

**ORDER 2022-159  
IN RE SETTLEMENT AGREEMENT**

**PENN ENTERTAINMENT, INC.  
f/k/a PENN NATIONAL GAMING, INC.  
22-PNG-01**

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

**APPROVED**

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APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 27<sup>th</sup> DAY OF SEPTEMBER, 2022.**

**THE INDIANA GAMING COMMISSION:**

  
Milton Thompson, Chair

ATTEST:

  
Jason Dudich, Secretary

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

**IN RE THE MATTER OF:** )  
 )  
 ) **SETTLEMENT**  
**PENN ENTERTAINMENT, INC.** ) **22-PNG-01**  
**f/k/a PENN NATIONAL GAMING, INC.** )

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission ("Commission") by and through its Executive Director Greg Small and Penn National Gaming, Inc. ("Penn National"), (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 2-2-1(d) provides the applicant's key persons, substantial owners, and any other persons deemed necessary to allow the commission to ensure the applicant meets the statutory criteria for licensure set forth in IC 4-33, IC 4-35, and this title must complete and submit a Personal Disclosure Form 1 (PDI) application for occupational license under 68 IAC 2-3-1.
2. 68 IAC 2-2-4(b)(3) provides an application shall be deemed filed when the completed application forms, including all required documents, all personal disclosure forms, materials, photographs, and application fee have been submitted. The commission will not begin its background investigation until the application is filed.
3. In April 2016, an individual was appointed to Vice President of Internal Audit (VP of IA).
4. On January 10, 2019, Ameristar submitted this title under one of their submissions and the title was issued a level one (1) license determination. This required the position to file a PDI application within thirty (30) days. The due date for the PDI application would be February 10, 2019.
5. On April 12, 2022, the Commission inquired about individual holding the VP of IA title. Penn National's Director of Licensing responded that the Commission did not require licensure and the predecessor was not required to be licensed either. Commission staff has been unable to confirm or deny this information. The Commission responded with the 2019 approval letter. Penn National provided they were unaware of the approval and Ameristar should not have submitted it for Penn National.

6. The Commission offered the ability to Penn National to resubmit the job description for approval under Penn National for a review of the duties for licensure. Penn National provided that they would gather the information and submit it through LAM, the Commission's occupational licensing system as soon as possible. There was no record of this task ever being completed.
7. On May 12, 2022, the Commission reached out again to Penn National about the VP of IA position, as the individual was listed on the Audit Meeting minutes.
8. On May 13, 2022, Penn National cited previous emails where they had discussed this position with the Commission. The Commission requested that Penn National resend the email communications for review. Penn National realized the job description was never submitted in LAM after the April 12, 2022 discussion.
9. Penn National submitted the job description for Commission review. Commission staff determined that the position was required to hold a level one (1) license with the Commission. The Commission subsequently advised Penn National that the position would still require a level one (1) license. The submission was also approved as such in LAM.
10. On May 26, 2022, the PDI application was submitted to the Commission.
11. On June 3, 2022, the VP of IA was licensed by the Commission.
12. Based on the January 10, 2019 approval date and subsequent February 10, 2019 due date, the application was three (3) years, three (3) months, and sixteen (16) days late.

## COUNT II

13. 68 IAC 2-3-9.2(b)(1) requires the occupational licensee to notify the Commission of separation on a form prescribed or approved by the Commission.
14. 68 IAC 2-3-9.2(c) requires the notification must be submitted to the Commission within fifteen (15) days of the occurrence of the change or action.
15. On August 12, 2022, the Commission received a separation of service notification through the occupational licensing database for a Regional Director of IT, a level two (2) licensee. The Regional Director of IT separated on October 15, 2018. Penn National failed to timely notify the Commission.
16. 68 IAC 2-3-9.2(c) provides the form utilized by the riverboat licensee to report the information set forth in subsection (b) must provide, at a minimum, the following information: (1) The: (A) name; (B) address; (C) telephone number; and (D) occupational license number; of the occupational licensee. The notification must be submitted to the Commission within fifteen (15) days of the occurrence of the change or action.

17. On August 3, 2022, the Commission received an informational update through the occupational licensing database for a Director, a level one (1) licensee. The Director's information was updated on May 31, 2019. The Director performed his duty by notifying Penn National of this change, however, Penn National failing to update the Commission in a timely manner.

### TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Penn National by and through its agents as described herein constitute a breach of IC 4-33, IC 4-35, IC 4-38, and/or 68 IAC. The Commission and Penn National hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Penn National.

Penn National shall pay to the Commission a total of \$4,000 (\$3,000 for Count I and \$1,000 for Count II) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in the Findings of Fact 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, Penn National agrees to promptly remit payment in the amount of \$4,000 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.

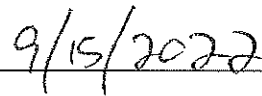
This Agreement may be executed in multiple counterparts, each of which shall be deemed an original agreement and both of which shall constitute one and the same agreement. The counterparts of this Agreement may be executed and delivered by electronic mail, facsimile, or other electronic signature by either of the parties and the receiving party may rely on the receipt of such document so executed and delivered electronically as if the original had been received.

This Agreement shall be binding upon the Commission and Penn National.

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

  
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Greg Small, Executive Director  
Indiana Gaming Commission

  
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Chris Soriano  
VP/Chief Compliance Officer  
Penn National Gaming, Inc.

  
\_\_\_\_\_  
Date

September 14, 2022  
\_\_\_\_\_  
Date