

ORDER 2015-154
AN ORDER OF THE INDIANA GAMING COMMISSION
IN RE SETTLEMENT AGREEMENT
HOOSIER PARK, LLC
15-HP-03

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

APPROVES

the proposed terms of the Settlement Agreement.

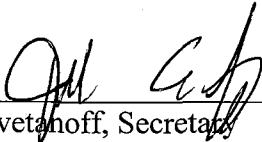
IT IS SO ORDERED THIS 17th DAY OF SEPTEMBER, 2015.

THE INDIANA GAMING COMMISSION:



Cris Johnston, Chair

ATTEST:



Joseph Svetanoff, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
HOOSIER PARK LLC.) **15-HP-03**
)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission ("Commission") by and through its Executive Director Sara Gonso Tait and Hoosier Park LLC ("Hoosier Park"), (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 2-3-1(a) states the following definitions apply throughout this rule:
 - (1) "Applicant" means an applicant for an occupational license.
 - (2) "Riverboat license applicant" means an applicant for a riverboat owner's license that has been issued a certificate of suitability under 68 IAC 2-1-5.
 - (b) This rule is applicable to full-time and part-time employees or potential employees of a riverboat licensee or a riverboat license applicant.
 - (c) The following persons are required to hold an occupational license:
 - (1) A person employed by the riverboat gambling operation and whose duties are to be performed on the riverboat.
 - (2) All security personnel.
 - (3) Managers or supervisory personnel.
 - (4) Employees whose duties are performed off the riverboat and whose duties include the handling of money or performing accounting and auditing functions that involve money obtained as a result of gaming or other operations aboard the riverboat.
 - (d) An employee whose duties are to be performed at the dock site facilities only is not required to hold an occupational license, unless the employee's duties are described in subsection (c).
2. 68 IAC 2-3-6(5) states the temporary and permanent badges shall not be transferred. If the applicant resigns or his or her employment is terminated, the applicant shall return the temporary or permanent badge to the commission.
3. 68 IAC 2-3-9.2(d) states riverboat licensees must collect the identification badge issued by the commission to an occupational licensee when the occupational licensee's employment with the riverboat licensee is terminated for any reason. All identification badges collected by the riverboat licensee must be turned over to an enforcement agent within seven (7) days.

4. On April 23, 2015 a casino employee went to the Gaming Office with position change paperwork. The Gaming Agent started the procedure for issuing a new badge with a position change. The Agent was unable to find the employee in the Commission's OCCLIC data base as an active employee. The Agent looked up the employee in the inactive file and found that the employee had been terminated in the OCCLIC system on June 3, 2014. The reason for the termination was a transfer to a nongaming position. The Agent found the employee's gaming folder with the original paperwork for Occupational License Separation from Service Form issued by Hoosier Park Casino HR and verified as completed by an Agent. The Form stated that the employee's gaming badge had not been returned, but an email was sent for it to be returned. The Agent informed the employee that he was considered terminated and he needed to fill out a level 2 license form. The Agent took the employee's badge. The Agent spoke to the Manager of HR Compliance and she informed the Agent that the separation form had been sent by mistake.
5. On May 13, 2015 a Hoosier Park employee went to the Gaming office with a position change form. The Agent began the process of issuing an employee a new badge with a position and level change. The Agent did not find the employee in the active file of OCCLIC, but instead found him in the inactive file. The employee had been terminated in OCCLIC on May 6, 2015 with the reason that the employee was transferring to a position at Indiana Grand. The Agent found the employee's gaming folder with the original paperwork. In the paperwork was an Occupational License Separation from Service Form issued by HR and verified as completed by an Agent. The Form stated that the employee's gaming badge had not been returned, but an email was sent for it to be returned. The employee was in possession of his badge and stated he was unaware that he had been terminated. He also informed the Agent he had been working his regular hours.

COUNT II

6. 68 IAC 2-2-1(j)(5) states any other employee of a riverboat gambling operation whom the commission deems necessary, to ensure compliance with the Act and this title, shall hold an occupational license, Level 2.
7. On April 7, 2015 a Commission Staff Attorney emailed the Commission Director of Compliance regarding an employee of Hoosier Park who had been working for over two years in a position requiring a license and had failed to apply for the license. The Staff Attorney had reviewed a waiver application from the employee so that he could work as the GM of the Hoosier Park OTB in New Haven. During the review, it was discovered that the employee had been working as the GM since October 20, 2014 and as an Assistant GM since December 1, 2012. Both of these positions require a level 2 license. The dates that the employee worked in the positions was confirmed by the VP of Human Resources. On July 13, 2010 a letter was sent to the VP of Human Resources from the Commission outlining the requirement of a level 2 license for the GM and Assistant GM of the OTB.

TERMS AND CONDITIONS

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

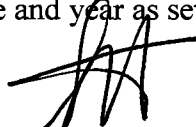
Hoosier Park shall pay to the Commission a total of \$9,000.00 (\$4,000 for Count I and \$5,000 for Count II) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this agreement. Neither this agreement nor any action performed pursuant to it will constitute an admission of any violation by Hoosier Park. This agreement extends only to known incidents specifically alleged in this agreement and wholly based on the facts described herein. If the Commission subsequently discovers additional facts, which are not described in this agreement, that may support an independent determination that a violation has occurred, the Commission may pursue disciplinary action for such violations even if the facts are 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, Hoosier Park agrees to promptly remit payment in the amount of \$9,000.00 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 Hoosier Park.

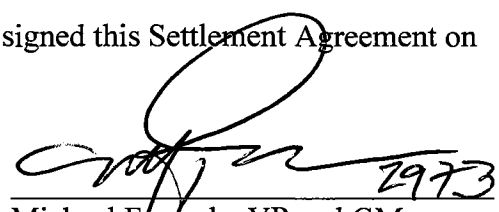
IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the date and year as set forth below.



Sara Gonso Tait, Executive Director
Indiana Gaming Commission

9/9/15

Date



Michael Facenda, VP and GM
Hoosier Park

9/4/15

Date