

ORDER 2021-229

AN ORDER OF THE INDIANA GAMING COMMISSION CONCERNING THE APPLICATION OF CDITH, LLC FOR A CASINO OWNER'S LICENSE PURSUANT TO INDIANA CODE § 4-33-6.7-1

The Indiana General Assembly, via House Enrolled Act 1015 (2019) created, subject to certain conditions being met, a new casino owner's license for inland casino gaming in Vigo County, Indiana. On July 16, 2019, the Indiana Gaming Commission ("Commission") received Majestic Star Casino LLC's request to relocate gaming operations pursuant to Ind. Code § 4-33-6-4.5. Pursuant to Ind. Code § 4-33-6.7-1, the Commission was required to begin accepting applications and proposals for awarding a casino owner's license to operate an inland facility in Vigo County. On November 5, 2019, the voters of Vigo County approved inland casino gaming in the county as required by Ind. Code § 4-33-6-19.3(h).

Following Commission Order 2021-114, on June 24, 2021, the Commission issued Resolution 2021-117 where it resolved to accept, for at least ninety days, new applications to operate an inland casino in Vigo County. The Commission prescribed the form of the application and proposal for permission to operate an inland casino in Vigo County. The Commission received four applications, including the requisite fifty-thousand-dollar (\$50,000) application fee, from the following: 1) CDITH, LLC ("Churchill Downs"); 2) FHR-Atlas LLC ("Full House"); 3) HR Terre Haute, LLC ("Hard Rock"); and 4) Terre Haute Entertainment, LLC ("Premier Gaming Group"). On November 17, 2021, through Order 2021-196, the Commission accepted Churchill Downs' application for a casino owner's license in Vigo County, Indiana and issued it a Certificate of Suitability, and established the condition that must be met prior to issuing the casino owner's license pursuant to Ind. Code § 4-33-6.7-1. The condition required for issuance of the license have now been met.

COMMISSION ACTION

The Commission hereby:

GRANTS Churchill Downs a casino owner's license to operate an inland casino in Vigo County, Indiana in accordance with Ind. Code art. 4-33, subject to Churchill Downs maintaining its casino gambling operation in substantial compliance with all state and local laws including, but not limited to, Commission regulations, resolutions, orders, or other directives relating to the casino owner's license, or to lawful operation or conduct of gaming in Indiana. The issuance of the casino owner's license is valid for a period of one year from the issuance of the license.

The Commission's approval is conditioned upon the following:

1. Pursuant to Ind. Code § 4-33-6.7-5, Churchill Downs must pay a fee of five million dollars (\$5,000,000) to the Commission. The \$5,000,000 fee is due by the effective date of this Order.
2. Churchill Downs must submit to the Commission a plan for complying with Ind. Code ch. 4-33-14, regarding minority and women's business participation in the construction and conduct of the gaming operations at an inland casino.
3. Churchill Downs must make an investment of at least one hundred million dollars (\$100,000,000), with sixty-five percent (65%) of the proposed investment for the


- development of a casino, and thirty-five percent (35%) of the proposed investment for the development of nongaming amenities.
4. Within ninety (90) days from the effective date of this Order, Churchill Downs must provide the Commission a proposed Local Development Agreement for consideration and approval by the Commission.
 5. Churchill Downs complying with the requirements contained in 68 IAC 2-1-5(e), as applicable.
 6. Pursuant to Ind. Code § 4-33-6-22, Churchill Downs shall submit a proposed power of attorney within ninety (90) days from the effective date of this Order. The power of attorney must be renewed annually concurrent with the annual casino owner's license renewal. The Commission hereby delegates approval of the power of attorney to the Executive Director.
 7. Churchill Downs must meet the conditions set forth contained in Ind. Code § 4-33-6.7-1 *et seq.*
 8. Pursuant to Ind. Code § 4-33-6.7-5(3), Churchill Downs must receive plan approval. The details of what the plan must include and approval authority of the plan are hereby delegated to the Executive Director.
 9. The conditions set forth in the Settlement Agreement approved by the Commission under Order 2021-228, including the Administrative Law Judge entering an order of dismissal with prejudice of Matter IGC-0721-001440. The casino owner's license is deemed issued upon the entry of dismissal.
 10. Subject to any judicial or administrative determination regarding a stay of issuance of this license. If the issuance of the license is later determined to be subject to a stay, then the issuance of this license shall be the day upon which the stay is lifted.

EFFECTIVE DATE

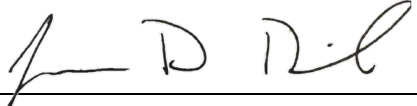
This Order shall be effective once it becomes a final Order upon the occurrence of the passage of fifteen (15) days following the receipt of the Order from the Indiana Gaming Commission as set forth in Ind. Code § 4-21.5-3-5.

IT IS SO ORDERED THIS 21st DAY OF DECEMBER, 2021.

THE INDIANA GAMING COMMISSION: ATTEST:



Michael B. McMains, Chair



Jason Dudich, Secretary