

## RESOLUTION 2006-30

### A RESOLUTION GRANTING THE EXECUTIVE DIRECTOR AUTHORITY TO WAIVE REQUIREMENTS AND PROCEDURES IN 68 IAC 4-1 TO ALLOW PUBLICLY HELD LICENSEES NOT TO SUBMIT PAPER COPIES OF SEC FILINGS

The Indiana Gaming Commission ("Commission") adopts the following resolution pursuant to the authority granted to it under IC 4-33 and pursuant to 68 IAC 1-2-6.

The Commission has considered the following factors:

1. 68 IAC 4-1-3 requires a license applicant, licensee, or controlling person thereof to notify the Commission about a public offering to be registered with the United States Securities and Exchange Commission ("SEC") no later than 10 business days after the initial filing of a registration statement with the SEC.
2. Pursuant to 68 IAC 4-1-6, each publicly traded corporation that is a licensee shall submit to the Commission, within 10 business days after distributing to its shareholders, any proxy statement (Regulation 14A) or information statement (Regulation 14C).
3. Pursuant to 68 IAC 4-1-7, a riverboat or supplier licensee must file 3 copies of the following documents with the Commission within ten (10) days after filing
  - a. 10
  - b. 10-Q
  - c. 10-K
  - d. 8-K
  - e. 1-A
  - f. RS S-1
  - g. RS SB-2
  - h. RS 10-SB
  - i. Report 10-KSB
  - j. Report 10-QSB
  - k. Schedule 13e-3
  - l. Schedule 14D-9
  - m. Any filing required by Rule 14f-1
4. Pursuant to 68 IAC 4-1-7, publicly traded licensees must do the following:
  - a. Any licensee that is a publicly traded corporation must file 1 copy of a material document filed with the SEC by any other person relating to the corporation.
  - b. Annually file a list of record holders and beneficial owners of its voting securities.
  - c. Report to the Commission the election or appointment of a director, executive officer, etc. who is actively and directly engaged in the administration or supervision of the boat or supplier licensee.
  - d. Advise the Commission, in writing, that a key person or substantial owner has disposed of the corporation's voting securities by the 15<sup>th</sup> day of the month following the transaction.

- e. File any other document requested by the Commission to ensure compliance within 30 days or other time established by the Commission.
5. The forms mentioned in the above-cited regulations are available in digital format directly from the SEC and third-party subscription services. Upon receiving notice from a licensee within ten (10) days after the licensee files an SEC document, Commission staff can log on to the SEC's website and view the filing. Therefore, continuing to require licensees to submit multiple paper copies of its SEC filings would be unnecessary, burdensome, and an inefficient use of resources. As a result, it is in the best interest of the Commission and its licensees to grant authority to waive all or part of the above requirements and procedures to the Executive Director.

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

#### **SECTION 1: SCOPE**

This resolution applies to all publicly traded corporations holding a riverboat owners' license, certificate of suitability, or supplier license in Indiana, and to all riverboat licensees, applicants, or supplier licensees owned directly or indirectly by a publicly traded corporation, whether through a subsidiary or intermediary company thereof, where such ownership interest directly or indirectly is five percent (5%) or more of the entire riverboat licensee, applicant, or supplier licensee, as described in 68 IAC 4-1-2.

#### **SECTION 2: DEFINITIONS**

The definitions set forth in IC 4-33-2 and 68 IAC apply to this resolution.

#### **SECTION 3: GRANT OF AUTHORITY TO THE EXECUTIVE DIRECTOR**


The executive director is hereby granted the authority to waive all or part of the regulations and procedures listed in 68 IAC 4-1-6, and 68 IAC 4-1-7 as necessary to reduce or eliminate the number of hard copies that licensees and license applicants send to the Commission insofar as the forms that such licensees and applicants must submit to the Commission may be available electronically directly from the SEC or a third-party service.

#### **SECTION 4: EFFECTIVE DATE**


This resolution is effective immediately.

**ADOPTED THIS THE 7th DAY OF JUNE, 2006.**

THE INDIANA GAMING COMMISSION:

  
Harold Calloway, Chair

ATTEST:

  
Donald R. Vowels, Secretary