

INDIANA GAMING COMMISSION BUSINESS MEETING

November 12, 2009
Indiana State Library
Indianapolis, Indiana

Call to Order and Roll Call:

Chairman Timothy Murphy called the meeting to order at approximately 1:00 p.m. local time. A quorum was present.

Present:

Commission Members: Tim Murphy, Chairman, Marc Fine, secretary, Tom Swihart, Robert Morgan, Mary Shy and Sue Shields. Commission Staff: Ernest E. Yelton, Phil Sicuso, Jennifer Reske, Chris Gray, Matt Shouse, Adam Packer, Lea Ellingwood, Kesha Rich, Garth Brown, Albert Hidalgo, Jeff Neuenschwander, Julian Agnew, Larry Rollins, Larry Delaney, Tami Timberman-Wright, and members of the public.

Approval of the Minutes:

Upon motion by Tom Swihart, second by Marc Fine, approval of Commissioners Shy and Morgan, with Commissioner Shields abstaining, the Commissioners approved the proposed minutes of the September 17, 2009, business meeting.

Report of the Executive Director:

The Executive Director gave the following staff report: Executive Director Yelton introduced the newest Commissioner, the Honorable V. Sue Shields. Albert Hidalgo, Jr. was hired as the newest Director of Financial Investigations. Administrative Law Judge Mary Lee Comer had to resign upon becoming a senior Judge. She has been replaced by Michael D. Cook.

The latest reinvestigation of a supplier's license was of Global Surveillance Associates, Inc.

Since the September meeting, nine individuals have been placed on the Exclusion List, which permanently bars patrons from entering any casino or gambling game facility located at a racetrack in Indiana. Scotty Nguyen was observed pinching his bets playing poker at Hollywood casino. He was confronted by IGC Agents, admitted his actions and the money was returned to the proper patrons. Dipesh Patel was arrested at Hollywood Casino while in possession of and after redeeming counterfeit gaming chips at the casino cage. He was charged with Forgery, Class C Felony, and Possession of Counterfeit Gaming Chips, D felony. It is still pending in Dearborn Superior Court. Grace Knopp was observed stealing \$500 from a Keno register while employed as a Poker Room Supervisor at Horseshoe Southern Indiana. She was charged with

Theft, Class D Felony, and terminated. The case is still pending. Jahid Kasim was observed past-posting his bets while playing roulette at Blue Chip Casino. There is currently a warrant for his arrest in LaPorte County for Cheating at a Gambling Game, a Class D Felony. Katina Mills created a false jackpot worth \$1027 while employed as an Assistant Slot Shift Manager and took unlawful possession of the money. After being interviewed by IGC agents, she admitted her actions, returned all the funds to the casino and was terminated by Blue Chip. Maurice Pryor was observed taking unlawful possession of a TITO ticket worth \$400 from another patron while at Horseshoe Hammond Casino. He was charged with Conversion, a Class A Misdemeanor, which is pending in the Hammond City Court. Ray Moore and Teresa Bownes were observed taking unlawful possession of \$600 from another patron while at Blue Chip Casino in Michigan City. There is currently a warrant out for both parties. Verdail Odom was observed on 9 occasions past-posting his bets while playing Blackjack at Majestic Star Casino. He admitted his actions and there is a warrant for his arrest for Cheating at a Gambling Game, a D Felony.

Waiver of Rules and Regulations:

Horseshoe Hammond was granted a waiver allowing employees of a massage service providing massages in the Poker Room to accept chips for payment of services. As Occupational Licensees the employees of the massage service are required to redeem their chips in accordance with existing rules.

Horseshoe Southern Indiana request was approved to allow that some of the dice specifications not be applied to the dice used in Pai Gow Poker.

Horseshoe Hammond and Horseshoe Southern Indiana were granted a waiver allowing third party lottery checks to be cashed only on days of the marketing event.

Old Business:

There was no old business.

New Business:

Voluntary Exclusion Program:

**Orders Concerning
The Voluntary Exclusion Program**

Order 2009-168

Order 2009-169

Order 2009-170

Order 2009-171

Order 2009-172

Order 2009-173

Order 2009-174

Order 2009-175

Order 2009-176
Order 2009-177
Order 2009-178
Order 2009-179
Order 2009-180
Order 2009-181
Order 2009-182
Order 2009-183
Order 2009-184
Order 2009-185
Order 2009-186
Order 2009-187

Order 2009-168 approved the remittance of winnings by VEP participant John Doe #84 in the amount of \$3,000 as a fine. Ameristar withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-169 approved the remittance of winnings by VEP participant John Doe #85 in the amount of \$433.25 as a fine. Ameristar withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-170 approved the remittance of winnings by VEP participant John Doe #86 in the amount of \$125 as a fine. Ameristar withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-171 approved the remittance of winnings by VEP participant John Doe #87 in the amount of \$75 a fine. Ameristar withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-172 approved the remittance of winnings by VEP participant John Doe #88 in the amount of \$2,000 as a fine. Belterra withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-173 approved the remittance of winnings by VEP participant John Doe #89 in the amount of \$557.50 as a fine. Blue Chip withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-174 approved the remittance of winnings by VEP participant John Doe #90 in the amount of \$76.07 as a fine. Hollywood Casino withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-175 approved the remittance of winnings by VEP participant John Doe #91 in the amount of \$60 as a fine. Hollywood Casino withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-176 approved the remittance of winnings by VEP participant John Doe #92 the amount of \$83.50 as a fine. Hollywood Casino withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-177 approved the remittance of winnings by VEP participant John Doe #93 in the amount of \$150.05 as a fine. Hollywood Casino withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-178 approved the remittance of winnings by VEP participant John Doe #94 in the amount of \$140 as a fine. Hollywood Casino withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-179 approved the remittance of winnings by VEP participant John Doe #95 in the amount of \$17 as a fine. Hollywood Casino withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-180 approved the remittance of winnings by VEP participant John Doe #96 in the amount of \$200 as a fine. Horseshoe Casino withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-181 approved the remittance of winnings by VEP participant John Doe #97 in the amount of \$532.50 as a fine. Horseshoe Casino withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-182 approved the remittance of winnings by VEP participant John Doe #98 in the amount of \$23 as a fine. Indiana Live withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-183 approved the remittance of winnings by VEP participant John Doe #99 in the amount of \$1,355 as a fine. Indiana Live withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-184 approved the remittance of winnings by VEP participant John Doe #100 in the amount of \$32.79 as a fine. Indiana Live withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-185 approved the remittance of winnings by VEP participant John Doe #101 in the amount of \$1,647 as a fine. Majestic Star Indiana withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-186 approved the remittance of winnings by VEP participant John Doe #102 in the amount of \$1,600 as a fine. Majestic Star withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Order 2009-187 approved the remittance of winnings by VEP participant John Doe #103 in the amount of \$92 as a fine. Majestic Star withheld the winnings as required by Commission regulations and will remit the fine on behalf of the patron.

Action: Upon Motion by Mary Shy, second by Tom Swihart, and unanimous vote of those present, the Commission approved Orders 2009-168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186 & 187 as recommended by Commission staff.

Occupational License

Order 2009-188

Re: Troy Ashley, License No. CA 7995-L3.

Action: Upon Motion by Tom Swihart, second by mark Fine, and unanimous vote of those present, the Commission approves Order 2009-188 to revoke Troy Ashley's Occupational License as recommended by Commission staff.

Order 2009-189

An Order Denying Shannon South's Application For Occupational License.

Action: Upon Motion by Tom Swihart, second by Mary Shy, and unanimous vote of those present, the Commission approves Order 2009-189, denying the occupational license application of Shannon South.

Order 2009-190

Approving the Settlement Agreement Re: Mary Shick.

Action: Upon Motion by Tom Swihart, second by Mary Shy, and unanimous vote of those present, the Commission moved to table 2009-190 until a future meeting.

Supplier Licenses

Order 2009-191

Gaming Partners International USA, Inc. 09-SM-01. On June 4, 2009, a Gaming Agent was contacted by Argosy Casino's Table Games Maintenance Supervisor regarding an unannounced shipment of six Let It Ride table tops from Shuffle Master. The games were not due to arrive until June 10, 2009. Upon approval of the Commission, Shuffle Master agrees to remit payment in the amount of \$1,500 and shall waive all rights to further administrative or judicial review.

Action: Upon Motion by Tom Swihart, second by Mary Shy, and unanimous vote of those present, the Commission approved the proposed terms of the Settlement Agreement.

Order 2009-192

Order of the Indiana Gaming Concerning the Renewal of Supplier's Licenses.

Action: Upon Motion by Mary Shy, second by Marc Fine, and unanimous vote of those present, the Commission approves the supplier's licenses for: Glory USA, Inc.; Global Surveillance Associates; Aristocrat Technologies, and; Paltronics, Inc.

Financial Matters

Order 2009-193

Approval of the Debt Sale Proposed by Boyd Gaming Corporation.

Action: Upon Motion by Tom Swihart, second by Robert Morgan, and unanimous vote of those present, the Commission approves Boyd's debt request.

Order 2009-194

Ratifying the Previously Awarded Interim Waiver and Approval of the Debt Sale Proposed by Grand Victoria Casino and Resort, L.P. This is an Order ratifying an Interim waiver in Resolution 2008-74.

Action: Upon Motion by Tom Swihart, second by Robert Morgan, and unanimous vote of those present, the Commission ratifies the Executive Director's October 1, 2009, interim approval and waiver.

Order 2009-196

Ratifying the Previously Awarded Interim Waiver and Approval of Debt Transactions Proposed by Harrah's Operating Company, Inc.

Action: Upon Motion by Tom Swihart, second by Mary Shy, and unanimous vote of those present, the Commission ratifies the Executive Director's October 14, 2009, interim approval and waiver.

MBE/WBE

Statute requires the Commission to establish annual goals for casino licensees for the use of minority and women's business enterprises. A disparity study was conducted in 2007 and Resolution 2007-57 was adopted setting a goal of 10.9% for WBE construction expenditures. In March of 2009 Commission staff determined that five of the 13 casinos failed to meet the 2008 established goal of 14% for MBE qualified purchases 10.92% for WBE qualified purchases. The casinos failing to reach the goal were: French Lick, Horseshoe Hammond, Horseshoe Southern

Indiana, Indiana Live, and Casino Aztar. Although the casinos did not attain the WBE construction spending goal established by the Commission, staff reported a finding of good faith effort for Indy Live, Horseshoe Southern Indiana and Horseshoe Hammond and recommended no action. French Lick advised of its efforts to make up for its shortfall in 2008 and staff requested the opportunity to review the final 2009 numbers before making a recommendation. Aztar failed to meet the goal and staff did not find that the licensee made good faith effort to attain the goal. Staff recommended Casino Aztar present the Commission with a corrective action plan outlining its proposal for rectifying this matter. Chairman Murphy requested the plan be submitted prior to the next Commission meeting. Kiamesha-Sylvia Colom and Greg Taylor spoke during and after this presentation.

Riverboat Owners License Renewals

Order 2009-197

An Order of the Indiana Gaming Commission Renewing the Riverboat Owner's License of Belterra Resort Indiana, LLC.

Action: Upon Motion by Mary Shy, second by Marc Fine, and unanimous vote of those present, the Commission renewed the Riverboat Owner's License of Belterra Resort Indiana, LLC., through October 22, 2010.

Order 2009-198

Order of the Indiana Gaming Renewing the Riverboat Owner's License of Caesars Riverboat Casino, LLC.

Action: Upon Motion by Mary Shy, second by Marc Fine, and unanimous vote of those present, the Commission renewed the Riverboat Owner's License of Caesars Riverboat Casino, LLC., through November 15, 2010.

Disciplinary Actions:

Settlement Agreement of Blue Chip Casino, LLC 09-BC-04 Order 2009-199

A settlement agreement was reached regarding Ct. 1: a table fill was handled incorrectly, and Ct. 2: the casino failed to investigate a variance reported on the validator flash report. Commission staff recommended and Blue Chip Casino agreed to pay a total fine in the amount of \$6,500.

Action: Upon Motion by Robert Morgan, second by Mary Shy, and unanimous vote of those present, the Commission approved the proposed terms of the agreement.

**Settlement Agreement of
French Lick Resort•Casino
09-FL-04
Order 2009-200**

A settlement agreement was reached with French Lick Resort•Casino regarding Ct. 1: an underage person was allowed on the casino floor, Ct. 2: violation of the rule regarding playing cards and dice not being used in a live game to be kept in a locked compartment, and, Ct. 3: violation of VEP rules. Commission staff recommended and French Lick agreed to pay a total fine in the amount of \$4,500.

Action: Upon Motion by Robert Morgan, second by Mary Shy, and unanimous vote of those present, the Commission approved the proposed terms of the agreement.

**Settlement Agreement of
Grand Victoria Casino and Resort LP
09-GV-04
Order 2009-201**

A settlement agreement was reached with Grand Victoria Casino and Resort regarding Ct. 1: violation of rule regarding card specifications, Ct. 2: count cage employees recorded incorrect information on a cage log and on several occasions failed to send cage logs to the Revenue Audit department, and, Ct. 3: the roulette wheel at a closed game was not secured. Commission staff recommended and Grand Victoria Casino and Resort agreed to pay a total fine in the amount of \$10,000.

Action: Upon Motion by Robert Morgan, second by Mary Shy, and unanimous vote of those present, the Commission approved the proposed terms of the agreement.

**Settlement Agreement of
Indiana Gaming Company, L.P.
09-HW-01
Order 2009-202**

A settlement agreement was reached with Indiana Gaming Company regarding Ct. 1: a float lid was left unsecured, 2: the casino failed to timely notify the Gaming Agents of the termination of five employees, Ct. 3: violation of the rule regarding card specifications, Ct. 4: the casino allowed an underage person on the casino floor, and Ct. 5: violation of the VEP rule. Commission staff recommended and Indiana Gaming Company, L.P. agreed to pay a total fine in the amount of \$17,500.

Action: Upon Motion by Robert Morgan, second by Mary Shy, and unanimous vote of those present, the Commission approved the proposed terms of the agreement.

**Settlement Agreement of
Hoosier Park L.P.: Centaur, Inc.
09-HP-04
Order 2009-203**

A settlement agreement was reached with Hoosier Park LP regarding the casino's failure to secure the soft count room, where for several minutes only two people were in the room instead of the required three. Commission staff recommended and Hoosier Park LP; Centaur, Inc. agrees to pay a total fine in the amount of \$5,000.

Action: Upon Motion by Robert Morgan, second by Mary Shy, and unanimous vote of those present, the Commission approved the proposed terms of the agreement

**Settlement Agreement of
Horseshoe Hammond, LLC
09-HH-04
Order 2009-204**

A settlement agreement was reached with Horseshoe Hammond, LLC regarding the casino allowing an employee to work with an expired badge. Commission staff recommended and Horseshoe Hammond, LLC agreed to pay a total fine in the amount of \$1,000.

Action: Upon Motion by Robert Morgan, second by Mary Shy, and unanimous vote of those present, the Commission approved the proposed terms of the agreement.

**Settlement Agreement of
Caesars Riverboat Casino, LLC
d/b/a Horseshoe Casino Hotel Southern Indiana
09-CS-04
Order 2009-205**

A settlement agreement was reached with Caesars Riverboat Casino, LLC, d/b/a Horseshoe Casino Hotel Southern Indiana, regarding Ct. 1: the casino failed to timely inform Gaming Agents of the termination of nine employees, and Ct. 2: violation of the casino's internal controls regarding the drop process. Commission staff recommended and Caesars Riverboat Casino, LLC, d/b/a Horseshoe Casino Hotel Southern Indiana agreed to pay a total fine in the amount of \$13,500.

Action: Upon Motion by Tom Swihart, second by Robert Morgan, and unanimous vote of those present, the Commission approved the proposed terms of the agreement.

**Settlement Agreement of
Indianapolis Downs, LLC
09-IL-03**

Order 2009-206

A settlement agreement was reached with Indianapolis Downs, LLC, regarding Ct. 1: the casino allowed two underage persons on the casino floor, on of which they allowed on the floor on two separate occasions, Ct. 2: violation of rules regarding the par sheets and the coin testing of slot machines, Ct. 3: an employee was allowed to work with an expired badge, and Ct. 4: violation of VEP rule. Commission Staff recommended and Indianapolis Downs, LLC, agreed to a total fine of \$19,500.

Action: Upon Motion by Robert Morgan, second by Mary Shy, and unanimous vote of those present, the Commission approved the proposed terms of the agreement.

Settlement Agreement of Majestic Star Casino, LLC 09-MS-04 Order 2009-207

A settlement agreement was reached with Majestic Star Casino LLC regarding Ct. 1: the casino failed to secure a logic board containing computer chips, and Ct. 2: violation of the VEP rule. Majestic Star Casino agreed to a total fine of \$9,000 and Commission staff recommended the approval of this settlement.

Action: Upon Motion by Robert Morgan, second by Mary Shy, and unanimous vote of those present, the Commission approved the proposed terms of the agreement.

Rules

Resolution 2009-208

A Resolution Adopting LSA Document #09-676 As A Final Rule. This rule, as amended from 09-676, prohibits an organization from advertising for a charity gaming night event from using a d/b/a or doing business on any advertisement or signage, allowing an organization to accept checks and debit cards when conducting an allowable event, and required organizations to deposit all proceeds from an allowable event into a separate segregated bank account within five business days of the event.

Action: Upon Motion by Tom Swihart, second by Sue Shields and unanimous vote of those present, the Commission adopted Resolution 2009-208

Charity Gaming Disciplinary Action

Resolution 2009-209

Re: Mills Amusement & Music Co., Inc. Settlement agreement concerning revocation of two Registered Retail Merchant Certificates issued to Mills Amusement & Music Co., Inc.

Commission Staff recommended and Respondent agreed to voluntarily relinquish Indiana Dept of Revenue Registered Retail Merchant Certificates.

Action: Upon Motion by Robert Morgan, second by Commissioner Shields, and unanimous vote of those present, the Commission adopted Resolution 2009-209.

Next Meeting:

The next business meeting of the Commission will be March 4, 2010, at Indiana Live, Shelbyville, Indiana.

Adjournment:

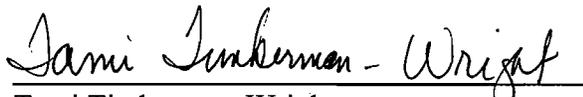
The meeting was adjourned at approximately 2:25 p.m.

Minutes:

Circle City Reporting, 135 Pennsylvania, Indianapolis, Indiana 46204, transcribed the business meeting. The transcript is a complete record of the meeting. Anyone wishing to see the transcript may review it at the Commission Office at 101 West Washington Street, East Tower, Suite 1600, Indianapolis, Indiana.

These minutes were prepared by Tami Timberman-Wright, Administrative Assistant for the Indiana Gaming Commission. This transcript may also be viewed online at www.in.gov/gaming.

Respectfully Submitted,



Tami Timberman-Wright

THE INDIANA GAMING COMMISSION:



Tom Swihart, Vice-Chairman



Marc Fine, Secretary

1-14-2010

Date