

ORDER 2011-255
IN RE SETTLEMENT AGREEMENT
GAMING ENTERTAINMENT (INDIANA), LLC
11-RR-02

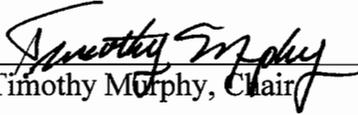
After having reviewed the attached Settlement Agreement, the Indiana Gaming Commission hereby:

Approves
APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

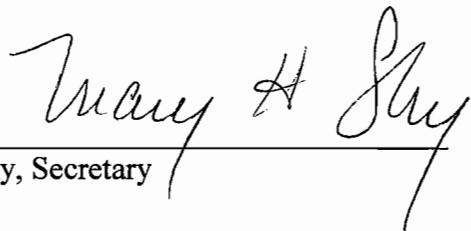
IT IS SO ORDERED THIS THE 10th DAY OF NOVEMBER, 2011.

THE INDIANA GAMING COMMISSION:



Timothy Murphy, Chair

ATTEST:



Mary Shy, Secretary

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**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
GAMING ENTERTAINMENT (INDIANA),) **11-RR-02**
LLC)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and Gaming Entertainment (Indiana), LLC (“Rising Star”) (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

1. 68 IAC 12-1-5(h)(1) states the surveillance system must include cameras dedicated to monitoring all activities in any area of the security office where a person may be detained and questioned by the security department. All areas where a person may be detained and questioned must display a notice clearly stating that the area is or may be under surveillance.
2. 68 IAC 12-1-6.5(2) states in addition to other coverage requirements, the surveillance system must audibly record the all detentions and questioning of detained individuals by casino security.
3. 68 IAC 12-1-7(c) states all recordings depicting detention or questioning of a detained individual or employee, procedural errors, regulatory violations, or criminal activity must be copied and provided to enforcement agents upon request. Such recordings shall be retained by the riverboat licensee or operating agent for a period of time not less than sixty (60) days and stored in the following manner:
 - (1) Analog video and audio tapes, and copies of digital video recordings stored on tape, digital video disk, or other storage medium for later reproduction must:
 - (A) contain the date and time reading;
 - (B) be marked with the:
 - (i) date and time the recording was made;
 - (ii) identities of the employee or employees responsible for the monitoring; and
 - (iii) identity of the employee who removed the tape from the recorder and the time and date removed; and
 - (C) be secured in a cabinet that is in close proximity to the surveillance room that is security-locked and accessible by surveillance employees only.

(2) Digital video recordings not stored on tape, digital video disk, or other storage medium may be preserved by storing within the digital video system.

(d) Coverage that has been retained under this rule for a period of time exceeding seven (7) days may not be destroyed without the approval of the executive director or the executive director's designee.

4. 68 IAC 12-1-8(a) states an activity log must be as follows:

(1) Continuously maintained by surveillance employees.

(2) Changed with each shift change of employees.

(3) Chronological.

(4) Contain, at a minimum, the following:

(F) Any detention or questioning of patrons or employees by the security department, including the identity of the following:

(i) Patrons or employees.

(ii) Security department personnel involved.

5. The Gaming Enforcement Supervisor was reviewing pending and closed criminal cases when he discovered that the Director of Security had conducted criminal investigations and interviews without notifying surveillance. The Director of Security was also conducting the interviews in an office without surveillance equipment, so there were no video or audio recordings of sixteen interviews of employees. The EMT office in the pavilion is equipped with the proper surveillance equipment; however the Director of Security chose not to conduct his interviews in that office. The Director of Surveillance was aware that interviews were conducted without surveillance coverage.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Rising Star by and through its agents as described herein constitute a breach of IC 4-33, 68 IAC and/or Rising Star's approved internal control procedures. The Commission and Rising Star hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Rising Star. This agreement is being entered into to avoid the potential expense and inconvenience of disciplinary action.

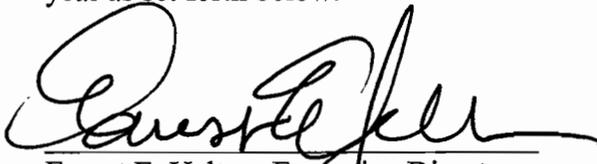
Rising Star shall pay to the Commission a total of \$15,000 in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this agreement. This agreement extends only to those violations and findings of fact, specifically alleged herein. If 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, Rising Star agrees to promptly remit payment in the amount of \$15,000 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.

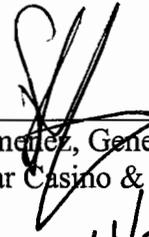
This Settlement Agreement shall be binding upon the Commission and Rising Star.

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

11.9.11
Date



Steven Jimenez, General Manager
Rising Star Casino & Resort

11/2/11
Date