

ORDER 2011-118
IN RE SETTLEMENT AGREEMENT
GRAND VICTORIA CASINO & RESORT LP
11-GV-02

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 2nd DAY OF JUNE, 2011.

THE INDIANA GAMING COMMISSION:



Timothy Murphy, Chair

ATTEST:



Marc Fine, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)	
)	SETTLEMENT
GAMING ENTERTAINMENT (INDIANA), LLC)	11-GV-02
)	

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and Gaming Entertainment (Indiana), LLC (“Grand Victoria”) (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 is being conducted.
2. On March 4, 2011 a Gaming Agent was contacted by a Security Officer that two men were requesting to speak to a Gaming Agent. The two men were Excise Police Officers who informed the Gaming Agent that they had just executed a Survey for Alcohol Compliance Program and the casino had allowed an undercover minor to board the casino. Surveillance review showed that the underage person was not asked for identification before entering the casino.

COUNT II

3. 68 IAC 15-12-3 (a) states that live gaming device fills shall proceed in the following manner:
 - (4) Based on the information contained on the fill slip, the casino cashier shall prepare the proper denomination and amount of chips or tokens, or both, and sign the fill slip. The casino cashier shall sign the fill slip, summon a security officer, and present the chips or tokens, or both and the fill slip to the security officer.
 - (5) The security officer must verify the denomination and amount of chips or tokens, or both, match the amount on the fill slip. The security officer shall sign the fill slip after verifying the chips or tokens, or both, match the

fill slip. If there is a discrepancy with the live gaming device fill, the same security officer who began the live gaming device fill must accompany the fill back to the cage to resolve the discrepancy.

(8) The appropriate level of occupational licensee shall count the chips or tokens, or both, that are received as a live gaming device fill to ensure the denomination and amounts received match the amount and denomination reflected on the fill slip.

(9) If the amounts agree, the occupational licensee who counted the fill shall sign the fill slip. The pit supervisor or the equivalent shall also sign the fill slip. A copy of the fill slip or the original shall be inserted into the drop box of the live gaming device that received the fill. A copy of the fill slip or the original fill slip should be returned to the casino cage.

(10) If the amounts do not agree, the fill slip shall not be signed and the discrepancy shall be resolved in accordance with the policy and procedure submitted in accordance with 2(b)(8) of this rule. Surveillance shall be notified and the security officer shall return the chips or tokens, or both, and the fill slip to the casino cage.

4. 68 IAC 11-1-6(b) states failure to comply with approved internal control procedures may result in the initiation of a disciplinary action. According to Grand Victoria Internal Control Section 3-9 if a fill is incorrect, the following shall occur:
 1. The fill slip shall be signed by the Dealer and the Supervisor and marked VOID with a brief description of the reason for the void.
 2. Surveillance shall be notified immediately and advised that an incorrect fill has been received and is being returned to the cage.
 3. Surveillance will immediately log the notification.
 4. The Cage will forward the voided slip to accounting and the pit will generate a new slip.
 5. The new fill slip and fill shall be delivered to the table.

5. On February 19, 2011 a Gaming Agent was notified by a Surveillance Supervisor of an incorrect table fill that had occurred earlier in the gaming day. A Cage Cashier had sent a fill to a blackjack table that was \$400 short of the requested fill amount. The Security Officer, Floor Supervisor and Lead Floor Supervisor signed the fill slip without verifying the amount. The Dealer noted that the fill amount was incorrect and did not sign the slip. The fill slip was not voided by either of the Floor Supervisors and surveillance was not notified. The Security Officer contacted surveillance but failed to notify them that the fill was incorrect. The Cage Cashier added the additional \$400 and sent the fill back to the table with the original fill slip. The Floor Supervisors and Security Officer received disciplinary action.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Grand Victoria by and through its agents as described herein constitute a breach of IC 4-33, 68 IAC and/or Grand Victoria's

approved internal control procedures. The Commission and Grand Victoria hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Grand Victoria. This agreement is being entered into to avoid the potential expense and inconvenience of disciplinary action.


Grand Victoria shall pay to the Commission a total of \$4,000 (\$1,500 for Count I and \$2,500 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, Grand Victoria agrees to promptly remit payment in the amount of \$4,000 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 Grand Victoria.

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
5.25.11
Date


Steven Jimenez, General Manager
Grand Victoria Casino & Resort
5/11/11
Date