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INDIANA GAMING COMMISSION
BUSINESS MEETING
SEPTEMBER 14, 2006

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The above-captioned business meeting was stenographically taken down by me, Robin L. Helton, a notary public in and for the County of Marion, State of Indiana, at 1:00 p.m., on September 14, 2006, at the Indiana Government Center South Auditorium, 115 West Washington Street, South Tower, Indianapolis, Indiana, and the following transcript is a true and accurate transcript of the proceedings held.

CIRCLE CITY REPORTING
2050 First Indiana Plaza
135 North Pennsylvania
Indianapolis, IN 46204
(317) 635-7857

A P P E A R A N C E S

COMMISSION MEMBERS PRESENT:

William Barrett, Chairman

Donald Raymond Vowels, Commissioner

Tim Murphy, Commissioner

Tom Swihart, Commissioner

Earnest Yelton, Executive Director

Phil Sicuso, General Counsel

Kevin Mahan, Superintendent of Gaming Agents

Mark Mitchell, Director of Chairty Gaming

Tamara Timberman, Secretary

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COMMISSION MEMBERS PRESENT:

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1 CHAIRMAN BARRETT: I call to order the
2 September 14, 2006 beginning of Indiana gaming
3 business session to order. I will call on
4 Commissioner Yelton to make the introduction.

5 COMMISSIONER YELTON: Thank you, Mr. Chair.
6 Good afternoon, Ladies and Gentlemen. As you can
7 see, the Gaming Commission has undergone
8 considerable changes since our last meeting. On
9 July 1st, Harold Calloway accepted appointment to
10 the Board of Trustee of the University of Southern
11 Indiana, and in that capacity he submitted his
12 resignation as the commissioner.

13 In his stead, I'm pleased to announce that
14 Governor Daniels has appointed our new chair,
15 William Barrett, and our vice chair, Tim Murphy,
16 and we welcome them and congratulate them on their
17 appointments.

18 The governor also appointed Tom Swihart to
19 replace Harold as a commissioner. Tom attended
20 Valparaiso University, where he received his degree
21 in business administration. Upon graduation, he
22 entered the U.S. Marine Corps as an officer
23 candidate, where he served for the next 20 years
24 before retiring at the rank of lieutenant colonel.
25 During the course of his service, he received his

1 master's degree in public administration and urban
2 planning from Pepperdine University and MBA in
3 accounting and tax from Fairleigh Dickinson
4 University. He's a CPA and has worked in the firm
5 of Weichman & Associates in Munster for the past
6 16 years, and we welcome Tom aboard as a member of
7 the commission -- of the Indiana Gaming Commission.

8 Also, please note that on September 1st of this
9 year the terms of Marya Rose, Bryan Robinson and
10 Tim Fesko expired and, as of this date, the
11 governor has yet to fill those positions.

12 CHAIRMAN BARRETT: Thank you, Executive
13 Director. We will now take the roll of the
14 commissioners. Commissioner Swihart.

15 COMMISSIONER SWIHART: Present.

16 CHAIRMAN BARRETT: Commissioner Vowels.

17 COMMISSIONER VOWELS: Present.

18 CHAIRMAN BARRETT: Commissioner Murphy.

19 COMMISSIONER MURPHY: Present.

20 CHAIRMAN BARRETT: First order of business is
21 the approval of the minutes of the meeting from
22 June 7th. The commissioners have received the
23 minutes, are there any comments on the minutes?

24 COMMISSIONER VOWELS: There appears also to be
25 minutes in there, too.

1 CHAIRMAN BARRETT: I will call those separate.

2 COMMISSIONER VOWELS: I don't have any comments
3 but I have a motion to approve the minutes.

4 CHAIRMAN BARRETT: There is a motion by
5 Commissioner Vowels to approve the minutes from the
6 June 7th meeting, is there a second?

7 COMMISSIONER MURPHY: Second.

8 CHAIRMAN BARRETT: All in favor?

9 (COMMISSION MEMBERS VOTED AYE)

10 CHAIRMAN BARRETT: And then there was another
11 meeting on June 8th, any discussion on the minutes?
12 Call for a motion on their approval?

13 COMMISSIONER VOWELS: Move to approve.

14 COMMISSIONER MURPHY: Second.

15 CHAIRMAN BARRETT: Move to second to approve
16 the minutes of the June 8th business meeting. All
17 in favor?

18 (COMMISSION MEMBERS VOTED AYE)

19 CHAIRMAN BARRETT: The next item on the agenda
20 is a report from Executive Director Yelton.

21 EXECUTIVE DIRECTOR YELTON: Thank you,
22 Mr. Chair.

23 I will begin with the staffing update. Since
24 we last met, the Administration Division of the
25 Indiana Gaming Commission has welcomed four new

1 members into its fold. First, I would like to
2 introduce Mike Stokes; Mike, would you stand up,
3 please. He's our programmer for the information
4 technology division. Mike is an IU graduate --
5 which is one of the reasons we hired him, being an
6 IU graduate myself -- where he is currently
7 completing his masters degree. He's been a state
8 employee for over nine years and has been a
9 contracted computer programmer for the last four.

10 Next, we welcome back Tracy Sanders. Tracy
11 began her association with the Indiana Gaming
12 Commission in 1994 when she worked for the
13 Riverboat Enforcement Division of the Indiana State
14 Police. She became our administrative assistant in
15 1996 until she left in 2001. She joined us as our
16 promotion and compliance coordinator.

17 We have recently created a new position for the
18 Indiana Gaming Commission, an information analyst.
19 This individual is technically employed by three of
20 our sections equally. He's working for Charity
21 Gaming, Gaming Enforcement and the Administration
22 Section. Our first analyst is Andy Means. Andy,
23 would you stand. Andy is an Indianapolis native.
24 He attended Lawrence North High School. He
25 recently graduated from Duke University where,

1 according to him, he played basketball for Coach K;
2 but remember, Phil said he played football for
3 Notre Dame so -- and he spent two years in Chicago
4 and first interning for the Chicago Cubs and then
5 worked with Citibank.

6 Finally, we have our latest field auditor,
7 Jamie Robinson. Jamie, would you please stand.
8 Jamie was born in Fort Wayne but her family moved
9 to Indianapolis at her age of three, where she
10 resided ever since. She's a recent graduate of
11 Ball State University, majoring in accounting, and
12 plans to soon begin preparing to sit for her first
13 CPA exam. Welcome aboard, Jamie.

14 Next, I will give you a brief litigation
15 update. A title action was brought against us,
16 Argosy and others in the Dearborn Circuit Court.
17 This was dismissed upon our motion alleging lack of
18 tort claims notice, waiver, statute of limitations,
19 and failure to state a claim. The petition for
20 judicial review of the administrative action
21 pending in LaPorte Circuit Court was brought by the
22 City of East Chicago to vacate our granting of the
23 transfer of the license from Harrah's to Resorts.
24 This week a motion to dismiss is being circulated
25 to all parties per signature and is expected to be

1 filed very shortly.

2 Finally, East Chicago Second Century filed a
3 petition for judicial review of the administration
4 action from the Marion Superior Court requesting
5 the court to invalidate your resolution adopted at
6 our last meeting relating to the Second Century
7 portion of Resorts local development agreement.
8 The City of East Chicago has filed a cross petition
9 requesting the court to order the IPC to disapprove
10 the entire LGA, rather than just a portion thereof.
11 Upon a motion of the East Chicago not-for-profit
12 foundations, this litigation was consolidated with
13 the Second Century's pending declaratory judgement
14 before Judge Bradford here in Indianapolis.

15 The order of consolidation of all previous orders
16 in the original action have been authorized by the
17 trial court for interlocutory appeal. The Court of
18 Appeals has yet to accept or reject those appeals.

19 As our custom and required by regulations, I
20 need to recite to you the waivers that have been
21 granted to our licensees during the last quarter,
22 just for reporting purposes. All of our licensees
23 were granted the following waivers. One, they are
24 allowed to approve the separate ship of the boot
25 proms from the slot machines instead of the EPROMS.

1 As you may recall, the boot proms
2 are part of the new technology and slot machines
3 offered by IGT.

4 All boats were granted a waiver to allow only
5 the poker room dealers to hold their own tokens as
6 opposed to pulling them.

7 The licensees were granted relief to cash cage
8 checks written by patrons, by licensees or other
9 Indiana riverboats. Checks written by patrons, by
10 sister properties and checks written to
11 entertainment vendors.

12 They were granted relief from storing the
13 entire PAR sheets in the electronic gaming device
14 and they will be required to store part of the PAR
15 sheets containing the exact EPROM and hold
16 percentage, and an electronic copy or hard copy of
17 the entire PAR sheet must be readily available on
18 the site.

19 Finally, all boats were granted a waiver
20 approving the discontinuation of the registration
21 number issued by the commission for each electronic
22 gaming device, which comes with its own
23 identification number as well.

24 We have asked Majestic Star to submit only one
25 waiver request for both casinos, and any waivers

1 either granted or denied would be granted or denied
2 for both Majestic Star I and Majestic Star II. And
3 the following waivers have been entered in the last
4 three months. They were granted relief for having
5 a security guard in the VIP lounge, which has a
6 boarding ramp onto the vessel, as these patrons
7 would have already passed through the main
8 turnstiles. They were granted a waiver to allow
9 Majestic II to utilize gaming equipment of Majestic
10 Star I and share credit policies. The two
11 riverboats will use the same playing cards, dice,
12 value chips, nonvalue chips, promotional chips,
13 table layouts and roulette and big six wheels. The
14 two riverboats will also have one credit policy and
15 one marker bank, and receive relief from the
16 various regulations related to token acceptance of
17 EGDs.

18 Majestic Star I and II were granted relief from
19 investigating a negative chip float inventory on
20 the individual boats, but they are required to do
21 their investigation and report directly to the
22 commission if a consolidated float is negative.

23 They were granted a transfer of waiver
24 previously granted to Trump Casino, approving the
25 discontinuation of drop door meters displaying when

1 a door has been opened in a ticket machine.

2 Finally, Majestic Star I and II received relief
3 from various regulations that related specifically
4 to hopper fills.

5 Caesar's received three waivers. The first,
6 which is to allow management employees to receive a
7 bonus in the contact of the Midwest Regional Poker
8 Championship promotion. It was granted a waiver
9 for dealers to accept currency assist only during
10 tournament play. And finally, was granted a waiver
11 to allow table games supervisors to withdraw front
12 money for patrons.

13 Grand Victoria received approval to destroy
14 redeemed TITO tickets after a 90-day retention
15 period.

16 Argosy was allowed to have six spots for
17 wagering on its blackjack table layouts.

18 And our last waiver went to Resorts, which
19 approved their request to allow drop team members
20 to enter the soft gout (phonetic) after the count
21 has begun.

22 And again, members of the commission, these are
23 waivers that have already been granted by our
24 executive staff and is reported for your
25 information and not for action.

1 Since we last met, two of our licensees
2 have adopted new names. First of all, Blue Sky
3 Casino, LLC, has filed a d/b/a with the Secretary
4 of State and will be doing business as French Lick
5 Resorts and I believe there is a dot casino; is
6 that correct? French Lick Springs Resorts Casino.

7 One of our suppliers, Certegy Transaction
8 Services, has changed its name to Fidelity National
9 Transaction Services as a result of Certegy's
10 acquisition by Fidelity National. That acquisition
11 was approved by the commissioners last fall.

12 Our Deputy Director, Jenny Arnold, was to be
13 here today to report on the Disparity Study that's
14 been undergoing; however, I regret to say she is
15 right now in a plane going to Mexico City for a
16 wedding, so she sent in this report to be read for
17 the commission.

18 The IGC staff has entered all purchases for
19 2003 and 2004 into a database. The files were
20 subsequently returned to each riverboat with a
21 request to assign a category for each vendor and
22 those categories are as follows: One,
23 construction; two, gaming related equipment; and
24 three, gaming related supplies; four, other
25 supplies; and five, professional services.

1 The commission staff would like to thank the
2 purchasing managers for their prompt responses to
3 our request. The entry of 2005 procurements data
4 is nearly completed and will be sent to the
5 riverboats, hopefully, next week.

6 Finally, the staff is preparing a meeting of
7 the advisory group in early October to provide an
8 update and seek the input that will assist the
9 Center of Urban Policy and our outreach coordinator
10 engaging solutions in completing the study. We
11 still anticipate the study will be completed by the
12 first part of next year.

13 As you know, Hyatt Gaming, the owner of Grand
14 Victoria, its intentions to market its property.
15 Its CEO, Steve Liguori, and its vice president
16 general counsel, Martha Sabol, have been extremely
17 diligent in keeping us apprised of the progress.
18 Hyatt has contracted with Goldman Sacks to provide
19 evaluation and marketing services. We will be
20 maintaining timely contact with them to monitor the
21 progress of their efforts to sell Grand Victoria.

22 As reported in our last meeting, Columbia
23 Sussex was a successful bidder for all Aztar
24 properties. Our financial background investigators
25 immediately began their efforts to examine the

1 request of transfer and all of the key persons
2 involved. Today they have received nine of the ten
3 anticipated PD 1s and the last one is expected
4 to do it very quickly. Barring unforeseen
5 circumstances, Directors Garth Brown and Jim Beebe
6 predict a final report to be completed for your
7 consideration at the November commission meeting.

8 I'm pleased to announce that our annual report
9 for 2006 was presented to Governor Daniels last
10 week as required by law; a full copy is already
11 posted on our website, which is www.in.gov/gaming,
12 and to be found under the publication tab.

13 Finally, a report on the two investigations
14 that the IGC is currently involved in. First
15 relates to allegations raised concerning Blue Sky,
16 and the second relates to the two not for-profit
17 foundations which are parties to the Resorts local
18 development agreement which is being conducted by
19 the Indiana Attorney General. Both investigations
20 are ongoing and they are not yet ripe for your
21 consideration and they will be reported to you upon
22 their conclusion.

23 That, Mr. Chair, concludes the executive
24 director's report.

25 CHAIRMAN BARRETT: Thank you, Executive

1 Director Yelton.

2 Do the commission members have any discussion
3 on the report? Chair would entertain a motion to
4 accept the report.

5 COMMISSIONER MURPHY: I so move.

6 CHAIRMAN BARRETT: Motion by Commissioner
7 Murphy.

8 Second?

9 COMMISSIONER VOWELS: I will second.

10 CHAIRMAN BARRETT: Second by Commissioner
11 Vowels. All in favor?

12 (COMMISSION MEMBERS VOTED AYE)

13 CHAIRMAN BARRETT: Next, we will have a report
14 from Mark Mitchell, the Director of Charity Gaming.

15 MARK MITCHELL: Thank you, Mr. Chairman.

16 As you are aware, on July 1, 2006, charity
17 gaming functions were housed at the Department of
18 Revenue transferred and road act 102 to the Indiana
19 Gaming Commission. I'm pleased to report that the
20 transfer of employees and equipment dedicated to
21 the charity gaming activities went smoothly. At
22 that time there were minimal interruptions in
23 service due to telephone transfers, but in that
24 transfer no organization, that I'm aware of,
25 experienced any charity gaming impact on their

1 charity gaming events by this transition.

2 Since the transfer, we have issued 465 licenses
3 to various organizations since July 1st. As part
4 of this transfer, as I mentioned, was equipment and
5 employees. There were 17 positions transferred
6 from the Department of Revenue to the Gaming
7 Commission. At this time the new members of your
8 Gaming Commission and staff of the Indiana Charity
9 Gaming Division -- I would like to introduce them
10 to you at this time. The Director of the Licensing
11 Compliance section is Diane Freeman. She came from
12 the Department of Revenue with several years of
13 experience in both areas of licensing compliances
14 and oversight of the charity gaming activities in
15 this area.

16 The second employee that we transferred, and
17 coordinator of charity gaming, is Kim Hall.
18 Kim Hall, who is a long-time employee with the
19 Indiana Department of Revenue, transferred to the
20 Charity Gaming Division Commission. Kim
21 coordinates activities and assists in the
22 investigative analysis of the research for
23 investigations out in the field and violations of
24 charity gaming and helps in the research on general
25 activities involving licensing and compliance

1 issues.

2 The next group of employees I would like to
3 introduce to you at this time are the analysts
4 that transferred. The first analyst being
5 Kim Barnett, Karen Shadowens, Karen Hosack,
6 Rod Massic, Jackie Goldstein. The last analyst who
7 cannot be with us today is Debbie Henderson.

8 These analysts are a vital element in the
9 charity gaming process. They receive in and
10 analyze all of the applications and provide
11 customer service and assistance to all questions
12 and issues that arise. They have done an excellent
13 job in this transition. And as I mentioned, very
14 minimal interruption and many services.

15 Also, included in the administrative group,
16 clients and licensing, is administrative assistant
17 Lisa Nickels. Lisa take care of and reviews the
18 applications after they are approved and issues
19 licenses and also assists and supports
20 investigative activities.

21 Two other individuals that also transferred,
22 but are unable to be with us today, is clerical
23 assistant John Franks and receptionist
24 Maxine Jenkins.

25 Not only did we transfer license compliance

1 activities, but we also transferred investigative
2 activities. When we first transferred
3 investigative activities from the Department of
4 Revenue to the Indiana Gaming Commission, we
5 transferred three investigators and one vacancy.
6 One of the investigators is here with us today and
7 his name is Jim Biddell. Jim has been in charity
8 gaming for approximately a year-and-a-half. Prior
9 to that he was with the Indiana State Police. He
10 has investigated backgrounds and has been very
11 essential in the charity gaming investigative
12 activities.

13 The other investigator that cannot be with us
14 today is Janice Witham. Janice has been with the
15 Department of Revenue and as an investigator in
16 charity gaming for, approximately, 15 years.

17 We did transfer a third investigator who has
18 since left our employment. That is leaving us with
19 two vacancies in the investigative area. We are in
20 the process of advertising those and in the process
21 of interviewing candidates to fill those positions.

22 Since the transfer also, Commissioners, it was
23 important to make it possible to establish
24 emergency rules that were established by the legal
25 division within the Indiana Gaming Commission

1 through the assistance of charity gaming members.
2 They are operating under those emergency rules and
3 have been working diligently to draft new rules for
4 governing by the Charity Gaming Administration.
5 Those rules have been completed in a draft form and
6 submitted a publication for opinion at this time.

7 I have nothing further to report at this time.

8 CHAIRMAN BARRETT: Thank you.

9 Do any of the commissioners have any questions
10 or comments on Director Mitchell's report? Okay.
11 Thank you.

12 I will next hear the report of the
13 Superintendent of Gaming Agents, Kevin Mahan.

14 KEVIN MAHAN: Thank you, Mr. Chairman.

15 It gives me great pleasure to bring you
16 up-to-date with what all has been happening with
17 the Division of Gaming Agents since my last report
18 on June 7th.

19 On the 26th of June, gaming agents for Belterra
20 and Grand Victoria began their formalized gaming
21 agent training at the Indiana Law Enforcement
22 Academy.

23 On the 14th of July, we were able to
24 participate at the Indiana Black Expo as part of
25 their job fair, which was held in Downtown

1 Indianapolis here at the convention center.

2 On the 25th of July, we graduated 31 gaming
3 agents, which represented our second gaming
4 enforcement class. We had the privilege of having
5 Honorable Chief Justice Randall Shepard as our
6 guest speaker; and eleven of those agents were
7 assigned to Aztar, while the remainder went to
8 Caesar's Indiana to complete their three week field
9 training program. Due to the fact that French Lick
10 is not up and running, I chose to send those agents
11 to Caesar's for their field training.

12 During the week of August 7th, Director Rowan,
13 Deputy Director McQuitty, and Donna Roberts, our
14 Director of Human Resources, conducted over 100
15 interviews in northwest Indiana for the positions
16 at Horseshoe and Resorts Casino.

17 On the 13th of August, field training was
18 completed at Aztar and Caesar's and we officially
19 took over the enforcement and regulatory duties of
20 those two properties from the Indiana State Police.

21 On Friday, August 18th, we graduated 19 more
22 gaming agents, which represented our third gaming
23 enforcement class. Governor Daniels' chief of
24 staff, Eric Gonzo, was our guest speaker. Ten of
25 these agents went to Belterra, while nine of the

1 other agents went to Grand Victoria for their three
2 weeks of field training.

3 On the 28th of August represented the first day
4 on the job at the French Lick Resort Casino. We
5 have temporary offices set up there and we began
6 the badging process and procedure. A total of 521
7 employees have been badged as of yesterday evening.
8 278 nongaming employees have been badged, and 243
9 gaming employees have been badged. At this point
10 that represents, approximately, 44 percent of the
11 anticipated total number of employees badged and
12 processed.

13 Also at French Lick, 455 of the 1,200 slot
14 machines have been delivered to the casino floor.
15 The process began yesterday and there has been 150
16 mother boards that have been processed and sealed.
17 The gaming agents at French Lick are processing 30
18 slot machines an hour which, in my opinion, is
19 absolutely outstanding.

20 As I sit here and give you this report, more
21 badging and processing is going on as I speak.
22 French Lick Casino went under 24-hour-a-day
23 surveillance and security. Chris Leininger and his
24 management team has worked with us in a very
25 professional, timely and responsive manner. From

1 my perspective and gaming agents out there doing
2 the work, things could not be going any better at
3 French Lick Resort Casino.

4 On the 29th of August, we made additional
5 offers of employment to 22 people. They will be
6 the agents that will be assigned to Horseshoe and
7 Resorts. On the 1st of September, those agents
8 arrived here at this building for their MMPI
9 testing and they were also fingerprinted.

10 This past Sunday, at 12:00 midnight, our agents
11 relieved the Indiana State Police from their duties
12 and we took over operation at Belterra and Grand
13 Victoria. I don't know if it was by accident, but
14 Belterra had their largest crowd of the year on
15 that same night. So needless to say, it was quite
16 interesting. I had the opportunity to be there
17 during that time. There were no problems and
18 everything went very, very smoothly.

19 At the present, the division of gaming agents
20 have taken over regulatory enforcement duties at
21 seven of Indiana's 11 casinos. The transitions
22 have gone very smoothly and I do want to publically
23 thank the Indiana State Police for their
24 cooperation and understanding during this
25 transitional period. If the remaining four go as

1 smoothly as what the seven have, then I'm going to
2 tag this process as a total success. I do look
3 forward to the continuing working relationship with
4 the Indiana State Police.

5 As part of the field training, we also had the
6 pleasure of having the prosecutors, sheriffs, and
7 Chief of Police at the respective counties to meet
8 with our gaming agents. Most recently, this
9 included those individuals from Vanderburg,
10 Harrison, Ohio, and Switzerland counties. The
11 working relationship that we have already formed
12 with these agencies will not only benefit the IBC
13 of the industry, but also the community as well.

14 As part of our first week on the job at
15 Caesar's Indiana, we began a 100 percent slot
16 audit; four weeks into the process, we are nearing
17 the halfway mark, as we have audited nearly a
18 thousand machines. The dedication and the work
19 ethics of the agents of that vessel is outstanding,
20 and I also want to thank the slot department
21 personnel at Caesar's for their cooperation as
22 well.

23 As far as what's in the works, the recruits for
24 Horseshoe and Resorts will report to the Indiana
25 Law Enforcement Academy on Sunday, October 1st, to

1 begin their formal training. They will graduate on
2 November 28th and they will relieve the Indiana
3 State Police from their duties on December 17th.

4 The job posting for the fifth and final
5 transitional class will be posted on the state job
6 bank tomorrow. The jobs will be posted until
7 October 11th. These positions will be for Argosy
8 and Blue Chip Casino. We also intend to fill any
9 and all vacancies that we have at any of the other
10 properties. The final transitional class should
11 consist of, approximately, 31 gaming agents.

12 This last class is scheduled to begin their
13 training on January 8, 2007, and they are scheduled
14 to graduate on March 2nd. They will then relieve
15 the Indiana State Police from their duties on March
16 25th, at which time Governor Daniels' goal will be
17 reached, in which all the troopers who were working
18 as gaming agents on the boats will be back out on
19 the roadways in the State of Indiana.

20 With regard to the investigation section,
21 everything continues to go very well, although the
22 investigators are very much covered up with the
23 number of investigations that they have. They do
24 continue to produce reports in a timely and
25 efficient manner. Besides their continued work on

1 PD 1s, they have also started to conduct many
2 investigations on suppliers as well.

3 That concludes my report.

4 CHAIRMAN BARRETT: Thank you.

5 Do any of the commissioners have any questions
6 or comments to Superintendent Mahan? Thank you.

7 Next item on the agenda is Resolution's old
8 business. Executive Director Yelton?

9 EXECUTIVE DIRECTOR YELTON: There is no old
10 business, Mr. Chair.

11 CHAIRMAN BARRETT: Let's move on to new
12 business. Resolution 2006-59, which is our first
13 item.

14 EXECUTIVE DIRECTOR YELTON: Thank you,
15 Mr. Chairman and Commissioners.

16 Commission Resolution 2003-13 granted authority
17 of the executive director to renew riverboat
18 operator licenses until such time as the commission
19 was able to meet and consider request of renewal of
20 that operator's license. Due to the identical
21 concerns about the time that often elapses between
22 a renewal request and the next scheduled commission
23 business meeting, commission staff now seeks to
24 extend its previous granted power to cover supplier
25 licenses as well as operator licenses.

1 Accordingly, we appreciate your favorable
2 consideration of Resolution 2006-59.

3 CHAIRMAN BARRETT: Thank you.

4 Any discussion from the commission on the
5 proposal? If not, I will call a motion for
6 Resolution 2006-59.

7 COMMISSIONER MURPHY: I move for the
8 resolution.

9 CHAIRMAN BARRETT: Motion by Commissioner
10 Murphy.

11 COMMISSIONER VOWELS: I will second.

12 CHAIRMAN BARRETT: And second by Commissioner
13 Vowels. All in favor say aye.

14 (COMMISSION MEMBERS VOTED AYE)

15 CHAIRMAN BARRETT: Motion carries. Approved.

16 Next on the agenda is Resolution 2006-60, and
17 Mr. Packer will present that from the staff. Thank
18 you.

19 ADAM PACKER: Thank you, Mr. Chairman,
20 Commissioners.

21 It's my pleasure to bring four matters to your
22 attention today. First, is Resolution 2006-60.
23 Title 6, rule 1 of the regulations for the Indiana
24 Gaming Commission governs the exclusion list. And
25 currently there is no procedure in place for people

1 who have been on the exclusion list to petition for
2 removal from the list. There is a provision in the
3 rule that states that anyone on the exclusion list
4 may petition for removal; but following that
5 statement, there is no procedure.

6 In the past few months, we have had contact
7 from three individuals who are on the exclusion
8 list, requesting for some rights under that
9 provision of the rules that states they may
10 petition for removal. We have been unable to
11 provide them with instruction on how to do so
12 because there is no procedure in place.

13 Additionally, in the past months there have
14 been multiple people who are on the exclusion list
15 and have won jackpots or other prizes on board.
16 Our casinos, unlike the voluntary exclusion program
17 where there is a provision in place for forfeiture
18 of those funds, currently under the for cause
19 exclusion list there is no such provision. For
20 that reason and for the reason that these two parts
21 of the exclusion list rule are not in place
22 currently and there is an emergent need for these
23 issues to be addressed as a result of the people
24 requesting or being in this situation, commission
25 staff has formulated an emergency rule that covers

1 both of those issues.

2 At this time, I request that you grant the
3 resolution authorizing that emergency rule.

4 CHAIRMAN BARRETT: Thank you, Mr. Packer.

5 Do the commission members have any questions or
6 discussion on proposed Resolution 2006-60?

7 MR. VOWELS: This applies to a person who has
8 been excluded from the casino other than by their
9 own decision?

10 ADAM PACKER: That's correct.

11 COMMISSIONER VOWELS: What we are doing here is
12 addressing something where they can petition the
13 gaming commission to withdraw that exclusion?

14 ADAM PACKER: Yes. The voluntary exclusion
15 program currently has a procedure in place for
16 removal. And people who have felony convictions
17 and apply for licenses has a procedure by which
18 they can get waivers of that. What we have done is
19 sort of combined the best features of those two
20 programs and fulfilled the existing promise,
21 essentially, in the rules that states people on the
22 exclusion list may petition for removal, but there
23 is no procedure in place to effect that removal.

24 CHAIRMAN BARRETT: Any further discussion among
25 the commission members? If not, I will call for a

1 motion on the 2006-60.

2 COMMISSIONER VOWELS: I will move to approve.

3 CHAIRMAN BARRETT: Motion by Commissioner
4 Vowels.

5 COMMISSIONER MURPHY: Second.

6 CHAIRMAN BARRETT: Second by Commissioner
7 Murphy. All in favor?

8 (COMMISSION MEMBERS VOTED AYE)

9 CHAIRMAN BARRETT: Thank you.

10 Mr. Packer, do you have the occupational
11 license matters?

12 ADAM PACKER: That's correct, Mr. Chairman.

13 First, I would like to bring your attention to
14 Order 2006-61, which is an order regarding the
15 waiver of a provision of the Indiana
16 Administrative Code for Elizabeth Streckfus.
17 Ms. Streckfus, prior to hurricane Katrina, was a
18 pilot of a steamboat in southern United States.
19 She transferred up to Indiana following the
20 hurricane. She has an alcohol-related conviction
21 on her record from 1994, and she has requested a
22 waiver of that. The order in front of you today is
23 an order approving an agreement that we entered
24 with Ms. Streckfus that grants her that waiver, and
25 would ask you today to approve that order.

1 CHAIRMAN BARRETT: Thank you.

2 Any comments or discussion on 2006-61? If not,
3 I will call for a motion on it.

4 COMMISSIONER VOWELS: I will move to approve a
5 request of the waiver.

6 CHAIRMAN BARRETT: Is there a second?

7 COMMISSIONER SWIHART: I second.

8 CHAIRMAN BARRETT: Second by Commissioner
9 Swihart.

10 All in favor?

11 (COMMISSION MEMBERS VOTED AYE)

12 CHAIRMAN BARRETT: Thank you.

13 ADAM PACKER: Next on the occupational license
14 matter list is Order 2006-62 for Michael McEnelly.
15 Commissioners Barrett, Vowels and Murphy, you may
16 recall this matter was briefly discussed at our
17 June meeting. Mr. McEnelly was convicted of a
18 Class C misdemeanor involving the purchase of a
19 quantity of ephedrine and he failed to timely
20 report that to the Gaming Commission. He reported
21 it, approximately, seven months after the
22 conviction -- after the arrest, I apologize. And
23 we entered into a settlement agreement with him for
24 a suspension of his license for a period of one
25 day. He had not yet returned the settlement

1 agreement at the time of the previous meeting. He
2 did, in the interim, and now that order is in front
3 of you today. The Gaming Commission staff would
4 request that you approve the settlement agreement
5 with Mr. McEnelly.

6 CHAIRMAN BARRETT: Thank you, Mr. Packer.

7 Commission members, do you have any questions
8 or discussions on 2006-62?

9 COMMISSIONER VOWELS: Yes, Mr. Chairman, I
10 would like to ask a follow-up question, if I could.

11 CHAIRMAN BARRETT: Sure.

12 COMMISSIONER VOWELS: Can you expand just a
13 little bit on how you arrived at the suitability of
14 the penalty of one day?

15 ADAM PACKER: Yes, the penalty of one day was
16 agreed to with Mr. McEnelly, based on the fact that
17 he didn't timely report a misdemeanor crime. I
18 understand there was a lot of internal dialogue
19 with the staff about whether we should take into
20 consideration the severity of the offense -- of
21 this being a drug-related crime. We determined
22 that for a few reasons, possibly foremost being the
23 fact that we want to encourage licensees to report
24 crimes, to report any criminal activity, and taking
25 into consideration the severity of events and

1 requesting a longer suspension, five days or six
2 days or something like that, would have a deterrent
3 effect, in some of our opinions on the staff, of
4 getting licensees to come forward with crimes.
5 This is a Class C misdemeanor. We are concerned
6 about sending a message that if you come forward
7 with your criminal activities, you will be punished
8 severely for that criminal activity.

9 Additionally, we are concerned about the
10 possibility of presenting a settlement offer to a
11 licensee, having that licensee reject the
12 settlement offer and then taking it to an
13 Administrative Law Judge. In that situation, the
14 commission staff believes that evidence of the
15 severity of the crime would not be considered by
16 the Administrative Law Judge, but the only
17 consideration of the ALJ would be the actual
18 offense, which is the violation of the reporting
19 rule. So for those reasons, and some of the things
20 we have discussed at the previous commission
21 meeting, we came to the determination of
22 Mr. McEnelly, that one day would be a sufficient
23 suspension for his violation of the reporting
24 requirement.

25 COMMISSIONER VOWELS: And that one day means he

1 lost his income for one day?

2 ADAM PACKER: That's true. The suspension has
3 not occurred yet, but he will lose that one day of
4 income.

5 COMMISSIONER VOWELS: Do you know or remember
6 what the result was of that criminal charge?

7 ADAM PACKER: I believe he pled guilty. He was
8 convicted of the crime. And just as a matter -- to
9 expand on that a little bit, if we were to see
10 evidence that this was a problem, if he was
11 reporting this type of activity over a period of
12 time, we could launch a suitability examination;
13 that is a separate consideration from this failure
14 to report. We would actually go into whether this
15 person is still suitable to be a licensee.

16 COMMISSIONER VOWELS: It strikes me that a
17 one-day suspension for an offense that involves the
18 primary ingredient of meth is just not a sufficient
19 penalty. And your concern about a more severe
20 penalty or something, one day -- one day suspension
21 seems like a one day vacation. A three-day
22 suspension or something more lengthy, is that what
23 would trigger an appeal?

24 ADAM PACKER: I'm not sure if he would take
25 that to the Administrative Law Judge or not. That

1 is a concern I have. I respect the thought that a
2 longer suspension would be appropriate in this case
3 because ephedrine is a precursor to
4 methamphetamine. But this is the settlement
5 agreement that we entered into at the time and that
6 is what I'm here to present to the commission
7 today. There was a lot of internal dialogue about
8 this and I would respect any decision, obviously,
9 that the commission comes to on this order; but
10 because this was a settlement agreement that
11 Mr. McEnelly and staff agreed to, we have to bring
12 that to you today. I want to make that clear.

13 COMMISSIONER VOWELS: Do you have any idea what
14 his penalty was that he received?

15 ADAM PACKER: If you give me a moment, I will
16 see if I have it here.

17 COMMISSIONER VOWELS: What county was this?

18 ADAM PACKER: Harrison County. He was
19 sentenced to a 60-day suspension, court costs,
20 fines, various administrative fees. It looks like
21 his total fine was around \$1,000. And he was
22 ordered to a year of probation.

23 COMMISSIONER VOWELS: Oh, really. A Class A
24 misdemeanor is the lowest level of misdemeanor
25 there is, carrying up to 60 days in jail and up to

1 a \$500 fine. If the court determined there is some
2 need for drug alcohol rehabilitation they can
3 extend that to one year probation.

4 ADAM PACKER: Additionally, my understanding of
5 this particular section of code is that a second
6 offense resulted in a Class A misdemeanor and it
7 goes up from there.

8 COMMISSIONER VOWELS: Was there any
9 indication -- it says he purchased three grams of
10 ephedrine in a week's time. Were you able to
11 review the facts of what the police report said to
12 give you any indication?

13 ADAM PACKER: I was able to review the facts,
14 but I didn't gather if he purchased it all at once
15 or if it was over a period of a couple of different
16 trips to the convenience store or where he
17 purchased it.

18 COMMISSIONER VOWELS: There is one reason,
19 unless your whole family has a cold, to buy that
20 stuff. You also understand there are four of us
21 here today and that motion as to be approved
22 unanimous?

23 MR. PACKER: I agree. As I stated before, this
24 is the settlement we came to and I will respect and
25 go back to Mr. McEnelly with whatever decision you

1 make. Your debate on this is not the first time
2 this discussion has happened on this particular
3 matter.

4 CHAIRMAN BARRETT: I remember this discussion
5 well from our June meeting. The concern that I
6 have to try to articulate is that there are
7 misdemeanors and there are misdemeanors, and that
8 has been touched on. And although this is a C
9 misdemeanor, the lowest grade of offense under
10 Indiana law, in my view is a closer nexus to what
11 our statutory mandate is, which is to preserve the
12 integrity of the casino system in this state, then
13 does, for example, a Class B misdemeanor of public
14 intoxication; someone who walks off their front
15 porch and into the sidewalk has had a few too many.
16 Because of that, the failure to report has -- in my
17 mind, has greater implications. So I wanted to --

18 COMMISSIONER VOWELS: Maybe we asked this the
19 last time, how did it come to the staff's
20 attention? Did he bring it to their attention?

21 ADAM PACKER: He did, he did. What happened
22 was the commission staff was somewhat lax in
23 enforcement of this provision. We discovered we
24 were somewhat lax and sort of reinforced the idea
25 of reporting criminal activity. We sent memos to

1 the folks, they posted the regulation around, and
2 that triggered sort of a flood of these type of
3 reportings, some of which were timely and some of
4 which had been sitting for some time.

5 COMMISSIONER VOWELS: To be honest with you,
6 until I saw this, I didn't know there was a 10-day
7 time frame to report it.

8 ADAM PACKER: Many of the licensees didn't
9 either, I will submit.

10 COMMISSIONER VOWELS: And I agree with the
11 chairman, people who commit intentional crimes and
12 get caught -- it's like when I represented some
13 18-year-old who has a beer and he's charged with a
14 violation of the liquor law and he tells me that's
15 the one and only time he ever had a beer in his
16 hand. And I suggest he start to play the lottery.
17 He got caught doing this -- and this stuff, as we
18 all know, is to make meth. And that is, as the
19 chairman said, the nexus of what we are supposed to
20 be doing here. So that's all I have to say.

21 I assume, Commissioner Murphy, your position is
22 pretty much the same?

23 ADAM PACKER: My only concern is that -- I
24 would like to tread lightly on the issue of looking
25 at the severity of the crime separate from the

1 actual offense that we are disciplining this
2 licensee, for which is the failure to report. I
3 think we will run into trouble down the road, as we
4 touched on -- as Commissioner Murphy and I touched
5 on earlier; if this particular person or someone
6 down the line takes us to an Administrative Law
7 Judge, that consideration is thrown out. But I
8 think the chairman brought up a good point that --
9 the fact that this is a ephedrine-related crime
10 weighs on the severity of the failure to report, in
11 addition to the severity of the crime itself.

12 COMMISSIONER VOWELS: He was arrested August
13 28, 2005. Let's say on August 29th he reported
14 that to the Gaming Commission staff, would we have
15 ever heard about it?

16 ADAM PACKER: The Indianapolis office probably
17 would not hear about it. The commission agents at
18 Caesar's would know about it.

19 COMMISSIONER VOWELS: Would it be brought in
20 front of the Gaming Commission?

21 ADAM PACKER: I doubt it. He would have timely
22 reported a Class C misdemeanor. The only red flag
23 on criminal reporting is if it's a felony. If a
24 person walks into the office at Caesar's and
25 reports that he's been arrested for a felony drug

1 possession or something like that, the commission
2 agents are instructed to report that to the
3 Indianapolis office. We then take appropriate
4 action. An isolated C misdemeanor, in all
5 likelihood -- I can't say 100 percent, but in all
6 likelihood would not cause the commission agents in
7 Harrison County to call us for action.

8 CHAIRMAN BARRETT: I'm not talking about
9 Mr. McEnelly because I don't know him, but doesn't
10 that beg the question if the offense is isolated?
11 How does one know whether it is isolated or not
12 until it's reported? And if it is not -- if the
13 failure to report is not sanctioned or suffers,
14 what is the meaning of the rule?

15 ANDREW KLINGER: If I could jump in on that. I
16 think maybe Adam has misspoken a little bit. When
17 those reports are filed if -- when an employee does
18 notify the agents of the boat that they have had a
19 criminal arrest, those reports are forwarded to us
20 in the legal division and we do receive those. So
21 if there was a pattern that occurred where an
22 individual was reporting a second or third
23 drug-related offense, hopefully, we would catch
24 that in the Indianapolis office. As Adam mentioned
25 before, that type of issue definitely would go

1 directly toward that individual's suitability to
2 hold a license and we would consider that.

3 COMMISSIONER VOWELS: So what you are saying
4 here today is that this one day suspension,
5 regardless of the criminal offense, the punishment
6 here is only for failure to report within the
7 10-day period?

8 ADAM PARKER: That is the thought process that
9 the commission staff has had up to this point. If
10 the commission directs us to take other things into
11 consideration, then that's a separate matter. But
12 that is our thought process on these violations.

13 COMMISSIONER MURPHY: Mr. Chairman, given the
14 apparent situation of the three members, I move
15 that we reject this order.

16 CHAIRMAN BARRETT: Thank you.

17 There is a motion to disapprove or reject
18 2006-61 by Commissioner Murphy. Is there a second?

19 MR. VOWELS: I will second the motion.

20 CHAIRMAN BARRETT: Second by Commissioner
21 Vowels to disapprove. All in favor of the motion
22 say aye.

23 (COMMISSION MEMBERS VOTED AYE)

24 (NONE OPPOSED)

25 CHAIRMAN BARRETT: The order is rejected and

1 settlement is rejected.

2 ADAM PACKER: Final occupational license matter
3 is order 2006-63. This is a settlement agreement
4 between the commission and Mr. Larry Wolf. He is a
5 level three occupational licensee on Caesar's, I
6 believe, and he was convicted of reckless driving,
7 a B misdemeanor. Commission staff and Mr. Wolf
8 entered into a settlement agreement for a one day
9 suspension of his license for failure to timely
10 report this arrest. He did not report the fact
11 that he was arrested or convicted until,
12 approximately, 11 months after the arrest. We
13 consider that to be worth a one-day suspension of
14 his license. At this time I would ask that you
15 approve the order regarding that settlement
16 agreement.

17 CHAIRMAN BARRETT: Thank you, Mr. Packer. Any
18 question or discussions from the commission
19 members?

20 COMMISSIONER VOWELS: Did we just box ourselves
21 in?

22 CHAIRMAN BARRETT: As a follow-up question to
23 that. What was Mr. Wolf's job?

24 ADAM PACKER: Mr. Wolf is a utility maintenance
25 worker. He is a level three licensee.

1 CHAIRMAN BARRETT: Does that require him, in
2 his job to drive? I assume he drives to and from
3 his job, I don't mean that. Is he required to
4 drive within the scope of his employment?

5 ADAM PACKER: Not within the scope of his
6 license. I don't believe so.

7 COMMISSIONER VOWELS: This is Harrison County
8 also; is that right?

9 ADAM PACKER: I can check to be sure of that.

10 COMMISSIONER VOWELS: Right, that is.

11 ADAM PACKER: Actually, Sellersburg Town Court.

12 COMMISSIONER VOWELS: Okay.

13 ADAM CLARK: That is in Clark.

14 COMMISSIONER VOWELS: Got arrested on February
15 20th, 2005 and he reported it --

16 ADAM PACKER: He reported it on January 17th of
17 2006. The October is when he pled guilty to the
18 reckless driving offense.

19 CHAIRMAN BARRETT: When did staff send out the
20 reminder notices to be circulated and posted?

21 ADAM PACKER: October of 2005.

22 PHIL SICUSO: That's correct.

23 COMMISSIONER VOWELS: In some counties, as you
24 know, they allow referrals on first time young
25 driving offenses, and in some dismiss, and some

1 counties it is reduced to a reckless driving after
2 a period of time.

3 ADAM PACKER: My understanding, Commissioner
4 Vowels, is that this is a voluntary guilty plea to
5 the reckless driving count. It's not part of a DWI
6 diversion program.

7 CHAIRMAN BARRETT: I have a question really
8 addressed to my fellow commissioner to follow up on
9 your question, have we boxed ourselves in.
10 Mr. McEnelly reported five months after he was
11 arrested. Mr. Wolf reported 11 months after he was
12 arrested. Does that affect the degree of wrong?

13 COMMISSIONER VOWELS: Not in the way we would
14 like. I mean, the time frame -- am I getting this
15 right, Mr. McEnelly was a shorter time frame?

16 CHAIRMAN BARRETT: Yes, he was arrested --
17 reported on February 1st of '06 after August 28 of
18 '05 arrest. So five months and three days.

19 COMMISSIONER VOWELS: My problem here is like
20 Mr. Packer said, what we are really addressing is
21 the failure to report and not so much the
22 underlying offense; is that a good way of summing
23 it up, Mr. Packer?

24 ADAM PACKER: That's been the staff's position
25 on these types of things. We are still feeling

1 this out because it's only been recently that we
2 stepped up the enforcement of this provision and
3 we're still trying to figure out what's fair.

4 COMMISSIONER VOWELS: I guess in an ideal world
5 everyone who is charged with a crime would be
6 brought to your attention or -- you would never get
7 to go home from work or get any sleep. But then
8 you take on the case by case, a guy who is
9 gathering precursors for meth, you can address that
10 on its own. My problem here is an Administrative
11 Law Judge looks at granting -- approving a
12 settlement agreement on Mr. Wolf and I can see that
13 if it is based upon failure to report and granted
14 settlement agreement on a guy who did not report
15 for 11 months and rejected on one who reported
16 fairly timely after the commission rules. As I
17 said earlier, as long as I have been doing this, I
18 didn't realize it until I just saw it that you have
19 to report within 10 days. So I don't know --
20 someone who is not in the Indiana Gaming Commission
21 since the beginning of time should be expected to
22 know all of those rules. But --

23 ADAM PACKER: If I may borrow Mr. Chairman's
24 argument for a moment. Comparing a reckless
25 driving offense to Mr. McEnelly's offense, the fact

1 it is a precursor to methamphetamine, goes to the
2 weight of the failure to report; but a reckless
3 driving offense, that's not necessary a
4 consideration especially since, as we discussed, he
5 is a utility maintenance person and his driving
6 ability does not affect his license.

7 CHAIRMAN BARRETT: It is a more severe offense.
8 But I think on the facts you have presented to us
9 it does not have as much as nexus in integrity of
10 the system.

11 ADAM PACKER: That is my argument.

12 COMMISSIONER VOWELS: What job does
13 Mr. McEnelly have?

14 ADAM PACKER: He's a floor supervisor in the
15 gaming operations facility.

16 COMMISSION VOWELS: And as the chairman said,
17 in Mr. Wolf's situation if he is not a good driver
18 and -- he doesn't have a conviction for drunk
19 driving, we would have to assume it was reckless
20 driving that doesn't have anything to do with his
21 performance in his job, whereas the nexus of
22 someone who has the precursors for
23 methamphetamine --

24 ADAM PACKER: And he doesn't report.

25 COMMISSIONER VOWELS: And he doesn't report.

1 If he's using it or selling it, both of those
2 things are bad. So I'm trying to get me out of the
3 box here.

4 ADAM PACKER: I'm trying to help as much as I
5 can.

6 PHIL SICUSO: Relative to a person's position
7 at a casino is an excellent way to get out of this
8 box, in addition to the fact that we have presumed
9 when we started enforcement effort that the
10 licensee did not know their responsibility to
11 report. Therefore, the 11 months was virtually
12 waived.

13 EXECUTIVE DIRECTOR YELTON: And part of the
14 reasons, Mr. Vowels, maybe you weren't aware of
15 this, this was not enforced by the commission in
16 the past. We had a dialogue as to whether we would
17 grant an amnesty program and start new and we chose
18 against that in hopes we would not be expending all
19 of our energies before the Administrative Law
20 Judge.

21 CHAIRMAN BARRETT: So it was October when the
22 notices went out, approximately?

23 ADAM PACKER: October or early November.

24 CHAIRMAN BARRETT: So the first of November and
25 Mr. McEnelly waited three months, February 1st, and

1 Mr. Wolf actually waited only two-and-a-half
2 months.

3 ADAM PACKER: If you use that, then it makes
4 Mr. Wolf's violation less severe than Mr. McEnelly.
5 There is your ladder, Commissioner Vowels. You are
6 out of the box.

7 EXECUTIVE DIRECTOR YELTON: It takes a little
8 time.

9 COMMISSIONER VOWELS: With that in mind, I will
10 give Resolution 2006-63 -- I will move to approve
11 the proposed settlement.

12 CHAIRMAN BARRETT: Motion to approve by
13 Commissioner Vowels. Is there a second?

14 COMMISSIONER MURPHY: Second.

15 CHAIRMAN BARRETT: Second by Mr. Murphy. All
16 in favor?

17 (COMMISSION MEMBERS VOTED AYE)

18 (NONE OPPOSED)

19 CHAIRMAN BARRETT: Thank you, Mr. Packer.

20 ADAM PACKER: Thank you.

21 CHAIRMAN BARRETT: Angie Bunton on the
22 voluntary exclusion program. And the first issue
23 is John Doe #9, 2006-64.

24 ANGIE BUNTON: You have before you six orders
25 regarding the voluntary exclusion program and

1 winnings won by John Doe #9, John Doe #10, John Doe
2 #11, John Doe #12, John Doe #13, and John Doe #14.
3 Pursuant to the rules of the program, the
4 identities of the voluntary exclusion program
5 participants must remain confidential. Pursuant to
6 68 IAC 6-3-2(g), a participant in the program
7 agrees that if she or he violates the terms of the
8 program and enters the gaming area facility under
9 the jurisdiction of the commission, they will
10 forfeit any jackpot or thing of value as a result
11 of the wager.

12 Under Order 2006-64, John Doe #9 won \$25,000 at
13 the Majestic Star Casino. Majestic Star withheld
14 the winnings as required by Commission regulations.
15 Commission staff recommends that you approve the
16 remittance of these winnings as a fine levied
17 against John Doe #9.

18 Under Order 2006-65, John Doe #10 won \$2,700 at
19 Majestic Star Casino. Majestic Star withheld the
20 winnings as required by Commission regulations.
21 Commission staff recommends you approve the
22 remittance of these winnings as fines against
23 John Doe #10.

24 Under 2006-66, John Doe #11 won \$1,039.01 at
25 Belterra Casino. Belterra withheld the winnings as

1 required by Commission regulations. Commission
2 staff recommends you approve remittance of these
3 winnings as a fine levied against John Doe #11.

4 Under Order 2006-67, John Doe #12 won \$5,600 at
5 Resorts East Chicago. Resorts withheld the
6 winnings as required by Commission regulations.
7 Commission staff recommends you approve the
8 remittance of these winnings as fines levied
9 against John Doe #12.

10 Under Order 2006-68, John Doe #13 won \$1,350 at
11 Caesar's Indiana. Caesar's withheld the winnings
12 as required by Commission regulations. Commission
13 staff recommends you approve remittance of these
14 winnings as a fine against John Doe #13.

15 Order 2006-69, John Doe #14 won \$1,715 at
16 Belterra Casino. Belterra withheld the winnings as
17 required by Commission regulations. Commission
18 staff recommends that you approve the remittance of
19 these winnings as a fine levied against John Doe
20 #14.

21 CHAIRMAN BARRETT: Thank you, Ms. Bunton.

22 Do the commission members have any questions or
23 discussions on Orders 2006-64 through 2006-69?

24 Hearing none, I will call for a motion on proposed
25 Orders 2006-64 through 2006-69.

1 COMMISSIONER MURPHY: I so move.

2 CHAIRMAN BARRETT: Motion to approve the
3 proposals by Commission Murphy. Is there a second?

4 COMMISSIONER SWIHART: I second.

5 CHAIRMAN BARRETT: Second by Commissioner
6 Swihart. All those in favor?

7 (COMMISSION MEMBERS VOTED AYE)

8 (NONE OPPOSED)

9 CHAIRMAN BARRETT: Thank you.

10 Mr. Klinger.

11 ANDREW KLINGER: Mr. Chairman and Commission
12 Members, you have before you the next three orders
13 on your addenda; Order 2006-70, Order 2006-71, and
14 Order 2006-72. Orders renewing the riverboat
15 owner's license of Blue Chip, Grand Victoria and
16 Belterra respectfully. All three of these
17 riverboat owners have submitted requests for annual
18 renewal and has submitted the \$5,000 annual renewal
19 fee. The commission staff has found that all three
20 of these owners are substantially in compliance
21 with the riverboat gambling act and Title 68 of the
22 Indiana Administrative Code.

23 I will point out that Blue Chip Casino, their
24 license was set to expire on August 17th of 2006,
25 and pursuant to a delegation of authority granted

1 by this Commission to the Executive Director in
2 Resolution 2003-13, Executive Director Yelton did
3 extend their riverboat license to September 14th so
4 you could consider it here today.

5 The staff recommends that you approve all three
6 riverboat renewal orders.

7 CHAIRMAN BARRETT: Thank you.

8 Does the commission members have any questions
9 or discussion on license renewal under 2006-70 to
10 2006-72? Hearing none, I will call for a motion on
11 the proposed Orders 2006-70 to 2006-72.

12 COMMISSIONER VOWELS: Chairman, I will move for
13 renewing of the riverboat owners' licenses on each
14 of these three.

15 CHAIRMAN BARRETT: Thank you.

16 There is a motion by Commissioner Vowels. Is
17 there a second?

18 COMMISSIONER MURPHY: Second.

19 CHAIRMAN BARRETT: Second by Commissioner
20 Murphy. All in favor?

21 (COMMISSION MEMBERS VOTED AYE)

22 (NONE OPPOSED)

23 CHAIRMAN BARRETT: Thank you. A wager request.

24 ANDREW KLINGER: As you may know, the Riverboat
25 Gambling Act defines which gambling games that can

1 be played at a riverboat casino. And the
2 regulations approved by this Commission established
3 the basic rules for each game. In the rules for
4 craps there is a provision that allows a riverboat
5 to petition for permission to allow additional
6 wagers upon submission of internal control
7 procedures.

8 Horseshoe Casino in Hammond, in August of this
9 year, submitted a written request to accept wagers
10 on two additional side bets in the approved
11 gambling game of craps. The game with the
12 additional side bets is termed Lone Star Craps by
13 its maker, Olympia Dice. The additional wagers
14 includes high and low side bets. The two bets are
15 independent of the standard game of craps and not
16 necessary to play. The details of the bets were
17 included in your packets that were sent out to you
18 last week. I will not cover those unless you have
19 questions. Loan Star Craps was submitted to GLI,
20 the Commission Gaming Lab. And GLI reviewed the
21 mathematics of the proposed bets and independently
22 verified them. Horseshoe has submitted internal
23 controls related to this game, which were approved
24 by the regional audit director. The Commission at
25 this time recommends that the Commission approve

1 Horseshoe's request to offer high and low side bets
2 in the gambling game of craps.

3 CHAIRMAN BARRETT: Thank you.

4 Do the Commission Members have any questions or
5 discussions on the proposed order? If not, I will
6 call for a motion on proposed Order 2006-73.

7 COMMISSIONER VOWELS: I will move to approve
8 the request.

9 CHAIRMAN BARRETT: Motion by Commissioner
10 Vowels. Is there a second?

11 COMMISSIONER MURPHY: Second.

12 CHAIRMAN BARRETT: Second by Commissioner
13 Murphy. All in favor?

14 (COMMISSION MEMBERS VOTED AYE)

15 (NONE OPPOSED)

16 CHAIRMAN BARRETT: Thank you, Mr. Klinger.

17 ANDREW KLINGER: Thank you.

18 CHAIRMAN BARRETT: Disciplinary actions we will
19 hear from general council.

20 PHIL SICUSO: Thank you, Mr. Chairman.

21 The first disciplinary action before you today
22 is Order 2006-74, which concerns a settlement
23 agreement that was entered into between the
24 Commission staff and Blue Sky Casino, LLC. As
25 outlined in the text of the agreement, which you

1 have received, at issue is the fact that Blue Sky
2 did not close on the \$25,000,000 revolver portion
3 of the finance package that was previously approved
4 by the Commission. The revolver did not close
5 until June 30, 2006, which is the date of the
6 deadlines that was previously set by the Commission
7 and by Executive Director Yelton. The proposed
8 agreement calls for Blue Sky to pay a fine of
9 \$10,000 in lieu of the Commission performing
10 disciplinary action against it.

11 In coming to the \$10,000 figure, the Commission
12 staff considered a number of mitigating
13 circumstances which were found persuasive. For
14 example, the \$207,000,000 in your note portion of
15 Blue Sky financing closed in April of 2006, which
16 was ahead of Executive Director Yelton's secondary
17 deadline of May 1st. Commission staff found
18 significant that the senior notes make up the vast
19 majority of the \$295,000,000 overall capitalization
20 of the project. And vast majority of the
21 \$300,000,000 maximum total indebtedness approved by
22 the Commission. Additionally, Blue Sky
23 recommendations as to when it may actually draw on
24 funds from the revolver, if ever, has made it
25 evident that promptly closing on senior notes is

1 far more critical to assure successful and on time
2 opening of the casino then was a timely closing of
3 the revolver.

4 Finally, by waiting until June to close on the
5 revolver portion, Blue Sky reports they were able
6 to secure significant and more favorable terms for
7 that portion of the financing. It's predicted that
8 these terms may lead to an overall savings of,
9 approximately, \$700,000 over the life of the credit
10 facility.

11 While the Commission staff use the forgoing as
12 mitigating circumstances, we do not believe this
13 completely excuses Blue Sky from allowing
14 regulatory deadlines to pass without first
15 presenting the Commission with a prior request for
16 relief from that deadline, or prior explanation of
17 reasons why an extension would be necessary or
18 appropriate. With these factors in mind, the
19 Commission staff recommends you approve the
20 proposed settlement agreement attached to Order
21 2006-74.

22 CHAIRMAN BARRETT: Thank you, Mr. Sicuso.

23 Do the Commission Members have any questions or
24 discussion on the settlement agreement?

25 COMMISSIONER VOWELS: When the packet was

1 forwarded to us the other day, there was a draft
2 settlement agreement in here and then I believe it
3 was yesterday I received an e-mail of a settlement
4 agreement. My question is: Is the e-mail the
5 final draft?

6 PHIL SICUSO: Yes, it is.

7 COMMISSIONER VOWELS: Essentially what happened
8 here is that the executive director, Mr. Yelton,
9 gave Blue Sky a deadline to be determined and that
10 deadline came and went and eventually you received
11 the information; is that correct, Mr. Yelton?

12 EXECUTIVE DIRECTOR YELTON: Yes, that is
13 correct. The operating agent's contract called for
14 financing to be completed by February 1st. Prior
15 to that date, I received notification from
16 representatives of Blue Sky indicating that that
17 would not be attainable. It's my recollection they
18 asked for an extension up to about the 15th of
19 April. To assure them that they had adequate time,
20 I told them we would extend it to May 1st.

21 COMMISSIONER VOWELS: You received it on May
22 19th?

23 EXECUTIVE DIRECTOR YELTON: It was not until
24 after that when we learned the revolver was not
25 executed. And that we received materials on the

1 19th and we did not receive any request for an
2 extension, prior to May 1st.

3 COMMISSIONER VOWELS: So the damage here is the
4 fact that if they had simply asked you for an
5 extension there was a good possibility that you
6 would have --

7 EXECUTIVE DIRECTOR YELTON: Not a good
8 possibility, I would have done so.

9 COMMISSIONER VOWELS: So it's simply if they
10 had communicated that or requested it. As a
11 result, a \$10,000 fine.

12 EXECUTIVE DIRECTOR YELTON: Yes. We also
13 believe that perhaps this is one of the first
14 regulatory situations that Blue Sky has found
15 itself in as an operating agent. As Mr. Sicuso
16 indicated, all of the other mitigating
17 circumstances we think this is appropriate and Blue
18 Sky has agreed to it.

19 COMMISSIONER VOWELS: Well, I don't have any
20 problems with the settlement agreement if you are
21 ready for a motion.

22 CHAIRMAN BARRETT: Okay. Ready for a motion.

23 COMMISSIONER VOWELS: I would move to approve
24 the terms of the settlement agreement.

25 COMMISSIONER SWIHART: Second.

1 CHAIRMAN BARRETT: It's been moved and seconded
2 to approve the settlement agreement. All in favor?
3 All opposed? Motion carries.

4 (COMMISSION MEMBERS VOTED AYE)

5 (NONE OPPOSED).

6 CHAIRMAN BARRETT: Next, Ms. Gray regarding
7 Casino Aztar.

8 CHRIS GRAY: Good afternoon, Commissioners.
9 You have before you three additional settlement
10 agreements concerning disciplinary actions.

11 The first settlement is with Casino Aztar Order
12 2006-75. A floor supervisor called and asked an
13 administrative assistant to get sensitive keys from
14 a poker room manager attending an on property
15 meeting. The poker room manager gave the sensitive
16 keys to the executive assistant, the keys were then
17 passed on to two other employees before they were
18 given to the floor supervisor. The Commission
19 staff believes that this incident violates the
20 sensitive key regulations. Aztar has agreed to pay
21 a fine of \$5,000 in lieu of a disciplinary action.
22 The Commission staff recommends that you approve
23 the settlement agreement.

24 CHAIRMAN BARRETT: Thank you, Ms. Gray.

25 Any discussion regarding proposed settlement

1 agreement?

2 COMMISSIONER VOWELS: Just quickly. The
3 rationale behind this is that unless -- what you
4 have termed as "sensitive keys," which means are
5 keys to a room with a load of money; is that
6 what --

7 CHRIS GRAY: It was actually keys to table
8 games, which means they had access to the float,
9 which is the chips that are at the table.

10 COMMISSIONER VOWELS: So the bottom line is if
11 someone who is unauthorized, which was an executive
12 assistant, to pass it on and it took a while to get
13 to a person, made copies of those keys and they
14 were out and about in unfavoring hands; is that
15 fair to say? Is it a concern that keys need to
16 stay where they need to be?

17 CHRIS GRAY: Yes. It is a requirement that the
18 person that signs the keys out has possession of
19 those keys until they are signed back in.

20 COMMISSIONER VOWELS: So it's a bigger deal
21 than someone getting keys?

22 CHRISTINA GRAY: Yes.

23 COMMISSIONER VOWELS: The bottom line is if
24 someone made a copy they could have access and they
25 could be better off financially than they were

1 prior to obtaining the keys?

2 CHRISTINA GRAY: Very much so.

3 CHAIRMAN BARRETT: Any further discussion?

4 Call for a motion.

5 COMMISSIONER VOWELS: I will move to approve
6 the settlement agreement.

7 CHAIRMAN BARRETT: Moved by Commissioner Vowels
8 to approve the settlement agreement, 2006-75. Is
9 there a second?

10 COMMISSIONER SWIHART: Second.

11 CHAIRMAN BARRETT: Second by Commissioner
12 Swihart. All in favor?

13 (COMMISSION MEMBERS VOTED AYE)

14 (NONE OPPOSED)

15 CHRIS GRAY: The second Oder is 2006-76,
16 a settlement agreement with Blue Chip in which a
17 VEP patron was allowed to cash a check. Blue Chip
18 has agreed to a fine of \$10,000 in lieu of a
19 disciplinary action, and the Commission staff
20 recommends approval of the settlement agreement.

21 CHAIRMAN BARRETT: Does the staff know what
22 became of the voluntary exclusion patron?

23 CHRIS GRAY: Most likely, he was escorted off
24 the casino floor.

25 CHAIRMAN BARRETT: After the check was cashed?

1 CHRIS GRAY: Yes.

2 COMMISSIONER VOWELS: Like Wal-Mart after you
3 buy the methamphetamine materials.

4 CHAIRMAN BARRETT: Any further questions or
5 discussions?

6 COMMISSIONER VOWELS: Just my apologies to
7 Wal-Mart.

8 I would move to approve the terms of the
9 settlement agreement.

10 COMMISSIONER MURPHY: Second.

11 CHAIRMAN BARRETT: It's been moved and seconded
12 to approve Settlement Agreement 2006-76. All in
13 favor? All opposed same sign.

14 (COMMISSION MEMBERS VOTED AYE)

15 (NONE OPPOSED)

16 CHRIS GRAY: Majestic Star Order 2006-77 is a
17 settlement agreement with Majestic Star 1 and II
18 involving seven counts. In the first count, two
19 decks of playing cards were left unsecured
20 in a drawer of a pit stand. This violated the rule
21 requiring playing cards not being utilized in a
22 live game to be kept in a locked compartment.

23 In the second count, Majestic violated the rule
24 requiring the tip boxes be secured when four table
25 games were found with unsecured tip boxes.

1 In the third count, a roulette wheel not being
2 used for gaming had an unsecured wheel cover, which
3 violated the requirement for roulette tables not
4 open for gaming activity to have a cover over the
5 entire wheel and securely locking the cover to the
6 roulette table.

7 The fourth count violated the regulations
8 requiring annual renewal of an occupational license
9 and that temporary identification badges shall not
10 be transferred. In this count, the cage cashier
11 worked for five years on a terminated temporary
12 badge.

13 The fifth count violated the voluntary
14 exclusion program when a VEP participant won a hand
15 paid jackpot. The participant had been in VEP
16 status since May of 2005. However, Majestic Star
17 had paid the participant five hand paid jackpots
18 between December 2005 and May of 2006; when a sixth
19 jackpot was won, the participant's VEP status was
20 finally discovered.

21 In the sixth count, a table game with a drop
22 box containing cash in it was moved from Majestic
23 Star I to Majestic Start II, violating the
24 regulation prohibiting transfer or exchange of
25 chips, tokens or currency between live gaming

1 devices.

2 In the final count, an underage person was
3 allowed to enter the casino.

4 Majestic Star agreed to pay a total fine of
5 \$76,500 in lieu of a disciplinary action. The
6 Commission staff recommends that you approve the
7 settlement agreement.

8 CHAIRMAN BARRETT: Thank you.

9 Do the commissioners have any questions or
10 discussions on the proposed order? If not, I will
11 call for a vote on a settlement agreement in this
12 matter.

13 COMMISSIONER VOWELS: I will move to approve
14 the settlement agreement.

15 COMMISSIONER MURPHY: Second.

16 CHAIRMAN BARRETT: Move in second to approve.
17 All in favor? All opposed?

18 (COMMISSION MEMBERS VOTED AYE)

19 (NONE OPPOSED)

20 CHAIRMAN BARRETT: Then I believe supplier
21 license matter, Order Number 2006-78.

22 CHRIS GRAY: Order 2006-78 is a settlement
23 agreement with GEMACO, a license supplier, for
24 failing to timely submit personal disclosure forms
25 during a reinvestigation of their license. GEMACO

1 has agreed to a fine of \$4,500 in lieu of
2 disciplinary action. The Commission staff
3 recommends that the settlement agreement be
4 approved.

5 CHAIRMAN BARRETT: Thank you.

6 Are there any questions or discussions on the
7 proposed settlement? Hearing none, I will call for
8 a motion on Order 2006-78.

9 COMMISSIONER MURPHY: I move to accept 78.

10 CHAIRMAN BARRETT: Thank you. Moved by
11 Commissioner Murphy. Is there a second?

12 COMMISSIONER VOWELS: Second.

13 CHAIRMAN BARRETT: Second by Commissioner
14 Vowels. All in favor? Thank you.

15 (COMMISSION MEMBERS VOTED AYE)

16 (NONE OPPOSED)

17 CHAIRMAN BARRETT: Renewals, Michelle Marsden.

18 MICHELLE MARSDEN: Good afternoon. Order
19 2006-79 is concerning the renewal of supplier
20 licensees. Pursuant to Resolution 2005-32, the
21 Commission renewed supplier licenses of Atronic
22 America, LLC; GEMACO, Inc.; and Progressive
23 International Corporation. Conditions were placed
24 on suppliers' licenses that they must be renewed
25 annually, update the Commission on any changes or

1 disciplinary actions taken against them since their
2 last renewal, and request the renewal of a
3 supplier's license at least 30 days before the
4 expiration of the license, in accordance with 68
5 ISC 2-2-8. The Commission staff has received the
6 requested annual renewals, along with the renewal
7 fees, for the above suppliers in a timely manner.
8 The supplier licensees remain suitable for a
9 licensure. The Commission will be granting renewal
10 of these licenses listed in this order.

11 CHAIRMAN BARRETT: Do you have any questions?
12 Hearing none, I will call for a motion on 2006-79.

13 COMMISSIONER VOWELS: I will move to renew.

14 COMMISSIONER MURPHY: Second.

15 CHAIRMAN BARRETT: All in favor?

16 (COMMISSION MEMBERS VOTED AYE)

17 (NONE OPPOSED)

18 CHAIRMAN BARRETT: Mr. Beebe regarding
19 licensing.

20 JIM BEEBE: Good afternoon, Commissioners.
21 The final report for suppliers should be in your
22 packet. Hospitality of Indiana is a newly-formed
23 subsidiary of Benchmark Management Group based out
24 of Texas. Benchmark Management is a hotel
25 conglomerate operating internationally and

1 domestically. Benchmark of Indiana's function is
2 to staff the hotel and casino in French Lick,
3 Indiana, providing over 350 people, and also
4 providing human resources. It should be noted that
5 once the staffing is completed, the general manager
6 at French Lick Casino will have full discretion in
7 the personnel decisions of the gaming operations.
8 The purpose is to investigate the background and we
9 continue to investigate the level one license
10 applicants and routine license investigations at
11 French Lick Casino. After completing the
12 investigation, it was determined that no material
13 issues or concern was discovered with the parent or
14 the subsidiary.

15 Are there any questions?

16 CHAIRMAN BARRETT: Are there any questions or
17 comments by the Commission Members in Order
18 2006-80? If not, I will entertain a motion.

19 EXECUTIVE DIRECTOR YELTON: Excuse me. This
20 information had been given to the executive staff,
21 who has reviewed it, and we would recommend to the
22 commission that they approve the licensure.

23 CHAIRMAN BARRETT: Any questions or comments on
24 it?

25 COMMISSIONER VOWELS: I will move to grant the

1 suppliers' license.

2 COMMISSIONER MURPHY: Second.

3 CHAIRMAN BARRETT: Moved and seconded to
4 approved the license. All in favor? Opposed?
5 Okay. Thank you.

6 (COMMISSION MEMBERS VOTED AYE)

7 (NONE OPPOSED)

8 CHAIRMAN BARRETT: Next, we will hear an update
9 on French Lick Springs Casino & Resort from Chris
10 Leininger, who is the general manager.

11 CHRIS LEININGER: I will take the opportunity
12 to clarify at risk of creating controversy between
13 Executive Director Yelton and Mr. Sicuso. We are
14 French Lick Resort Casino. There is a dot in the
15 middle of our resort and casino. We have
16 eliminated the reference to "Springs" in our
17 official d/b/a.

18 Good afternoon Chairman Barrett, Commissioners,
19 Executive Director Yelton, and staff. My name is
20 Chris Leininger and I'm going to provide the update
21 for the French Lick project.

22 I would like to start with a slide show of our
23 construction to date. Before we get going, I would
24 preface that the photos that you will see in the
25 packet do not, in any way, give fair representation

1 of the significance of what we have accomplished
2 down there. And the team on the project is
3 extremely proud of what we are currently working
4 on.

5 The first slide is actually a picture that was
6 taken a year ago tomorrow, September 15, 2005. It
7 shows the early site development work. To orient
8 the frame, the -- State Route 56 is in the
9 right-hand corner, and existing French Lick Resort
10 is on the left-hand lower side of the page. And
11 you see just in the back on the dirt area a portion
12 of where the parking garage and event center would
13 eventually be built out. And across what appears
14 to be a driveway, where the white sand is, is where
15 the vessel and water feature will be.

16 In the next slide it will show a much more
17 vivid picture. This is actually dated a month ago,
18 August 15th. We have done periodic updates from an
19 aerial shot standpoint all throughout the project.
20 It shows the vessel's full exterior completion.
21 Parking garage completed. The event center just
22 awaiting installation of windows and adjoining in
23 through that catwalk system to the existing resort
24 structure.

25 Moving on, the interior of the casino. This

1 picture was taken on September 10th -- or actually,
2 September 1st. It shows the initial carpeting
3 being laid in the casino space itself.

4 As you have opportunity to move to the next
5 slide, to illustrate how quickly the project is
6 moving, this is the picture taken 10 days later, on
7 September 11th, showing, as Superintendent Mahan
8 had referenced, the delivery of our first 300 slot
9 machines and the associated stands that they will
10 be placed on.

11 If you move to the next slide, you can see
12 three days later, on September 14th, which would be
13 today, we have effectively placed machines in their
14 permanent resting place in preparation for fitting
15 out the rest of the floor. We will be receiving
16 the additional eight hundred and some games over
17 the next three weeks, in anticipation of having the
18 casino floor fully set by the first week of
19 October.

20 This picture is taken from the French Lick
21 Resort lobby. It is a fully restored view of a
22 conference ceiling. It is magnificent, to say the
23 least. As you go through the facility, you will
24 see similarly ornate detailed replications from
25 things from the past 100 years of history and the

1 resort itself.

2 Moving to the next slide. This is at the Grand
3 Colonaid space, similarly detailed work done by
4 Conrad Schmidt. It is spectacular. It will be
5 host to our buffet once we are operational.

6 As you move to the next one, this picture gives
7 you appreciation of the scale of that room and the
8 volume of ceiling; that will be host to the dining
9 amenities.

10 This is a completed corridor in the hotel
11 itself in the north wing. It is just awaiting
12 installation of the corridor carpeting, which was
13 delivered on site last week, and is currently being
14 installed over the coming weeks.

15 This is a model room in the north wing as well.
16 It is awaiting just artwork to be hung on the
17 walls.

18 We currently, in the hotel as a whole, have 250
19 rooms punch list down awaiting for delivery of
20 furnishings which is expected the first week of
21 October to begin.

22 This next shot is of the spa reception area at
23 the far end of the main corridor in the French Lick
24 Hotel.

25 As you move to the next shot -- you can move to

1 behind the counter space. This is a merchandising
2 area that is in final completion stage, just
3 waiting for inventory to be brought into those
4 shelves that you see there.

5 The next slide is a treatment room. Those
6 chairs are designed to allow pedicures and
7 manicures. This room is in its final completion
8 state.

9 And our, perhaps, most significant asset at
10 this point, because it's the only one operational,
11 is our Donald Ross Golf Course, which we hosted 200
12 golfers this past weekend to a very successful
13 tournament opening.

14 This is a pro shop fully restored in tradition
15 of what if it may have looked like some 80 years
16 ago when the PGA event took place there in 1924.

17 As you move to the next room, this is the
18 dining area for the clubhouse. This bar actually
19 came out of a bar that was in the Chicago
20 stockyards some centuries ago -- or decades ago,
21 more appropriately. It was a natural fit to look
22 very comfortably in the setting that we've
23 attempted to accomplish in this facility.

24 And the closing shot I will offer is perhaps
25 one of the premier settings in southern Indiana

1 that golfers or would be golfers can come and enjoy
2 a meal or drink in the patio area adjoining to the
3 restaurant of the Donald Ross course.

4 Are there any questions? I ran through that
5 reasonably quick in terms of what any of you have
6 seen in the packet itself.

7 COMMISSIONER VOWELS: Is that a cell phone
8 tower in the corner of that?

9 CHRIS LEININGER: We have installed cell phone
10 towers, if your remembrance is a poor signal. It
11 needs to be Cingular or Verizon to see any improved
12 condition. Nextel is not yet to the community.

13 COMMISSIONER VOWELS: I don't remember if that
14 was the last question last time, but it was a real
15 problem. I'm glad to see that.

16 CHRIS LEININGER: I have a few additional
17 comments. The organization has been equally busy
18 staffing out the facility. As of Monday, we have
19 709 employees on staff. We have 167 additional
20 people in the dealer training school that they will
21 be, by month's end, being considered for permanent
22 hire once they evidence the skill of that training
23 curriculum. Taking those two groups, we have about
24 100 positions left to fill that we feel based on
25 where we are today, we will reasonably fill those

1 out in the coming six weeks.

2 I, too, will be very complimentary to
3 Superintendent Mahan's staff. Steven McClain is
4 the gaming supervisor who has brought his gaming
5 agents down over the past two weeks to assist us,
6 and as we have come to a point in the process that
7 the installation of the operation equipment and
8 critical finish out of the facility is very
9 difficult to simultaneously coordinated all of
10 those activities. The group professionalism and
11 support to our operating team has been greatly
12 appreciated as well. We look forward to the
13 continued support and cooperation from both sides
14 in anticipation of finishing out towards our
15 scheduled opening, which based on what we have been
16 able to accomplish to date, and the detailed plans
17 that we still are yet to fulfill, we are
18 comfortable that the October 31st host date for the
19 test casino, which the IGC will be there to
20 monitor, is something that we will be successful in
21 accomplishing.

22 With that, are there any questions?

23 EXECUTIVE DIRECTOR YELTON: Chris, I would like
24 you to emphasize one observation. That is, your
25 October 31st date was always the earliest possible

1 date for a scheduled test; is that correct?

2 CHRIS LEININGER: That's correct.

3 EXECUTIVE DIRECTOR YELTON: So the project is
4 on schedule?

5 CHRIS LEININGER: The earliest possible date
6 that we have communicated -- I would offer that to
7 give appreciation of what the project has been able
8 to accomplish. The operating agent agreement
9 states that we needed to be open by 12/31/06 and
10 the related hotel event center amenities were not
11 required to be open until 12/31/07. So we have
12 very ambitiously moved this schedule along to the
13 maximum benefit of all parties involved.

14 CHAIRMAN BARRETT: Any questions?

15 CHRIS LEININGER: Thank you.

16 CHAIRMAN BARRETT: Thank you for your
17 presentation.

18 Is there any other business?

19 EXECUTIVE DIRECTOR YELTON: No, there is not.
20 The next meeting of the Gaming Commission is
21 November 9th. I will point out if you have written
22 down the previously scheduled date, this is a week
23 earlier; so there is a change. 9th of November at
24 a time and location to be announced in the future.
25 There is nothing else.

1 CHAIRMAN BARRETT: The chair will entertain a
2 motion to adjourn.

3 COMMISSIONER VOWELS: Move to adjourn

4 COMMISSIONER MURPHY: Second.

5 CHAIRMAN BARRETT: All in favor?

6 (COMMISSION MEMBERS VOTED AYE)

7 (NONE OPPOSED)

8

9 (MEETING ADJOURNED)

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1 STATE OF INDIANA)

2) SS:

3 COUNTY OF MARION)

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6 I, Robin L. Helton, a Notary Public in and for
7 said county and state, do hereby certify that the
8 Indiana Gaming Commission Business Meeting,
9 September 14, 2006, at 1:00 p.m., was taken down in
10 stenograph notes and afterwards reduced to
11 typewriting under my direction, and that the
12 typewritten transcript is a true record of the
13 proceedings held.

14 IN WITNESS WHEREFORE, I have hereunto set my
15 hand and affixed my notarial seal this 28th day of
16 September, 2006.

17

18

19

20 _____
21 Robin L. Helton, Notary Public,
22 Residing in Marion County, Indiana

21

22

23

24 My Commission Expires:
25 June 6, 2009

25