

ORDER 2013-116

AN ORDER OF THE INDIANA GAMING COMMISSION RATIFYING THE PREVIOUSLY ISSUED INTERIM RENEWAL OF THE GAMBLING GAME LICENSE OF CENTAUR ACQUISITION, LLC AND RENEWING THE GAMBLING GAME LICENSE OF CENTAUR ACQUISITION, LLC

In accordance with and subject to Indiana Code 4-35 and Title 68 of the Indiana Administrative Code, the Indiana Gaming Commission (“Commission”) issued a gambling game license to Indianapolis Downs, LLC effective March 31, 2008. The Commission approved transfer of ownership from Indianapolis Downs, LLC to Centaur Acquisition, LLC (“Indiana Grand”) by order 2013-1 effective February 20, 2013. Pursuant to Indiana Code section 4-35-5-4, the license is required to be renewed five years after the effective date of the license.

The Commission received on February 27, 2013 the requested renewal and submitted payment of its annual renewal fee. On March 26, 2013, and under the delegation of authority granted by the Commission in Resolution 2012-151, the Executive Director renewed Indiana Grand’s license until such time as the Commission is able to consider the request at a regularly scheduled business meeting.

Commission Resolution 2012-151 allows the Executive Director, upon obtaining consent from one Commissioner, to exercise the power and duties of the Commission under IC 4-35-4-1 when the Executive Director finds that a situation is a matter of urgent circumstances and that the failure to act immediately would be impractical, burdensome, or not in the best interest of the gaming industry.

On March 21, 2013, by Order 2013-66, the Commission approved a written power of attorney identifying Trinity Hill Group, LLC as power of attorney for Indiana Grand. Order 2013-66 stated that it would expire “upon the effectiveness of a subsequent Commission order that either: (1) addresses the renewal of Indiana Grand’s gambling game license; or (2) modifies or withdraws the approval” of Trinity Hill Group, LLC.

COMMISSION ACTIONS

- I. The Commission has considered the following factors:
 1. The Commission has the power to renew gambling game licenses. IC 4-35-4-1.
 2. No one may operate a casino gambling operation without holding a casino owner’s license. 68 IAC 2-1-1.
 3. On March 26, 2013, Executive Director Yelton, upon obtaining concurrence from a Commissioner, issued interim approval of Indiana Grand’s gambling game license.
 4. At the time, the Commission had not delegated authority to the Executive Director to grant interim approval of gambling game licenses.
 5. An emergency existed, and it was in the best interest of the public and the gaming industry to allow the interim approval of the gambling game license.

6. Resolution 2012-151 requires that the Executive Director must report any action taken under Resolution 2012-151 to the Commission for ratification or other action by the Commission.

Based on the foregoing, the Commission hereby **RATIFIES** the Executive Director's March 26, 2013 interim approval.

II. Pursuant to Indiana Code section 4-35-5-4, the Commission has found that Indiana Grand has substantially complied with the directives of Indiana Code 4-35 and Title 68 of the Indiana Administrative Code and is suitable to hold a gambling game license. The Commission **GRANTS** renewal of Indiana Grand's gambling game license for a period of one year subject to substantial compliance with all properly applicable state and local laws, including but not limited to, Commission regulations, resolutions, orders and/or other directives relating to the gambling game license, or to the lawful operation or conduct of gaming in Indiana. The renewal of the riverboat owner's license is valid for a period of one year from March 31, 2013 through March 30, 2014.

III. The Commission **GRANTS** renewal of its approval of the written power of attorney identifying Trinity Hill Group, LLC as trustee for Indiana Grand. The renewal of the Commission's approval expires upon the effectiveness of a subsequent Commission order that either: (1) addresses the renewal of Indiana Grand's gambling game license; or (2) modifies or withdraws the renewal of its approval as granted herein.

According to IC 4-21.5-3, this order is effective fifteen (15) days after the order is served.

IT IS SO ORDERED THIS THE 27th DAY OF JUNE, 2013.

THE INDIANA GAMING COMMISSION:



Matt Bell, Chair

ATTEST:



Marc Fine, Vice-Chair