

RESOLUTION 1994- 20

**A RESOLUTION ESTABLISHING THE PRO RATA
COST OF THE MAY 3, 1994 REFERENDUM TO
BE PAID BY APPLICANTS FOR A RIVERBOAT
OWNER'S LICENSE IN JEFFERSON COUNTY**

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 4-33-6-19, IC 4-33-6-20, Public Law 1993-277 (ss), SECTIONS 133 and 134, the Commission may issue a license only to those counties and cities upon the approval of the voters in the respective counties and cities;

WHEREAS, pursuant to Public Law 277-1993, (ss), SECTIONS 133 and 134, a special election may be held in May of 1994 "if an applicant for a riverboat license under 4-33-6 pays in advance of the election the cost of the expenses to hold the special election, as determined by the election board";

WHEREAS, on May 3, 1994, referenda were held in the counties of Crawford, Harrison, and Jefferson on the Ohio River;

WHEREAS, the results of the May 3, 1994, referenda have been certified to the Commission stating that the referenda passed in the counties of Crawford and Harrison on the Ohio River, and the referendum failed to pass in the county of Jefferson on the Ohio River;

WHEREAS, the Commission has not set a deadline for applicants to apply for a Riverboat Owner's License to be located in the counties of Crawford and Harrison on the Ohio River, but the Commission does know the final number of applicants for a Riverboat Owner's License in the county of Jefferson; and

WHEREAS, pursuant to RESOLUTION 1993-3, the Commission established the procedure to be utilized for the payment of the election costs within the same jurisdiction when multiple applications were filed.

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 pursuant to RESOLUTION 1994-14) apply to this resolution.

SECTION 2. SCOPE.

This resolution applies to the applicants for a Riverboat Owner's License in the county of Jefferson on the Ohio River.

SECTION 3. PROCEDURE UTILIZED FOR PAYMENT OF ESTIMATED ELECTION COSTS.

Pursuant to RESOLUTION 1993-3, the first applicant that presented the county auditor with a copy of the application filed with the Commission, and the appropriate statement indicating that the application had been filed with the Commission, the location of the home dock site, and that the application fee had been paid, was to pay the amount of the cost of the special election as previously determined by the Jefferson County election board.

The Jefferson County election board, at a duly convened meeting, determined the cost of the special election held in May of 1994. The Commission has been advised of this information as set forth specifically below through the State Election Board. The Jefferson County Auditor, through the State Election Board has advised the Commission of the actual cost of holding the election as well as which applicant tendered this amount pursuant to RESOLUTION 1993-3. The Jefferson County Auditor, in accordance with the procedure prescribed by the Indiana State Board of Accounts, under the State Examiner's Memorandum of August 31, 1993, is authorized to refund excess estimated special election costs.

SECTION 4. PROCEDURE AND ORDER FOR PAYMENT OF PRO RATA SHARE OF ELECTION COSTS, AND REFUND OF EXCESS PAYMENT OF ELECTION COSTS IN JEFFERSON COUNTY.

The Commission finds as follows with respect to Jefferson County:

Madison Landing Associates, Inc. and Jefferson-Madison Limited Liability Company applied for a Riverboat Owner's License to be located in Jefferson County, Indiana.

Estimated election costs: Fifteen Thousand Dollars (\$15,000). Jefferson-Madison Limited Liability Company paid the cost of the special election which was held on May 3, 1994, in Jefferson County.

Actual cost to Jefferson County of the special election held in Jefferson County was Five Thousand Nine Hundred Eight-seven Dollars and Eighty-nine Cents (5,987.89).

There were a total of two (2) applicants for a Riverboat Owner's License to be located in Jefferson County, Indiana. As a result, the pro rata share of the actual election costs for each applicant is Two Thousand Nine Hundred Ninety-three Dollars and Ninety-four Cents (\$2,993.94).

Based on these findings, the Commission hereby ORDERS with respect to Jefferson County:

Pursuant to RESOLUTION 1993-3, Madison Landing Associates, Inc. is to issue a cashier's or a certified check made payable to Jefferson-Madison Limited Liability Company in the amount of Two Thousand Nine Hundred Ninety-three Dollars and Ninety-four Cents (\$2,993.94) at the following address: 3760 Pecos McLeod, Suite 3, Las Vegas, Nevada 89121, attention T.J. Matthews. This check must be received no later than noon (Indianapolis time) on Friday, September 16, 1994.

The Jefferson County Auditor is authorized to refund the amount of Nine Thousand Twelve Dollars and Eleven Cents (\$9,012.11), as an excess payment of estimated election costs to Jefferson-Madison Limited Liability Company at the following address: 3760 Pecos McLeod, Suite 3, Las Vegas, Nevada 89121, attention T.J. Matthews.

SECTION 5. NOTIFICATION OF THE COMMISSION.

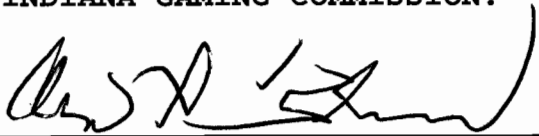
Jefferson-Madison Limited Liability Company is to notify the Commission by noon on Thursday, September 22, 1994, that it has or has not received the appropriate funds from Madison Landing Associates, Inc.

SECTION 6. EFFECTIVE DATE.

This RESOLUTION is effective immediately.

ADOPTED, THIS THE 31ST DAY OF AUGUST, 1994:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:

A handwritten signature in cursive script, appearing to read "Gilmer Gene Hensley", written over a horizontal line.

Gilmer Gene Hensley, Secretary