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INDIANA GAMING COMMISSION  
BUSINESS MEETING  
NOVEMBER 12, 2009

**COPY**

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**CIRCLE CITY REPORTING**  
135 North Pennsylvania  
Suite 1720  
Indianapolis, IN 46204  
(317) 635-7857

## A P P E A R A N C E S

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## COMMISSION MEMBERS PRESENT:

Tim Murphy, Chairman

Tom Swihart, Commissioner

Mary Shy, Commissioner

Marc Fine, Commissioner

Robert Morgan, Commissioner

V. Sue Shields, Commissioner

Ernest Yelton, Executive Director

Jennifer Reske, Deputy Director

Phil Sicuso, General Counsel

Tamara Timberman-Wright, Secretary

1           CHAIRMAN MURPHY: Welcome everyone to the  
2 fourth quarter meeting of the Indiana Gaming  
3 Commission. The meeting is now called to order.  
4 The first item I would like to attend to is to  
5 call on Executive Director Yelton for a special  
6 introduction.

7           EXECUTIVE DIRECTOR YELTON: Thank you,  
8 Mr. Chairman. It's with great pleasure that I  
9 introduce to you Governor Daniels' latest  
10 appointment to our Commission, the Honorable  
11 V. Sue Shields. After receiving her undergraduate  
12 degree at Ball State and her law degree at IU,  
13 Judge Shields logged an incredible record of  
14 public service. To avoid repetition, I'm going to  
15 preface these next remarks by saying she was the  
16 very first female to be elected Superior Court  
17 judge in Indiana, Hamilton County, 1965 to 1976;  
18 to be appointed to the Indiana Court of Appeals  
19 from 1976 to 1994; and to be chosen as a federal  
20 magistrate for the Southern District of Indiana,  
21 1994 to 2007. Rather than to list all of her  
22 recognitions, I will ask each of you to think of  
23 every award you have heard of that honors  
24 outstanding performance and distinguished service,  
25 Judge Shields has received each and every one of

1 those.

2 On a personal note, it was my privilege to  
3 appear before her as a puppy attorney in Hamilton  
4 County, and it was my great honor to have her  
5 serve as a mentor to me when I became a judge.

6 She comes to us in her latest position as a  
7 member of the State's Ethics Commission. Please  
8 join me in welcoming Judge Shields aboard the  
9 Gaming Commission.

10 CHAIRMAN MURPHY: Welcome Commissioner  
11 Shields.

12 I would now like to take the roll call.  
13 Commissioner Fine?

14 COMMISSIONER FINE: Present.

15 CHAIRMAN MURPHY: Commissioner Morgan.

16 COMMISSIONER MORGAN: Present.

17 CHAIRMAN MURPHY: Commissioner Swihart.

18 COMMISSIONER SWIHART: Present.

19 CHAIRMAN MURPHY: Commissioner Shy.

20 COMMISSIONER SHY: Present.

21 CHAIRMAN MURPHY: Commissioner Shields.

22 COMMISSIONER SHIELDS: Present.

23 CHAIRMAN MURPHY: And the chair is present.

24 All commissioners are in attendance and we have a  
25 quorum.

1           The first item of business is approval of the  
2 prior meeting's minutes. You have received those,  
3 Commissioners, in your early mailings. Are there  
4 any questions on the minutes?

5           COMMISSIONER SWIHART: Move to approve.

6           COMMISSIONER FINE: Second.

7           CHAIRMAN MURPHY: It has been moved and  
8 seconded. All those in favor? All opposed?

9           (COMMISSIONER MEMBERS VOTED AYE.)

10          COMMISSIONER SHIELDS: I will abstain.

11          CHAIRMAN MURPHY: The minutes of our last  
12 meeting are approved.

13          The next item of business is the report of the  
14 Executive Director.

15          EXECUTIVE DIRECTOR YELTON: Thank you,  
16 Chairman Murphy, Ladies and Gentlemen of the  
17 Commission.

18          I will begin with staff updates. I am pleased  
19 to introduce to you Alberto Hidalgo, Jr., who goes  
20 by Albert. Please stand. He was selected as our  
21 newest Director of Financial Investigation.  
22 Albert holds a Bachelor of Science degree from  
23 Rutgers University and an MBA in marketing from  
24 the University of Michigan. He's a veteran of the  
25 pharmaceutical industry, having over 15 years of

1 management positions. His latest was with Eli  
2 Lilly in Puerto Rico.

3 As I indicated in our last meeting, our first  
4 director of Indiana State's Athletic Commission is  
5 Wade Lowhorn. You can see Wade back here. His  
6 assistant director, Andy Means, and the  
7 administrative assistant, Joanna Holland.

8 Our administrative law judge, Mary Lee Comer,  
9 had to resign after being appointed a senior judge  
10 in the State of Indiana, and the Supreme Court  
11 decided it would be a potential conflict. She has  
12 been replaced by Michael D. Cook, who served as  
13 judge in Marshal County from 1978 until he retired  
14 from the bench last year.

15 Our latest reinvestigation of the supplier's  
16 license is Global Surveillance Associates, Inc.,  
17 and a report has been submitted to you in your  
18 materials. If you have any questions, our  
19 Director of Investigations, Garth Brown, is here  
20 and will be happy to answer them. Are there any  
21 questions on the reinvestigation?

22 Since the September Commission meeting, the  
23 agency has placed nine individuals on the  
24 exclusion list, which effectively and permanently  
25 bars those patrons from entering any casino or

1 gambling game facility located at a racetrack in  
2 Indiana.

3 Scott Nguyen was observed pinching his bets  
4 by playing poker at Hollywood Casino. After being  
5 confronted by the enforcement agents, he admitted  
6 to his actions and the money was returned to the  
7 proper patrons.

8 Dipesh Patel was arrested at the Hollywood  
9 Casino while in possession of and after redeeming  
10 counterfeit gaming chips at the casino cage. Mr.  
11 Patel was charged with forgery, a Class C felony,  
12 and possession of counterfeit gaming chips as a  
13 Class D felony, which are still pending before the  
14 Dearborn Superior Court.

15 Grace Knopp, while employed as a poker room  
16 supervisor at the Horseshoe Southern Indiana, was  
17 observed stealing \$500 from a keynote register.  
18 She was charged with theft, as a D Felony, which  
19 is still pending before the Harrison County  
20 Superior Court. She was terminated by Horseshoe  
21 Southern Indiana.

22 Jahid Kasim Cosmo was observed posting his  
23 bets while playing roulette at the Blue Chip  
24 Casino. There is currently an open warrant in  
25 LaPorte County for his arrest for cheating at a

1 gambling game as a D felony.

2 Katina Mills, while employed as an assistant  
3 slot shift manager at the Blue Chip Casino,  
4 created a false jackpot worth \$1,027 and  
5 thereafter took possession of the money. After  
6 being interviewed by the agency agents, she  
7 admitted to her actions and returned all the funds  
8 to the casino. Blue Chip terminated her  
9 employment following the incident.

10 Maurice Pryor was observed taking unlawful  
11 possession of a TITO ticket worth \$400 from  
12 another patron while at the Horseshoe Hammond  
13 Casino. He was charged with one count of  
14 conversion as an A misdemeanor, which is still  
15 pending in the Hammond City Court.

16 Ray Moore and Teresa Brown were observed  
17 taking unlawful possession of \$600 from another  
18 patron while at the Blue Chip Casino. There is  
19 currently an open warrant for both parties for  
20 theft as a Class D felony in LaPorte Superior  
21 Court.

22 Verdail Odom was observed on nine occasions --  
23 why nine, I guess I cannot answer -- posting his  
24 bets while playing blackjack at Majestic Star  
25 Casino. After being questioned by the enforcement

1 agents, he admitted to his actions. There is  
2 currently an open warrant for his arrest for  
3 cheating at a gambling game as a D felony in Lake  
4 County.

5 For the year-to-date, the Gaming Commission  
6 has placed 15 patrons on the exclusion list, which  
7 brings our State total to 120 individuals who are  
8 barred from gambling in the State of Indiana.

9 Finally, Members of the Commission, our waiver  
10 summary. Horseshoe Hammond was granted a waiver  
11 allowing employees of a massage service providing  
12 massages in the poker room to accept chips for  
13 payment of services. As occupational licensees,  
14 the employees of the massage service are required  
15 to redeem their chips in accordance with the  
16 existing rules and internal controls.

17 Horseshoe Southern Indiana had a request that  
18 was approved to allow some of the dice  
19 specifications not to be applied to the dice used  
20 in pai gow poker.

21 And finally, Horseshoe Hammond and Horseshoe  
22 Southern Indiana were granted a waiver allowing  
23 third-party lottery chips to be cashed only on  
24 days of the marketing event itself.

25 And with that, Chairman and Members of the

1 Commission, I conclude my Executive Director's  
2 report.

3 CHAIRMAN MURPHY: Thank you, Director Yelton.  
4 Any questions for Director Yelton?

5 If not, before moving on to the business part  
6 of the meeting, I would like to recognize the  
7 Governor's policy directors and advisor of the  
8 Indiana Gaming Commission, Sabatian Smelko. Are  
9 you in the crowd.

10 EXECUTIVE DIRECTOR YELTON: Hiding in the  
11 back.

12 CHAIRMAN MURPHY: Welcome.

13 MR. SMELKO: Thank you, sir.

14 CHAIRMAN MURPHY: There being no old business,  
15 we will proceed on to patron matters and the  
16 voluntary exclusion program that will be presented  
17 by Matt Shouse.

18 MR. SHOUSE: Good afternoon. You have before  
19 you 20 orders regarding the voluntary exclusion  
20 program. Pursuant to the rules of the program,  
21 participants of the voluntary exclusion program  
22 must be made confidential. Pursuant to 68 IAC  
23 6-3-2(g), a participant in the program agrees that  
24 if he or she violates the terms of the program and  
25 enters the gaming area of a facility under the

1 jurisdiction of the Commission, he or she will  
2 forfeit any jackpot or thing of value won as a  
3 result of a wager.

4 Under Order 2009-168 to 187, a total sum of  
5 \$12,199.66 was forfeited by John Doe 84 through  
6 103. These winnings reflect that Ameristar,  
7 Belterra, Blue Chip, Hollywood, Horseshoe, Indiana  
8 Live and Majestic Star. These are withheld as  
9 required by regulations. The Commission staff  
10 recommends you approve the remittance of these  
11 winnings for John Doe 84 through 103.

12 CHAIRMAN MURPHY: Are there any questions for  
13 Mr. Shouse?

14 COMMISSIONER SHY: I have a question. Order  
15 2009-169, John Doe 85, on September 14, 2007, he  
16 was observed, and I was wondering about the date.

17 MR. SHOUSE: What number?

18 COMMISSIONER SHY: 169. Typically, it is  
19 within the last couple of months.

20 MR. SHOUSE: Correct. What happened was that  
21 this casino was doing a review of the safety funds  
22 and found this money and had not presented it to  
23 the members of the Commission, so we decided to  
24 submit it to you.

25 CHAIRMAN MURPHY: Any other questions for

1 Mr. Shouse? If not, is there a motion to approve  
2 the Orders 2009-168 through 2009-187?

3 COMMISSIONER SHY: I move to approve.

4 COMMISSIONER SWIHART: Second.

5 CHAIRMAN MURPHY: It's been moved and  
6 seconded. All of those in favor signify by saying  
7 aye.

8 (COMMISSION MEMBERS VOTED AYE.)

9 CHAIRMAN MURPHY: Opposed?

10 Orders 2009-168 through 2009-187 are approved.  
11 Thank you, Mr. Shouse.

12 The next item of business will be occupational  
13 license matters. Julian Agnew.

14 MR. AGNEW: You have before you Order  
15 2009-188, an order approving the order of the  
16 administrative law judge and disciplinary action  
17 against Troy Ashley. Troy Ashley is an  
18 occupational licensee currently employed at  
19 Horseshoe Southern Indiana as a dealer.

20 On March 12, 2008, law enforcement officers  
21 from the Indiana State Police, Indiana State  
22 Excise Police and the Indiana Gaming Commission  
23 entered Boomer's Bar and Grill located in Austin,  
24 Indiana, to find Mr. Ashley conducting a Texas  
25 Hold'em tournament in violation of the State's

1 illegal gambling code.

2 Ashley collected the money and managed the  
3 tournament. He also played.

4 Commission staff initiated a disciplinary  
5 action against Mr. Ashley to revoke his license,  
6 and later filed a motion for a summary of  
7 judgment.

8 On August 13, 2009, a hearing on the motion  
9 was held, and the Commission's administrative law  
10 judge found that Mr. Ashley failed to maintain  
11 suitability for licensure, and recommended that  
12 the Commission revoke Mr. Ashley's occupational  
13 license.

14 The administrative law judge issued an order  
15 on September 8, 2009 memorializing that. The  
16 staff recommends approval.

17 CHAIRMAN MURPHY: Are there any questions of  
18 Mr. Agnew? If not, is there a motion to approve  
19 Order 2009-188?

20 COMMISSIONER SWIHART: So move.

21 COMMISSIONER FINE: Second.

22 CHAIRMAN MURPHY: It's been moved and  
23 seconded. All those in favor signify by saying  
24 aye.

25 (COMMISSION MEMBERS VOTED AYE.)

1 CHAIRMAN MURPHY: Opposed?

2 Order 2009-188 is approved. Thank you,  
3 Mr. Agnew.

4 Orders 2009-189 and 190 will be presented by  
5 Jeff Neuenschwander.

6 MR. NEUENSCHWANDER: Thank you, Mr. Chairman.

7 Shannon South applied for a Level 2  
8 occupational license to work as a dealer on or  
9 about August 3, 2009. He stated on his  
10 application that he had been let go by Harrah's  
11 Joliet for being accused of stealing a tip on  
12 November 20th, 2002. The background investigation  
13 by the Commission showed that in addition to being  
14 terminated by Harrah's, the Illinois Gaming Board  
15 issued a disciplinary complaint against him for  
16 theft and revoked his license.

17 Indiana Code 4-33-8-3 states that the  
18 Commission cannot issue an occupational license to  
19 an individual unless the individual has met  
20 standards adopted by the Commission for the  
21 holding of an occupational license.

22 68 Indiana Administrative Code 2-3-5 states  
23 that an applicant must never have had a gaming  
24 license suspended or revoked in any jurisdiction.

25 On or about October 14, 2009, the Commission

1 staff served a letter on Mr. South informing him  
2 because he had an occupational license revoked in  
3 another jurisdiction, he was ineligible to receive  
4 a license in Indiana. That his temporary license  
5 was revoked. And if he did not choose to withdraw  
6 his application, his license would be considered  
7 for denial by the Commission at their next  
8 scheduled meeting on November 12, 2009.

9 Commission staff requests you deny Mr. South's  
10 application for an occupational license.

11 CHAIRMAN MURPHY: Are there any questions for  
12 Mr. Neuenschwander regarding Shannon South? If  
13 not, is there a motion to approve?

14 COMMISSIONER SWIHART: Move to approve.

15 COMMISSIONER SHY: Second.

16 CHAIRMAN MURPHY: Moved and seconded. All in  
17 favor, signify by saying aye.

18 (COMMISSION MEMBERS VOTED AYE.)

19 CHAIRMAN MURPHY: Opposed?

20 Order 2009-189 is approved.

21 MR. NEUENSCHWANDER: The second matter I have  
22 before you is a request to improve a settlement  
23 agreement. Mary Shick applied for a Level 2  
24 occupational license to work as Director of  
25 Marketing at Argosy Casino on or about October 4,

1 2002. She was granted a permanent occupational  
2 license on or about March 7, 2003. On May 12,  
3 2009, Ms. Shick escorted two unauthorized persons  
4 onto the casino floor through the tax-free gate,  
5 despite the objection of security, without a  
6 visitor or vendor badge.

7 On October 1, 2009, Commission staff sent  
8 Ms. Shick a letter offering a settlement in lieu  
9 of disciplinary action. On October 5th, Ms. Shick  
10 agreed in writing to a settlement offer whereby  
11 she would voluntarily relinquish her occupational  
12 license for one day in lieu of disciplinary  
13 action.

14 On November 4th, the Commission staff received  
15 a signed agreement from Ms. Shick agreeing to a  
16 one day voluntary license requirement  
17 relinquishment.

18 Aggravating factors included the fact that  
19 because Ms. Shick had worked at the casino for  
20 approximately six years before this incident, it's  
21 reasonable to assume that she should have been  
22 familiar with the regulation requiring visitors to  
23 have badges before entering the tax-free gate, as  
24 well as the fact that Ms. Shick escorted the  
25 visitors through the gate despite the objections

1 of the security.

2 The mitigating factors include the fact that  
3 Ms. Shick no longer works at Argosy/Hollywood  
4 Casino, and appears to spend the majority of her  
5 time at Penn National Colorado, not at Hollywood;  
6 the fact that she recently served a five- to  
7 seven-day suspension from her job by Penn National  
8 in relation to an unrelated incident; and the fact  
9 that according to her, most of the work is no  
10 longer director with Indiana Gaming. Those are  
11 the materials you have before you. Just this  
12 morning we received new information on this  
13 incident. Today we received notice that Ms. Shick  
14 has taken a position at Penn Colorado Casino and  
15 has been there for some time. And she just most  
16 recently accepted an offer of employment at Penn  
17 New Mexico Casino.

18 Commission staff believes she will no longer  
19 be performing work at the Hollywood Casino. Today  
20 you have the option to approve or deny the  
21 settlement agreement as it stands. We can remove  
22 the applicant completely from the agenda pending a  
23 formal determination of the license status, or we  
24 can take another action.

25 CHAIRMAN MURPHY: And your recommendations is?

1 MR. NEUENSCHWANDER: Our recommendation is to  
2 approve the settlement agreement, Mr. Chairman.

3 CHAIRMAN MURPHY: Are there any questions for  
4 Mr. Neuenschwander regarding the Shick matter?

5 COMMISSIONER SWIHART: I think we should hold  
6 management to a higher standard. She has been  
7 involved in the management level for seven years.  
8 One day is not sufficient to send a message that  
9 this is unacceptable.

10 CHAIRMAN MURPHY: I have a question also on  
11 the five- to seven-day suspension for a similar  
12 incident.

13 MR. NEUENSCHWANDER: It was an unrelated  
14 incident whereby the question about the badge that  
15 she was wearing and, while Penn National was  
16 investigating the incident, they suspended her.  
17 At the end of that investigation is when she moved  
18 and she was no longer working at the Hollywood  
19 Casino.

20 CHAIRMAN MURPHY: So she was suspended while  
21 performing the investigation?

22 MR. NEUENSCHWANDER: It wasn't the  
23 investigation of this incident, but the  
24 investigation of an unrelated and suspension  
25 without pay.

1           CHAIRMAN MURPHY: Any other questions?

2           COMMISSIONER FINE: I'm curious, what happens  
3 if she resigns or relinquishes her license on a  
4 permanent basis but goes up for renewal anyway?  
5 If she decided to let this year lapse. Is that a  
6 possibility?

7           MR. NEUENSCHWANDER: She could. It depends on  
8 the outcome. We don't generally pursue a  
9 disciplinary action against someone without a  
10 license. She could choose to do that. As of  
11 right now, the formal paperwork to surrender her  
12 license or her license to be terminated is not  
13 complete. As of right now, she is still licensed.  
14 Does that answer your question?

15          COMMISSIONER FINE: She doesn't need a license  
16 in her new position? She doesn't need an Indiana  
17 license, does she?

18          MR. NEUENSCHWANDER: From what we understand,  
19 I can't tell you for certain because we are still  
20 waiting for the proper forms to be submitted from  
21 Penn Corporate, but it's our best understanding  
22 that's most likely the case.

23          COMMISSIONER FINE: So if someone, in the  
24 normal course of events, took a job in New Mexico,  
25 would they just let their license lapse by a

1 passage of time, or would they send a letter to  
2 relinquish their license because they are not  
3 planning to utilize it, or what would be the  
4 normal protocol?

5 MR. NEUENSCHWANDER: There is actually a  
6 regulation that we are supposed to be notified by  
7 the license holder, by the riverboat license  
8 holder, when someone's job is terminated within  
9 15 days on a form. So that's some of the  
10 confusion we have. The form was not submitted to  
11 us in that time.

12 COMMISSIONER MORGAN: So you have not been  
13 notified in the 15 days, the usual practice?

14 MR. NEUENSCHWANDER: That's what it looks  
15 like.

16 EXECUTIVE DIRECTOR YELTON: Also,  
17 Commissioners, if someone does resign during the  
18 investigation, prior to our action, we do flag  
19 that person. And so if another jurisdiction does  
20 call, we are in a position to know that person  
21 left under unfavorable circumstances.

22 GENERAL COUNSEL SICUSO: Or if they try to get  
23 a license here again, we have the record to pick  
24 up where we left off.

25 CHAIRMAN MURPHY: Any further questions?

1           COMMISSIONER FINE: In the absence of action  
2 today, you mentioned one of the options you can go  
3 back and do further investigation and perhaps  
4 other recommendations might be available. Is  
5 that --

6           MR. NEUENSCHWANDER: I should have been more  
7 clear. If nothing happens today, we would wait  
8 and see if the paperwork is properly submitted, if  
9 her license was terminated, that is what would  
10 happen today if no action was taken.

11           COMMISSIONER Morgan: So if no action is taken  
12 today, are you going to be waiting for the  
13 paperwork to come and we will revisit this?

14           MR. NEUENSCHWANDER: Yes. We can wait for  
15 that paperwork for a short period of time. If we  
16 did receive it, her license would be terminated.  
17 If we didn't receive it and it was determined she  
18 needed to be licensed in this matter, it would  
19 come up at the next meeting.

20           CHAIRMAN MURPHY: Is this a matter that the  
21 Commission would like to take for a future  
22 meeting?

23           COMMISSIONER SWIHART: Move to table.

24           COMMISSIONER SHY: I second.

25           CHAIRMAN MURPHY: Moved and seconded to table.

1 All of those in favor to table this motion until  
2 the request of a future meeting, signify by saying  
3 aye.

4 (COMMISSION MEMBERS VOTED AYE.)

5 CHAIRMAN MURPHY: Opposed?

6 The matter is tabled until a future meeting.

7 MR. NEUENSCHWANDER: Thank you, Mr. Chairman.

8 CHAIRMAN MURPHY: Thank you.

9 Next item of business is supplier license  
10 matters, Mrs. Gray.

11 MS. GRAY: Good afternoon, Commissioners.  
12 Order Number 2009-191, a settlement agreement with  
13 Shuffle Master, wherein a shipment was sent to  
14 Argosy Casino without notifying the Commission of  
15 the date and time of the delivery. Shuffle Master  
16 has agreed to a monetary settlement of \$1,500 in  
17 lieu of disciplinary action.

18 The Commission staff recommends you approve  
19 Order 2009-191.

20 CHAIRMAN MURPHY: Any questions for Ms. Gray  
21 regarding Order 2009-191?

22 COMMISSIONER SHY: I have a question. When  
23 these kinds of things happen, do we usually get an  
24 explanation about what happened? Was it a  
25 paperwork issue?

1 MS. GRAY: Yes, we do. We normally do.

2 COMMISSIONER SHY: So was this a paperwork  
3 issue?

4 MS. GRAY: This was an issue where -- this one  
5 was kind of complicated because it was during the  
6 changeover from Argosy to Hollywood, so a lot of  
7 stuff was being shipped. I think that this was  
8 one shipment that we received no notification on.  
9 So they just shipped it. So it was an oversight  
10 on their part.

11 COMMISSIONER SHY: Thank you.

12 CHAIRMAN MURPHY: Any other questions? If  
13 not, is there a motion to approve?

14 COMMISSIONER SWIHART: So move.

15 COMMISSIONER FINE: Second.

16 CHAIRMAN MURPHY: Moved and seconded. All of  
17 those in favor signify by saying aye.

18 (COMMISSION MEMBERS VOTED AYE.)

19 CHAIRMAN MURPHY: Opposed?

20 Order 2009-191 is approved. Thank you.

21 MS. GRAY: Thank you.

22 CHAIRMAN MURPHY: The next item of business  
23 involves renewals.

24 MS. RICH: Good afternoon. You have before  
25 you Order 2009-192 concerning a renewal of

1 supplier licenses. Pursuant to Indiana Code 4-33  
2 and 68 IAC 2-2, the Commission has previously  
3 approved a permanent supplier license for the  
4 following four companies: Glory, Incorporated,  
5 Global Surveillance Associates, Aristocrat  
6 Technologies, Incorporated, and Paltronics,  
7 Incorporated. A supplier license is valid for a  
8 period of one year. Pursuant to IC 4-33-7-8 and  
9 68 IAC 2-2-8, a supplier's license must be renewed  
10 annually with a payment of \$7,500. The annual  
11 renewal fee must be remitted. Each of these  
12 licensees has requested renewal of their licenses  
13 and had paid appropriate renewal fees. The  
14 Commission staff recommends you approve the  
15 renewal of the license for these four suppliers.

16 CHAIRMAN MURPHY: Are there any questions for  
17 Ms. Rich? If not, is there a motion to approve  
18 Order 2009-192?

19 COMMISSIONER SHY: Move to approve.

20 COMMISSIONER FINE: Second.

21 CHAIRMAN MURPHY: Moved and seconded. All in  
22 favor say aye.

23 (COMMISSION MEMBERS VOTED AYE.)

24 CHAIRMAN MURPHY: Opposed?

25 Order 2009-192 is approved. Thank you,

1 Ms. Rich.

2 MS. RICH: Thank you.

3 CHAIRMAN MURPHY: We have had three requests  
4 to address the Commission today from Horseshoe  
5 Hammond, Horseshoe Southern Indiana and Indiana  
6 Live. Those who have asked to address the  
7 Commission are General Manager Daniel Nita from  
8 Horseshoe Hammond, General Manager Eileen Moore  
9 from Horseshoe Southern Indiana, and General  
10 Manager Richard Kline from Indiana Live. We will  
11 begin with Horseshoe Hammond.

12 MR. NITA: Good afternoon. I want to spend a  
13 moment to introduce myself. As I'm very well  
14 aware, my predecessor, Rick Mazer, has been an  
15 institution at the Horseshoe in Hammond, and so as  
16 Rick has departed, I felt it was a perfect  
17 opportunity to introduce myself to the Commission  
18 and to express my excitement for being part of the  
19 State of Indiana and overseeing the Horseshoe  
20 property in Hammond.

21 With a 14-year career at Harrah's  
22 Entertainment, I have had the pleasure of working  
23 at many of our finest establishments, overseeing  
24 the Harrah's property in New Orleans as well as  
25 the property in Atlantic City, and in the last two

1 months an opportunity to work on a day-to-day  
2 basis with the 2,400 great employees at Horseshoe  
3 Hammond is extremely exciting.

4 On a personal level, my children began school  
5 today, my moving truck is here, so I'm a little  
6 bit remiss with my better half to unload boxes, so  
7 I will keep this brief, but say I very much look  
8 forward to working with the staff and all of the  
9 folks that are involved with the Horseshoe  
10 Hammond. I'm happy to answer any questions you  
11 might have.

12 COMMISSIONER MORGAN: Where are you going to  
13 be living?

14 MR. NITA: I just moved to Munster, Indiana.  
15 We are very excited about that.

16 CHAIRMAN MURPHY: Immediately before coming  
17 here, where did you say you lived?

18 MR. NITA: Most recently, I was in Atlantic  
19 City. I spent the last four years in Atlantic  
20 City, the first three-and-a-half was overseeing  
21 the Ceasar's property in Atlantic City, and the  
22 last few months overseeing the fourth casino that  
23 Harrah's Entertainment had in Atlantic City.

24 CHAIRMAN MURPHY: Good. Thank you.

25 MR. NITA: Thank you very much.

1           CHAIRMAN MURPHY: Next up will be General  
2 Manager Eileen Moore, Horseshoe Southern.

3           MS. MOORE: Good afternoon. Thank you for  
4 giving me an opportunity to introduce myself. My  
5 name is Eileen Moore. It is a pleasure to be in  
6 front of you. A quick introduction, as Dan shared  
7 as well. I most recently came from Harrah's New  
8 Orleans property, where I served in the role of  
9 assistant general manger. And I had the primary  
10 responsibilities of the day-to-day operations at  
11 our casino there, as well as our marketing  
12 department.

13           I have been with Harrah's Entertainment for  
14 ten years. Prior to my experience in New Orleans,  
15 I worked at our corporate offices where I held  
16 several different posts, including Director of  
17 Revenue Management in our marketing department,  
18 executive assistant to our CEO, COO and CFO for  
19 two years, as well as vice president of slots  
20 revenue management, which was in our gaming  
21 operations there. And prior to that, I worked in  
22 the hotel industry. I have a background in luxury  
23 hotel operations as well as revenue management.

24           And I, too, am relocating to the great State  
25 of Indiana. My family is very excited to be

1 moving to Floyd Knobs and hopefully will be  
2 closing on our house next week, so I will be right  
3 behind Dan in getting settled. Thank you for this  
4 opportunity.

5 CHAIRMAN MURPHY: Thank you.

6 Next up will be the general manager of Indiana  
7 Live, Richard Kline.

8 MR. KLINE: Thank you very much. I appreciate  
9 the opportunity to introduce myself. I'm Richard  
10 Kline from Indiana Live. I have a little  
11 different background than a lot of folks. I grew  
12 up in Las Vegas. I went to West Point and spent  
13 26 years in the army. I'm a Vietnam veteran, I'm  
14 very proud of that. Moved 17 times in 26 years.  
15 I have been pretty much all over the world. The  
16 last eight years I spent at the Pentagon and I  
17 worked for Colin Powell. And also spent three  
18 years in the CIA.

19 I got out of the military in 1992 and went to  
20 work for the Trump organization in Atlantic City  
21 and Tajmahal and the executive team. Spent time  
22 as an executive for Aztar and Tropicana. Worked  
23 as general manager of the Horseshoe Club for  
24 awhile. I joined Harrah's for a period of time.  
25 I went to the Garden Spa United States in

1 Mississippi, and spent time there. And then my  
2 the last five years I spent in Native American  
3 Gaming. I was general manager of a property in  
4 Oregon, and general manager of a property in  
5 Southern California near Palm Springs. And I  
6 joined the Cordish Gaming operations last year in  
7 August. I was potentially going to be the general  
8 manager of the Hard Rock Casino in Kansas City  
9 which they were going to build. I went through  
10 the licensing process down there and that process  
11 was terminated.

12 And I became associated with Indiana Live  
13 general manager's position opened up about five  
14 months ago. I was asked to join their team. And  
15 I'm very excited about being in Indiana and being  
16 part of Indiana Live and making it successful.

17 CHAIRMAN MURPHY: Any questions for Mr. Kline?

18 COMMISSIONER MORGAN: I have one. I would  
19 like to thank you for your service to the country.  
20 I appreciate it. Thank you.

21 MR. KLINE: Thank you.

22 CHAIRMAN MURPHY: You're welcome.

23 MR. KLINE: Thank you very much.

24 CHAIRMAN MURPHY: The next item of business  
25 will be the MBE and WBE report by Jenny Reske. We

1 have adjusted the agenda to move that up from  
2 later in the agenda to this point.

3 MS. RESKE: Thank you, Mr. Chairman. Good  
4 afternoon, Commissioners.

5 The statute requires the Commission to  
6 establish annual goals for the casino licensees  
7 for the use of minority and women business  
8 enterprises known as MBEs and WBEs. Those goals  
9 must be derived from a statistical analysis  
10 utilization study of contracts for business  
11 services and the study must be updated every five  
12 years.

13 As you know, the Commission completed a  
14 disparity study in 2007, and the Commission  
15 subsequently adopted Resolution 2007-57 setting a  
16 utilization goal of 10.9 percent for WBE  
17 expenditures and construction. Casino licensees  
18 must endeavor in good faith to obtain the goals  
19 established by the Commission. Failure to  
20 demonstrate compliance or a good faith effort to  
21 obtain the established goals could result in  
22 disciplinary action against the licensees.

23 In early March 2009, Commission staff  
24 identified five casino licensees who failed to  
25 meet the 2008 established goals. Those casinos

1 are Horseshoe Hammond, Horseshoe Southern Indiana,  
2 French Lick, Indiana Live and Casino Aztar.

3 Commission staff corresponded with those  
4 casinos and reports the following: Horseshoe  
5 Southern Indiana failed to meet the established  
6 goal by 4.63 percent and Horseshoe Hammond failed  
7 to meet the established goal by 2.09 percent.  
8 Both casino's expenditures were a result of  
9 construction contracts entered into prior to the  
10 completion of our study. Those contracts  
11 established MBE and WBE goals using old IDOA  
12 standards which were in effect at the time the  
13 contracts were signed. Both casinos met the old  
14 IDOA goals. When they advised their contractors  
15 of the new standards, however, the expenditure  
16 amounts were already locked in with their  
17 subcontractors. Based upon a review of this  
18 matter, staff believes that both Horseshoe Hammond  
19 and Horseshoe Southern Indiana demonstrated a  
20 good-faith effort in attempting to obtain the  
21 goal.

22 Indiana Live also failed to meet the  
23 established goal. They failed by .35 percent.  
24 Indiana Live has advised the Commission that they  
25 made numerous expenditures with a company whose

1 certification was denied because the company was  
2 an out-of-state vendor. Indiana Live argues that  
3 expenditures with that company should be included  
4 because legislative declaration doesn't  
5 specifically require expenditures to be made with  
6 an Indiana firm. If IDOA had issued certification  
7 to the out-of-state vendor, Indy Live would have  
8 met the established goal.

9 Based on review of this matter, staff believes  
10 that Indy Live demonstrated a good-faith effort in  
11 attempting to reach the goal.

12 French Lick failed to meet the established  
13 goal by 2.55 percent. Upon receipt of the  
14 Commission's notification of the failure to meet  
15 the established goals, French Lick initiated a  
16 90-day action plan during which to meet the goals.  
17 The Commission staff is unable to verify those  
18 expenditures until the end of the reporting year.  
19 Commission staff would like the opportunity to  
20 brief the Commission on those expenditures at the  
21 Commission's first quarterly meeting in 2010. So  
22 at this time, staff recommends that the Commission  
23 wait and review additional information from French  
24 Lick before deciding how to proceed.

25 Finally, Casino Aztar failed to meet the

1 established goal by 10.72 percent. Aztar blamed  
2 its failure to meet the established goals on the  
3 management of Columbia Sussex, specifically that  
4 Columbia Sussex eliminated key positions needed to  
5 insure compliance. Based on information provided,  
6 it appears that Aztar failed to exercise a  
7 good-faith effort to meet the established goals.

8 Commissioners, are there any questions?

9 COMMISSIONER SHY: Have we heard anything from  
10 Aztar regarding a corrective action?

11 MS. RESKE: We have not. If you were to seek  
12 a staff recommendation, we believe it might be a  
13 good idea to ask Casino Aztar to draft a  
14 corrective action plan and to perhaps have it  
15 ready for your review at our next meeting. The  
16 total dollar amount of Casino Aztar's shortfall  
17 is \$37,848.62.

18 CHAIRMAN MURPHY: Is there anyone present  
19 from Aztar that would like to speak to the matter?

20 MS. MORGAN: Good afternoon. I'm Jennifer  
21 Morgan, Director of Finance for Casino Aztar. I  
22 want to address -- I can stand up here and tell  
23 you why we didn't meet those goals, but what I  
24 would like to be able to do, with your approval,  
25 is to tell you the things we have put in place

1 already and what we intend to do in the future to  
2 obtain those goals.

3 First, I want to state that we take regulatory  
4 compliance seriously. And as such, we are  
5 committed to compliance with regard to all of the  
6 regulations including minority and women-owned  
7 business utilization. Casino Aztar will  
8 continually demonstrate a good faith effort to  
9 obtain the established goals with regard to  
10 women-owned and minority-owned businesses in the  
11 category of construction as defined in the 2007  
12 resolution, as well as for other persons and  
13 categories.

14 I want to take this opportunity to present to  
15 the Commissioners the action plan we have  
16 implemented to achieve our goals in 2009 and in  
17 the future as we emerge from bankruptcy.

18 First I want to say, although we have not  
19 entered into any significant construction projects  
20 in 2009, we have 13.47 percent women-owned  
21 businesses in the projects we have undertaken as  
22 of the third-quarter of 2009.

23 The initiatives that we have already put into  
24 place in 2009, as a first step actually in 2008,  
25 we reinstated the key position of purchasing

1 manager at the end of 2008. Subsequent to the  
2 appointment of the power of attorney agreement  
3 that was put into place in early 2008, we were  
4 able to hire a purchasing manager. As stated in  
5 my interviewing process with him, his key number  
6 one priority is to implement a plan to insure we  
7 are making a good-faith effort to achieve our  
8 minority and women-owned purchasing goals.

9 We have reinstated our memberships and  
10 increased our involvement with various purchasing  
11 and minority women-owned business associations to  
12 foster networking with minority and women-owned  
13 businesses and demonstrate Casino Aztar's  
14 commitment to minority and women-owned purchasing  
15 goals.

16 With the cooperation and participation of the  
17 IMSVC, we had an open house in May of 2009 for  
18 minority and women-owned construction suppliers,  
19 with suppliers and Casino Aztar representatives.

20 Casino Aztar presented a high-level overview  
21 of construction anticipated in the future as we  
22 emerge from bankruptcy. Suppliers are invited to  
23 provide us with profile sheets for future  
24 reference as we plan to begin our constructions  
25 projects. We have reinstated advertising and

1 sponsorships of minority and women-owned business  
2 associations and events in order to create  
3 awareness for Casino Aztar's commitment to  
4 minority and women-owned purchasing goals.

5 Casino Aztar attended the IMSCV Supplier  
6 Adversity Council in Indianapolis in April of  
7 2009. This provided access to minority and  
8 women-owned suppliers and demonstrated our  
9 commitment and interest in minority and  
10 women-owned business utilization.

11 We were a bronze sponsor of the 2009 IMSVC  
12 Southern Business District Opportunity Fair held  
13 in Evansville in September. As part of our  
14 sponsorship, we have displayed booths. We  
15 provided a guest speaker to explain upcoming  
16 projects and expenditures. We worked with the  
17 IMSVC to set up one-on-one meetings during the  
18 fair with minority and women-owned suppliers and  
19 casino representatives.

20 2010 initiatives that we will be undertaking  
21 as well. We do not know what level of  
22 construction capitol dollars we will spend in  
23 2010. Whatever the level of capitol, we are  
24 committed to partner with minority and women-owned  
25 business to meet our participation goals.

1           For all future construction projects, we are  
2 prepared to do the following: We will plan each  
3 construction project with minority and women-owned  
4 business participation goals for each project and  
5 make our supplier contract decisions with that  
6 goal in mind. For projects managed by the general  
7 contractor, we will require them to implement  
8 subtier women-owned and minority-owned  
9 participation and requirements for construction  
10 contracts.

11           Once again, I just want to restate our  
12 commitment as a company to meet these goals in  
13 2009 and 2010 and beyond for minority and  
14 women-owned businesses.

15           CHAIRMAN MURPHY: Thank you, Ms. Morgan.

16           Are there any questions for Ms. Morgan.

17           COMMISSIONER SWIHART: Do you intend this to  
18 be your official response for corrective action?

19           MS. MORGAN: I have not been asked to plan  
20 that. I can distribute it to you now, if you  
21 would like, basically outlining what I have said.

22           EXECUTIVE DIRECTOR YELTON: Commissioner  
23 Swihart, I would recommend that they do reduce  
24 this to writing as an official action plan. And  
25 also recommend that this be differed for final

1 action at our next meeting. By the next meeting,  
2 the bankruptcy proceeding should be terminated and  
3 Tropicana and the new ownership will be in effect.  
4 And I think you want to make clear to them your  
5 expectations of compliance with the goals, because  
6 as of right now our power of attorney is operating  
7 the ship down there.

8 CHAIRMAN MURPHY: So we are asking, through  
9 Ms. Morgan, that Casino Aztar submit your remarks  
10 in writing to the Commission, an action plan.

11 COMMISSIONER MORGAN: I have a question, for  
12 the record. You said for 2009, minority and  
13 women-owned business equates to 13.8 percent?

14 MS. MORGAN: WBE does. We have very little  
15 construction projects.

16 COMMISSIONER MORGAN: I understand. Okay.

17 CHAIRMAN MURPHY: Any other questions?

18 Thank you, Ms. Morgan.

19 DEPUTY DIRECTOR RESKE: Mr. Chairman, there is  
20 one other matter related to this that the  
21 Commission staff believes warrants Commission  
22 discussion. It involves the area of MBE  
23 construction.

24 The 2007 disparity study identified an MBE  
25 construction capacity of 23.2 percent. In 2008,

1 utilization was at 11.66 percent, representing a  
2 shortfall of nearly \$63,000,000. The Commission  
3 has hired the law firm of Coleman, Stevenson and  
4 Montel to review this matter and advise us of our  
5 options. Kiamesha Colom is here today and she has  
6 provided us with a legal opinion. Based upon the  
7 legal opinion, we do not believe that one year  
8 provides enough data to establish a trend and  
9 therefore disparity. The Supreme Court has been  
10 clear, without a clear finding of disparity based  
11 on the statistical analysis, we are unable to  
12 lawfully set a goal. For this reason, while we  
13 strongly urge the casinos to meet utilization  
14 expectations, staff does not believe we are in a  
15 position to take any action.

16 And Commissioners, our staff attorney, Leah  
17 Ellingwood, is also here today to answer your  
18 questions, as is Ms. Colom.

19 Do you have any additional questions or  
20 concerns?

21 COMMISSIONER SHY: I have a question. Was  
22 there any clarity as to how much data was needed,  
23 another year or more years?

24 DEPUTY DIRECTOR RESKE: Ms. Colom can address  
25 that.

1 MS. COLOM: There was no precedent within the  
2 State of Indiana and local review of case law was  
3 not helpful. However, when you look at Seventh  
4 Circuit case law, it seems that two to three years  
5 would be much more helpful. One year is too many  
6 variables. And given our uncertain economic  
7 climate at the moment, those variables seem to be  
8 present. So one year is irresponsible, and there  
9 is no quality of comparison available.

10 CHAIRMAN MURPHY: Are we looking for what you  
11 would call a statistically significant population  
12 to chose from?

13 MS. COLOM: Correct.

14 CHAIRMAN MURPHY: And one year assessment?

15 MS. COLOM: One year does not cut it. We need  
16 at least two to three to make a comparison and to  
17 review the variables that are happening within the  
18 market and casino areas.

19 CHAIRMAN MURPHY: Do you have any other  
20 questions?

21 COMMISSIONER SHY: After two years, would you  
22 then look at the data and see if there is enough  
23 at that point or would you recommend three?

24 MS. COLOM: I would look at two. I would look  
25 at the data to see if there was -- right now it is

1 negative 11.54, I believe. If that number were to  
2 come down in the second year, I would say let's  
3 wait a third year. If that number was to go up,  
4 more investigation needs to occur.

5 COMMISSIONER MORGAN: I have a question for  
6 you. How does one go about getting WBE or MBE  
7 status, and how long does it take?

8 MS. COLOM: Well, you go through The  
9 Department of Administration, Indiana Department  
10 of Administration. There are different  
11 application processes for minority and women-owned  
12 businesses. They have to fill it out. Once they  
13 fill out the application, which is quite lengthy,  
14 there needs to be at least 51-percent ownership of  
15 a minority or woman-owned in that business.

16 Going forward, there is the application  
17 process, there is a visit usually to the office  
18 and then the Department of Administration sits  
19 down and makes its decision whether they believe  
20 it is a certifiable minority or woman-owned  
21 business.

22 There is an appeals process if they decide  
23 they do not fit the criteria, then they can appeal  
24 to Washington -- I forget the name. Civil Rights  
25 Division of the Washington Department of

1 Administration. Once they are, then the final  
2 determination can be made. If a final  
3 determination is made -- I believe it's different  
4 from minority and women, but there is a certain  
5 time period they have to wait, a year, before they  
6 apply.

7 COMMISSIONER MORGAN: So to have the status,  
8 you are looking at a process that is over a year?

9 MS. COLOM: If you are turned down, yes. If  
10 not, you are looking at a process that can take,  
11 with diligence, 60 days. Once it gets to The  
12 Department of Administration's hands, my  
13 experience is that it takes 30 to 60 days to get  
14 an answer from them. Prior to that, it's really  
15 about the client and how much information they  
16 have gathered and how long it takes them to  
17 respond to the application questions, which can be  
18 lengthy. Like who signs the bank records, they  
19 need copies of their W-2s, and taxes for the past  
20 year, where did the money come from to form the  
21 business. If it was a family business, sometimes  
22 you can get into some areas where they need  
23 affidavits saying it's a woman-owned business and  
24 the husband takes no part in the money that was --  
25 may be taken from a home equity in order to start

1 the business.

2 COMMISSION MORGAN: I understand.

3 My next question, is there a shortage, like  
4 regionally from area to area.

5 MS. COLOM: Currently there has been a  
6 downturn -- and this is just going to be my  
7 conversation with the Department of  
8 Administration. There has been a downturn in the  
9 amount of minority and women-owned businesses. A  
10 lot of businesses have gone under in the past  
11 year, and that is increasing the shortfall.

12 COMMISSIONER SWIHART: You said 51-percent  
13 ownership. Is that 51-percent ownership and  
14 control?

15 MS. COLOM: Correct.

16 COMMISSIONER SWIHART: There is a big  
17 difference.

18 MS. COLOM: There needs to be 51 percent  
19 ownership and control.

20 CHAIRMAN MURPHY: I understand we have had a  
21 request to address the Commission from Senator  
22 Greg Taylor. Mr. Taylor. We normally have a  
23 10-day request window, but we are going to waive  
24 that for you today. We have asked all of the  
25 other speakers also, if you would, to hold their

1 remarks to five minutes, so if you can do that we  
2 would appreciate it.

3 SENATOR TAYLOR: Good afternoon. Good  
4 afternoon to all Commissioners and Chairmen and  
5 Director and everyone in regards to the  
6 Commission.

7 The Indiana Black Legislative Caucus has had  
8 the opportunity to review the disparity study that  
9 was presented today or discussed today with regard  
10 to the participation goals being set by the  
11 Commission.

12 My name is Greg Taylor. I'm a State Senator  
13 for District 32, and I have here with me -- here  
14 today, also represented, Mr. Bartlett, from the  
15 House of Representatives. And before you make the  
16 goals and objectives, we thought it would be  
17 appropriate for us to discuss things and concerns  
18 we might have in regards to the disparity study.

19 One of the things that we really want to focus  
20 on was the fact that a lot of the MWB  
21 participation was in the construction area. As  
22 you all know, construction happens periodically  
23 over time, depends on the needs of the casino  
24 industry and whether or not they are going to be  
25 building new facilities. Therefore, these numbers

1       that we have here at the Gaming Commission  
2       sometimes are skewed because of new companies  
3       coming on and new buildings and things like that.  
4       So in keeping this in mind in the disparity, we  
5       wanted to at least bring to your attention the  
6       fact that these things are probably one-time  
7       expenditures and, therefore, the participation  
8       could be skewed somewhat because over time you  
9       don't have the recurring building projects. So  
10      that is one point.

11             Second, one of the things that I was able to  
12      ascertain from the disparity study and the report  
13      was that the availability and the disparity --  
14      some of you may know this already, but the way you  
15      figure the disparity is based on availability and  
16      use. The difference between those is the  
17      disparity. In coming up with your number of  
18      availability, the Commission used or the people  
19      who did the study used -- the availability was  
20      based on people who had signed up or who had  
21      registered with the Gaming Commission or had some  
22      type of business dealings with the Gaming  
23      Commission. We believe that is not a true and  
24      accurate indication of those people who are ready  
25      and willing to work as defined by the code. Ready

1 and willing means someone who has the capacity and  
2 is ready and willing to work with the casinos.  
3 Therefore, the numbers could not -- may not be  
4 accurate based on the availability and then the  
5 use. Whereas, the availability may be lower, we  
6 believe it should be higher than what it is now.

7 For example, we have discussed today -- there  
8 has been some discussion about -- from some  
9 casinos about underutilization. This Gaming  
10 Commission in its own use and efforts to kind of  
11 live by the same rules that they want everybody  
12 else to use has done the same thing. You have  
13 hired and used Coleman Stevenson, they are a  
14 minority certified firm. Your using that firm in  
15 is an indication, in my opinion as to the  
16 seriousness and nature of what you do. As you can  
17 imagine, if you only had one legal issue every  
18 three years, if you didn't use the law firm,  
19 minority-owned law firm, for those other two years  
20 and you have a three-year disparity study, you  
21 would have a skewed study. So what we are asking  
22 this Commission to do is to look at this study a  
23 little bit deeper so you can understand really --  
24 where the availability really is.

25 Last, but not least, one of the things that

1 was part of the study and was a result of the  
2 study, it found that although there was large  
3 amount of dollars that were spent with minority  
4 and women-owned firms, there were very few firms  
5 that were used. In other words, the number in the  
6 disparity is different than the utilization, if  
7 you will. Whereas, you may have used some  
8 construction firm, for example, on several  
9 projects, there may have been other available  
10 construction firms that did not have an  
11 opportunity. Therefore, that would also be  
12 skewed. So please take that into consideration  
13 when you are coming up with your new goals and  
14 objectives for the upcoming year.

15 As a member of the Indiana Black Legislative  
16 Caucus, we appreciate having the opportunity to be  
17 here. We want to provide information and guidance  
18 anytime there is a chance.

19 Myself personally, I am a MWB attorney. So as  
20 you are asking the question about the process, it  
21 was kind of like I was practicing law again.

22 But those are things that we are ready and  
23 available to provide to the Commission. I know  
24 that Director Yelton is very open to our  
25 discussions and things like that. So we just

1 wanted to present those things. And I appreciate  
2 the consideration of the Commission to allow us to  
3 speak today.

4 EXECUTIVE DIRECTOR YELTON: I have a couple  
5 remarks, if I may, Senator. We will recheck this,  
6 but it was my understanding when they put this  
7 study together that they were including  
8 individuals who are willing, able and available to  
9 do it even though they weren't certified; but I  
10 will double-check that to make sure they were  
11 included. I thought they were, Jenny.

12 DEPUTY DIRECTOR RESKE: Yes. And I would  
13 welcome the opportunity to sit down and discuss  
14 our study.

15 SENATOR TAYLOR: I think we have spoken. I  
16 just remembered your name.

17 DEPUTY DIRECTOR RESKE: I think that would be  
18 beneficial to the process. We do appreciate the  
19 input, but we would like the chance to clarify  
20 some of the inconsistencies.

21 SENATOR TAYLOR: What I saw was, in the  
22 PowerPoint presentation that was presented by  
23 Engaged Solutions, I think it was, they had a  
24 PowerPoint presentation and they defined it. They  
25 said people who have signed up or registered. A

1 registration for companies that want to do  
2 business with the Gaming Commission or whatever.  
3 That's what I thought you used.

4 DEPUTY DIRECTOR RESKE: If I may, Mr.  
5 Chairman, I can explain.

6 CHAIRMAN MURPHY: Go ahead.

7 DEPUTY DIRECTOR RESKE: That was one method we  
8 used to identify ready, willing and able. We  
9 contracted with Engaging Solutions to go out and  
10 have a series of meetings in different geographic  
11 areas. Anyone who came and said, "I'm ready,  
12 willing and able," we put them on the list. We  
13 also used every MBE and WBE firm used for the  
14 three-year period preceding the year we did the  
15 study. We also worked from the list such as the  
16 Black Chamber of Commerce, Hispanic Chamber of  
17 Commerce and a group such as NOVAL (phonetic) was  
18 used. Any businesses who had affiliated  
19 themselves with a group and who presumably would  
20 be able to receive certification, if they applied,  
21 were also included. This was something that we  
22 were very cognizant of when we did the study. Any  
23 chance we had to cast the net wider, we tried to  
24 take it. Like with anything, it's not perfect,  
25 but we did try to be as inclusive as possible.

1 EXECUTIVE DIRECTOR YELTON: And I'm not here  
2 to defend the industry, that's not my job. But I  
3 know several of them did make some observations  
4 during some of the major construction projects.  
5 They incurred them with the airport and with Lucas  
6 Oil Stadium. And they weren't really able to  
7 compete, particularly with the MBA firms, because  
8 quite candidly we all know those were probably a  
9 much better operation to work under than would be  
10 down in French Lick. I know French lick  
11 particularly had trouble. But that was timing  
12 more than anything else. But we will take another  
13 look at it, Senator, I assure you.

14 SENATOR TAYLOR: Thank you.

15 CHAIRMAN MURPHY: Thank you, Senator Taylor.  
16 I just want you to know that on behalf of the  
17 Commission, we take this matter very seriously.  
18 And we will follow it with diligence. Thank you.

19 SENATOR TAYLOR: Thank you.

20 EXECUTIVE DIRECTOR YELTON: Thank you.

21 CHAIRMAN MURPHY: Mr. Bartlett, do you wish to  
22 speak?

23 MR. BARTLETT: No. I believe Senator Taylor  
24 said everything.

25 CHAIRMAN MURPHY: Thank you for being here.

1           COMMISSIONER FINE: Unfortunately, we sort of  
2 focus on the need for improvement, but it is  
3 noteworthy that in nearly a billion dollars worth  
4 of spending you have got over \$240 billion of  
5 MBE/WBE money spent, which is pretty significant.  
6 These are very significant milestones, although we  
7 may have a little bit of additional effort to be  
8 made. That's a pretty remarkable number.

9           CHAIRMAN MURPHY: I agree.

10          Are there any other questions regarding the  
11 MBE/WBE report to Ms. Reske or to anyone?

12          DEPUTY DIRECTOR RESKE: Thank you.

13          CHAIRMAN MURPHY: Thank you. If not, we will  
14 proceed back to the agenda. Financing matters  
15 with Jeff Neuenschwander.

16          MR. NEUENSCHWANDER: You have before you the  
17 Boyd financing issues. On October 29, 2009, Boyd  
18 Gaming requested that an approval up to \$500  
19 million of financing be placed on the agenda for  
20 today's meeting. Boyd requested a waiver of the  
21 two-meeting Rule, 68 Indiana Administrative Code  
22 5-3-2. Most of the financing requested to the  
23 Commission is a process through the interim waiver  
24 procedure authorized through Resolution 2009-74.  
25 Under that procedure the Executive Director and

1 the Chairman can consult with the Commission's  
2 financial analyst and if he so chooses, the  
3 Executive Director can issue an interim waiver  
4 which has been ratified by the Commission at the  
5 next meeting. Today's request differs from the  
6 traditional two-meeting process and the interim  
7 waiver process. Boyd has requested that you waive  
8 the two-meeting requirement and grant them  
9 approval of their financial request at today's  
10 meeting. They do have a representative here today  
11 to answer any questions you have about their  
12 request.

13 Boyd will issue up to \$500 million in either  
14 senior unsecured debt or senior unsubordinated  
15 debt with ten percent or less. Boyd has indicated  
16 that the primary purpose of this transaction is to  
17 refinance the existing debt. It seeks approval to  
18 close on this transaction anytime between approval  
19 and end of calendar year 2010, and details of this  
20 transaction are contained in confidential  
21 materials provided to the Commission.

22 Dr. Charlene Sullivan, the Commission's  
23 financial analyst, has analyzed the proposed  
24 transaction and you also have a copy of her report  
25 in your packet of materials.

1           Commission staff asks you to grant Boyd's  
2 request for waiver of the two-meeting rule, and  
3 that you grant the financing request.

4           CHAIRMAN MURPHY: Thank you,  
5 Mr. Neuenschwander.

6           Are there any questions regarding Order  
7 2009-193? If not, is there a motion to approve.

8           COMMISSIONER SWIHART: So moved.

9           COMMISSIONER SHY: I will second.

10          CHAIRMAN MURPHY: It's been moved and  
11 seconded. All of those in favor signify by saying  
12 aye.

13          (COMMISSION MEMBERS VOTED AYE.)

14          CHAIRMAN MURPHY: Opposed?

15          Order 2009-193 is approved. Thank you.

16          MR. NEUENSCHWANDER: Thank you, Mr. Chairman.

17          The next item is the Grand Victoria financing  
18 issue. Grand Victoria, through counsel, requested  
19 Commission approval to obtain a restructuring of  
20 its credit facility, along with a waiver of the  
21 applicable procedural requirements set forth in  
22 68 Indiana Code Administrative 5-3. The details  
23 of the proposed transaction have been provided to  
24 the Commissioners in confidential financial  
25 documents.

1           In accordance with Resolution 2008-74, after  
2 analyzing the proposed transaction, consulting  
3 with the Commission's financial analyst,  
4 Dr. Charlene Sullivan, and receiving the requisite  
5 concurrence from Chairman Murphy, Executive  
6 Director Ernest Yelton issued an interim approval  
7 and waiver of 68-IAC 5-3-2, in a letter dated  
8 October 1, 2009. The October 1, 2009 letter  
9 authorized Grand Victoria, subject to certain  
10 conditions, to close on the proposed credit  
11 facility without receiving prior approval from the  
12 full Commission and without satisfying the  
13 two-meeting requirement of 68 IAC 5-3.

14           Resolution 2008-74 requires that Executive  
15 Director Yelton's interim approval and waiver be  
16 reported to the full Commission at the next  
17 business meeting held under 68 IAC 2-1-5.

18           Additionally, 68 IAC 5-3-7 requires that the  
19 waiver be reported to the Commission in order that  
20 the Commission may have the opportunity to direct  
21 the Executive Director to take additional or  
22 different action.

23           The Commission staff requests you to ratify  
24 the Executive Director's interim approval and  
25 waiver.

1           CHAIRMAN MURPHY: Are there any questions for  
2 Mr. Neuenschwander on Order 2009-194?

3           I have one, and it's just a clarification.  
4 Dr. Sullivan's report, you mentioned that in your  
5 previous order. I think it's important to note  
6 that Dr. Sullivan has also issued her report and  
7 recommended approval.

8           MR. NEUENSCHWANDER: That is correct.

9           CHAIRMAN MURPHY: Other questions? If not, is  
10 there a motion to approve Order 2009-194?

11          COMMISSIONER SWIHART: So move.

12          COMMISSIONER MORGAN: I second the motion.

13          CHAIRMAN MURPHY: It's been moved and  
14 seconded. All of those in favor signify by saying  
15 aye.

16          (COMMISSION MEMBERS VOTED AYE.)

17          CHAIRMAN MURPHY: Opposed?

18          Order 2009-194 is approved. Thank you,  
19 Mr. Neuenschwander.

20          Next up will be Order 2009-196. Am I right  
21 thinking that Mr. Sicuso will present that?

22          GENERAL COUNSEL SICUSO: Yes. Thank you,  
23 Mr. Chair.

24          This order, as it's proposed, relates to  
25 Harrah's financing. This order will ratify two

1 separate interim waivers and approvals that were  
2 extended by Executive Director Yelton in a single  
3 letter dated October 14, 2009.

4 Subject to conditions that are outlined in  
5 that letter, which are included in the order that  
6 is presented to you for approval, the October 14  
7 letter authorized Harrah's to do two things  
8 without prior approval of the full Commission.  
9 Again, as Jeff described, without satisfying the  
10 two-meeting rule in the regulations.

11 First, Harrah's was permitted to access up to  
12 \$1 billion in an accordion loan that has been in  
13 existence and available under the company's  
14 existing credit facility.

15 The second thing was that Harrah's was  
16 permitted to carry out a series of private  
17 exchange offerings in order to refinance a portion  
18 of its existing unsecured notes for the primary  
19 purposes of extending maturities through 2018.

20 As I mentioned, there are a couple of special  
21 conditions that we imposed on the interim  
22 approval, through Executive Director Yelton, that  
23 I've explained to you. The first is on the \$1  
24 million accordion loan, we required at least  
25 60 percent of the proceeds of that loan to be used

1 between now and January of 2011 to pay down  
2 existing debt. So in some ways that controls the  
3 expenditures of that money.

4 Secondly, the exchange offers, we have two  
5 limitations on the exchange offers. One was a  
6 year's time limit. So between now and  
7 October 15th of 2010 is the only time period in  
8 which they are able to do these offers without  
9 coming back to the Commission for additional  
10 approval.

11 Secondly, the aggregate value of the note to  
12 be exchanged is \$1 billion during that time  
13 period. If they wish to go over that \$1 billion,  
14 then they need to come back for additional  
15 approval.

16 And those conditions are really just to make  
17 sure we are able to keep track of the economy and  
18 other things that may change between now and then.  
19 So this is a blanket approval to be between now  
20 and the next three or four years.

21 As Jeff explained also, we are required to  
22 take these interim approvals to you at the next  
23 available Commission meeting so you can direct  
24 additional or different action. But with  
25 Dr. Sullivan's recommendation and report, which

1 you have received as part of your materials, we  
2 would recommend, as well as Dr. Sullivan, that you  
3 approve the interim waiver and approval that was  
4 issued by Executive Director Yelton on October  
5 14th.

6 CHAIRMAN MURPHY: Did Harrah's accept our  
7 terms?

8 GENERAL COUNSEL SICUSO: Yes, they did. They  
9 are aware of them.

10 CHAIRMAN MURPHY: Any other questions  
11 regarding Order 2009-196? If not, is there a  
12 motion to approve the order?

13 COMMISSIONER SWIHART: So moved.

14 COMMISSIONER SHY: Second.

15 CHAIRMAN MURPHY: It's been moved and  
16 seconded. All those in favor signify with saying  
17 aye.

18 (COMMISSION MEMBERS VOTED AYE.)

19 CHAIRMAN MURPHY: Opposed?

20 Order 2009-196 is approved. Thank you.

21 The next item of business will be disciplinary  
22 action. I'm sorry, we skipped --

23 GENERAL COUNSEL SICUSO: The next two we can  
24 do together, which is 2009-197 and 2009-198. We  
25 have the annual renewals for Belterra and

1 Horseshoe Southern Indiana. As these orders are  
2 proposed, they would remove for a period of one  
3 year the owner's licenses that are currently held  
4 by Belterra Resort Indiana, LLC, and Caesar's  
5 Riverboat Casino, LLC, which has since been  
6 rebranded as Horseshoe Southern Indiana.

7 Each of these licensees have timely submitted  
8 their request for renewal as well as paying  
9 renewal fees. And the staff's position is that  
10 each licensee is presently in substantial  
11 compliance with all gaming laws in Indiana. And  
12 we recommend their licenses be renewed for one  
13 year.

14 CHAIRMAN MURPHY: Any questions regarding the  
15 renewal orders for Mr. Sicuso? If not, is there a  
16 motion to approve Orders 2009-197 and 2009-198?

17 COMMISSIONER SHY: Move to approve.

18 COMMISSIONER FINE: Second.

19 CHAIRMAN MURPHY: It's been moved and  
20 seconded. All of those in favor for approval  
21 signify by saying aye.

22 (COMMISSION MEMBERS VOTED AYE.)

23 CHAIRMAN MURPHY: Opposed?

24 Orders 2009-197 and 198 unanimously approved.

25 Now we are up to disciplinary action,

1 Chris Gray. And we will do these altogether.

2 MS. GRAY: Thank you, Mr. Chairman.

3 You have before you nine settlement agreements  
4 concerning disciplinary actions.

5 The first settlement is with Blue Chip, Order  
6 2009-199, which includes two counts. In the first  
7 count, the table fill was handled incorrectly. In  
8 the second count, the casino failed to investigate  
9 a variance reported on the validator flash report.  
10 Blue Chip has agreed to a total monetary  
11 settlement of \$6,500 in lieu of disciplinary  
12 action. Are there any questions?

13 The second order is Order 2009-200. It is a  
14 settlement agreement with French Lick which  
15 includes three counts. In the first count, French  
16 Lick allowed an underage person on the casino  
17 floor. The second count violated the rule  
18 regarding playing cards and dice not being used in  
19 a live game be kept in a locked compartment. The  
20 third count is a violation of VEP rules. French  
21 Lick has agreed to a total monetary settlement of  
22 \$4,500 in lieu of disciplinary action. Are there  
23 any questions concerning this order?

24 COMMISSIONER SHY: I have a question. What is  
25 the process for identifying voluntary exclusion?

1 How would they miss that?

2 MS. GRAY: Normally, a voluntary exclusion  
3 person is self-reported by the casino. Basically,  
4 what we look for, as far as taking any  
5 disciplinary action, is in regards to whether or  
6 not the casino has allowed -- the patron has  
7 presented some form of ID and was allowed to cash  
8 a check. They had to get a player's card and had  
9 to show ID and were allowed to play. So that's  
10 what we look at before we take action.

11 COMMISSIONER SHY: So do we know if they did  
12 not check for ID or if they checked and didn't --

13 MS. GRAY: No, they checked their ID. As far  
14 as disciplinary action, the casino has to check  
15 for ID first, otherwise -- with the VEPs, they  
16 normally will not present ID.

17 CHAIRMAN MURPHY: Any other questions?

18 MS. GRAY: The third order is Order 2009-201,  
19 a settlement agreement with Grand Victoria which  
20 includes three counts.

21 The first count, the casino violated the rule  
22 regarding card specifications.

23 The second count, a cage employee reported  
24 incorrect information on the cage log, and on  
25 several occasions failed to send the cage log to

1 the revenue audit department. In the third count,  
2 the roulette wheel at a closed game was not  
3 secured.

4 Grand Victoria has agreed to a total monetary  
5 settlement of \$10,000 in lieu of a disciplinary  
6 action.

7 Any questions?

8 CHAIRMAN MURPHY: Any questions from the  
9 Commissioners on Order 2009-201?

10 MS. GRAY: Order 2009-202 is a settlement  
11 agreement with Hollywood, formerly known as  
12 Argosy, which involves five counts. In the first  
13 count, a float lid was left unsecured.

14 In the second count, the casino failed to  
15 timely notify the gaming agent of the termination  
16 of five employees.

17 The third count violated the rule regarding  
18 cards specifications.

19 In the fourth count, an underage person was on  
20 the casino floor.

21 The fifth count violated the VEP rule.

22 Hollywood has agreed to a monetary settlement  
23 of \$17,500 in lieu of disciplinary action.

24 Are there any questions?

25 CHAIRMAN MURPHY: Yes, Ms. Gray, I have one.

1 This reporting of termination paperwork seems to  
2 be a thread through a couple of these different  
3 ones. The reporting of termination paperwork  
4 seems to be a common thread. What's the problem  
5 there? Are the rules being ignored or what do you  
6 think, Ms. Gray?

7 MS. GRAY: We have been dealing with this  
8 since HR -- at all of the casinos pretty much.  
9 And we have tried to get them to work within the  
10 guidelines of the Commission. For the most part,  
11 we look at the ones that are really violations.  
12 If it's a day or two, we normally don't take  
13 action. But these are the ones that have taken a  
14 longer amount of time for them to report a  
15 terminated employee.

16 CHAIRMAN MURPHY: Do you think it is just  
17 careless?

18 MS. GRAY: It's a combination of things. They  
19 do seem to be lacking in notifying us.

20 EXECUTIVE DIRECTOR YELTON: Actually, I raised  
21 that question two months ago, whether or not the  
22 15-day rule was unreasonable. And we did another  
23 examination and came to a conclusion there is  
24 really no reason why the 15 days can't be complied  
25 with by the HR departments. So I, for one, have

1 supported Chris in that position.

2 COMMISSIONER SWIHART: You might get more  
3 response if the fine level increases.

4 EXECUTIVE DIRECTOR YELTON: I don't know. We  
5 won't ask for a vote from the audience on that  
6 one.

7 CHAIRMAN MURPHY: Any other questions of  
8 Ms. Gray?

9 MS. GRAY: Order 2009-203 is a settlement  
10 agreement with Hoosier Park, wherein the casino  
11 failed to secure the soft count room. After  
12 several minutes, only two employees were in the  
13 room instead of the required three.

14 Hoosier Park has agreed to a monetary  
15 settlement of \$5,000 in lieu of disciplinary  
16 action.

17 Are there any questions regarding this  
18 agreement?

19 CHAIRMAN MURPHY: Do the Commissioners have  
20 any questions?

21 MS. GRAY: Order 2009-204, Horseshoe Hammond,  
22 wherein the casino allowed an employee to work  
23 with an expired badge.

24 Horseshoe Hammond has agreed to a monetary  
25 settlement of \$1,000 in lieu of disciplinary

1 action.

2 Any questions.

3 CHAIRMAN MURPHY: Do the Commissioners have  
4 any questions of Ms. Gray regarding 2009-205?

5 COMMISSIONER SWIHART: Between this and the  
6 paperwork, it seems to be a common thread also.

7 MS. GRAY: Order 2009-205 is a settlement  
8 agreement with Horseshoe Southern Indiana and it  
9 includes two counts.

10 In the first count, the casino failed to  
11 timely inform the gaming agents of the termination  
12 of nine employees.

13 The second count violated the casino's  
14 internal controls regarding the drop boxes.

15 Horseshoe Southern Indiana has agreed to a  
16 monetary settlement of \$13,500 in lieu of  
17 disciplinary action.

18 Are there any questions?

19 CHAIRMAN MURPHY: Any questions?

20 MS. GRAY: Order 2009-206 is a settlement  
21 agreement with Indiana Live and includes four  
22 counts.

23 In the first count, the casino allowed two  
24 underage persons onto the casino floor, one of  
25 which they allowed on the floor on two separate

1 occasions.

2 The second count violated the rule regarding  
3 the par sheets and the coin testing of slots  
4 machines.

5 In the third count, an employee was allowed to  
6 work with an expired badge.

7 The fourth count violated the VEP rule.

8 Indiana Live has agreed to pay a total  
9 monetary settlement of \$19,500 in lieu of  
10 disciplinary action.

11 Are there any questions?

12 CHAIRMAN MURPHY: Any questions of Ms. Gray on  
13 the order?

14 MS. GRAY: The final order, Order 2009-207, is  
15 the settlement agreement with Majestic Star which  
16 includes two counts.

17 In the first count, the casino failed to  
18 secure logic boards containing computer chips.  
19 The second count violated the VEP rule.

20 Majestic Star agrees to pay a monetary  
21 settlement of \$9,000 in lieu of disciplinary  
22 action.

23 Are there any questions?

24 CHAIRMAN MURPHY: Any questions of Ms. Gray on  
25 Order 209-207? If not, is there a motion to

1 approve Orders 2009-199 through 2009-207?

2 COMMISSIONER MORGAN: Motion to approve.

3 COMMISSIONER SHY: Second.

4 CHAIRMAN MURPHY: It's been moved and  
5 seconded. All those in favor signify by saying  
6 aye.

7 (COMMISSION MEMBERS VOTED AYE.)

8 CHAIRMAN MURPHY: Opposed?

9 Orders 2009-199 through 2009-207 approved.  
10 Thank you, Ms. Gray.

11 The next item of business on the agenda will  
12 be rules. And Julian Agnew will present.

13 JULIAN AGNEW: Before you is Resolution  
14 2009-208, a resolution adopting proposed rule  
15 09-676 as a final rule of the Commission.

16 In June 2009, the Commission adopted an  
17 emergency rule to address statutory changes made  
18 by the legislature to existing charity gaming  
19 events. Afterwards, the Commission staff than  
20 began the process of adopting those changes and  
21 applying the administrative rule.

22 During the course of the rule writing process,  
23 the Commission staff made additional changes  
24 necessary for the effect of regulation and charity  
25 gaming. These changes prohibited an organization

1 advertising for a charity gaming night event from  
2 using a d/b/a or doing business as on any  
3 advertisement or signage, allowing an organization  
4 to accept checks and debit cards when conducting  
5 an allowable event, and required organizations to  
6 deposit all proceeds from an allowable event into  
7 a separate segregated bank account within five  
8 business days of the event.

9 As required by statute, the Commission staff  
10 submitted this rule to the Office of Management  
11 and Budget, the Indiana Economic Development  
12 Corporation and the State Budget Agency for review  
13 of any impacts made by the rule.

14 On October 7, 2009, Commission staff published  
15 this rule in the Indiana Register as well as  
16 posted a copy of the rule on our Web site.

17 On November 10, 2009, Commission staff held a  
18 hearing on the rule to receive comments on the  
19 proposed changes. The transcript from that  
20 hearing has been provided to the Commissioners.

21 If the Commission approves this resolution  
22 adopting 09-676 as a final rule, the rule will be  
23 forwarded to the Office of the Attorney General  
24 and the Governor for approval, and will be filed  
25 thereafter with the Indiana Register. The rule

1 becomes in effect 30 days after this is filed with  
2 the Register.

3 Commission staff recommend you adopt the  
4 charity gaming rule before you and approve  
5 Resolution 2009-208.

6 CHAIRMAN MURPHY: Any questions regarding  
7 Resolution 2009-208? If not, is there a motion to  
8 approve the resolution?

9 COMMISSIONER SWIHART: Move to approve.

10 COMMISSIONER SHIELDS: Second.

11 CHAIRMAN MURPHY: It's been moved and  
12 seconded. All of those in favor signify by saying  
13 aye.

14 (COMMISSION MEMBERS VOTED AYE.)

15 CHAIRMAN MURPHY: Opposed?

16 Resolution 2009-208 is unanimously approved.

17 And there is one license control as well.

18 JULIAN AGNEW: Yes. Before you is Order  
19 2009-209, an order approving a settlement  
20 agreement in a disciplinary action against the  
21 Mills Amusement and Music Company. Mills  
22 Amusement and Music Company is an Indiana  
23 corporation located in Anderson. And they are  
24 engaged in the sale and rental of arcade and  
25 pinball machines.

1           In October of 2008, Gaming Control Division  
2 officers searched and seized numerous gambling  
3 devices from Mills' Madison County property. The  
4 License Control Division then filed a disciplinary  
5 action with the Commission's administrative law  
6 judge in November of 2008 alleging several  
7 violations of the illegal gambling code.

8           In this action, the Commissioner requests a  
9 revocation of Mills' two Indiana department  
10 registered retail certifications and charity  
11 gaming license.

12           After discovery was conducted in the matter,  
13 Mills determined it was in their best interest to  
14 settle the matter, and the settlement agreement  
15 was entered into on September 15, 2009. Mills  
16 agreed to voluntarily relinquish its department  
17 registered retail merchants certificates and not  
18 apply for a charity gaming distributor license for  
19 a period of three years, commencing from the  
20 settlement effective date. The staff recommends  
21 approval.

22           CHAIRMAN MURPHY: Any questions regarding  
23 Order 2009-209? If not, is there a motion to  
24 approve the order?

25           COMMISSION MORGAN: Motion to approve the

1 order.

2 COMMISSIONER SHIELDS: Second.

3 CHAIRMAN MURPHY: It's been moved and  
4 seconded. All of those in favor, signify by  
5 saying aye.

6 (COMMISSION MEMBERS VOTED AYE.)

7 CHAIRMAN MURPHY: Opposed?

8 Order 2009-209 is approved. Thank you.

9 That being all the business to come before the  
10 meeting today. I would like to note our next  
11 regularly scheduled meeting is March 4th. Do we  
12 know the next location?

13 EXECUTIVE DIRECTOR YELTON: Tentatively,  
14 Indiana Live. And Mr. Chair, if I may. I want to  
15 extend my personal apology to Commissioner Shy and  
16 Morgan. Not only did Governor Daniels appoint  
17 Judge Shields, he also reappointed them each for a  
18 full term with the Indiana Gaming Commission. The  
19 record should so note.

20 CHAIRMAN MURPHY: Congratulations.

21 Is there a motion to adjourn the meeting?

22 COMMISSIONER SWIHART: So moved.

23 COMMISSIONER FINE: Second.

24 CHAIRMAN MURPHY: It's been moved and  
25 seconded. All of those in favor signify by saying

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aye.

(COMMISSION MEMBERS VOTED AYE.)

CHAIRMAN MURPHY: Opposed?

We stand adjourned. Thank you.

1 STATE OF INDIANA )  
2 COUNTY OF MARION ) SS:

3  
4 I, Robin L. Helton, a Notary Public in and for said  
5 county and state, do hereby certify that the Indiana  
6 Gaming Commission Business Meeting, November 12, 2009 at  
7 1:00 p.m., at the History Reference Room at the Indiana  
8 State Library, 315 W. Ohio Street, Indianapolis,  
9 Indiana, was taken down in stenograph notes and  
10 afterwards reduced to typewriting under my direction,  
11 and that the typewritten transcript is a true record of  
12 the proceedings held.

13 IN WITNESS WHEREFORE, I have hereunto set my hand and  
14 affixed my notarial seal this \_\_\_\_\_day of  
15 \_\_\_\_\_, 2009.

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Robin L. Helton, Notary Public,  
Residing in Marion County, Indiana

My Commission Expires:  
June 6, 2017