

ORDER 2021-113

AN ORDER OF THE INDIANA GAMING COMMISSION AMENDING, IN PART, ORDER 2020-87 CONCERNING DIVESTITURE OF CASINO GAMING LICENSES

On July 9, 2019, the Indiana Gaming Commission (“Commission”) received an application from Eldorado Resorts, Inc. (“Eldorado”) seeking Commission approval to acquire Caesars Entertainment Corporation (“CEC”) through a public merger. On July 10, 2020, through Order 2020-87, the Commission approved Eldorado’s application to acquire CEC along with its two (2) Indiana riverboat owner’s licenses and two (2) gambling games licenses (collectively, the “Indiana Caesars Licenses”) through its wholly-owned subsidiaries Caesars Resort Collection, LLC and Caesars Entertainment Operating Company, LLC. Eldorado was already the owner of Aztar Indiana Gaming Company, LLC, operating as Tropicana Evansville Casino (“Tropicana Evansville”), located in Evansville, Indiana.

The Commission, in consideration of potential undue economic impact pursuant to Ind. Code § 4-33-6-4(a)(7) and based upon other findings and concerns, imposed various conditions upon Eldorado, now known post-merger as Caesars Entertainment, Inc. (“Caesars”), in Order 2020-87. Relevant to the instant Order, the Commission required Caesars to “divest, absolutely and in good faith, three (3) of the Indiana Licenses” by entering into definitive agreements for divestiture by December 31, 2020. This deadline for divestiture was extended to December 31, 2021 for Horseshoe Hammond specifically in Order 2020-167.

Caesars has proven to the Commission that it has acted diligently and in good faith to meet the requirements for divestiture in Order 2020-87. The transfer of ownership interest in the casino owner’s license for Tropicana Evansville to Bally’s Corporation was approved on May 25, 2021 and an agreement has been reached to sell Caesars Southern Indiana to the Eastern Band of Cherokee Indians which is expected to be completed by the third quarter of 2021.

The Horseshoe Hammond Casino property, however, presents unique challenges, most significantly, uncertainty regarding the Chicago market, including the south suburbs. In addition, the industry is impacted by general uncertainties associated with the ongoing COVID-19 pandemic. Furthermore, concerns from stakeholders in the Hammond community exist regarding having a less experienced gaming operator begin to manage Indiana’s highest revenue generating casino. Finally, major concerns regarding undue economic concentration have been alleviated due to the divestiture of Tropicana Evansville and Caesars Southern Indiana as well as new competition to Caesars’ properties both in Indiana and the greater Chicago metropolitan area.

In weighing many factors, extending relief regarding the divestiture of a third casino property is in the best interest of the state, the local community, and Horseshoe Hammond employees and will not negatively impact the health or competition of the casino industry in Indiana.

COMMISSION ACTION

Having considered the foregoing, the Commission hereby **AMENDS** Order 2020-87 to remove the requirement for Caesars to divest the third Indiana license, specifically the casino owner's license located in Hammond, Indiana. Such amendment shall not amend or alter any other term or condition contained in Commission Order 2020-87, including such assurances and employment metrics at Caesars held properties in Indiana.

FURTHER, the notice and reporting requirements applicable to Caesars and VICI Properties, Inc. contained in Commission Order 2017-111 remain in full force and effect.

With this Commission action, Order 2020-167 is hereby considered **MOOT**.

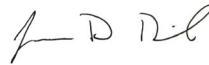
IT IS SO ORDERED THE 24th DAY OF JUNE, 2021

THE INDIANA GAMING COMMISSION:

ATTEST:



Michael McMains, Chair



Jason Dudich, Secretary