

## ORDER 2024-60

### AN ORDER CONCERNING JOHN DOE 21-35'S OBJECTION TO COMMISSION'S FINAL ORDER

The Commission has considered the following factors:

1. The Commission is the Indiana administrative agency that has been granted all powers and duties to administer, regulate, and enforce the systems of riverboat gaming and gambling games at racetracks in the State. Ind. Code § 4-33-4-1, Ind. Code § 4-35-4-1.

2. These powers include the authority to establish and operate a Voluntary Exclusion Program (the "VEP"). Ind. Code § 4-33-4-3(a)(9). Persons may voluntarily sign up for the VEP for durations of one year, five years, or life. 68 Ind. Admin. Code § 6-3-1.

3. John Doe 21-35 ("Petitioner") successfully enrolled in the VEP for life on or about February 1, 2019. This submission changed Petitioner's status to a Voluntarily Excluded Person immediately.

4. An individual enrolled in the VEP who receives anything of value as a result of a wager must forfeit their earnings to the Commission. 68 Ind. Admin. Code § 6-3-2(g).

5. On June 11, 2021, Petitioner was discovered at Hard Rock Casino Northern Indiana ("Hard Rock") in Gary, Indiana with casino winnings worth \$1,181.33 (the "Winnings"), less applicable taxes, while on the gaming floor at Hard Rock. Because of Petitioner's status as a participant in the VEP, the Winnings were seized by Commission Agents.

6. On December 4, 2021, Commission Executive Director, Greg Small, issued Order 21-35 approving the seizure of the Winnings, and Petitioner subsequently filed an appeal (the "Appeal").

6. On March 3, 2022, the Commission filed its Confidential Motion for Summary Judgment requesting the ALJ to approve the forfeiture of the Winnings, less applicable taxes, to which the Petitioner did not respond.

7. On April 28, 2022, the ALJ issued her Recommended Findings of Fact, Conclusions of Law, and Confidential Order: 1) granting the Commission's Motion for Summary Judgment; 2) recommending that the Commission or its designee issue a Final Order, pursuant to Ind. Code § 4-21.5-3-29(b); 3) approving the remittance of the Winnings, less applicable taxes, to the Commission; and 4) dismissing the Appeal, with prejudice.

8. Pursuant to Ind. Code § 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 Ind. Code § 4-21.5; and must file a reasonably particular written objection within fifteen days after the ALJ order is served on the party.

9. Petitioner did not file an objection or respond to the ALJ's recommended order.

10. Pursuant to Ind. Code § 4-21.5-3-29(c), in the absence of an objection or notice under Ind. Code § 4-21.5-3-29(d) or (e), the Commission or its designee shall affirm the order of the ALJ.

11. On May 22, 2024, pursuant to Ind. Code § 4-33-3-18(b) and Ind. Code § 4-35-4-1(c), the Executive Director, exercising authority delegated to him by the Commission in Resolution 2013-002, issued a Confidential Final Order Affirming ALJ's Recommended Findings of Fact, Conclusions of Law, and Confidential Order.

12. On May 30, 2024 Petitioner submitted an objection to the Commission's Final Order.

### COMMISSION ACTION

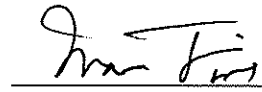
Having considered the foregoing, the Commission hereby **DENIES** Petitioner's objection to the Commission's final order affirming the ALJ's recommended findings of fact, conclusions of law, and order. Pursuant to Ind. Code § 4-21.5-3-6, this Order will become effective fifteen (15) days after it is served.

**IT IS SO ORDERED THIS 20<sup>th</sup> DAY OF JUNE, 2024.**

**THE INDIANA GAMING COMMISSION:**

  
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Milton O. Thompson, Chair

**ATTEST:**

  
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Marc Fine, Commissioner