

**ORDER 2014-126
IN RE SETTLEMENT AGREEMENT
THE MAJESTIC STAR CASINO, LLC
14-MS-01**

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

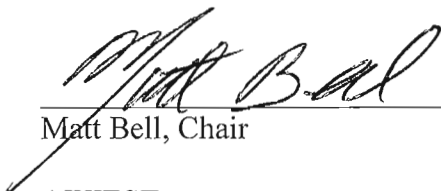
APPROVED

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.


IT IS SO ORDERED THIS THE 26th DAY OF JUNE, 2014.

THE INDIANA GAMING COMMISSION:



Matt Bell, Chair

ATTEST:



Marc Fine, Vice Chair

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
THE MAJESTIC STAR CASINO, LLC) **14-MS-01**
)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and The Majestic Star Casino, LLC and The Majestic Star Casino II, Inc. (together referred to herein as “Majestic 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

COUNT I

1. Pursuant to IC 4-33-9-12 and 68 IAC 1-11-1(c), a person who is less than twenty-one (21) years of age may not be present in the area of a riverboat where gambling games are conducted.
2. On April 8, 2014 a Gaming Agent was contacted by the Security Director advising that Indiana State Excise Police (“ISEP”) had entered the casino with an underage person. The Agent reviewed video coverage and found that the underage person was allowed to enter without his identification being checked.

COUNT II

3. 68 IAC 15-5-2(d) states the casino licensee shall be required to file a Form RG-1 and remit the tax imposed by IC 4-33-13 to the department before the close of the business day following the day the wagers are made. In addition, a copy of Form RG-1 shall be filed with the commission.
4. In July of 2007 a memo was sent to the General Manager regarding the late filing of RG-1s and RG-2s indicating that the fine for late filings of these two forms should be consistent. For the most part the fine will be as follows: Each casino will be given one late filing per fiscal calendar year. The second late filing will result in a \$5,000 fine, the third \$10,000, the fourth \$15,000 and so on. The fines will be based on a rolling six month period. The Commission understands that at times extraordinary circumstances can arise that prevent the timely filing of the RG-1 and RG-2 and will take it under consideration when reviewing late filings.

5. On April 1, 2014 the IGC Deputy Director of Audit sent an email to the IGC Director of Compliance regarding late filings of two RG-1s, one for each property. The RG-1s for March 27, 2014 had not been filed and were late. This is the second late filings for both properties within the last six months. The first late filings were on February 4, 2014.

TERMS AND CONDITIONS

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

Majestic Star shall pay to the Commission a total of \$11,500 (\$1,500 for Count I and \$10,000 for Count II) 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, Majestic Star agrees to promptly remit payment in the amount of \$11,500 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 Majestic Star.

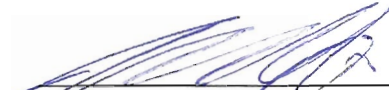
IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the date and year as set forth below.



Ernest E. Yelton, Executive Director
Indiana Gaming Commission

6-25-14

Date



Craig I. Ghelfi, General Manager
The Majestic Star Casino, LLC
The Majestic Star Casino II, Inc.

6/3/14

Date