

ORDER 2008-147
IN RE SETTLEMENT AGREEMENT
INDIANA GAMING COMPANY, L.P.
08-AR-04

COMMISSION ACTION

After having reviewed the attached Settlement Agreement, the Indiana Gaming Commission hereby:

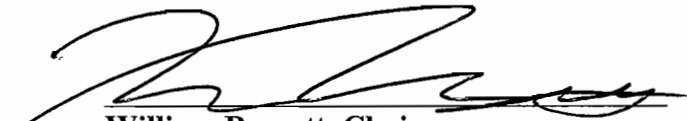
Approves

APPROVES or DISAPPROVES

the proposed terms of the Settlement Agreement.

IT IS SO ORDERED THIS THE 13th DAY OF NOVEMBER, 2008.

THE INDIANA GAMING COMMISSION:



William Barrett, Chair

ATTEST:



Thomas Swihart, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)	
)	SETTLEMENT
INDIANA GAMING COMPANY, L.P.)	08-AR-04
)	

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and Indiana Gaming Company, L.P. (“Argosy”) (collectively, the “Parties”) desire to settle this matter prior to the initiation of a disciplinary proceeding pursuant to 68 IAC 13-1-18(a). The Parties stipulate and agree that the following facts are true:

FINDINGS OF FACT

COUNT I

1. 68 IAC 2-3-8 states that an occupational license must be renewed annually.
2. On June 20 & 21, 2008, two Dealers (one each day) went the Gaming Office to renew their badges. Both badges had expired earlier in the month.

COUNT II

3. 68 IAC 2-3-9.2 (b) states that riverboat licensees must advise the enforcement agent, on a form prescribed or approved by the commission, when one of the following events occurs with an occupational licensee: (1) The occupational licensee’s employment with the riverboat licensee is terminated for any reason.
4. 68 IAC 2-3-9.2 (c) states the form must be submitted to the enforcement agent within 15 days of the occurrence of the change or action.
5. On July 7, 2008, a Gaming Agent received a termination form from Human Resources advising that an employee was terminated on June 10, 2008. The employee’s last day worked was May 23, 2008. The casino terminated the employee at a later date so that the employee, who started a new job at another casino, would be able to keep her seniority with the new casino.

6. On July 16, 2008, a Gaming Agent received termination papers for a Security Officer who was terminated on October 1, 2007.

COUNT III

7. 68 IAC 10-3-3(b) states while the ball is still rotating around the wheel in the track, the dealer shall announce “no more bets” to the patrons at the table. The dealer shall not accept any bets after the dealer announces “no more bets”.
8. On July 16, 2008, a Gaming Agent observed a Roulette Dealer waive off “no more bets” after the ball had dropped into the wheel well. Numerous patrons were able to make late bets. On July 30, 2008, a Gaming Agent observed a different Roulette Dealer failing to waive off “no more bets”. In November of 2007, the casino was fined for similar violations that occurred multiple times throughout April to June of 2007.

COUNT IV

9. 68 IAC 11-1-6(b) states failure to comply with approved internal control procedures may result in the initiation of a disciplinary action.
10. Section J (A)(1)(c) of the Argosy Internal Controls for Electronic Gaming Devices states that the count team consists of no less than three (3) Count Room Attendants, one of the count room attendants may, when necessary, card the machine, pull the full box and replace it with an empty box, while the last one picks up the hot boxes. Five (5) Security Officers; two (2) to card the machine and observe the drop in process; one (1) to guard the drop cart; **one (1) of the two (2) remaining Security Officers will be responsible, or when needed, will card the machines, pull out chairs and clear the area while the other will ensure that the designated area remains clear of patrons.** The drop team will be rotated on a regular basis. A listing of all Count Room Attendants authorized to participate in the drop will be submitted to the Commission and updated as necessary. Employees will not be allowed to participate in the drop process until their name has been submitted to the Commission. Emphasis added.
11. On July 18, 2008, a Gaming Agent observed the bill validator drop and saw patrons walking through the drop area to enter and exit the restroom. The Agent contacted the Security Manager to inform him of the violation. The Security Manager told the Agent that he would go to the drop area and speak with the security officers. He also stated that he would speak to all the security officers about this at the security pre-shift meeting the next day. On July 20, 2008, a Gaming Agent observed patrons walking through the drop area to enter the restroom.

COUNT V

12. 68 IAC 15-12-3(a)(3) requires surveillance to be notified that a live gaming device fill is being processed.
13. On August 6, 2008, a Gaming Agent observed gaming activity in the surveillance room when he observed a table fill at one of the table games. No employees in the pit area had called surveillance to advise them of the table fill. A Surveillance Employee called the Table Games Supervisor to ask why surveillance had not been notified of the fill and the Supervisor said he forgot.

COUNT VI

14. Pursuant to IC 4-33-9-12(a), a person who is less than twenty-one (21) years of age may not be present in the area of a riverboat where gambling is being conducted.
15. 68 IAC 1-11-1(c) states a person under twenty-one (21) years of age shall not be present on a riverboat.
16. On July 19, 2008, a Gaming Agent observed a male, who did not appear to be over twenty-one, standing with a Security Officer. The Agent received a call from dispatch regarding an underage person attempting to board the casino. When the Gaming Agent approached the Security Officer, the Security Officer handed the ID to the Agent and the Agent noted that the ID indicated the person was less than twenty one years of age. The person stated that he had presented the same ID the night before and was allowed to board the casino. A review of the surveillance tape confirmed that the person was allowed to board the casino after his ID had been checked.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Argosy by and through its agents as described herein constitute a breach of the Riverboat Gambling Act, Title 68 of the Indiana Administrative Code and Argosy's approved internal control procedures. The Commission and Argosy hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Argosy. This agreement is being entered into to avoid the potential expense and inconvenience of disciplinary action.

Argosy shall pay to the Commission a total of \$33,500 (\$2,000 for Count I; \$5,000 for Count II; \$15,000 for Count III; \$2,000 for Count IV; \$5,000 for Count V and \$4,500 for Count VI) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this agreement. This agreement

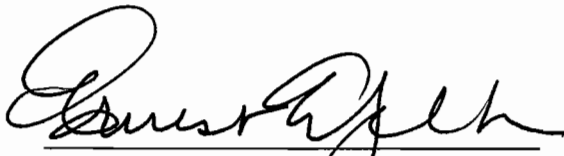
extends only to those violations and findings of fact, specifically alleged herein. If the Commission subsequently discovers facts that give rise to additional or separate violations, which are not described herein, the Commission may pursue disciplinary action for such violations even if the subsequent violations are similar or related to an incident described herein.

Upon execution and approval of this Settlement Agreement, Commission staff shall submit this Agreement to the Commission for review and final action. Upon approval of the Settlement Agreement by the Commission, Argosy agrees to promptly remit payment in the amount of \$33,500 and shall waive all rights to further administrative or judicial review.

This Settlement Agreement constitutes the entire agreement between the parties. No prior or subsequent understandings, agreements, or representations, oral or written, not specified or referenced within this document will be valid provisions of this Settlement Agreement. This Settlement Agreement may not be modified, supplemented, or amended, in any manner, except by written agreement signed by all Parties.

This Settlement Agreement shall be binding upon the Commission and Argosy.

IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the date and year as set forth below.



Ernest E. Yelton, Executive Director
Indiana Gaming Commission

11.13.08
Date



Anthony Rodio, General Manager
Indiana Gaming Company, L.P.

Date