

**ORDER 2011-65  
IN RE SETTLEMENT AGREEMENT  
INDIANA GAMING COMPANY, L.P.  
11-HW-01**

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

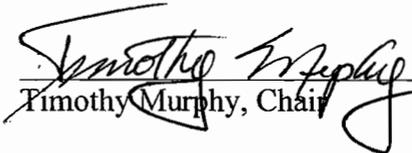
Approves

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 17<sup>th</sup> DAY OF MARCH, 2011.**

**THE INDIANA GAMING COMMISSION:**

  
Timothy Murphy, Chair

ATTEST:

  
Marc Fine, Secretary

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

|                                     |   |                   |
|-------------------------------------|---|-------------------|
| <b>IN RE THE MATTER OF:</b>         | ) |                   |
|                                     | ) | <b>SETTLEMENT</b> |
| <b>INDIANA GAMING COMPANY, L.P.</b> | ) | <b>11-HW-01</b>   |
|                                     | ) |                   |

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and Indiana Gaming Company, L.P. (“Hollywood”) (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 2-3-9.2 (b) states riverboat licensees must advise the enforcement agent, on a form prescribed or approved by the commission, when one (1) of the following events occurs with an occupational licensee:
  - a. The occupational licensee’s employment with the riverboat licensee is terminated for any reason.
  - b. The form must be submitted to the enforcement agent within fifteen (15) days of the occurrence of the change or action.
2. On September 9, 2010 a Gaming Agent received termination paperwork from the Human Resource Department for an employee who was terminated on August 23, 2010.
3. On November 2, 2010 a Gaming Agent reviewed termination paperwork, received from the Human Resources Department on October 29, 2010, for three employees. The employees were terminated from September 29, thru October 10, 2010.

**COUNT II**

4. 68 IAC 2-3-1(f) states an employee of a casino operation who does not hold an occupational license shall not perform any duties on the casino at any time.

5. 68 IAC 2-3-8 states that an occupational license must be renewed annually.
6. On November 3, 2010 a Gaming Agent was reviewing the Employees Ready for Renewal list and noted that three employees had not renewed their licenses which expired in October. All three had worked with expired badges.

### **COUNT III**

7. 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.
8. On October 21, 2010 a Gaming Agent was notified by security that an underage person had been located on the casino floor. The underage person was asked for identification at the turnstiles where he presented his identification and was still allowed to board the casino.
9. On October 21, 2010 a Gaming Agent was notified that a person was trying to enter the casino with another person's identification ("ID"). The underage person stated that he had been to the casino numerous times. The Agent reviewed surveillance coverage earlier in the day and found that the underage person came to the casino with the person whose ID he used later. The underage person was asked for ID. He presented an ID, but it was not the ID he presented later as that person used his own ID. The Security Officer at the turnstile did not scan the ID in the ID check so it is not clear what ID the underage person used to gain access to the casino.

### **TERMS AND CONDITIONS**

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

Hollywood shall pay to the Commission \$27,500 (\$8,000 for Count I; \$3,000 for Count II and \$16,500 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, Hollywood agrees to promptly remit payment in the amount of \$27,500 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 Hollywood.

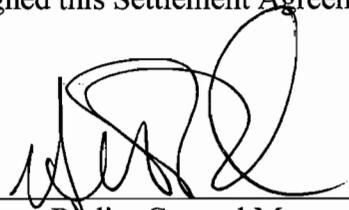
IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the date and year as set forth below.



Ernest E. Yelton, Executive Director  
Indiana Gaming Commission

3.15.11

Date



Tony Rodio, General Manager  
Indiana Gaming Company, L.P.

3/14/11

Date