

ORDER 2022-194

**AN ORDER OF THE INDIANA GAMING COMMISSION PROSPECTIVELY RENEWING
THE CASINO OWNER'S LICENSE AND POWER OF ATTORNEY FOR AZTAR
INDIANA GAMING COMPANY, LLC d/b/a BALLY'S EVANSVILLE**

Pursuant to Ind. Code art. 4-33 and Title 68 of the Indiana Administrative Code, the Indiana Gaming Commission ("Commission") issued a casino owner's license to Aztar Indiana Gaming Corp. ("Aztar Corp.") effective December 8, 1995. Aztar Corp. was later restructured as a limited liability company – Aztar Indiana Gaming Company, LLC ("Aztar"). On January 14, 2010, by Order 2010-1, the Commission approved the application for transfer of ownership of the operating assets of Aztar to Tropicana Entertainment, Inc.; however, Aztar retained the casino owner's license. Then, on September 13, 2018, by Order 2018-164, the Commission approved the application for transfer of ownership of the operating assets of Aztar to Eldorado Resorts, Inc.; however, Aztar retained the casino owner's license. Then, on May 25, 2021, by Order 2021-65, the Commission approved the application for transfer of ownership of the operating assets of Aztar to Bally's Corporation; however, Aztar retained the casino owner's license. The Commission has renewed the license annually since inception, most recently on December 21, 2021, which renewed the license through December 4, 2022.

On December 5, 2022, Aztar requested renewal of its casino owner's license and submitted payment of the annual renewal fee in the amount of \$5,000. On December 5, 2022, pursuant to a delegation of authority granted by the Commission in Resolution 2019-257, the Executive Director extended the license through a date when the Commission could consider Aztar's request.

On December 21, 2021 through Order 2021-208 the Commission renewed a written power of attorney identifying Ronald Gifford as its trustee-in-waiting for Aztar. Order 2021-208 stated this approval 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 Mr. Gifford. On November 14, 2022, Aztar indicated that it desires to maintain Mr. Gifford as its trustee-in-waiting.

COMMISSION ACTION

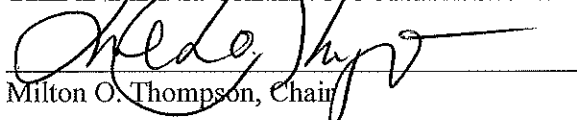
Pursuant to Ind. Code § 4-33-6-12, the Commission has found that Aztar has substantially complied with the directives of Ind. Code art. 4-33 and Title 68 of the Indiana Administrative Code; therefore, Aztar is suitable to hold a casino owner's license. The Commission **GRANTS** renewal of the casino owner's license for a period of one year subject to Aztar maintaining its casino gambling operation, riverboat, hotel, and pavilion in substantial compliance with all applicable state and local laws including, but not limited to, Commission regulations, resolutions, orders, and/or other Commission directives relating to the casino owner's license, or the lawful operation or conduct of gaming in Indiana. The renewal of the casino owner's license is valid for a period of one year beginning December 5, 2022, through December 4, 2023.

Furthermore, the Commission **APPROVES** the renewal of the power of attorney identifying Mr. Gifford as trustee-in-waiting for Aztar. The renewal expires upon subsequent Commission order that either: (1) addresses the renewal of Aztar's casino owner's license; or (2) modifies or withdraws the approval of Mr. Gifford as approved herein.

According to Ind. Code ch. 4-21.5-3, this Order is effective fifteen days after it is served.

IT IS SO ORDERED THIS 15th DAY OF DECEMBER, 2022.

THE INDIANA GAMING COMMISSION:


Milton O. Thompson, Chair

ATTEST:


Jason Dudich, Secretary