

**STATE OF INDIANA
INDIANA GAMING COMMISSION
ORDER UNDER 2012-151**

IN RE: ORDER UNDER 2012-151)	
CONCERNING)	ORDER NO.
)	2024-58
LOCAL DEVELOPMENT AGREEMENT)	
BETWEEN VIGO CO AND CDITH, LLC)	

ORDER UNDER RESOLUTION 2012-151

The Indiana Gaming Commission (“Commission”) hereby issues an order pursuant to Resolution 2012-151 regarding the local development agreement (“LDA”) between Vigo County, Indiana and CDITH, LLC (hereinafter, Vigo County, Indiana and CDITH, LLC are referred to as the “parties”).

Parties

1. The Commission is the Indiana administrative agency with its principal offices in Marion County, Indiana, with powers and duties to administer, regulate, and enforce the system of riverboat gaming in the State. Ind. Code § 4-33-4-1.
2. The Vigo County Commissioners are the duly appointed representatives authorized to execute an LDA on behalf of the County.
3. CDITH, LLC is an entity that holds an Indiana casino owners license.

Law

4. The Commission is a state agency that was created to regulate gaming throughout the State of Indiana under Ind. Code § 4-33-4-1.
5. The Commission has the authority to approve LDA agreements pursuant to Ind. Code ch. 4-33-23, et. seq.
6. The owner of a casino license in Vigo County is required to enter into an LDA with County. Ind. Code § 4-33-6.7-3.
7. Pursuant to Ind. Code § 4-33-23-14:

If all parties to a development agreement agree to modify the development agreement, the parties shall:

- (1) submit to the commission a written request for modification, which shall be signed by all parties;
- (2) submit a copy of the development agreement as it would appear after modification; and

- (3) submit a document explaining the parties' reasons for the requested modifications.
 - (b) The commission may consider a request for modification that complies with subsection (a).
 - (c) If the commission approves the parties' request, the parties shall provide the commission with a fully executed copy of the new development agreement not later than thirty (30) days after the date of commission approval.
8. Pursuant to Resolution 2012-151, if the Executive Director finds that a situation requires the exercise of powers and duties of the Commission under Ind. Code § 4-33-4-1 or Ind. Code § 4-35-4-1 and is a matter of urgent circumstances, and that failure to act immediately would be impractical, burdensome, or not in the best interests of the public or the gaming industry, the Executive Director may exercise the powers and duties of the Commission not specifically prohibited to be assigned by law or by resolution. The Executive Director must obtain consent from one Commissioner before the Executive Director may exercise authority under this Resolution.

Facts

9. The Commission previously approved the LDA between Vigo County, Indiana and CDITH, LLC on March 21, 2024 via Order 2024-56.
10. On May 9, 2024, the parties provided the Commission notice of intent to modify the previously approved LDA and included a draft of the modified LDA.
11. This modification is subject to Ind. Code ch. 4-33-23.
12. The parties have satisfied the requirements of Ind. Code § 4-33-23-14.
13. The parties have jointly submitted a request seeking modification to ensure that payments are dispersed pursuant to the terms of the LDA, with the first payment due May 10, 2024.
14. Meanwhile, the next Commission Meeting is not scheduled until June 20, 2024.

Findings and Order

15. Given the urgent circumstances, an order under Commission Resolution 2012-151 is necessary as failure to act immediately would be impractical, burdensome, or not in the best interests of the public or the gaming industry.
16. The Commission hereby approves the LDA modification that has been requested by both between Vigo County, Indiana and CDITH, LLC.
17. The Executive Director has obtained the necessary concurrence from a Commissioner as required by Resolution 2012-151.
18. Pursuant to Resolution 2012-151, this action shall be reported at the Commission's June 2024 meeting for ratification.

19. Pursuant to Ind. Code § 4-33-23-14, on May 10, 2024, the parties provided the Commission with a fully executed copy of the modified LDA.

Effectiveness

This order is effective immediately pursuant to Resolution 2012-151.

ADOPTED THIS 10th DAY OF MAY, 2024.

A handwritten signature in black ink that reads "Greg Small". The signature is written in a cursive style with the first letters of each name being capitalized.

Greg Small, Executive Director