

**INDIANA GAMING COMMISSION**  
**Business Meeting**  
**10:00 a.m., February 6, 2004**  
**115 W. Washington St., Ste. 950 South**  
**Indianapolis, IN 46204-3408**

**Call to Order and Roll Call:** Chairman Vowels called the meeting to order at approximately 10:07 a.m. There are six commissioners at this time. A quorum was present.

**Present:** Commission Members: Donald R. Vowels, Chair; Ann Bochnowski, Vice-Chair, Thomas Milcarek, Secretary; Dale Gettelfinger; Marya Rose; and I. Maurice Ndukwu. I. Maurice Ndukwu was not present. Staff: Glenn R. Lawrence, Jennifer Arnold, Jennifer Chelf, Susan Brodnan, Roger Shinness, Rhonda Dalton, and members of the public.

**Approval of the Minutes**

Upon motion by Thomas Milcarek, second by Dale Gettelfinger, and unanimous vote of those present, the minutes of the September 13, 2003 and November 14, 2003 business meetings were unanimously approved with Ann Bochnowski abstaining.

**Report of the Executive Director**

**Waiver of Rules and Regulations**

Aztar, Caesars, Harrah's, Trump and Horseshoe were granted waivers to adjust the date of the end-of-month Electronic Gaming Device hard and soft drop of December 31, 2003 to December 30, 2003.

Argosy, Horseshoe, Blue Chip and Belterra were granted waivers of dice specifications for Pai Gow Poker.

Harrah's and Grand Victoria were granted waivers of the admission ticket requirement in favor of turnstile pass-throughs.

Aztar was granted a waiver of the thirty day period to amend internal controls to adjust the holiday gaming schedule.

Argosy was granted waiver to alter the composition of the tip count team.

Harrah's was granted a waiver of token acceptors on Electronic Gaming Devices.

Harrah's was granted a waiver of token hoppers on Electronic Gaming Devices without token acceptors.

Grand Victoria was granted a temporary waiver of restricted access for corporate-affiliated employees in training.

Grand Victoria was granted a waiver to change the Electronic Gaming Device hard drop frequency requirement from four to seven days.

All Riverboats were granted a waiver of the Electronic Gaming Device electromechanical meter requirement.

All Riverboats were granted a waiver of the twenty minute limit for holding a seat.

Beginning the first week of January there were several staff changes among Commission staff. James B. Osborne has assumed the duties of Chief Counsel; Jennifer Arnold has been promoted to Deputy Executive Director; Susan Brodnan is the new Deputy Chief Counsel and Jennifer Chelf is the Director of Compliance, which is a new position. Ms. Chelf will oversee an internal committee comprised of Audit representatives, legal division, promotions, and state police. They will meet regularly to coordinate the internal processes of the agency, to streamline it and standardize the procedures. Their first priority is to eliminate the backlog of violations noted by Audit and the State Police. After the backlog has been eliminated, the committee will review the rules and regulations in an effort eliminate redundancies and conform to ever changing technology.

### **Minority and Women's Business Enterprises**

Representative William Crawford appeared before the Commission. Representative Crawford related to the Commission that he is the author of House Bill 1436 which would have an impact on the disclosure provision as it relates to the Gaming Commission. Representative Crawford also inquired if the Commission had published annual goals for minority and women participation and conducted a utilization review as required by statute. Representative Crawford has previously requested that the Gaming Commission provide him with contract information for each riverboat. The Commission has denied this request due to confidential nature of the documents. The public access counselor has supported the Commission's position. The public access counselor has advised the Representative Crawford that he has exhausted all administrative appeals. Representative Crawford advised the Commission that he would be pursuing this matter in the courts.

### **Orange County**

Representative Jerry Denbo appeared before the Commission. Representative Denbo thanked Executive Director Lawrence and Deputy Director Arnold for their assistance. He also requested the Commission take into consideration the fact that the French Lick Casino would be different from their counterparts on Lake Michigan and the Ohio River. Their goal is to create a destination resort with a 1920's atmosphere.

Deputy Director Arnold reported that Part I and Part II of the Operating Agent's Application have been received. The State Police are in the early stages of investigating the applicants. The Request for Proposal is in the process of being drafted and will be released in late February. Applicants will be given 60 days to respond with their proposals. The Gaming Commission is considering waiving the ex-parte rule during a three week period to allow the French Lick Historic Preservation Committee a chance to communicate their vision for the resort directly with the applicants. The hearings will take place in July with a decision being made in July. The Center for Urban Policy will be evaluating each applicant.

Representatives from French Lick have sent each applicant a letter requesting that they forward the amount of \$50,000.00 which will be placed into the general fund and allocated for general fees, attorney fees that the local community incurred in advance of entering into a contract or local development agreement with the applicant. When staff learned of the letter's existence, staff requested that the local representatives delay collecting that amount until commission staff had an opportunity to review. Commission staff has discussed this issue with representatives from the local community and local attorneys. An agreement between Commission staff and representatives from French Lick has been reached. There is precedent for this type of request. Rising Sun and Harrison County each requested an advancement from applicants. The fees were later discussed when they entered into their local redevelopment agreement. The agreement includes; the request will be capped at \$50,000.00. The amounts paid will be utilized for attorney's fees and associated costs relating to the historic hotel preservation commission and related topics. Travel Expenses, hotels, or meals are not to be paid for out of this advance. A question will be included on the RFP asking the applicants, should they win the contract, if they would be willing to reimburse the other applicants for those fees.

### **Resolution 2004-13**

A Resolution Establishing the Pro Rata Cost of the November 4, 2003 Referendum to be Paid By Applicants For An Operating Agent's License in Orange County. The Commission established the procedure to be used for the payment of the costs of a special election in Orange County to determine whether riverboat gambling would be permitted in Orange County in Resolution 2003-22. The Commission determined that the first applicant for the contract as operating agent in Orange County would pay the total cost of the special election. Later applicants would be required to reimburse the first applicant in an amount equal to their pro rata share of the total cost of the special election. A special election was held on November 4, 2003 to hold a referendum to determine whether riverboat gambling would be permitted in Orange County. Prior to the special election, Orange County officials determined the total cost of the special election would be \$16,110.00. Orange County Development, LLC was the first applicant for the contract as operating agent and paid the full cost of the special election to the Orange County Treasurer on September 12, 2003. The other four applicants are: Bally's French Lick, Inc., Jacobs Entertainment, Inc., Tranchant Indiana, LLC. and Trump Indiana Casino Management. Each applicant's pro rata share of the costs of the November 4, 2003 special election is \$3,222.00.

**Action:** Upon motion by, Ann Bochnowski, second by Thomas Milcarek, and unanimous vote of those present, The Commission approved the resolution requiring the applicants to reimburse Orange County Development LLC the amount of \$3,222.00 by Noon on February 20, 2004. Orange County Development LLC is to notify the Commission by noon on Thursday, February 26, 2004 that it has or has not received the appropriate funds from each of the applicants.

#### **Resolution 2004-1**

A Resolution Adopting 68 IAC 6-3 As A Final Rule. The Commission has begun promulgation of these rules pursuant to IC 4-22. A Notice of Intent to adopt 68 IAC 6-3 was published in the August 1, 2003 edition of the Indiana Register. The rules were then published as proposed rules in the October 1, 2003 edition of the Indiana Register. A publish hearing was held by the Commission on October 24, 2003 at 10:30 a.m. These rules were originally adopted by the Commission in November 2003. Upon review the original statute did not allow the Commission to include a reasonableness standard when addressing the issue of check cashing. Other non-substantive changes were made as well.

**Action:** Upon motion by Dale Gettelfinger, second by Ann Bochnowski, and unanimous vote of those present, the Commission readopted as final rules, 68 IAC 4 which will be submitted to the Office of the Attorney General for approval as a final rule pursuant to IC 4-22-2-32. Upon approval by the Office of the Attorney General, the rule will be submitted to the Governor's Office for approval pursuant to IC 4-22-2-33. After the rule has been approved or deemed approved by the Governor, the rule will be submitted to the Secretary of State for filing in accordance with IC 4-22-2-35.

#### **New Game Approval**

##### **Resolution 2004-2**

Conditional Approval of the Game Four Card Poker. Shuffle Master Gaming submitted the game of Four Card Poker and requested that the Commission consider approving it for use in Indiana. Blue Chip Casino advised the Commission, in writing, that it supports the Game Four Card Poker and has submitted a draft of proposed rules for the game which it purports to utilize if the game is approved. Gaming Laboratories International, Inc. ("GLI") reviewed the information and material submitted by Shuffle Master Gaming and has found that the game is a variation of the traditional game of Poker.

**Action:** Upon motion by Dale Gettelfinger, second by Marya Rose, and unanimous vote of those present, the Commission approved the game of Four Card Poker for use on Indiana riverboats for a trial period of six (6) months. During the trial period, all riverboats who offer the game must have pre-approved rules of the game and must report those matters as directed by the Executive Director, or designee. The riverboat must also document any customer complaints or incidents that are generated by the

game of Four Card Poker and forward those reports to the Commission. At the end of the trial period, the Commission will consider approving the game of Four Card Poker to be offered on Indiana riverboats on a permanent basis.

### **Resolution 2004-3**

Conditional Approval of the Game of Asian Baccarat. Random Gaming submitted the game of Asian Baccarat and has asked that the Commission consider approving it for use in Indiana. Horseshoe Casino advised the Commission, in writing, that it supports the game of Asian Baccarat for use in Indiana, and has submitted a draft of proposed rules for the game which it purports to utilize if the game is approved. Gaming Laboratories International, Inc. ("GLI") reviewed the information and material submitted by Random Gaming and has found that the game of Asian Baccarat is a variation of the traditional game of Baccarat.

**Action:** Upon motion by Ann Bochnowski, second by Thomas Milcarek, and unanimous vote of those present, the Commission approved the game of Asian Baccarat for use on Indiana riverboats for a trial period of six (6) months. During the trial period, all riverboats who offer the game must have pre-approved rules of the game and must report those matters as directed by the Executive Director, or designee. The riverboat must also document any customer complaints or incidents that are generated by the game of Asian Baccarat and forward those reports to the Commission. At the end of the trial period, the Commission will consider approving the game of Asian Baccarat to be offered on Indiana riverboats on a permanent basis.

### **Resolution 2004-4**

Conditional Approval of the Game of 2-2-1. Prime Time Games submitted the game of 2-2-1 and asked that the Commission consider approving it for use in Indiana. Caesars advised the Commission, in writing, that it supports the game of 2-2-1 for use in Indiana, and submitted a draft of proposed rules for the game which it purports to utilize if the game is approved. Gaming Laboratories International, Inc. ("GLI") has reviewed the information and material submitted by Prime Time Games. GLI has forwarded its report to the Commission and found that the game of 2-2-1 is a variation of the traditional game of Pai Gow Poker.

**Action:** Upon motion by Ann Bochnowski, second by Dale Gettelfinger, and unanimous vote of those present, the Commission approved the game of 2-2-1 for use on Indiana riverboats for a trial period of six (6) months. During the trial period, all riverboats who offer the game must have pre-approved rules of the game and must report those matters as directed by the Executive Director, or designee.

## **Occupational License Matters**

### **Revocation of Temporary License and Denial of Application for a Permanent Occupational License of Anthony Todd HH-DEN-03-2**

Anthony Todd received a level 3 temporary occupational license for employment as a Bartender at Horseshoe Casino. On or about November 5, 2003 Mr. Todd's employment

at Horseshoe was terminated after it was discovered that he had entered into the cash register a lesser price for the beverages he sold and retained the amount of the difference. Based on evidence obtained during the course of an investigation, Commission staff revoked Mr. Todd's temporary occupational license and denied his application for a permanent license. Commission staff formally advised Mr. Todd of this action on December 5, 2003.

**Action:** Upon motion by Marya Rose, second by Thomas Milcarek, and unanimous vote present, the Commission denied the application for an occupational license, level 3, submitted by Anthony Todd.

**Commission Action on Revocation of Temporary  
License and Denial of Application for Occupational License  
of Rodney Cox  
HA-DEN-03-3**

On May 13, 1999 Rodney Cox submitted an application to the Indiana Gaming Commission and received a level 2 occupational license to work at Harrah's Casino as a Dealer. Mr. Cox previously held a level 2 occupational license to work as a Dealer at Trump Casino from May 22, 1996 to April 2, 1998. Commission staff revoked Mr. Cox's occupational license to work at Harrah's Casino and denied his application for a permanent license on or about December 16, 2003 after it was discovered that Mr. Cox's previous occupational license to work at Trump Casino was revoked in 1998 due to his presence at a residence where illegal gambling was being conducted. Commission staff also discovered that Mr. Cox failed to disclose his complete criminal history on Harrah's application. Commission staff revoked Mr. Cox's temporary occupational license and denied his application for a permanent license due to his prior license revocation and failure to disclose his complete criminal history. Mr. Cox's temporary occupational license was revoked and his application for a permanent license was denied because of his prior license revocation and failure to disclose his complete criminal history. Commission staff formally advised Mr. Cox of this action on December 16, 2003.

**Action:** Upon motion by Ann Bochnowski, second by Thomas Milcarek, and unanimous vote of those present, the Commission denied the application for an occupational license, level 2, submitted by Rodney Cox. The order will become effective fifteen (15) days after it is served.

**Action:** Upon motion by Marya Rose, second by Ann Bochnowski, and unanimous vote of those present, the Commission approved the proposed terms of the Settlement Agreement. Pursuant to a request by Mr. Cox and additional review of the circumstances, Commission staff agreed to reinstate Mr. Cox's temporary occupational license pursuant to the terms of a settlement agreement.

**Supplier License Matters**

**Resolution 2004-5**

A Resolution Concerning The Renewal of Supplier's License held by Anchor Coin, Inc., WMS Gaming, Inc., A.C. Coin, GameCash, Inc., Bally Gaming Systems, and Dallman Systems, Inc.

**Action:** Upon motion by Thomas Milcarek, second by Ann Bochnowski, and unanimous vote of those present, the Commission granted the renewal of the Supplier's License issued to Anchor Coin, Inc., WMS Gaming, Inc., A.C. Coin, GameCash, Inc., Bally Gaming Systems, and Dallman Systems, Inc. On the condition that the Five Thousand Dollars (\$5,000) renewal fee is paid and that any outstanding background investigation fees are paid as directed by the Commission staff. The Supplier's Licenses will be valid for a period of one (1) year from the date of issuance.

#### **Resolution 2004-6**

A Resolution Concerning the Request of Innovative Gaming, Inc. and Xertain, Inc. to Withdraw its Application for a Supplier's License. Innovative Gaming Corporation of America submitted an application for a Supplier's License to the Commission. The Commission received a letter regarding a proposed merger between IGCA and Equitex, Inc. on or about February 22, 2000. IGCA would acquire Equitex's majority owned subsidiary, nMortgage, Inc. and IGCA would divest its gaming assets to Xertain, Inc. The Commission received an application for a supplier's license from Xertain, Inc. d/b/a Innovative Gaming, Inc. On or about September 21, 2000 the Commission received a press release from IGCA announcing the termination of the proposed acquisition of nMortgage. The Commission received a press release from IGCA announcing the termination of the divestiture to Xertain on or about October 17, 2001. IGCA submitted a letter dated November 18, 2003 requesting that the applications for a Supplier's License submitted by Innovative Gaming Corp. of America and Xertain, Inc. be withdrawn.

**Action:** Upon motion by Ann Bochnowski, second by Dale Gettelfinger, and unanimous vote of those present, the Commission granted the request of Innovative Gaming Corporation of America and Xertain, Inc. to withdraw its applications for a Supplier's License. Innovative Gaming is responsible for paying any outstanding background investigation fees for IGCA and Xertain. If Innovative Gaming Corporation of America fails to make payment for the background fees, the company will be subject to Commission action.

#### **Resolution 2004-7**

A Resolution Concerning the Request of Alliance Gaming Corporation to Purchase Sierra Design Group. Alliance Gaming Corporation is the parent company of Bally Gaming, Inc. Bally received a permanent supplier's license on March 30, 2000. The license has been renewed annually with the most recent renewal granted March 30, 2003. Sierra Design Group received a permanent supplier's license on April 7, 2003. Both Bally and Sierra Design are licensees in good standing. Alliance Gaming Corporation entered into an agreement with Sierra Design Group to acquire the stock of Sierra Design Group. Alliance Gaming Corporation requests the approval of the Commission for the purchase of 100% of the outstanding common stock of Sierra

Design Group. The Agreement and Plan of merger is anticipated to close in late February 2004. As a result of the acquisition, Sierra Design Group will become a wholly owned direct subsidiary of Bally Gaming, Inc. and an indirect subsidiary of Alliance Gaming Corporation. No new key persons or substantial owners are being introduced as a result of this change in ownership. As a result, Alliance Gaming Corporation has requested that the Commission waive the normal transfer of ownership procedures and attendant background investigations. Sierra Design Group has requested that the Commission approve a request to withdraw its Supplier's License upon the close of the Agreement and Plan of Merger. Upon closing, Sierra Design Group will notify the Commission that the closing has occurred and will relinquish its Indiana Supplier's License at that time. Sierra Design Group will then distribute products pursuant to Bally Gaming, Inc.'s Supplier's License as its wholly owned subsidiary.

**Action:** Upon motion by Ann Bochnowski, second by Dale Gettelfinger, and unanimous vote of those present, the Commission granted Alliance Gaming Corporation's request for a waiver of the normal transfer of ownership procedures and attendant background investigations; and granted their request for approval of the resulting transfer of ownership in Sierra Design Group to Alliance Gaming Corporation; and granted the request of Sierra Design Group to withdraw its application for a Supplier's License, upon closing of the transfer of ownership to Alliance Gaming Corporation.

#### **Resolution 2004-8**

A Resolution Concerning The Request of George C. Matteson Co., Inc. D/B/A Gemaco Playing Card Company To Change the Name of the Supplier Licensee. On or about June 4, 2003 GEMACO submitted an application to transfer ownership interests which would allow C.L. Fitzhugh, the sole owner of F & F, the parent company of GEMACO, to transfer 100% ownership of F & F to Danny Carpenter and D. Kaye Summers. F & F will continue to hold all stock of GEMACO. Upon completion of the transaction, Mr. Carpenter and Ms. Summers will retain 95% ownership of F & F. Jason Fitzhugh, Director of Sales and Marketing for GEMACO, will own 5% of F & F stock. Mr. Carpenter, Ms. Summers, and Jason Fitzhugh have submitted Personal Disclosure Forms to the Commission and have undergone background investigations. The investigations uncovered no derogatory information.

**Action:** Upon motion by Dale Gettelfinger, second by Thomas Milcarek, and unanimous vote of those present, the Commission granted the request of George C. Matteson Co., Inc. d/b/a GEMACO Playing Card Company to recognize Gemaco Inc. as the holder of an Indiana Supplier's License. All other conditions placed upon George C. Matteson Co., Inc. d/b/a Gemaco Play Card Company in Resolution 1997-32 shall remain the same and apply to Gemaco Inc. The Supplier's License will remain valid until the date that said license, revoked, or withdrawn.



## **Riverboat Owner's Matters**

### **Financing**

#### **Resolution 2004-9**

A Resolution Concerning Financing by Argosy Gaming Company. Erin Williams, VP & Treasurer of Argosy Gaming and James E. Butler, General Counsel for Operating Subsidiaries at Argosy Gaming appeared before the Commission. On January 5, 2004 Argosy Gaming Company requested approval to refinance a \$350 million senior subordinated note issue with a coupon rate of 10.75% through a tender offer and new debt issuance at a substantially lower interest rate. Argosy plans to finance between \$30 and \$130 million of the replacement debt on their current, previously approved revolving credit facility and issuing new notes for the remaining balance. The Executive Director granted the request for waiver on January 29, 2004 after receiving approval from Commission Chair Don Vowels and Commissioner Dale Gettelfinger. Argosy also requests a waiver of 68 IAC 5-3-2(b)(3) the two meeting rule.

**Action:** Upon motion by Ann Bochnowski, second by Marya Rose, and unanimous vote of those present, the Commission approved the request for a waiver of 68 IAC 5-3-2(b)(3) the two meeting rule and the request for approval of the establishment of Argosy's refinancing of \$350 million senior subordinated note issuance via a tender offer and new debt issuance not exceeding a total of \$380 million subject to a review and approval of the final draft and associated documents by the Commission staff.

#### **Resolution 2004-10**

A Resolution Concerning Financing by Caesars Entertainment, Inc. Ron Gifford, local counsel and Scott Estes, Counsel at Caesars Indiana appeared before the Commission. By letter dated December 9, 2003 Caesars requested a waiver by the Executive Director under 68 IAC 5-3-6 of the financing approval requirements set forth in 68 IAC 5-3 seeking approval of an amendment Caesars made to its existing multi-year and 364-day credit facilities in August, 2003. Prior to the August 2003 amendment, Caesars' credit facilities consisted of a 364-day revolving facility with a total available of \$700 million and no amounts outstanding and a \$2 billion five-year revolving facility, maturing in December 2003 with a \$1.4 billion two-year extension upon expiration or voluntary termination of the existing five-year revolving facility and an outstanding amount under the five-year revolving facility of \$965 million. The amended credit facilities put in place a \$493 million 364-day revolving credit facility, a \$2.318 billion five-year revolving facility maturing on December 31, 2003 and a \$1.741 billion two-year extension effective after December 31, 2003, increasing the total aggregate commitment in the facilities to \$4,125 billion. The Executive Director granted the request for waiver on December 18, 2003 after receiving approval from Commission Chair Don Vowels and Commissioner Dale Gettelfinger. Caesars is requesting Commission approval of the August 2003 amendment to its credit facilities and a waiver of 68 IAC 5-3-2(b)(3), the two meeting rule.

**Action:** Upon motion by Marya Rose, second by Ann Bochnowski, and unanimous vote of those present, the Commission approved the request for a waiver of 68 IAC 5-3-2(b)(3), the two meeting rule and the request for approval of Caesars \$4,125,000,000

credit facility subject to review and approval of the final draft and associated documents by the Commission staff.

#### **Resolution 2004-11**

A Resolution Concerning Financing by Caesars Entertainment, Inc. Ron Gifford, local counsel and Scott Estes, Counsel at Caesars Indiana appeared before the Commission. By letter dated December 9, 2003 Caesars requested a waiver by the Executive Director under 68 IAC 5-3-6 of the financing approval requirements set forth in 68 IAC 5-3, seeking after-the-fact approval of a short term unsecured credit facility Caesars (then Park Place) entered into by letter agreement with Wells Fargo Bank on May 24, 2000. Caesars also requested a waiver seeking approval of a further increase in the short-term unsecured credit facility. Caesars originally received a short term unsecured credit facility in an amount up to \$50 million for working capital requirements and is now seeking to increase the credit facility to an amount not to exceed \$100 million for working capital requirements. The Executive Director granted the request for both waivers on December 18, 2003 after receiving approval from Commission Chair Don Vowels and Commissioner Dale Gettelfinger.

**Action:** Upon motion by Ann Bochnowski, second by Dale Gettelfinger and unanimous vote of those present, the Commission approved the request for a waiver of 68 IAC 5-3-2(b)(3), the two meeting rule; Caesars' \$50,000,000 short term unsecured credit facility; and Caesars' \$100,000,000 short term unsecured credit facility subject to review and approval of the final draft and associated documents by the Commission staff.

#### **Resolution 2004-12**

Ron Gifford, local counsel and Scott Estes, Counsel at Caesars Indiana appeared before the Commission. By letter dated December 9, 2003, Caesars requested a waiver by the Executive Director under 68 IAC 5-3-6 of the financing approval requirements set forth in 68 IAC 5-3 seeking approval to establish a \$50 million, 364-day senior unsecured credit facility with U.S. Bank. The Executive Director granted the request for waiver on December 18, 2003 after receiving approval from Commission Chair Don Vowels and Commissioner Dale Gettelfinger.

**Action:** Upon motion by Ann Bochnowski, second by Dale Gettelfinger, and unanimous vote of those present, the Commission approved the request for a waiver of 68 IAC 5-3-2(b)(3) the two meeting rule; and the request for the establishment of Caesars' \$50 million, 364-day senior unsecured credit facility with U.S. Bank subject to a review and approval of the final draft and associated documents by the Commission staff.

### **Minority/Women's Business Enterprise Issues**

#### **Belterra Casino and Resort**

Ron Gifford, Baker and Daniels local counsel; Charles Feldman, MBE/WBE Coordinator and Jack Godfrey, General Counsel for Pinnacle Entertainment appeared before the Commission. On December 31, 2001 the company had a shortfall in its MBE/WBE

purchases of 16.9 million. In January 2004 Belterra surpassed that shortfall. As of February 6, 2004 Belterra is totally in compliance with their MBE/WBE purchasing requirements. The January 2004 MBE number is 27.5% WBE is at 12.2%. Construction is nearing completion on the new hotel tower. The Conference Center facilities will be completed at the end of February 2004.

Commissioner Gettelfinger requested an update on the recent Pinnacle public stock offering. Jack Godfrey, General Counsel for Pinnacle Entertainment stated that Pinnacle recently completed an equity offering with the net proceeds being approximately \$120 million. 10 million shares of common stock were sold at 11.15. Pinnacle will use the proceeds to replace the cash used to repurchase the R.D. Hubbard stock in December. This will also allow the company to finish the Lake Charles project easily; complete the construction project at Belterra; and complete the city portion of the St. Louis project should they be awarded the RFP.

### **Disciplinary Actions**

#### **Caesars Indiana Complaint No. 04-CS-01**

On May 24, 2000 Caesars entered into an agreement with Well Fargo seeking financing of short term unsecured credit facility not to exceed \$50 million. Caesars failed to advise or seek approval from the Indiana Gaming Commission prior to November 2003.

**Action:** Upon motion by Dale Gettelfinger, second by Thomas Milcarek, and unanimous vote of those present, the Commission approved the proposed terms of the settlement agreement whereby Caesars Indiana will pay a fine in the amount of \$75,000.00.

#### **Caesars Indiana Complaint No. 04-CS-02**

On August 2003 Caesars entered into a \$493 million 364-day, 2.3 billion 5 year, and \$1.741 billion 2 year extension credit facility without advising or seeking approval from the Indiana Gaming Commission.

**Action:** Upon motion by Dale Gettelfinger, second by Ann Bochnowski, and unanimous vote of those present, the Commission approved the proposed terms of the settlement agreement whereby Caesars Indiana will pay a fine in the amount of \$60,000.00

### **Next Meeting**

The next meeting of the Indiana Gaming Commission will be at April 2, 2004 10:00 a.m. in the offices of the Indiana Gaming Commission at 115 W. Washington St., Ste. 950 S., Indianapolis, IN.

### **Adjournment**

Upon motion by Dale Gettelfinger, second by Marya Rose, and unanimous vote of those present, the meeting was adjourned.

### **Minutes**

Baynes & Shirey Reporting Services transcribed the February 6, 2004 Business Meeting. Consequently, the transcript is the complete record of the meeting. Anyone wishing to see the transcript can review it in the Commission office or obtain a copy of the transcript from Baynes & Shirey, One Indiana Square #2525, Indianapolis, IN 46204 (317) 231-9003.

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

Respectfully submitted,

*Rhonda K. Dalton* (FACSIMILE)  
Rhonda K. Dalton

THE INDIANA GAMING COMMISSION:

*Donald R. Vowels* (FACSIMILE)  
Donald Vowels, Chair

*Thomas Milcarek* (FACSIMILE)  
Thomas Milcarek, Secretary