

RESOLUTION 1994-37

**A RESOLUTION DENYING THE RIVERBOAT OWNER'S LICENSE
APPLICATION SUBMITTED BY MYSTIC ROSE ENTERTAINMENT,
INC. DUE TO FAILURE TO PAY THE INVESTIGATION FEE**

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

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

WHEREAS, pursuant to IC 4-33-4-1(a)(4), the Commission has the power and duty to "investigate applicants and determine the eligibility of applicants for licenses";

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 4-33-4-17, the Commission is to "decide promptly and in reasonable order all license applications";

WHEREAS, an applicant for an owner's license is required under IC 4-33-5 and IC 4-33-6 to provide certain information to the Commission before the Commission may issue a license to that applicant;

WHEREAS, pursuant to IC 4-33-4-18, the Commission is to pay the cost of the background investigation from fees collected from the applicants;

WHEREAS, pursuant to IC 4-33-6-2, an applicant for a Riverboat 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."

WHEREAS, pursuant to RESOLUTION 1994-18, an applicant for a Riverboat Owner's License is to pay an investigation fee in the amount of Fifty-five Thousand Dollars (\$55,000) to cover the cost of completing the background investigation;

WHEREAS, Mystic Rose Entertainment, Inc. filed an application for a Riverboat Owner's License, specifying a dock site to be located in Rising Sun, Ohio County, Indiana on February 2, 1994;

WHEREAS, by letter dated September 9, 1994, Mystic Rose was advised that the investigative fee of Fifty-five Thousand Dollars

(\$50,000) was due "on or before the close of business (4:45 p.m., Indianapolis time) September 30, 1994; and

WHEREAS, Mystic Rose Entertainment, Inc. failed to remit the Fifty-five Thousand (\$55,000) investigative fee by September 30, 1994.

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

SECTION 1. SCOPE.

This guideline applies to Mystic Rose Entertainment, Inc.

SECTION 2. 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 3. ACTION ON APPLICATION OF MYSTIC ROSE ENTERTAINMENT, INC.

The Commission finds that the failure of Mystic Rose Entertainment, Inc. to remit the Fifty-five Thousand (\$55,000) investigative fee, pursuant to RESOLUTION 1994-18 and the letter of September 8, 1994, by the established deadline of September 30, 1994 constitutes grounds for the denial of its application for a Riverboat Owner's License for Rising Sun, Ohio County, Indiana. Therefore, the application of Mystic Rose Entertainment, Inc. for a Riverboat Owner's License for Rising Sun, Ohio County, Indiana is **DENIED** without prejudice to the applicant or its principals to file a new application for any other location within the State of Indiana where the deadline for filing Part I of the Riverboat Owner's License Application has not expired. As denial of the application is based solely on the failure of the applicant to provide the Commission with the Fifty-five Thousand Dollar (\$55,000) investigative fee, this denial does not constitute a statement of the applicant's suitability or lack thereof for licensure.

SECTION 4. EFFECTIVE DATE.

This resolution is effective immediately.

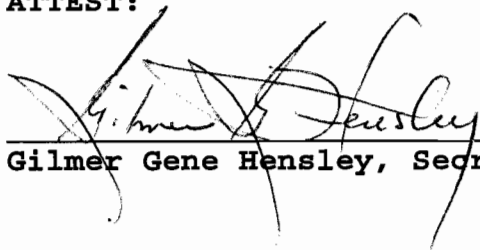
ADOPTED, THIS THE 7TH DAY OF OCTOBER, 1994:

THE INDIANA GAMING COMMISSION:



Alan I. Klineman, Chair

ATTEST:



Gilmer Gene Hensley, Secretary