

ORDER 2019-110

IN RE SETTLEMENT AGREEMENT

**AZTAR INDIANA GAMING CO., LLC d/b/a TROPICANA EVANSVILLE
19-AZ-02**

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

APPROVED

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

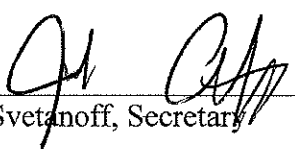
IT IS SO ORDERED THIS THE 30th DAY OF MAY, 2019.

THE INDIANA GAMING COMMISSION:



Michael B. McMains, Chair

ATTEST:



Joseph Svetanoff, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)	
)	SETTLEMENT
AZTAR INDIANA GAMING CO., LLC)	19-AZ-02
d/b/a TROPICANA EVANSVILLE)	

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Sara Gonso Tait and Aztar Indiana Gaming Co., LLC d/b/a Tropicana Evansville (“Tropicana”), (collectively, the “Parties”) desire to enter into this settlement agreement (“Agreement”) 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 15-13-2(a) provides that in accordance with 68 IAC 15-1-3, the casino licensee or casino license applicant shall submit policies and procedures covering manually paid jackpots.
2. Tropicana Evansville’s approved internal control procedures, 15-13, describe the procedures for manually paid jackpots.
3. On February 5, 2019, it was determined that gaming agents had not been notified of a manually paid jackpot in the amount of \$33,750.

COUNT II

4. 68 IAC 11-9-2(a) provides that the casino licensee or trustee shall submit to the executive director internal control procedures concerning the withholding of cash winnings from delinquent obligors in accordance with 68 IAC 11-1.
5. 68 IAC 11-1-3(c)(4) provides that no casino licensee or casino license applicant may use an internal control procedure unless the internal control procedure has been approved, in writing, by the executive director.
6. 68 IAC 13-1-1(b)(2) and (3) provides that the Commission may initiate an investigation or a disciplinary action, or both, against a licensee if the Commission has reason to believe the licensee is not complying with licensure conditions or is not complying with this Act or this title.

7. Tropicana Evansville's approved internal controls, 11-9, describe the procedures for the Child Intercept Process.
8. On February 3, 2019, a Gaming Agent audited the Child Support Arrears Delinquency Registry (CSADR). This audit was for January 2019. The results of this audit found that one (1) individual was not searched through the CSADR system at all after winning a taxable jackpot.

COUNT III

9. IC 4-33-9-12(a) provides that 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.
10. 68 IAC 1-11-1(c) provides that a person under twenty-one (21) years of age shall not be present in a casino.
11. On March 31, 2019, a Gaming Agent was notified by Security that an underage person was found on the casino floor. The underage person was found in the Tap House restaurant. A review of surveillance coverage determined that the underage person entered the casino with her grandmother. The Security Officer at the casino entrance failed to request the underage patron's identification.

COUNT IV

12. 68 IAC 14-3-5(a) provides that all dice or playing cards that are not being utilized at a live gaming device shall be kept in locked compartments.
13. On February 2, 2019, a Gaming Agent was notified by a Table Games Shift Manager that thirty-six (36) decks of Poker Room playing cards were not returned to the card and dice room. The playing cards were checked out to be utilized at the Mid States Poker Tournament. The playing cards were left unsecured in a Poker Bank drawer in the conference room where the tournament was being conducted.
14. 68 IAC 15-12-3(a) provides that live gaming device fills shall proceed in the following manner:
 - (3) Surveillance shall be notified that a live gaming device fill is being processed.
15. On March 1, 2019, a Gaming Agent was notified by surveillance that a Cage Cashier failed to notify surveillance that a table fill in the amount of \$20,000 was being processed.
16. 68 IAC 11-4-4(a) provides that at any time when a live gaming device is closed, chips remaining at the live gaming device shall be counted by the appropriate level of occupational licensee assigned to the live gaming device and verified by the pit boss or the equivalent.
 - (b) A live gaming device inventory slip shall be prepared.

- (c) The occupational licensee and the pit boss or the equivalent who observed the count of the contents of the tray shall sign the inventory slip at the time of closing the live gaming device attesting to the accuracy of the information recorded.
- (d) The occupational licensee shall immediately deposit the closer in the drop box.
- (e) The pit boss or the equivalent shall place the opener on the live gaming device tray in a manner that the amounts on the opener may be read through the cover, and lock the transparent live gaming device tray lid in place.
17. On February 12, 2019, a Gaming Agent was notified by Security that a Table Games D/R Dealer failed to submit the table inventory slip (TIS) in the drop box before the drop box was collected as a part of the drop.
18. On February 12, 2019, a Gaming Agent was notified by a Table Games Shift Manager that there was an error on a TIS. The value of green \$25 chips was off by \$500. The TIS showed \$2,925, however, the correct amount of chips was \$3,425.
19. On February 27, 2019, a Gaming Agent was notified by surveillance that there was an error on a TIS. The value of green \$25 chips was off by \$1,000. The TIS showed \$3,625, however, the correct amount of chips was \$4,625.
20. On March 6, 2019, a Gaming Agent was notified by surveillance that there was an error on a TIS. The value of purple \$500 chips was off by \$500. The TIS showed \$22,500, however, the correct amount of chips was \$23,000.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Tropicana by and through its Agents as described herein constitute a breach of IC 4-33, 68 IAC and/or Tropicana's approved internal control procedures. The Commission and Tropicana hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Tropicana.

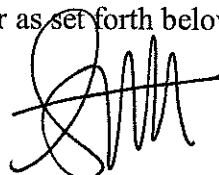
Tropicana shall pay to the Commission a total of \$10,000 (\$1,000 for Count I, \$500 for Count II, \$4,500 for Count III and \$4,000 for Count IV) and the submission of a corrective action plan for the security of sensitive keys in consideration for the Commission foregoing disciplinary action based on the facts specifically described in this Agreement. This Agreement extends only to those violations and findings of fact specifically alleged in the findings above. If the Commission subsequently discovers facts that give rise to additional or separate violations, the Commission may pursue disciplinary action for such violations even if the subsequent violations are similar or related to an incident described in the findings above.

Upon execution and approval of this Agreement, Commission staff shall submit this Agreement to the Commission for review and final action. Upon approval of the Agreement by the Commission, Tropicana agrees to promptly remit payment in the amount of \$10,000 and shall waive all rights to further administrative or judicial review.

This 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 Agreement. This Agreement may not be modified, supplemented, or amended, in any manner, except by written agreement signed by all Parties.

This Agreement shall be binding upon the Commission and Tropicana.

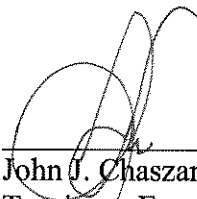
IN WITNESS WHEREOF, the Parties have signed this Settlement Agreement on the date and year as set forth below.



Sara Gonso Tait, Executive Director
Indiana Gaming Commission

5/20/19

Date



John J. Chaszar, General Manager
Tropicana Evansville

5/16/19

Date