

ORDER 2019-55

IN RE SETTLEMENT AGREEMENT

**THE MAJESTIC STAR CASINO, LLC and THE MAJESTIC STAR CASINO II,
LLC
19-MS-01**

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

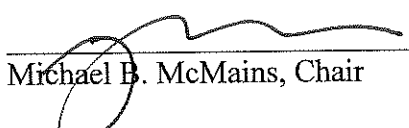
APPROVED

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

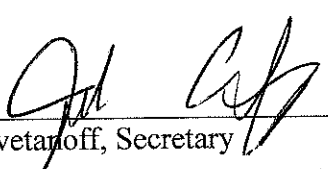
IT IS SO ORDERED THIS THE 8th DAY OF MARCH, 2019.

THE INDIANA GAMING COMMISSION:



Michael B. McMains, Chair

ATTEST:



Joseph Svetaroff, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)	
)	SETTLEMENT
THE MAJESTIC STAR CASINO, LLC and)	19-MS-01
THE MAJESTIC STAR CASINO II, LLC)	
)	

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Sara Gonso Tait and The Majestic Star Casino, LLC and The Majestic Star Casino II, LLC (together referred to herein as “Majestic Star”) (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 11-9-2(a) states 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.
2. 68 IAC 11-1-3(c)(4) states 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.
3. 68 IAC 13-1-1(b)(2) and (3) states 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.
4. Majestic Star’s approved internal control procedures, I-M-1, describe the procedures for the child support intercept program.
5. Gaming Agents conducted an audit of the Child Support Arrears Delinquency Registry (CSADR) for December 2018. The results of this audit were that one (1) patron was not searched in the CSADR after winning a taxable jackpot.

COUNT II

6. IC 4-33-9-12(a) states 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.

7. 68 IAC 1-11-1(c) states a person under twenty-one (21) years of age shall not be present in a casino.
8. On November 17, 2018, Security notified Gaming Agents that an underage male patron was found at Casino Services. The underage patron left an Illinois identification card at the desk. The identification card confirmed the patron was nineteen (19) years old.

A review of surveillance coverage determined that Security Officers failed to review the underage patron's identification at the casino entrance. The underage patron approached the Casino Services desk and spoke with a Casino Services Dual Rate. The underage patron left the area when the Dual Rate Casino Service employee made a phone call on the other side of the counter, leaving behind his identification and entering the men's restroom. The underage patron exited the property immediately after leaving the restroom. It was also determined that Security failed to complete a report on the underage patron and also failed to notify Surveillance of the underage patron.

COUNT III

9. 68 IAC 15-12-3(a) dictates the manner in which live gaming device fills shall proceed.
10. On December 31, 2018, Surveillance notified Gaming Agents that a cage error had occurred. A table fill was prepared for \$49,600, which was \$2,000 over the requested amount. The table fill was delivered by a Security Officer and accepted and signed at the table by the Dealer and Floor Supervisor.
11. On January 2, 2019, Surveillance notified a Gaming Agent that a Security Officer failed to notify surveillance prior to escorting a table fill in the amount of \$7,270.
12. On January 14, 2019, Surveillance notified a Gaming Agents that a Security Officer failed to notify surveillance prior to escorting a table fill in the amount of \$20,000.

TERMS AND CONDITIONS

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

Majestic Star shall pay to the Commission a total of \$7,000 (\$500 for Count I, \$3,000 for Count II and \$3,500 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 in the findings above. If the Commission subsequently discovers facts that give rise to additional or

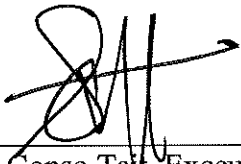
separate violations, the Commission may pursue disciplinary action for such violations even if the subsequent violations are similar or related to an incident described in the findings above.

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, Majestic Star agrees to promptly remit payment in the amount of \$7,000 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 Majestic Star.

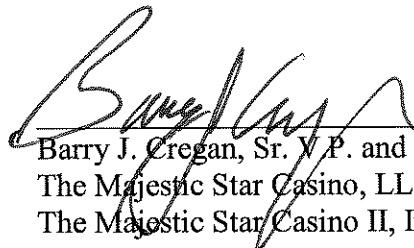
IN WITNESS WHEREOF, the Parties have signed this Settlement Agreement on the date and year as set forth below.



Sara Gonso Tall, Executive Director
Indiana Gaming Commission

3/8/19

Date



Barry J. Cregan, Sr. V.P. and G.M.
The Majestic Star Casino, LLC
The Majestic Star Casino II, Inc.

2/25/19

Date