

RESOLUTION 2013-002

A RESOLUTION ASSIGNING TO THE EXECUTIVE DIRECTOR THE AUTHORITY TO ISSUE A FINAL ORDER IN CERTAIN ADMINISTRATIVE PROCEEDINGS

The Indiana Gaming Commission (“Commission”) adopts the following resolution pursuant to the authority granted to it under IC 4-33, IC 4-35, and IC 4-21.5.

The Commission has considered the following factors:

1. Pursuant to IC 4-33-3-18(b) and IC 4-35-4-1(c), the Commission may by resolution assign to the Executive Director any duty imposed upon the Commission by IC 4-33 and IC 4-35.
2. Pursuant to IC 4-33-4-1 and IC 4-35-4-1, the Commission has numerous powers and duties for the purpose of administering, regulating, and enforcing the system of casino gambling established under IC 4-33 and IC 4-35, including but not limited to the following:
 - a. All powers and duties specified in IC 4-33 and IC 4-35.
 - b. All powers necessary and proper to fully and effectively execute IC 4-33 and IC 4-35.
 - c. Jurisdiction and supervision over the following:
 - i. Casino gambling operations in Indiana.
 - ii. Persons at casinos where gambling operations are conducted.
 - d. Investigate and reinvestigate applicants and licensees and determine the eligibility of applicants for licenses.
 - e. Take appropriate administrative enforcement or disciplinary action against a licensee.
 - f. Investigate alleged violations of relevant statutes.
 - g. Conduct hearings.
 - h. Issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, and other relevant documents.
 - i. Revoke, suspend, or renew licenses.
 - j. Hire employees to gather information, conduct investigations, and carry out other tasks under IC 4-33 and IC 4-35.
 - k. Take any reasonable or appropriate action to enforce IC 4-33 and IC 4-35.
3. Pursuant to IC 4-21.5-3-28(b), the Commission, as ultimate authority, or the Commission’s designee, shall conduct proceedings to issue a final order in administrative adjudicative proceedings.
4. According to IC 4-21.5-3-29(b), the Commission, or the Commission’s designee, upon the issuance of an administrative law judge’s order, shall issue a final order affirming, modifying, or dissolving the administrative law judge’s order.
5. Pursuant to IC 4-21.5-3-29(d), in order to preserve an objection to an order of an administrative law judge for judicial review, a party must not be in default under IC 4-21.5; and must file a reasonably particular written objection within fifteen (15) days after the order is served on the party. Pursuant to IC 4-21.5-3-29(e), in absence of an objection, the Commission or its designee may serve notice of intent to review any issue related to the order.

6. Pursuant to IC 4-21.5-3-29(c), in the absence of an objection or notice under IC 4-21.5-3-29(d) or (e), respectively, the Commission or the Commission's designee shall affirm the order of the administrative law judge. In the absence of an objection or notice, the Commission or the Commission's designee is granted no discretion in the holding of its final order.
7. The Commission finds that, to maintain efficiency in administering, regulating, and enforcing casino gambling established under IC 4-33 and IC 4-35, it is in the best interest of the gaming industry to assign to the Executive Director the authority to issue a final order in the narrow class of proceedings in which no objection or notice to review the administrative law judge's order was received.

NOW, THEREFORE, BE IT RESOLVED BY THE INDIANA GAMING COMMISSION THAT THE FOLLOWING RESOLUTION IS ADOPTED:

SECTION 1: DEFINITIONS

The definitions set forth for IC 4-33-2, IC 4-35-2, IC 4-21.5-1, and 68 IAC apply to this resolution.

SECTION 2: GRANT OF AUTHORITY TO THE EXECUTIVE DIRECTOR UNDER IC 4-33-3-18(b) AND IC 4-35-4-1(c)

The Indiana Gaming Commission hereby assigns to the Executive Director the authority to issue a final order in that class of administrative adjudicative proceedings in which no objection or notice to the administrative law judge's order, pursuant to IC 4-21.5-3-29(d) or (e), has been received. In this narrow class of proceedings, a final order affirming the administrative law judge's order must be issued pursuant to IC 4-21.5-3-29(c).

SECTION 3: EFFECTIVE DATE

This resolution is effective immediately.

ADOPTED, THIS THE 21ST DAY OF MARCH, 2013.

THE INDIANA GAMING COMMISSION



Matt Bell, Chair

ATTEST:


Secretary