

**ORDER 2014-174
IN RE SETTLEMENT AGREEMENT
BELTERRA RESORT INDIANA, LLC
14-BT-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 18th DAY OF SEPTEMBER, 2014.

THE INDIANA GAMING COMMISSION:



Matt Bell, Chair

ATTEST:



Cris Johnston, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
BELTERRA CASINO AND RESORT) **14-BT-01**
)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and Belterra Casino and Resort (“Beltterra”) (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. 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 is being conducted.
2. On April 1, 2014 a Gaming Agent was contacted by surveillance that there was a possible underage person on the casino floor. The Agent asked Surveillance to contact her once they received confirmation of a minor, to begin reviewing video coverage to see when the person entered and if the person was asked for identification by the security officer. The Agent received a follow up phone call approximately twenty minutes later from a Lead Security Officer. The Officer informed the Agent that the underage person was not asked for identification at the turnstile and was identified when asked for identification at the MyChoice counter. Once security was notified, by the MyChoice Attendant, they found the minor at the Stadium Bar and Grill in the pavilion. The Lead Security Officer did not ask the underage person for identification. The underage person left the casino before the Agent was contacted by security.

TERMS AND CONDITIONS

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

Beltterra shall pay to the Commission a total of \$1,500 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, Belterra agrees to promptly remit payment in the amount of \$1,500 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 Belterra.

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

9.15.14
Date



Sue Ascanio, General Manager
Belterra Casino and Resort

8-18-14
Date