

ORDER 2024-01

**A FINAL ORDER CONCERNING BERT NEFF'S PLACEMENT
ON THE STATEWIDE EXCLUSION LIST**

The Commission has considered the following factors:

1. The Commission is the Indiana administrative agency that has been granted all powers and duties to administer, regulate, and enforce the systems of riverboat gaming and gambling games at racetracks in the State. Ind. Code § 4-33-4-1, Ind. Code § 4-35-4-1.

2. Pursuant to Ind. Code § 4-33-4-7(a) and Ind. Code § 4-35-4-9(a) the Commission may exclude a person from gambling facilities if the Commission determines that the person's conduct or reputation is such that the person's presence within the riverboat gambling facilities ay call into question the honesty and integrity of the gambling operations; or interfere with the orderly conduct of the gambling operations.

3. Under 68 Ind. Admin. Code § 6-1-3(3), the Executive Director of the Commission may place a person on the exclusion list if the person has performed any act that would adversely affect public confidence and trust in gaming. Specifically, if there are facts and circumstances sufficient to cause a prudent person to believe that a person performed any act or had a notorious or unsavory reputation that would adversely affect public confidence and trust in gaming.

4. Petitioner was placed on the Commission Exclusion List on or about August 28, 2023.

5. A notice of exclusion was mailed to Petitioner on August 29, 2023, and September 12, 2023.

6. On September 28, 2023, Petitioner filed an appeal regarding his placement on the Exclusion List.

7. On January 8, 2024, an Evidentiary Hearing was held with the ALJ, Petitioner, and Respondent present.

8. On January 25, 2024, the ALJ issued a Recommended Order, recommending that the Commission or its designee issue a Final Order, pursuant to Ind. Code § 4-21.5-3-29(b), upholding Respondent's actions of placing Petitioner on the Exclusion List.

9. Pursuant to Ind. Code § 4-21.5-3-29(d), in order to preserve an objection to an order of an administrative law judge for judicial review, a party must not be in default under Ind. Code § 4-21.5; and must file a reasonably particular written objection within fifteen days after the ALJ order is served on the party.

10. Pursuant to Ind. Code § 4-21.5-3-29(c), in the absence of an objection or notice under Ind. Code § 4-21.5-3-29(d) or (e), the Commission or its designee shall affirm the order of the ALJ.

11. On February 9, 2024, Petitioner filed an objection to the ALJ's Recommended Order.

COMMISSION ACTION

Having considered the foregoing, and the evidentiary hearing transcript, the Commission hereby ~~ADOPTS~~ **MODIFIES/REMANDS** the ALJ's Recommended Order with Findings of Fact and Conclusions of Law **DENYING** Bert Neff's appeal for removal from the Exclusion List.

IT IS SO ORDERED THIS 21st DAY OF MARCH, 2024.

THE INDIANA GAMING COMMISSION:


Milton O. Thompson, Chair

ATTEST:


Jason Dudich, Secretary

DISTRIBUTION:

Office of Administrative Law Proceedings:
Attn: Hon. Gary Ricks
100 N. Senate Avenue, Suite N802
Indianapolis, IN 46204
Via email: oalp@oalp.in.gov

Bert Neff
Via Email: jbaldwin@voyleslegal.com