

ORDER 2012-55

AN ORDER OF THE INDIANA GAMING COMMISSION RENEWING THE RIVERBOAT OWNER'S LICENSE AND MODIFYING THE POWER OF ATTORNEY OF AZTAR INDIANA GAMING CO., LLC.

In accordance with and subject to Indiana Code 4-33 and Title 68 of the Indiana Administrative Code, the Indiana Gaming Commission ("Commission") issued a riverboat owner's license to Aztar Indiana Gaming Co., LLC ("Aztar"), effective December 8, 1995. The most recent renewal, granted on November 10, 2011, renewed the riverboat owner's license through December 4, 2011.

On November 15, 2011, Aztar requested renewal and paid its renewal fee. On November 30, 2011, and under the delegation of authority granted by the Commission in Resolution 2003-13, the Executive Director granted an interim renewal of Aztar's license until such time as the Commission is able to consider the request at a regularly scheduled business meeting.

On March 4, 2010, by Order 2010-54, the Commission approved a written power of attorney identifying Trinity Hill Group, LLC as trustee-in-waiting for Aztar. Order 2010-54 stated that it would expire "upon the effectiveness of a subsequent Commission order that either: (1) addresses the renewal of Aztar's Casino Owner's License; or (2) modifies or withdraws the approval" of Trinity Hill Group, LLC.

On February 28, 2012, Aztar petitioned the Commission to make changes to its Power of Attorney. Aztar has petitioned to enter into a new Power of Attorney, which would name Ronald D. Gifford as trustee, and would replace the existing Power of Attorney. Aztar and Mr. Gifford have executed the attached Power of Attorney memorializing the terms and conditions of this designation and appointment.

COMMISSION ACTION

Pursuant to Indiana Code section 4-33-6-12, the Commission has found that Aztar has substantially complied with the directives of Indiana Code 4-33 and Title 68 of the Indiana Administrative Code and is suitable to hold a riverboat owner's license. The Commission **GRANTS** renewal of Aztar's riverboat owner's license for a period of one year subject to Aztar maintaining its riverboat gambling operation, riverboat, hotel, and pavilion in substantial compliance with all properly applicable state and local laws, including but not limited to, Commission regulations, resolutions, orders and/or other directives relating to the riverboat owner's license, or to the lawful operation or conduct of gaming in Indiana. The renewal of the riverboat owner's license is valid for a period of one year from December 4, 2011 through December 3, 2012.

Furthermore, the Commission **APPROVES** termination of the existing Power of Attorney and **APPROVES** the attached written Power of Attorney identifying Ronald D. Gifford as trustee-in-waiting for Aztar. The Commission also expressly delegates to the Executive Director its sole authority to authorize written amendments to the Power of Attorney as allowed under Ind. Code 4-33-6-22(d), Ind. Code 4-33-21-12, and the terms of the Power of Attorney, on the condition that the Executive Director bring any authorizations for material amendments to the Commission for

ratification. All written amendments authorized by the Executive Director, including those also ratified by the Commission, shall be incorporated into this Order.

This Order expires upon the effectiveness of a subsequent Commission order that either: (1) addresses the renewal of Aztar's riverboat owner's license; or (2) modifies or withdraws the renewal of its approval as granted herein.

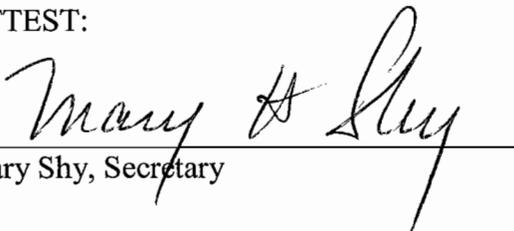
According to IC 4-21.5-3, this order is effective fifteen (15) days after the order is served.

IT IS SO ORDERED THIS THE 15th DAY OF MARCH, 2012.

THE INDIANA GAMING COMMISSION:


Timothy Murphy, Chair

ATTEST:


Mary Shy, Secretary