

ORDER 2007-115

**AN ORDER OF THE INDIANA GAMING COMMISSION
CONCERNING A SETTLEMENT AGREEMENT WITH
BELTERRA CASINO AND RESORT
07-BT-04**

The Indiana Gaming Commission ("Commission") adopts the following order pursuant to authority granted it under IC 4-33.

After having reviewed the attached Settlement Agreement, the Indiana Gaming Commission hereby **APPROVES** the proposed terms of the Settlement Agreement.

Pursuant to IC 4-21.5-3, this order is effective fifteen (15) days after the order is served.

IT IS SO ORDERED THIS THE 8th DAY OF NOVEMBER, 2007.

THE INDIANA GAMING COMMISSION:



William Barrett, Chair

ATTEST:



Tom Swihart, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
BELTERRA CASINO AND RESORT) **07-BT-04**
)

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

COUNT I

1. 68 IAC 2-6-40(a) states that each progressive controller linking two (2) or more progressive electronic gaming devices must be housed in a double keyed compartment in a location approved by the executive director. All keys must be maintained in accordance with 68 IAC 11-7.
2. 68 IAC 2-6-40(b) states the executive director or the executive director's designee must be in possession of one (1) of the keys.
3. In March 2007, a requested review was performed by the IGC Audit Staff regarding compliance with 68 IAC 2-6-40. Eight progressives were identified as having only one lock and needing to have additional locks placed on them.

COUNT II

4. Pursuant to 4-33-9-12, "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." Pursuant to 68 IAC 1-11-1(c), "[a] person under twenty-one (21) years of age shall not be present on a riverboat."
5. On July 27, 2007, a minor was allowed to board the casino after a security officer failed to check for ID. This is the third time in the last six months.

COUNT III

6. Pursuant to 68 IAC 14-3-8(A), “[e]ach riverboat licensee must maintain a log in the pit area containing information about card and dice removal and transfer to the card and dice cancellation room. Such log shall track the following information:
 - 1) The date.
 - 2) The number of decks of cards removed from play.
 - 3) The number of individual dice removed from play.
 - 4) Game from which cards or dice were removed.
 - 5) Printed name, signature and license number of the pit manager responsible for removal.”

7. On July 24, 2007, a Security Officer contacted a Gaming Agent in regard to six decks of cards that were missing in the Card and Dice Destruction Room. The six blue decks were from blackjack table 210 and were from the collection from gaming day July 20, 2007. A count was conducted by security officer and Gaming Agents but the six decks were still missing. On July 26, 2007, the Director of Security called a Gaming Agent to the east dock to show him two bags of cards found in the trash. Both bags were dated July 19, 2007 for blackjack table 210. One bag contained six blue decks of cards while the other contained six orange decks of cards. All decks were cancelled. The bag containing the blue decks had initially been labeled orange but the orange had been scratched out and corrected to blue. There should have been only one bag of cards with the July 19, 2007 date and it has been concluded that the bag with the six decks of blue cards were dated incorrectly with the correct date being July 20, 2007.

8. On July 29, 2007, a Gaming Agent was contacted by a Security Supervisor and requested to come to the Card and Dice Destruction Room to review a discrepancy in the way a deck of cards had been marked. The plastic bags from three card poker table 303 appeared to contain an extra deck of cards and the bags from three card poker table 301 were missing a deck. It was concluded by the Gaming Agent and Security Supervisor that the missing deck from table 301 was in a bag labeled 303. All of the bags were dated July 26, 2007.

TERMS AND CONDITIONS

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

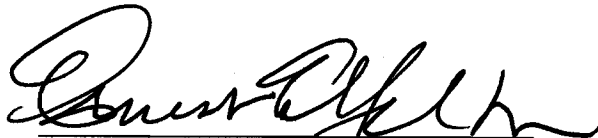
Belterra shall pay to the Commission a total of \$37,000 (\$25,000 for Count I; \$4500 for count II and \$7500 for Count III) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this agreement. This agreement extends only to those 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 \$37,000 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 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

11/02/2007
Date



Keyin Kaufman, General Manager
Belterra Casino and Resort

10.25.7
Date