million due in November. As Ross and
19 Dennis presented to you in September of '07,
20 we are prepared to invest in what will be a
21 world-class state of the art facility.

22 Our facility will have over 230,000 square feet
23 of space. The gaming floor is set up to handle the
24 2,000 slot machines that we have allotted. We will
25 have a wonderful casino, and in a few moments we

1 will show you the 3-D presentation that we would
2 like to show you of what the casino will look like.

3 We have a number of restaurants. We have a
4 steakhouse, which is a high-end steakhouse. We're
5 going to have a NASCAR themed sports grill, which
6 will be not only set up to watch your favorite
7 sporting events on T.V. as well as racing, but set
8 up to have entertainment on the weekends, as well.
9 We also have what we are referring to as a live
10 market, a little different concept than your
11 traditional buffet, but something that will very
12 much complement not only our facility but the
13 region in general. We will also have entertainment
14 opportunities in our center bar, which is in the
15 center of the casino, as well as our rock bar,
16 which will be primarily a weekend entertainment
17 venue.

18 We anticipate that we will spend in excess of
19 \$170 million on this development. We will create
20 over 600 jobs and in payroll in excess of \$20
21 million in wages and benefits. We estimated in our
22 first full year of operation, we will contribute
23 more than \$110 million either directly through
24 gaming taxes or in the purses that are generated
25 from the 15 percent on the waiver.

1 Just in a few months we are also planning,
2 pending approval, to open a facility on an adjacent
3 parcel. That facility will have over 60,000 square
4 feet and hold all of the slots machines. We will
5 also have an excellent food and beverage product
6 there. But really, it will set the stage for the
7 level of service and level of diligence that you
8 see in the final construction.

9 With our application, we submitted our equal
10 employment business opportunity compliance plan,
11 where we outline our recruiting, training and
12 promotional opportunities. We are currently in
13 that recruiting phase and that's disclosed in our
14 biweekly report. We met with numerous individuals
15 and organizations in the Indianapolis and Shelby
16 County areas. We've participated in job fairs and
17 met with the Indianapolis Urban League and had a
18 job booth at Regional One, had a diversity employer
19 of the week with Radio One. We are currently
20 negotiating recruiting airtime on one of the
21 largest Hispanic radio stations here in Indiana.
22 And we have been successful at a management and
23 supervisory level to hire minorities to our staff.

24 The purchasing, likewise, is on track, and the
25 last report that we submitted to the Commission

1 staff we expended 9.2 million, which is
2 approximately 1.5 being spent with minority or
3 women-owned businesses in the area of surveillance
4 equipment, computer equipment and recruiting
5 efforts.

6 Our responsible gaming program is on track. We
7 have a plan internally to have, in case anyone
8 wants to volunteer, from our power operation they
9 will have that opportunity as well as enrollment in
10 the states program. You have received from the
11 staff our financial projections and information
12 that we have our funding in place not only to meet
13 the rest of the license and fee, but to develop and
14 complete the development of the project.

15 Go ahead and run the slide presentation.

16 This is what our permanent facility will look
17 like.

18 (Slide presentation being viewed at this time.)

19 So I hope that conveys to you the level of
20 detail and investment that we are making into this
21 project, but that is just bricks and mortar. The
22 statistics of how much our projections are going to
23 make and that kind of thing are just that, just
24 projections.

25 What I want to try and convey and figure out a

1 way to convey is what our philosophy will be. I
2 think that is as important, if not more important,
3 than the facts and figures and statistics before
4 you. Dennis and I have been working on our mission
5 statement. It's only five sentences, but I want to
6 read it to you because I think it conveys the
7 philosophy.

8 Indiana Live Casino recognizes that we have
9 obligations to our guests, our owners, the
10 administrative agency regulating our affairs, and
11 our employees. Our mission is to provide our
12 guests with a friendly and exciting and memorable
13 experience, where every employee provides the best
14 service to each guest and has fun while doing so.

15 Our mission it to professionally manage our
16 assets and provide a superior return to our owners.

17 Our mission is to operate our business with
18 knowledge and forethought in a compliant manner
19 consistent with the regulations of this
20 jurisdiction; and our mission is to assist every
21 employee in achieving their maximum potential as
22 individuals and within the organization while
23 obtaining an appropriate balance between work and
24 family.

25 I believe that. And that is the philosophy

1 with which we will operate. I want to convey that
2 to you because, again, it is just more than bricks
3 and mortar.

4 In closing, I believe through the various
5 investigations that you have done and review of the
6 individuals participating in this project, you will
7 recognize that those who directly or indirectly
8 control the operation have the requisite experience
9 and character and reputation to run this
10 organization, that our development exceeds \$100
11 million minimum, that the financial information
12 provided includes estimated revenues collected from
13 the state, as well as financing is in place to pay
14 the licensing fee and complete the operation. You
15 have seen our good faith action plan and understand
16 we are following it at this time. We fully intend
17 to comply with all of the rules and regulations
18 issued by the Gaming Commission.

19 We respectfully request that you grant a
20 license to Indianapolis Downs and ask you for five
21 years to operate the facility, to approve our
22 temporary casino, to approve the design appearance
23 and esthetics of the construction.

24 Myself, Ross and Dennis are available if you
25 have any questions. I would also like to point out

1 that both Phil and Jennifer have been extremely
2 helpful in this process and very responsive to our
3 issues and all of their staff. I appreciate their
4 efforts.

5 CHAIRMAN BARRETT: Thank you, Mr. Hemmerle.

6 Do the Commission members have any questions?
7 Okay, thank you. We will turn it over to
8 Mr. Sicuso then.

9 GENERAL COUNSEL SICUSO: Order 2008-26 is
10 substantially identical to 2008-25 except for two
11 changes. Because Indiana Live plans to use a
12 temporary facility, this order also authorizes the
13 conduct of gaming in the temporary facility as
14 required, as well as required by House Enrollment
15 Act 1835.

16 Second, because Indiana Live is going to be
17 utilizing a gaming operation manager, this order
18 addresses the requirement that Cordish Management,
19 LLC are another suitable operator be fully licensed
20 by the Gaming Commission as a supplier licensee no
21 later than September 30, 2008. Cordish have been
22 very compliant with regard to getting us
23 information and the licensure process has already
24 begun.

25 With that in mind, 2008-26 does do the exact

1 same things that 2008-25 does for Indiana Live; and
2 we recommend approval.

3 CHAIRMAN BARRETT: Thank you, Mr. Sicuso.

4 Do the Commission members have any questions
5 for the staff? If not, the Chair will call for a
6 motion on proposed Order 2008-26 concerning the
7 application of Indianapolis Downs, LLC for a
8 gambling gaming license under IC 4-35.

9 COMMISSIONER SWIHART: Move to approve.

10 COMMISSIONER SHY: I'll second.

11 CHAIRMAN BARRETT: All in favor? All opposed?

12 (COMMISSION MEMBERS VOTED AYE)

13 CHAIRMAN BARRETT: Approved unanimously.

14 I will echo the comments I made a few minutes
15 ago, we welcome you to the Indiana gaming industry.
16 We welcome you to Shelby County in the central
17 Indiana area. We look forward to your investment
18 there and continuing work. So to both groups,
19 again, welcome aboard. Good Luck. Thank you.

20 Disciplinary Actions. Ms. Gray, good
21 afternoon.

22 MS. GRAY: Good afternoon, Commissioners.

23 You have before you seven settlement agreements
24 concerning disciplinary actions. The first
25 settlement is with Argosy Casino, Order 2008-27,

1 wherein Argosy violated the rule to inspect decks
2 of cards prior to opening the table games.

3 Argosy has agreed to a monetary settlement of
4 \$5,000 in lieu of a disciplinary action. The
5 Commission staff recommends approval of this
6 settlement agreement.

7 CHAIRMAN BARRETT: Thank you, Ms. Gray.

8 Do the Commission Members have any questions as
9 to the Argosy proposed settlement? If not, the
10 Chair will call for an order to approve or
11 disapprove the settlement proffered in 08-AR-01.

12 COMMISSIONER WALSH: How was he able to find
13 that, that there were six missing?

14 MS. GRAY: At the end of the day they are
15 supposed to count the cards.

16 COMMISSIONER WALSH: Oh, got ya. No further
17 questions.

18 COMMISSIONER SWIHART: Move to approve.

19 COMMISSIONER WALSH: Second.

20 CHAIRMAN BARRETT: Moved and seconded to
21 approve. All in favor? All opposed?

22 (COMMISSION MEMBERS VOTED AYE)

23 CHAIRMAN BARRETT: Order 2008-27 is approved.
24 Now, as to Belterra.

25 MS. GRAY: The second order is Order 2008-28,

1 which is a settlement agreement with Belterra. It
2 includes three counts. In the first count, the
3 slot machine was placed in service before passing a
4 coin test. In the second count, a vendor did not
5 have a security escort. The third count violated
6 the rules requiring a list of authorized employees
7 who have access to sensitive keys and their log key
8 maintained documenting access to the key. Belterra
9 agreed to a total monetary settlement of \$12,500 in
10 lieu of disciplinary action. The Commission staff
11 recommends you approve the settlement agreement.

12 CHAIRMAN BARRETT: Thank you.

13 Do the Commission Members have any questions?
14 If not, the Chair will call for a motion as to
15 number 08-BT-01.

16 COMMISSIONER SWIHART: Move to except.

17 COMMISSIONER WALSH: Second.

18 CHAIRMAN BARRETT: Moved and seconded. All in
19 favor? All opposed?

20 (COMMISSION MEMBERS VOTED AYE).

21 CHAIRMAN BARRETT: Proposed Order 2008-28 is
22 approved.

23 Then as to Blue Chip.

24 MS. GRAY: Order 2008-29 is a settlement
25 agreement with Blue Chip and includes five counts.

1 The first count violated the rule requiring casinos
2 to report any apparent criminal activity. In the
3 second count, the casino violated the rule
4 regarding progressive controllers to have two
5 slots. And the third count, the sensitive key rule
6 was violated. In the fourth count, the e-drop
7 boxes were not properly transported or secured. In
8 the fifth count, all of the boxes in the count room
9 were not properly counted.

10 Blue Chip has agreed to a monetary settlement
11 total of \$25,000 in lieu of disciplinary actions.
12 The Commission staff recommends you approve the
13 settlement agreement.

14 CHAIRMAN BARRETT: Do the Commission Members
15 have any questions? If not, I will call for a
16 motion to approve or disapprove the settlement in
17 08-BC-01.

18 COMMISSIONER SWIHART: Move to approve.

19 COMMISSIONER SHY: Second.

20 CHAIRMAN BARRETT: Moved and seconded. All in
21 favor? All opposed?

22 (COMMISSION MEMBERS VOTED AYE)

23 CHAIRMAN BARRETT: Approved unanimously.

24 MS. GRAY: Order 2008-31 is a settlement
25 agreement with French Lick, it includes two counts.

1 The first count violated the rules for progressive
2 slot machines when it discovered that one of
3 machines was set incorrectly. The second count is
4 a procedure for collecting and counting tip boxes
5 was violated.

6 French Lick has agreed to a monetary of \$10,000
7 in lieu of disciplinary action. The Commission
8 staff recommends you approve the settlement
9 agreement.

10 CHAIRMAN BARRETT: Do the Commission Members
11 have any questions of Ms. Gray as to the French
12 Lick matter? If not, I will call for a motion to
13 approve or disapprove the settlement in 08-FL-01.

14 COMMISSIONER SWIHART: Move to approve.

15 COMMISSIONER WALSH: I'll second that.

16 CHAIRMAN BARRETT: Moved and seconded. All in
17 favor? All opposed?

18 (COMMISSION MEMBERS VOTED AYE).

19 CHAIRMAN BARRETT: Approved unanimously. So
20 2008-31 approves the settlement in 08-FL-01.

21 Now, as to Grand Victoria.

22 MS. GRAY: Grand Victoria, Order 2008-32. The
23 settlement agreement with Grand Victoria involving
24 three counts. The first count violated the rule
25 requiring the log for all repairs and adjustments

1 made to be signed by the person making the
2 adjustment or the repair to the roulette wheel.

3 In the second count, the casino violated the
4 rule to continuously report in an area of the
5 casino.

6 The third count violated the rule requiring
7 surveillance to be able to view the table games
8 cards with sufficient clarity to determine values.

9 Grand Victoria has agreed to a total monetary
10 settlement of \$16,000 in lieu of disciplinary
11 action. The Commission staff recommends approval
12 of this settlement agreement.

13 CHAIRMAN BARRETT: Thank you.

14 Any questions regarding Grand Victoria? If
15 not, the Chair will call for a motion to approve or
16 disapprove the proposed settlement in 08-GV-01.

17 COMMISSIONER SWIHART: Move to approve.

18 COMMISSIONER WALSH: Second.

19 CHAIRMAN BARRETT: Moved and seconded. All in
20 favor? All opposed?

21 (COMMISSION MEMBERS VOTED AYE).

22 CHAIRMAN BARRETT: Order 2008-32 approving that
23 proposed settlement is granted.

24 As to Horseshoe.

25 MS. GRAY: Order 2008-33 is a settlement

1 agreement with Horseshoe wherein the casino
2 violated the rule requiring all roulette wheels to
3 be locked and secured.

4 Horseshoe has agreed to a monetary settlement
5 of \$2,500 in lieu of disciplinary action. The
6 Commission staff recommends approval of the
7 settlement agreement.

8 CHAIRMAN BARRETT: Thank you.

9 Any questions? Then the chair will call for
10 a motion to approve or disapprove the proffered
11 settlement in 08-HH-01.

12 COMMISSIONER SWIHART: Move to approve.

13 COMMISSIONER WALSH: Second.

14 CHAIRMAN BARRETT: Moved and seconded. All in
15 favor? All opposed?

16 (COMMISSION MEMBERS VOTED AYE)

17 CHAIRMAN BARRETT: 2008-33 is granted approving
18 that settlement.

19 And finally, as to Majestic Star.

20 MS. GRAY: Order 2008-34 is a settlement
21 agreement with Majestic Star with the VEP was paid
22 a jackpot. Majestic Star agreed to pay a total
23 monetary settlement of \$16,200 in lieu of
24 disciplinary action. The Commission staff
25 recommends you approve the settlement agreement.

1 CHAIRMAN BARRETT: I have a question. How did
2 you get the odd amount, \$16,200 as opposed to \$16
3 or \$16,500. How did you get \$16,200?

4 MS. GRAY: We normally include the amount they
5 pay for the VEP and the jackpot.

6 CHAIRMAN BARRETT: Any other questions? If
7 not, I will call for a motion to approve or
8 disapprove the settlement in 08-MS-01.

9 COMMISSIONER WALSH: Move to approve.

10 COMMISSIONER FINE: Second.

11 CHAIRMAN BARRETT: All in favor?

12 (COMMISSION MEMBERS MOVED AYE)

13 CHAIRMAN BARRETT: Then Order 2008-34 approving
14 that settlement is granted. Thank you, Ms. Gray.
15 Rulemaking. Charity Gaming, Ms. Ellingwood.

16 LEA ELLINGWOOD: Good afternoon.

17 You have now before you Resolution 2008-38,
18 regarding the conduct of charity gaming. In 2007,
19 the Commission adopted administrative rules
20 regarding conduct of charity gaming, and those
21 rules went into effect June 30th of last year.
22 During the course of the rulemaking process,
23 however, the legislature met and enacted House
24 Enrollment Act 1510. House Enrollment Act 1510
25 made numerous changes to the charity gaming

1 statute. Those changes went into effect July 1st
2 of last year. Some of those changes conflicted
3 with the administrative rules and had become
4 effective only days before. The rule before you
5 eliminates those conflicts and updates the rules to
6 reflect the changes made in House Enroll Act 1510.
7 The proposed rule also creates a new reliable
8 event, sets deadlines for submission of application
9 and publication notices, and changes the financial
10 form reporting schedule.

11 The rules have been submitted to the Indiana
12 Economic Development Corporation, and the
13 Commission held a public hearing on March 19th to
14 receive public comments on the rules. The
15 Commission staff respectfully requests the
16 Commission to approve the resolution adopting the
17 final rule. The rule will be submitted to the
18 Attorney General's office for approval. And new
19 rules will become effective in 30 days after the
20 governor's office approves it and submits it to the
21 publisher.

22 Just as a side note, the final version is being
23 approved, it has nonsubstantive formatting changes
24 made to it, so the version that you are going to
25 end up passing is slightly different from the one

1 previously submitted to you.

2 CHAIRMAN BARRETT: But only in formatting, not
3 in any substance?

4 LEA ELLINGWOOD: Only in formatting.

5 CHAIRMAN BARRETT: Commissioners, you have all
6 had the proposed final rules in your packet. Does
7 anyone have any questions? If not, the Chair will
8 call for a motion on proposed Resolution 2008-38,
9 adopting the final charity gaming rules.

10 COMMISSIONER SWIHART: Move to adopt the final
11 charity gaming rules.

12 COMMISSIONER WALSH: Second.

13 CHAIRMAN BARRETT: Moved and seconded to adopt
14 the rules as drafted. All in favor? All opposed?

15 (COMMISSION MEMBERS VOTED AYE)

16 CHAIRMAN BARRETT: Approved unanimously.

17 Now, the emergency rules as to turnstiles and
18 admission taxes. Deputy Director Arnold.

19 DEPUTY DIRECTOR ARNOLD: Thank you,
20 Mr. Chairman. Good afternoon, Commissioners.
21 As you know, the statute requires riverboats to pay
22 \$3 and French Lick to pay \$4 for each person
23 entering a casino. Due to improvements and
24 technology, IGA staff is proposing emergency rules
25 that requires licensees to install patron counting

1 systems that has a verified accuracy rate of 97
2 percent. The deadline for installation of these
3 new systems would be July 1st.

4 Resolution 2008-39 before you today adopts this
5 emergency rule, and staff respectfully requests its
6 approval.

7 CHAIRMAN BARRETT: Do the Commissioners have
8 any questions of Ms. Arnold?

9 COMMISSIONER SHY: I have a question.

10 CHAIRMAN BARRETT: Yes.

11 COMMISSIONER SHY: Do we know what the cost is
12 to install?

13 DEPUTY DIRECTOR ARNOLD: We do know from one
14 vendor. We think it's around \$20,000 for a
15 standard system.

16 CHAIRMAN BARRETT: Any further questions? If
17 not, the Chair will call for a motion to approve or
18 disapprove the proposed Resolution 2008-39
19 regarding patron counting systems, the emergency
20 rule.

21 MR. SWIHART: Move to approve.

22 MS. SHY: Second.

23 CHAIRMAN BARRETT: It's been moved and
24 seconded. All in favor? All opposed?

25 (COMMISSION MEMBERS VOTED AYE)

1 CHAIRMAN BARRETT: Thank you.

2 Mr. Reder-Yera, as to the junketeers.

3 MR. REDER-YERA: Good afternoon.

4 CHAIRMAN BARRETT: Good afternoon.

5 MR. REDER-YERA: Resolution 2008-40,
6 junketeers. Current administrative rules require
7 junketeers to hold a supplier's license. This
8 process in Indiana is more cumbersome and expensive
9 which, in effect, discourages junketeers from
10 holding an Indiana supplier's license. Junketeers
11 are a useful part of the casino marketing and
12 ability to bring in out-of-state high-net-worth
13 junketeers to Indiana. The proposed junketeer rule
14 addresses this issue by creating a simple junketeer
15 registration system and modest registration fee
16 while maintaining suitability that would not
17 compromise the integrity of gaming.

18 We respectfully ask you to pass this Resolution
19 regarding the emergency rule regarding junketeers
20 registration.

21 CHAIRMAN BARRETT: Perhaps you can tell us the
22 exact business that a junketeer engages in.

23 MR. REDER-YERA: Sure. A junketeer is an
24 individual who has contacts with high-net-worth
25 individuals. They would bring in these individuals

1 to the Indiana casinos to essentially gamble and
2 spend money here in our state.

3 CHAIRMAN BARRETT: Does anyone else have any
4 questions?

5 COMMISSIONER WALSH: This is the first I have
6 heard of this one, so I'm intrigued by it. How
7 many people do this in the State of Indiana?

8 MR. REDER-YERA: None right now.

9 COMMISSIONER WALSH: None formally.

10 MR. REDER-YERA: Exactly, formally. We
11 currently require them to have a supplier's license
12 and other jurisdictions make their registration
13 process simple. So we are trying to follow suit
14 with other jurisdictions so they will come here and
15 spend money instead of other states.

16 COMMISSIONER SHY: Do we have an anticipated
17 number that we would get?

18 MR. REDER-YERA: No, but there are some figures
19 that estimate that we lose approximately \$3 million
20 annually to other states.

21 COMMISSIONER WALSH: So they will register with
22 the Gaming Commission and they get compensated by
23 the casinos; is that it?

24 MR. REDER-YERA: Yes.

25 CHAIRMAN BARRETT: Does anyone else have any

1 questions? If not, the Chair will call for a
2 motion whether to approve or deny proposed
3 Resolution 2008-40 regarding junketeers.

4 COMMISSIONER SWIHART: Approved.

5 COMMISSIONER SHY: I will second.

6 CHAIRMAN BARRETT: It's been moved and
7 seconded. All in favor?

8 (COMMISSION MEMBERS VOTED AYE)

9 CHAIRMAN BARRETT: Approved unanimously.

10 And Mr. Sicuso, regarding slot machines and
11 table games.

12 GENERAL COUNSEL SICUSO: Yes, Mr. Chair.
13 Resolution 2008-41, authorizes the passage of the
14 current administrative rules defining the term
15 "slot machines." As it currently exists in the
16 administrative code, slot machines are defined
17 broadly as "a type of electronic gaming device."
18 With the advent of limit gaming at the casinos in
19 Indiana and what seems to be a constant onslaught
20 of changing technology in the arena of electronic
21 gaming games and electronic gaming devices in
22 general, the staff feels like it's time to put
23 specific parameters on what it means to be a slot
24 machine. This proposed regulation does that and it
25 also provides predictability for the industry, for

1 the Commission to apply regulations with more
2 uniformly.

3 We recommend approval of 2008-41 to authorize
4 the passage of this emergency rule.

5 CHAIRMAN BARRETT: Thank you.

6 Any questions for Mr. Sicuso or the staff? If
7 not, I will call for a motion whether to approve or
8 deny proposed Resolution 2008-41, emergency rule
9 regarding the definition of a slot machine.

10 COMMISSIONER SWIHART: Move to approve.

11 COMMISSIONER WALSH: I will second that.

12 CHAIRMAN BARRETT: Moved and seconded. All in
13 favor? All opposed?

14 (COMMISSION MEMBERS VOTED AYE)

15 CHAIRMAN BARRETT: Approved unanimously.

16 Ladies and gentlemen, we are going to take a
17 10-minute break before we proceed. Thank you.

18 (AT THIS TIME THERE WAS A BRIEF RECESS TAKEN,
19 AFTER WHICH THE FOLLOWING PROCEEDINGS WERE HAD:)

20 CHAIRMAN BARRETT: All right. We are back on
21 the record from our recess. We are now to renewals
22 of casino licenses. Mr. Packer.

23 ADAM PACKER: Thank you, Mr. Chairman. The
24 first order on casino renewal business is 2008-35
25 regarding Indiana Gaming Company, LP. As you know,

1 that is the parent company of Argosy Casino.

2 This is a request for their yearly renewal.
3 And in Argosy's case there is substantial
4 compliance with the statute and the Commission
5 regulations and there are no pending matters that
6 would put their suitability at risk. So we would
7 respectfully request that you renew the riverboat
8 owner's license for Indiana Gaming Company for a
9 period of one year.

10 CHAIRMAN BARRETT: Thank you, Mr. Packer.

11 Do the Commission members have any questions
12 for the staff regarding the renewal? If not, the
13 Chair will call for a motion on proposed Order
14 2008-35.

15 COMMISSIONER SWIHART: Move to approve the
16 renewal.

17 COMMISSIONER SHY: Second.

18 CHAIRMAN BARRETT: Moved and seconded to
19 approve the renewal of the riverboat owner's
20 license for Indiana Gaming Company, LP. All in
21 favor? All opposed?

22 (COMMISSION MEMBERS VOTED AYE)

23 CHAIRMAN BARRETT: Thank you.

24 Mr. Packer.

25 ADAM PACKER: As to Caesars, this is Order

1 2008-36. Caesar's Riverboat Casino, LLC, a parent
2 company of the Caesar's facility in Harrison
3 County. There are no pending issues that would put
4 their suitability at risk. There is substantial
5 compliance with the statute and with the Commission
6 regulations.

7 The Commission staff respectfully requests a
8 one year renewal for Caesar's Riverboat Casino,
9 LLC.

10 CHAIRMAN BARRETT: Do the members have any
11 questions for Mr. Packer? If not, I will call for
12 a motion for proposed Order 2008-36.

13 COMMISSIONER SWIHART: Move to approve.

14 COMMISSIONER WALSH: I'll second that.

15 CHAIRMAN BARRETT: Moved and seconded. All in
16 favor? All opposed?

17 (COMMISSION MEMBERS VOTED AYE)

18 CHAIRMAN BARRETT: Approved unanimously. Thank
19 you.

20 Now as to Aztar.

21 ADAM PACKER: Aztar, I'm going to yield the
22 floor to General Counsel Sicuso.

23 GENERAL COUNSEL SICUSO: I would yield to
24 Executive Director Yelton.

25 EXECUTIVE DIRECTOR YELTON: Mr. Chairman and

1 Ladies and Gentlemen of the Commission. The
2 remaining agenda item is the renewal of Aztar
3 Indiana Gaming Company, LLC's license in
4 Evansville, Indiana. I'm pleased to announce that
5 the licensee and your staff have reached an
6 agreement on this issue, and we are submitting it
7 to you this afternoon for your consideration.
8 William Yung has executed a durable
9 power-of-attorney for the designation and
10 appointment of an attorney-in-fact for the purposes
11 of conducting gambling operations and related
12 activities at Aztar Evansville.

13 In essence, this power-of-attorney substitutes
14 the attorney-in-fact as a de facto licensee while
15 Aztar completes its divestiture of the license and
16 the property in Evansville. The agreed nominee for
17 the attorney-in-fact is Robert T. Dingman, whose
18 impressive resume was submitted to you previously.
19 I will ask Mr. Dingman to please stand and be
20 recognized. Thank you.

21 Following his successful tour of duty, he was a
22 captain with the United States Air Force. He
23 dedicated over 25 years in various positions in the
24 gaming industry. He began as a senior auditor at
25 the Laventhol and Horwath Las Vegas office and

1 concluded his career as a senior vice president and
2 general manager for Harrah's at its casino and
3 hotel in San Diego, California. He oversaw the
4 construction, hiring of personnel and opening of
5 Harrah's casinos in San Diego, New Orleans,
6 Auckland, New Zealand, Vicksburg and the Las Vegas
7 Hard Rock as well. Mr. Dingman will independently
8 have control over riverboat gambling operations
9 until you would execute an order terminating his
10 responsibilities.

11 And we have had a development as of this
12 morning that I can announce. Tropicana, which is
13 now the ultimate parent of Aztar in Evansville, has
14 signed a definitive agreement to sale Aztar
15 Evansville to Eldarodo. Eldarodo is a gaming
16 entity that has been in Nevada since the 1970s, and
17 also has property in Louisiana. It is our belief
18 that the licensee process for the transfer will be
19 completed, barring anything unforeseen, by your
20 June meeting.

21 At that time, if the transfer is acted on
22 favorably by the Commission, and you approve this
23 proposition today, we would recommend that
24 Mr. Dingman's tenure as an attorney-in-fact be
25 simultaneously discontinued as well.

1 In the very, very unlikely event that the
2 closing of the Aztar property cannot be
3 accomplished within 180 days of execution of this
4 agreement, then the attorney-in-fact would take
5 over not only the operations in Evansville, but
6 also the process and the ability to market and sale
7 the property.

8 The terms of the power-of-attorney have been
9 provided to you in advance of this afternoon's
10 meeting. Should you accept this concept, it will
11 not be necessary for you to take any action on the
12 renewal of Aztar Indiana Gaming's license. The
13 authority to conduct gambling operations would
14 automatically vest with the attorney-in-fact.

15 After consideration of all of the issues
16 involved here, it is your staff's firm belief that
17 approval of this power-of-attorney and Mr. Dingman
18 as attorney-in-fact is clearly in the best interest
19 of the State of Indiana, in general, and the
20 citizens of Vanderburgh County specifically. We
21 would respectfully request that you approve this
22 agreement and appointment and acceptance of the
23 power-of-attorney and appointment of the
24 attorney-in-fact.

25 The agreement, as I indicated, has been

1 executed. There is one minor side issue of more
2 defining the term of indemnification for Mr.
3 Dingman. Both parties have agreed that they will
4 in good faith conclude that with a side agreement.
5 And it's to both of their satisfactions that this
6 be presented to you in this fashion.

7 I will be happy to answer any questions if
8 there are any.

9 CHAIRMAN BARRETT: Thank you, Executive
10 Director Yelton.

11 Just to clarify for my fellow members, the
12 draft we saw earlier had not been fully executed.
13 The original has now been executed by all parties.

14 So any questions for Executive Director Yelton
15 or the staff? Hearing none, the Chair will call
16 for a motion on Order 2008-37.

17 COMMISSIONER SWIHART: Move to approve.

18 COMMISSIONER WALSH: I will second it.

19 CHAIRMAN BARRETT: It's been moved and seconded
20 to approve Order 2008-37. All in favor? All
21 opposed?

22 (COMMISSION MEMBERS VOTED AYE)

23 CHAIRMAN BARRETT: Approved unanimously.

24 I want to personally thank Executive Director
25 Yelton and the staff for the many hours of work

1 that they have spent on this topic and this process
2 for a number of months but, particularly, the last
3 several weeks. This resolution is the one that is
4 best for the citizens of the state and we thank you
5 for your efforts.

6 EXECUTIVE DIRECTOR YELTON: You're welcome.

7 And just as a follow-up now that this has been
8 approved. Mr. Sicuso, Ms. Arnold and I will
9 accompany Mr. Dingman to Evansville tomorrow
10 morning, where he will be conducting a meeting with
11 the executive staff at Aztar. And then following
12 an exhaustive tour of the property, he will be
13 having a media availability event at 4:00 down at
14 Evansville to reassure the citizens there that the
15 operations will be seamless, they will continue and
16 those people who are gainfully employed at the
17 casino will not fear for their jobs or positions.

18 CHAIRMAN BARRETT: And to insure there is no
19 ambiguity, Commissioner Swihart and I have executed
20 the power-of-attorney.

21 EXECUTIVE DIRECTOR YELTON: Thank you very
22 much.

23 CHAIRMAN BARRETT: All right. That concludes
24 today's business. Our next meeting will be in late
25 June. We expect that we may be visiting the Ohio

1 River licensees. Keep your eyes on the Web site
2 for further details. Thank you for attending. We
3 are adjourned.

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5 (INDIANA GAMING COMMISSION MEETING ADJOURNED)

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