

ORDER 2011-189
MODIFYING THE EVANSVILLE
LOCAL DEVELOPMENT AGREEMENT

The Indiana Gaming Commission ("Commission"), based upon its consideration of the following factors, adopts the following resolution pursuant to the authority granted to the Commission under Indiana Code 4-33 and Title 68 of the Indiana Administrative Code:

1. The Commission maintains continuing jurisdiction over the local development agreement ("Agreement") among riverboat licensee Aztar Indiana Gaming Company, LLC ("Casino Aztar"), Casino Aztar's parent company New Tropicana OpCo, Inc., and the City of Evansville, acting through its Redevelopment Commission.

2. Indiana Code 4-33-23 governs the Commission's regulatory authority over local development agreements. Indiana Code 4-33-23-8 states that all development agreements must contain the following statement: "All parties to this agreement recognize the authority of the Indiana gaming commission over this agreement, including the authority to disapprove all or part of this agreement, to verify and ensure payments made under this agreement, to verify and ensure expenditures by recipients, to verify and ensure that compliance with the purposes of the agreement, and to act concerning modifications to the agreement. All parties to this agreement agree to comply fully with any requests for information or directives related to the exercise of the commission's authority."

3. At the June 2, 2011 Commission meeting, the Commission adopted Resolution 2011-138, which adopted an emergency rule regarding local development agreements. Section 7 of this emergency rule, which is currently posted in the Indiana Register as LSA #11-471(E), states that "a development provider shall submit a modification request that adds the statement found in IC 4-33-23-8 to the development agreement for consideration at the September 2011 commission business meeting."

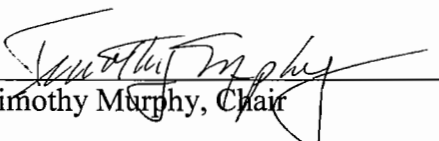
4. On September 1, 2011, Casino Aztar submitted its modification request, which all parties have signed. The request addresses all of the requirements in IC 4-33-23-8 and Section 7 of LSA #11-471(E).

5. The Commission wishes to accept Casino Aztar's modification request, as it satisfies IC 4-33-23-8 within the timeframe set by the Commission's emergency rule.

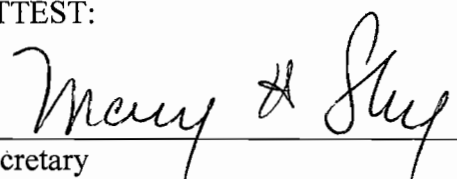
NOW, THEREFORE, for the foregoing reasons, the Commission hereby approves Casino Aztar's September 1, 2011 request to modify its local development agreement.

IT IS SO RESOLVED AND DIRECTED, THIS THE 15th DAY OF SEPTEMBER, 2011.

THE INDIANA GAMING COMMISSION:


Timothy Murphy, Chair

ATTEST:


Secretary