

**ORDER 2012-191
IN RE SETTLEMENT AGREEMENT**

**CASINO AZTAR
12-AZ-03**

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

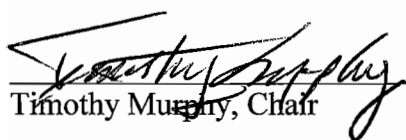
APPROVED

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

IT IS SO ORDERED THIS THE 15th DAY OF NOVEMBER, 2012.

THE INDIANA GAMING COMMISSION:



Timothy Murphy, Chair

ATTEST:



Marc Fine, Vice-Chair

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)	
)	SETTLEMENT
CASINO AZTAR)	12-AZ-03
)	

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and Casino Aztar (“Aztar”), (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 6-3-4 states each casino licensee and casino license applicant shall establish internal control procedures for compliance with this rule, which shall be submitted and approved under 68 IAC 11.
(b) The internal controls must, at a minimum, address the following:
(1) Provide a plan for distributing the names and personal information of voluntarily excluded persons to appropriate personnel of the casino.
2. Aztar Internal Control 6-3-4(B) states Casino Aztar will distribute and process necessary changes to the list within forty-eight (48) hours of receiving notification (excluding weekends and holidays) from the IGC.
3. On July 21, 2012 a Gaming Agent conducted a VEP audit of the casino’s database and covered the period from March 1, 2012 to July 20, 2012. At the end of the audit the Agent found twenty four (24) names were not entered into the database; six (6) names were in the database but did not show that they were excluded; ten (10) with name or date of birth errors; and two (2) with length of exclusion not given.

COUNT II

4. 68 IAC 2-6-6(c)(5) states the riverboat licensee shall perform a coin test to ensure that the electronic gaming device is communicating with the central computer system. If the electronic gaming device is not communicating with the central computer system, the electronic gaming device must be disabled.

5. 68 IAC 11-1-6(a) states riverboat licensees must conduct all operations in accordance with internal control procedures that have been approved, in writing, by the executive director. According to Aztar Internal Control AZ 02-06-06, page 1
 - F. Bill testing of machines will be as follows:
 1. Slot Technician will insert employee card to do bill test.
 2. Bill test is performed in presence of an IGC Agent.
 3. Bill Validator (BV) box is pulled from machine, opened and the \$136 is removed from the BV box.
 4. BV Box key would be signed out by Security
 5. BV Dispute key would be signed out by Security
 6. Empty BV box is then re-inserted into the machine
 7. \$136 in test money is then used to perform the next bill test
 8. IGC will verify meter incrementation after the bill test has been completed.
6. On August 10, 2012 a Gaming Agent conducted a bill test with Slot Technicians. The Agent inquired about three "test" machines that were located on Level 1 and whether or not they contained bill validator ("BV") boxes. Two of the machines contained BV boxes and one of the boxes contained \$3,445.00 in cash and \$334.18 in TITO tickets. The dates on the tickets were October 29, 2010 and November 2, 2010. The date of the last emergency drop for the machine was October 27, 2010. An emergency drop was conducted on the machine. The Agent was present when Slot Technicians received money from the cage to test the new Bally System the casino had installed in 2010.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Aztar 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 Aztar's approved internal control procedures. The Commission and Aztar hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Aztar. This agreement is being entered into to avoid the potential expense and inconvenience of disciplinary action.

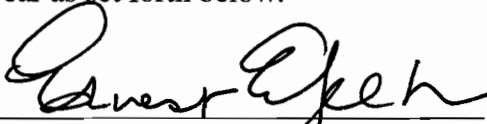
Aztar shall pay to the commission a total of \$6,500 (\$5,000 for Count I and \$1,500 for Count II) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this agreement. This agreement extends only to those violations and findings 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, Aztar agrees to promptly remit payment in the amount of \$6,500 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.

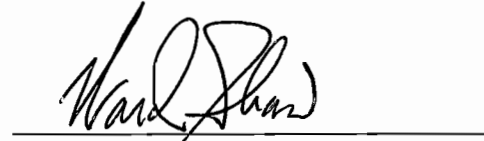
This Settlement Agreement shall be binding upon the Commission and Aztar.

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

11.8.12
Date



Ward Shaw, General Manager
Casino Aztar

10/29/12
Date