

RESOLUTION 1994- 18

**A RESOLUTION ESTABLISHING AN INVESTIGATION  
FEE THAT THE APPLICANTS FOR A RIVERBOAT OWNER'S  
LICENSE MUST REMIT TO ENABLE THE COMMISSION  
TO COMPLETE THE BACKGROUND INVESTIGATIONS**

**WHEREAS**, under Indiana Code 4-33-4-1, the Indiana Gaming Commission ("the Commission") has the power and duty to fully and effectively execute IC 4-33 ("the Riverboat Gambling Law");

**WHEREAS**, the Commission has the power and duty to take any reasonable and appropriate action to enforce the Riverboat Gambling Law;

**WHEREAS**, the Commission is required under IC 4-33-4-5 to adopt standards for the licensing of persons regulated under the Riverboat Gambling Law;

**WHEREAS**, pursuant to IC 4-33-4-1(a)(4), IC 4-33-4-18, IC 4-33-6-2, IC 4-33-6-3, and IC 4-33-6-4, the Commission is required to conduct background investigations of the applicants for a Riverboat Owner's License to determine eligibility for licensure;

**WHEREAS**, pursuant to IC 4-33-6-2, applicants for a Riverboat Owner's License were required to pay a nonrefundable application fee to the Commission;

**WHEREAS**, pursuant to RESOLUTION 1993-4, the Commission established the application fee for a Riverboat Owner's License fee to be Fifty thousand dollars (\$50,000);

**WHEREAS**, pursuant to IC 4-33-6-2(e), "an applicant for an owner's license . . . must pay all additional costs that are: (1) associated with the investigation of the applicant; and (2) greater than the amount of the application fee paid by the applicant"; and

**WHEREAS**, the Commission has determined that the Fifty thousand dollar (\$50,000) application fee submitted by the applicants is not sufficient to cover the costs of completing the background investigations of the applicants;

**NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION, THAT THE FOLLOWING RESOLUTION IS ADOPTED:**

**SECTION 1. DEFINITIONS.**

The definitions set forth in IC 4-33-2 and 68 IAC 1-1 (adopted by RESOLUTION 1993-14) apply to this Resolution.

**SECTION 2. SCOPE.**

This Resolution applies to the applicants for a Riverboat Owner's License.

**SECTION 3. AMOUNT OF INVESTIGATION FEE TO BE REMITTED BY APPLICANTS; PROCEDURE FOR UTILIZATION OF INVESTIGATION FEE.**

Applicants for a Riverboat Owner's License shall submit Fifty-five thousand dollars (\$55,000) to cover the cost of the background investigation that exceeds the original application fee. The Fifty-five thousand (\$55,000) figure represents an estimate of the cost of completing the background investigations on the majority of the applicants. An additional investigative fee assessment may be required if the actual cost of the investigation exceeds the amount of the original application fee submitted by the applicant and the Fifty-five thousand (\$55,000) investigative fee.

Those applicants who have submitted more than one (1) application fee or who have submitted a Ten thousand dollar (\$10,000) dock site amendment fee shall remit the difference between the estimated cost of completing the investigation and funds that the applicant has previously submitted.

The amount of the additional funds not expended by the Commission to complete the background investigation of a particular applicant will be returned to the applicant after the final cost of the background investigation is computed. No portion of a non-refundable Fifty-thousand dollar (\$50,000) application fee submitted under RESOLUTION 1993-4 at the time an application was filed or the applicant's legal entity was amended shall be refunded to an applicant. No portion of the Ten thousand dollar (\$10,000) dock site amendment fee submitted pursuant to RESOLUTION 1994-1 shall be refunded. If the amount remitted by the applicant through the application fee and investigation fee is not sufficient to cover the cost of the background investigation of the particular applicant, the applicant shall receive a bill indicating the additional amount of an investigation fee that must be submitted.

The Executive Director shall, in close proximity to the time background investigations are being completed on applicants for a Riverboat Owner's License, issue a letter to each affected

applicant, advising the applicant to remit the Fifty-five thousand dollar (\$55,000) investigation fee or the difference between the estimated cost of completing the investigation and the amount of the funds previously submitted by the applicant by a set date and time. If an applicant fails to remit the investigative fee, the investigative team completing the investigation shall not finalize the report regarding suitability for licensure nor submit the report to the Commission for consideration.

**SECTION 4. METHOD OF PAYMENT.**

The additional investigation fee shall be remitted in the form of a cashier's check or a certified check made payable to the State of Indiana.

**SECTION 5. MULTIPLE APPLICATIONS.**

A person who has submitted more than one (1) application for a Riverboat Owner's License may be required to submit a separate investigation fee in the full amount prescribed by **SECTION 3** for each application.

**SECTION 6. FINAL COMPUTATION OF COST OF INVESTIGATION.**

The final computation for the cost of investigations shall be computed, and any monies refunded, upon the earliest occurrence of one of the following events:

1. An applicant receives a Riverboat Owner's License pursuant to IC 4-33-6 and 68 IAC 2-1-5.
2. All licenses allocated for a dock site located on Lake Michigan or the Ohio River, whichever is applicable, have been awarded.
3. An applicant seeks and is granted leave to withdraw its application for a Riverboat Owner's License under IC 4-33-6 and 68 IAC 2-1-4(f).

**SECTION 7. EFFECTIVE DATE.**

This RESOLUTION is effective immediately.

ADOPTED, THIS THE 8TH DAY OF JULY, 1994:

THE INDIANA GAMING COMMISSION:



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Alan I. Klineman, Chair

ATTEST:



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Gilmer Gene Hensley, Secretary