

ORDER 2010-66
ORDER APPROVING CASINO AZTAR'S FORMAL WOMEN OWNED
BUSINESS ENTERPRISE EXPENDITURE ACTION PLAN

Pursuant to IC 4-33-14-5(b), the Indiana Gaming Commission ("Commission") completed a disparity study in 2007. Subsequently, the Commission adopted Resolution 2007-58, which set a utilization goal requiring casino licensees to make 10.9 percent of their expenditures for construction goods and services to women owned business enterprises. Failure to meet the established goals or to demonstrate a good faith effort to do so may result in disciplinary action under 68 IAC 13.

In March 2009, the Commission notified Casino Aztar that it failed to meet the women owned business enterprise utilization goal for fiscal year 2008 and that, pursuant to 68 IAC 3-3-10(a), Casino Aztar must either demonstrate compliance with the established goal or a good faith effort to attain the goal within ninety (90) days. The Commission received information from Casino Aztar regarding its 2008 expenditures. That information contained evidence that Casino Aztar failed to exercise good faith effort to meet the established goal.

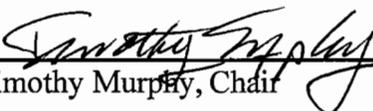
During a presentation to the Commission the Commission's November 12, 2009 quarterly meeting, Casino Aztar outlined elements of an informal corrective action plan to avoid future disparity in utilization. As directed during that meeting, Casino Aztar subsequently submitted a formal written corrective action plan. As a result of that plan, Casino Aztar has met the women business utilization goal for the expenditures made during calendar year 2009.

Pursuant to 68 IAC 3-3-6(b), Commission staff recommends that Casino Aztar be required to report to the Commission concerning performance of its continuing obligation to achieve the established goals upon completion of its formal corrective action plan or the second quarterly Commission meeting of 2013, whichever occurs first.

Having considered the foregoing, the Commission hereby APPROVES Casino Aztar's proposed formal action plan and ORDERS Casino Aztar to report to the Commission concerning performance of its continuing obligation to achieve the established goals as outlined herein.

IT IS SO ORDERED THIS THE 4TH DAY OF MARCH, 2010:

THE INDIANA GAMING COMMISSION:



Timothy Murphy, Chair

ATTEST:



Marc Fine, Secretary