

**INDIANA GAMING COMMISSION
BUSINESS MEETING**

**9:30 a.m., November 16, 1998
Caesars Pavillion
11999 Avenue of the Emperors
Elizabeth, IN 47117**

PRESENT: Commission members Donald R. Vowels, Chair; Ann Bochnowski, Vice-Chair; Thomas Milcarek, Secretary; Dr. Ross and Richard Darko. Commissioners Robert Swan and Robert Sundwick were not present. Staff: Jack Thar, Floyd Hannon, Kay Fleming, Cindy Dean, John Krause, Jennifer Byrd, Rhonda Dalton, Michelle Marsden, Cpt. Mark Mason and members of the public.

Call to Order and Roll Call

Chairman Don Vowels called the meeting to order at approximately 9:30 a.m. (local time). A quorum was present.

Approval of the Minutes

Upon motion by Thomas Milcarek, second by Ann Bochnowski, the minutes of the September 14, 1998 business meeting were unanimously approved.

Report of the Executive Director

Jack Thar, Executive Director, gave a brief report to the Commission on the activities of the riverboats.

Mr. Thar welcomed Alan Klineman, former Commission Chairman; and Col. Brackman, Assistant Superintendent of the Indiana State Police; and former Commissioner Gene Hinsley.

New Business

1998-29

A resolution adopting 68 IAC 10-9 and 68 IAC 10-10 and Amendments to 68 IAC 2-5-4; 68 IAC 15-11-3; 68 IAC 15-11-3.1; 68 IAC 15-12-3; 68 IAC 15-14-4; and 68 IAC 15-13-2 for Publication as Proposed Rules.

Action: Upon motion by Ann Bochnowski, second by Richard Darko, and unanimous vote of those present, the Commission approved the above mentioned rules as Proposed Rules.

**Denial of Occupational License
Debbie Fulk-McCardle EM-DEN-98-4**

Debbie Fulk McCardle applied for an Occupational License, Level 2 for employment with Empress as a security officer. During her employment with Empress, it was discovered that Ms. Fulk-McCardle was indicted by a federal grand jury. The indictment contained three counts. The Commission staff revoked her license on or about November 2, 1998.

Action: Upon motion by Dr. Ross, second by Richard Darko, and unanimous vote of those present, the Commission upheld the revocation of the temporary license and denies the application for Occupational License, Level 2 submitted by Debbie Fulk-McCardle.

Rita Theunissen AR-DEN-98-6

Rita Theunissen applied for an Occupational License, Level 3 for employment with Aztar as a cocktail server. During her employment with Argosy, it was discovered that Ms. Theunissen took four \$5.00 tokens that a patron had left in the tray of an electronic gaming device and placed them into her tip cup rather than turning them into the cage or security as required by Argosy policy. The Commission staff revoked her temporary license on or about November 4, 1998.

Action: Upon motion by Richard Darko, second by Ann Bochnowski, and unanimous vote of those present, the Commission upheld the revocation of the temporary license and denies the application for Occupational License, Level 3 submitted by Rita Theunissen.

Lisa Bowman AZ-DEN-98-2

Lisa Bowman applied for an Occupational License, Level 3 for employment with Aztar as a member of the Premium Passenger Department. During her employment with Aztar, it was discovered that a female patron gave Ms. Bowman \$5.75 in tokens which the female patron had found. The female patron indicated that an older white female patron had forgotten the tokens. Rather than turning the tokens in, Ms. Bowman retained the tokens for herself, claiming they were a tip. The Commission staff revoked Ms. Bowmans' temporary license on or about November 4, 1998.

Action: Upon motion by Ann Bochnowski, second by Dr. Ross, and unanimous vote of those present, the Commission upheld the revocation of the temporary license and denies the application for Occupational License, Level 3 submitted by Lisa Bowman

Eryc Marshall MA-DEN-98-4

Eryc Marshall applied for an Occupational License, Level 2 for employment with Majestic Star as a box supervisor. During his employment with Majestic Star, it was discovered that Mr. Marshall and Keston Hasemann, a dealer at Trump agreed that Mr. Hasemann would play craps at a table at which Mr. Marshall was working. Mr. Marshall would then pay Mr. Hasemann winnings on a bet that Mr. Hasemann never placed. Mr. Marshall paid Mr. Hasemann \$4,900 on a fake bet. Mr. Hasemann then utilized the money received on the fake bet to place additional winning bets. Mr. Marshall and Mr. Hasemann subsequently split the proceeds of the fake bet and the bets placed on the money unlawfully paid to Mr. Hasemann. Mr. Marshall has admitted his involvement to Commission Agents. The matter has been forwarded to the Lake County Prosecutor for the filing of theft charges. The Commission Staff revoked Mr. Marshall's temporary license on or about November 4, 1998.

Action: Upon motion by Richard Darko, second by Ann Bochnowski, and unanimous vote of those present, the Commission upheld the revocation of the temporary license and denies the application for Occupational License, Level 2 submitted by Eryc Marshall.

Keston Hasemann TR-DEN-98-11

Keston Hasemann applied for an occupational License, Level 2 for employment with Trump as a dealer. During his employment with Trump, it was discovered that Mr. Hasemann and Eryc Marshall, a box supervisor at Majestic Star agreed that Mr. Hasemann would play craps at a table at which Mr. Marshall was working. Mr. Marshall would then pay Mr. Hasemann winnings on a bet that Mr. Hasemann never placed. Mr. Marshall paid Mr. Hasemann \$4,900 on a fake bet. Mr. Hasemann then utilized the money received on the fake bet to place additional winning bets. Mr. Marshall and Mr. Hasemann subsequently split the proceeds of the fake bet and the bets placed on the money unlawfully paid to Mr. Hasemann. This matter has been forwarded to the Lake County Prosecutor for the filing of theft charges. The Commission staff revoked Mr. Hasemann's temporary license on or about November 4, 1998.

Action: Upon motion by Ann Bochnowski, second by Richard Darko, and unanimous vote of those present, the Commission upheld the revocation of the temporary license and denies the application for Occupational License., Level 2 submitted by Keston Hasemann.

Michael Wildridge GV-DEN-98-2

Michael Wildridge applied for an Occupational License, Level 2 for employment with Grand Victoria as a cage cashier. During his employment with Grand Victoria, it was discovered that a patron for whom Mr. Wildridge cashed a check forgot to pick up \$20 of the proceeds from the check. Mr. Wildridge made no attempt to locate the woman and retained the \$20 for himself. Mr. Wildridge initially advised Commission Agents that he had attempted to locate the patron, but subsequently admitted that he made no such attempt.

Action: Upon motion by Dr. Ross, second by Ann Bochnowski, and unanimous vote of those present, the Commission upheld the revocation of the temporary license and denies the application for Occupational License, Level 2 submitted by Michael Wildridge.

Betty Bolin AR-DEN-98-3

Betty Bolin applied for an Occupational License, Level 3 for employment with Argosy as a snack bar attendant. During her employment with Argosy, it was discovered that Ms. Bolin and two other snack bar attendants were stealing money from the cash register of the snack bar and splitting the money between the three. The matter has been forwarded to the Dearborn County Prosecutor for a determination regarding the filing of criminal charges. The Commission staff revoked Ms. Bolin's temporary license on or about October 26, 1998.

Action: Upon motion by Richard Darko, second by Dr. Ross, and unanimous vote of those present, the Commission upheld the revocation of the temporary license and denied the application for Occupational License, Level 3 submitted by Betty Bolin.

Patricia Matthews AR-DEN-98-4

Patricia Matthews applied for an Occupational License, Level 3 for employment with Argosy as a snack bar attendant. During her employment with Argosy, it was discovered that Ms. Matthews, and two other snack bar attendants were stealing money from the cash register of the snack bar and splitting the money between the three. The matter has been forwarded to the Dearborn County Prosecutor for a determination regarding the filing of the criminal charges. The staff revoked Ms. Matthews temporary license on or about October 26, 1998.

Action: Upon motion by Thomas Milcarek, second by Dr. Ross, and unanimous vote of those present, the Commission upheld the revocation of the temporary license and denied the application for Occupational License, Level 3 submitted by Patricia Matthews.

Jacqueline Wegman AR-98-5

Jacqueline Wegman applied for an Occupational License, Level 3 for employment with Argosy as a snack bar attendant. During her employment with Argosy, it was discovered that Ms. Wegman, and two other snack bar attendants were stealing money from the cash register of the snack bar and splitting the money between the three. The matter has been forwarded to the Dearborn County Prosecutor for a determination regarding the filing of criminal charges. The staff revoked Ms. Wegman's temporary license on or about October 26, 1998.

Action: Upon motion by Dr. Ross, second by Ann Bochnowski, and unanimous vote of those present, the Commission upheld the revocation of the temporary license and denied the application for Occupational License, Level 3 submitted by Jacqueline Wegman.

Janet E. Garcia EM-DEN-98-6

Janet E. Garcia applied for an Occupational License, Level 3 for employment with Empress Casino Hammond as a bartender. During her employment with Empress, it was discovered that Ms. Garcia, on two separate occasions, accepted money for payment of drinks from patrons, failed to ring up transactions on the register, placed money on the counter top next to the cash register and then several minutes later picked up the money and placed it in her tip cup. The surveillance department taped both incidents. The staff revoked Ms. Garcia's temporary license on or about September 30, 1998.

Action: Upon motion by Richard Darko, second by Ann Bochnowski, and unanimous vote of those present, the Commission upheld the revocation of the temporary license and denied the application for Occupational License, Level 3 submitted by Janet E. Garcia.

Denial of Felony Disqualification Waiver

James Henderson GV-FEL-98-1

On or About June 12, 1997, James Henderson submitted an application for an Occupational License, Level 3 to work for Grand Victoria as a deckmate. Mr. Henderson was granted a temporary Occupational License since he did not reveal a 1978 conviction for Unlawful Taking of an Auto. While conducting the background investigation, the Commission discovered the conviction and determined that the conviction was a felony conviction; as a result, the Commission revoked Mr. Henderson's temporary Occupational License on or about June 2, 1998. Mr. Henderson submitted a Request for a Felony Waiver form on or about June 15, 1998.

requesting a Waiver of the felony disqualification pursuant to IC 4-33-8-1 and 68-IAC 2-4. On September 24, 1998 a hearing on Mr. Henderson's request for a felony waiver was conducted by a Review Officer. The Rearing Officer recommended that Mr. Henderson receive the Felony Waiver and that Mr. Henderson should receive a temporary license.

Action: Upon motion by Richard Darko, second by Dr. Ross, and unanimous vote of those present, the Commission voted to approve the Review Officer's recommendation that Mr. Henderson receive the Felony Waiver and that he receive a Temporary Occupational License, Level 3.

Disciplinary Action
Harold Lipson 98-OL-EM-1

On or about October 16, 1996, Harold Lipson applied for an Occupational License, Level 2 to work for the Trump Casino as a dealer. Subsequently, on or about March 12, 1998 Mr. Lipson submitted an Occupational License Level 2 application to the Commission for employment with Empress as a dealer. The Commission issued a temporary occupational License to Mr. Lipson on each occasion. The Commission conducted a background investigation on Mr. Lipson and discovered that he did not reveal his entire criminal history and misrepresented his employment history on the application. This matter was assigned to Bernard L. Pylitt who had previously been appointed as an Administrative Law Judge and who was assigned to handle this matter. Judge Pylitt conducted a hearing in this matter on October 7, 1998. ALJ Pylitt recommends that Mr. Lipson's temporary Occupational License be revoked and his application for a permanent license be denied.

Action: Upon motion by Ann Bochnowski, second by Richard Darko, and unanimous vote of those present, the Commission approves the ALJ's recommendation and upholds the revocation of the temporary license and denial of the Permanent Occupational License.

Resolution 1998-30

A Resolution concerning the Conditional Approval of the Game of 21 Madness.

Action: Upon motion by Thomas Milcarek, second by Dr. Ross, and unanimous vote of those present, the Commission approved the game of 21 Madness for a trial period of 6 months for use on Indiana riverboats.

RDI/CAESARS

Keith Guthrie, representing the Hoosier Environment Council spoke before the Commissioners regarding a lawsuit filed by the Hoosier Environment Council against the Corps of Engineers and RDI Caesars. The Commissioners were afforded the opportunity to ask Mr. Guthrie questions about the pending litigation.

Resolution 1998-31

A Resolution concerning the Request of Roman Holding Corporation of Indiana to Transfer Its Ownership Interest in RDI/Caesars Riverboat Casino, LLC to Starwood Hotels & Resorts Worldwide, Inc.

Robert Rivera Soto spoke before the Commission regarding the specifics of the transfer.

Action: Upon motion by Thomas Milcarek, second by Dr. Ross, and unanimous vote of those present, the Commission approved the request of Roman Holding Corporation of Indiana to transfer its ownership interest in RDI/Caesars Riverboat, LLC to Starwood Hotels & Resorts Worldwide, Inc.

Resolution 1998-32

A Resolution Concerning the First Amendment to the Development Agreement By and Between Harrison County and RDI/Caesars Riverboat Casino, LLC. Harold Dillman and Gordon Engle appeared before the Commission to discuss the amendment.

Action: Upon motion by Ann Bochnowski, second by Dr. Ross, and unanimous vote of those present, the Commission granted the request of Harrison County and RDI/Caesars Riverboat Casino, LLC. to approve the First Amendment to the Development Agreement by and between Harrison County and RDI/Caesars Riverboat Casino, LLC. as labeled Exhibit "A" and attached to the resolution.

Consideration of Licensure

Based upon walk-throughs by Audit Staff, Indiana State Police and Commission Staff , Commission staff recommend that the Commission today move to the question of whether or not the license should be issued. Ms. Fleming confirmed that the Indiana Gaming Commission had received all necessary documentation necessary for licensure. Terry Mumford, Attorney for Ice Miller Donadio & Ryan, representing RDI/Caesars; Michael Walsh, Executive Vice-President for RDI/Caesars; Harrison Co. Commissioners Steve Haggard, Terry Miller and Edward Emily all spoke as to why they believed they were in a position to have the license issued.

Action: As a result of a temporary conflict, Richard Darko abstained from voting. Upon motion by Dr. Ross, second by Thomas Milcarek, and unanimous vote of those present, the Commission granted RDI/Caesars a Permanent Riverboat Owner's License contingent upon staff approval.

Commission Chairman Donald R. Vowels presented Executive Vice-President with the Riverboat Owners License.

Next Meeting

The date and time of the next Business Meeting will be announced at a later time.

Adjournment

Upon motion by Ann Bochnowski, second by Richard Darko, and unanimous vote of those present, the meeting was adjourned at 11:00 a.m.

Minutes

The November 16, 1998 meeting was transcribed by Linda Bussabarger of Harrison Co. Consequently, the transcript is the complete record of the meeting. Anyone wishing to see the transcript can review it in the Commission office.

Rhonda K. Dalton, Executive Secretary of the Indiana Gaming Commission staff, prepared these minutes.

Respectfully submitted,



Rhonda K. Dalton

THE INDIANA GAMING COMMISSION



Donald Vowels, Chair



Thomas Milcarek, Secretary