

ORDER 2021-4

ORDER RATIFYING PREVIOUSLY ISSUED ORDER 2021-2

Resolution 2012-151 allows the Executive Director, upon obtaining consent from one Commissioner, to exercise the powers and duties of the Indiana Gaming Commission (“Commission”) under Ind. Code § 4-33-4-1 and Ind. Code § 4-35-4-1.

The Commission has considered the following factors:

1. Pursuant to 68 IAC 13-1-18, settlement agreements entered into by and between the Commission and its licensees must be approved by the Commission as the ultimate authority for the agency and entered pursuant to Commission Order.
2. On December 23, 2020, the Commission entered two orders directed, in part, to Level 1 occupational licensee Roderick J. Ratcliff (“Ratcliff”), License No. MS-17515-L1: (1) Order 2020-MS-03 an emergency order suspending Ratcliff’s Level 1 License, and (2) Order 2020-168 regarding Ratcliff’s equity interest in Spectacle Gary, LLC (collectively the “Orders”).
3. Following the issuance of the Orders, the following administrative and civil actions were commenced:
 - a. On January 4, 2021, Ratcliff initiated an administrative proceeding through the Indiana Office of Administrative Law Proceedings (“OALP”), Cause No. IGC-121-000007.
 - b. On January 19, 2021, Ratcliff commenced an action against the Commission, its individual Commissioners, and the Executive Director in the Lake County Superior Court, Case No. 45D01-2101-PL-000056.
 - c. On February 1, 2021, the Commission filed a Complaint for Disciplinary Action against Ratcliff through the OALP, Cause No. IGC-0221-000370, seeking to revoke his Level 1 License.
4. Thereafter, the Commission and Ratcliff agreed to resolve the Matters by entering into a Settlement Agreement and Release (the “Settlement”) which was attached to Order 2021-2.
5. The effect of Order 2021-2, and companion Order 2021-1 concerning a transfer of ownership, resulted in the immediate and complete divestiture of Ratcliff from ownership in entities associated with casino owner’s licensee Majestic Star Casino, LLC.
6. Based upon the requirements in statute and rules, it was urgent that Ratcliff be disassociated from gaming in Indiana and the Settlement fully achieved that purpose by prohibiting any association by Ratcliff in matters under the purview of the Commission now or in the future.
7. The Commission, in entering into the Settlement, determined that it was not prudent to expend valuable public resources to achieve the same outcome.

8. The Settlement fully fulfills the goals of the Commission with regard to Ratcliff's disassociation without interfering with or undermining the Commission's ongoing suitability and compliance review concerning Spectacle Entertainment Group, LLC or other matters under the jurisdiction of the Commission.
9. The Settlement also allows a very important economic development project to move forward for the benefit of the State, City of Gary, and Majestic Star Casino employees and their families.
10. Lastly, approving the Settlement is in the best interest of the public and the gaming industry and is within the authority granted via Resolution 2012-151.
11. Order 2021-2 approved the Settlement, effective on the date the Order was issued.
12. Resolution 2012-151 requires that the Executive Director report any action taken under Resolution 2012-151 to the Commission for ratification or other action by the Commission.
13. Per the requirements laid out in Resolution 2012-151, the Executive Director consulted with and received approval from Commission Chairman Michael McMains to exercise the authority granted in the Resolution.

Based on the foregoing, the Commission hereby **RATIFIES** the Executive Director's March 2, 2021 Order 2021-2.

IT IS SO ORDERED THIS 23rd DAY OF MARCH, 2021.

THE INDIANA GAMING COMMISSION



Michael McMains, Chair

ATTEST:



Jason Dudich, Secretary