

ORDER 2021-114
AN ORDER OF THE INDIANA GAMING COMMISSION OF NONRENEWAL
OF THE CASINO OWNER'S LICENSE FOR LUCY LUCK GAMING, LLC

In accordance with and subject to Ind. Code art. 4-33 and Title 68 of the Indiana Administrative Code, the Indiana Gaming Commission ("Commission") issued a casino owner's license to Spectacle Jack, LLC ("Spectacle Jack") for a proposed Vigo County casino project on May 15, 2020. On December 21, 2020, the Commission approved an entity change of the Vigo County license to Lucy Luck Gaming, LLC ("Lucy Luck") f/k/a Spectacle Jack.

By Order 2020-02, the Commission granted Lucy Luck, the sole applicant, a casino owner's license to operate an inland casino in Vigo County, Indiana. This license was valid for a period of one year, from May 15, 2020 through May 14, 2021. Pursuant to Order 2020-02, Lucy Luck submitted its proposed power of attorney, requesting that Mr. Thomas Dingman of the Trinity Hill Group serve as its power of attorney, which was approved by the Executive Director. The power of attorney must be renewed annually concurrently with the annual casino owner's license renewal.

On April 15, 2021 Lucy Luck requested license renewal and submitted the payment of its annual renewal fee. On May 11, 2021 it indicated in writing its desire to maintain Mr. Dingman, via the Trinity Hill Group, as trustee-in-waiting. Lucy Luck's Indiana casino owner's license was scheduled to expire on May 14, 2021. On May 14, 2021, pursuant to a delegation of authority granted by the Commission in Resolution 2019-257, the Executive Director extended the license through a date when the Commission could consider Lucy Luck's request.

FACTORS AND REQUIREMENTS FOR LICENSURE

Renewal of a casino owner's license is based upon requirements contained within the Riverboat Gambling Act and Title 68 of the Indiana Administrative Code. Ind. Code § 4-33-6-12 and 68 IAC 2-1-9. Pursuant to Ind. Code § 4-33-6-4, the following, among other things, must be considered by the Commission when considering Lucy Luck's renewal request:

- 1) The character, reputation, experience, and financial integrity of the following:
 - a. The applicant.
 - b. A person that:
 - i. directly or indirectly controls the applicant; or
 - ii. is directly or indirectly controlled by the applicant or by a person that directly or indirectly controls the applicant.
- 2) The facilities or proposed facilities for the conduct of riverboat gambling.
- 3) The highest prospective total revenue to be collected by the state from the conduct of riverboat gambling.
- 4) The good faith affirmative action plan of each applicant to recruit, train, and upgrade minorities in all employment classifications.
- 5) The financial ability of the applicant to purchase and maintain adequate liability and casualty insurance.
- 6) If the applicant has adequate capitalization to provide and maintain a riverboat for the duration of the license.
- 7) The impact of any undue economic concentration of the ownership or control of a gaming license.
- 8) The extent to which the applicant exceeds or meets other standards adopted by the commission.

Further, Ind. Code § 4-33-6.7 specifically addresses the Vigo County casino owner's license and requires the Commission to consider the "applicant's financial integrity and the applicant's ability to operate an inland casino." Ind. Code § 4-33-6.7-2. Ind. Code § 4-33-6.7-4 provides eight additional factors the Commission is to consider concerning the Vigo County license:

- 1) economic benefits;
- 2) tax revenue;
- 3) the number of new jobs;
- 4) whether the applicant plans an investment of at least one hundred million dollars (\$100,000,000), with sixty-five percent (65%) of the owner's proposed investment for the development of a casino, and thirty-five percent (35%) of the owner's proposed investment for the development of nongaming amenities;
- 5) whether the applicant has a resolution of support from the legislative body of the unit in Vigo County where it seeks to relocate;
- 6) the financial stability of the applicant;
- 7) the applicant's history of community involvement; and
- 8) any other factor that the commission considers appropriate.

Lucy Luck must also comply with all rules and emergency rules of the Commission and has the ongoing duty to maintain its suitability, along with its substantial owners and other persons who directly or indirectly control Lucy Luck. *See generally* 68 IAC 2-1-5(c); 68 IAC 2-1-4; 68 IAC 2-1-10 and 68 IAC 13-1-1. Lastly, Lucy Luck must meet the conditions contained within Order 2020-02.

It is the intention of the Riverboat Gambling Act to maintain the public's confidence and trust only through the strict regulation of persons and associations. Ind. Code § 4-33-1-2. 5. A license does not create a property right, but is a revocable privilege granted by the state contingent upon continuing suitability for licensure. 68 IAC 2-1-4; 68 IAC 2-1-10; 68 IAC 13-1-1. A casino owner's licensee must present the necessary evidence to demonstrate it meets all the required standards, qualifications, and criteria to hold a license. 68 IAC 2-1-5. Furthermore, casino licensees must notify the Commission of a material change in the information submitted to the Commission, or regarding a matter that renders the licensee ineligible to hold a casino owner's license. 68 IAC 1-2-10.

COMMISSION ACTION

After conducting an extensive review and considering all statutory and regulatory qualifications for renewal, the Commission finds Lucy Luck is ineligible for renewal of its casino owner's license. Therefore, the Commission **DOES NOT GRANT** Lucy Luck's request for annual renewal of the Vigo County casino owner's license.

According to Ind. Code ch. 4-21.5-3, this Order is effective fifteen days after the Order is served.

IT IS SO ORDERED THIS 24th DAY OF JUNE 2021.

THE INDIANA GAMING COMMISSION:

ATTEST:



Michael McMains, Chair

Jason Dudich, Secretary