

**ORDER 2012-183  
IN RE SETTLEMENT AGREEMENT**

**POKERTEK, INC.  
12-POKERTEK-01**

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

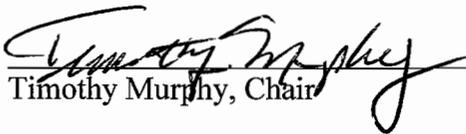
**APPROVED**

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 15<sup>th</sup> DAY OF NOVEMBER, 2012.**

**THE INDIANA GAMING COMMISSION:**

  
\_\_\_\_\_  
Timothy Murphy, Chair

ATTEST:

  
\_\_\_\_\_  
Marc Fine, Vice-Chair

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

<b>IN RE THE MATTER OF:</b>	)	
	)	<b>SETTLEMENT</b>
<b>POKERTEK, INC.</b>	)	<b>12-POKERTEK-01</b>
	)	

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and PokerTek, Inc. (“PokerTek”) (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 2-3-8(a) states an occupational license must be renewed annually.
2. On September 24, 2012, the Commission’s Licensing Coordinator received six renewals for Level 1 licensees whose licenses expired on September 3, 2012.

**TERMS AND CONDITIONS**

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

PokerTek shall pay to the Commission a total of \$6,000 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, PokerTek agrees to promptly remit payment in the amount of \$6,000 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 PokerTek.

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

11.19.12  
Date

  
\_\_\_\_\_  
Kathi Fath  
Regulatory Compliance  
PokerTek, Inc.

November 14, 2012  
Date