

RESOLUTION 2011-82

A RESOLUTION TO DIRECT AMERISTAR CASINO EAST CHICAGO, LLC TO
(A) REQUEST MODIFICATION OF CURRENT LOCAL DEVELOPMENT AGREEMENT
AND (B) REFRAIN FROM DISBURSING FUNDS FROM SEGREGATED
ACCOUNTS AND PAYING FUTURE PAYMENTS TO CERTAIN ENTITIES

The Indiana Gaming Commission ("Commission"), based upon its consideration of the following factors, adopts the following resolution pursuant to the authority granted to it under I.C. 4-33 and Title 68 of the Indiana Administrative Code:

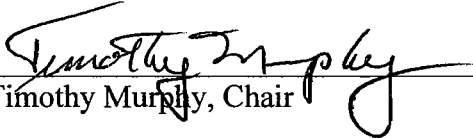
1. The Commission, with the assistance of the Office of Indiana Attorney General, has commenced an investigation into the local development agreement ("the Agreement") concerning the riverboat casino in East Chicago, Indiana. As a result of the investigation which had been conducted prior to the June 8, 2006 Commission business meeting, the Commission adopted Resolution 2006-58 at that meeting. Resolution 2006-58 remains in effect.
2. Pursuant to Resolution 2006-58 and applicable law, the Commission maintains continuing jurisdiction over the Agreement and the operation thereof, including the flow of local development funds provided for in the Agreement as well as modifications to the Agreement, including termination of the Agreement and replacement thereof with a new local development agreement.
3. Pursuant to Resolution 2006-58 and court orders issued in litigation ("the Litigation") involving the Agreement, RIH Acquisitions IN, LLC and Ameristar Casino East Chicago, LLC ("Ameristar") have paid, and Ameristar continues to pay, local development funds which are provided for in the Agreement into two segregated or separate accounts rather than to those recipients who are identified in the Agreement or to their successors. The Litigation is now pending in different courts in Marion County, Indiana.
4. The Commission has been informed that mediation is scheduled in the Litigation on April 25-26, 2011, during which time changes to the Agreement may be considered and made or parties may agree to enter into a different local development agreement to replace the Agreement.
5. As long as the local development payments remain in and continue to be made into the segregated accounts, such payments are not available for use according to the purposes of the Agreement and otherwise as provided by law.
6. The Commission believes that modifications to or termination and replacement of the Agreement with a new local development agreement may be appropriate.

NOW, THEREFORE, for the foregoing reasons, the Commission (A) DIRECTS Ameristar to request modification or termination and replacement of the Agreement at the business meeting of the Commission in June, 2011, pursuant to procedural requirements then in

effect for modifying the Agreement, and (B) DIRECTS Ameristar to refrain from disbursing any present or future funds from any of the foregoing described segregated accounts, and from paying to East Chicago Second Century, Inc.; Twin City Education Foundation, Inc.; East Chicago Community Development Foundation, Inc.; or Foundations of East Chicago any future payments provided for in the Agreement, without further Commission approval.


IT IS SO RESOLVED AND DIRECTED effective on and after the 17th day of March, 2011.

THE INDIANA GAMING COMMISSION:



Timothy Murphy, Chair

ATTEST:



Marc Fine, Secretary