

**ORDER 2007-21**

**IN RE SETTLEMENT AGREEMENT  
THE MAJESTIC STAR CASINO, LLC  
07-MS-01**

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

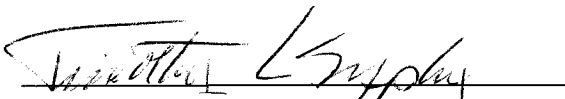
APPROVES

APPROVES OR DISAPPROVES

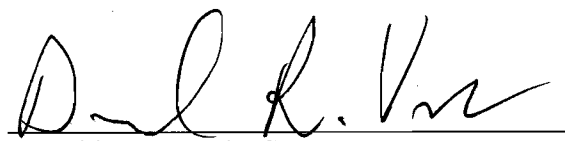
the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 8<sup>th</sup> DAY OF MARCH, 2007.**

**THE INDIANA GAMING COMMISSION:**

  
\_\_\_\_\_  
Timothy L. Murphy, Vice-Chair

ATTEST:

  
\_\_\_\_\_  
Donald R. Vowels, Secretary

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

**IN RE THE MATTER OF:** )  
 ) **SETTLEMENT**  
**THE MAJESTIC STAR CASINO, LLC** ) **07-MS-01**  
 )

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and The Majestic Star Casino, LLC (“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. 68 IAC 11-7-3(a) states that the riverboat licensee shall maintain a sensitive keys log on a form approved by the commission. The sensitive key log shall include, but not limited to, the following:
  - 1) The date.
  - 2) The time the key is signed in and out.
  - 3) The key name.
  - 4) The printed name, signature and occupational license number of the occupational licensee obtaining and returning the key.
2. In an incident report completed by a Commission agent it was noted that on September 4, 2006 security dispatch notified a gaming agent that the Marine Department would be cutting off a lock in Cage 1, Reserve Fill Bank 1. The cage cashier had accidentally locked the key inside the drawer. It was also noted that the cage cashier had not signed out the key when she received it at the beginning of her shift.

**COUNT II**

3. 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.”
4. On September 12, 2006 an underage male was located at the main cage trying to conduct an ATM withdrawal transaction. The underage male had not been asked for

identification at the boarding turnstiles. This is the second occurrence in the past six months.

**TERMS AND CONDITIONS**

Commission staff contends that the acts of Majestic Star as outlined herein constitute a breach of the Riverboat Gambling Act, Title 68 of the Indiana Administrative Code and Majestic Star's approved internal control procedures. Under these circumstances, the Commission and Majestic Star have determined that in lieu of the Commission pursuing formal disciplinary action against Majestic Star, Majestic Star shall pay a total fine of \$5,500: \$2,500 for Count I and \$3,000 for Count II.

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 \$5,500 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

\_\_\_\_\_  
David Schugar, General Manager  
Majestic Star Casino

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date