

**ORDER 2023-177
IN RE SETTLEMENT AGREEMENT**

**AMERISTAR CASINO EAST CHICAGO, LLC
23-AS-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 11th DAY OF DECEMBER, 2023.

THE INDIANA GAMING COMMISSION:



Milton O. Thompson, Chair

ATTEST:



Jason Dudich, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)	
)	SETTLEMENT
AMERISTAR CASINO EAST)	23-AS-03
CHICAGO, LLC)	

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Greg Small and Ameristar Casino East Chicago, LLC (“Ameristar”), (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 11-3-6(c)(2) & (3) provides the drop box shall be opened by the appropriate soft count team member, and the entire contents of the drop box shall be emptied onto the soft count table. The inside of the empty drop box shall be held up for full view by the surveillance camera, and at least one (1) member of the soft count team shall verify that the drop box is empty.
2. 68 IAC 11-1-2(1) provides the procedures for the internal control system are designed to ensure the assets of the casino licensee are safeguarded.
3. Ameristar’s approved internal control procedures, F-6.1, describe the procedures for the count process.
4. On August 8, 2023, Surveillance notified Gaming Agents that a “hot” bill validator (“BV”) box with no label was found outside of the count room door by the Count Team. Surveillance also provided that the Count Team Manager opened the BV box and discovered it had funds in it. A review of surveillance coverage determined that the BV box originated from slot machine PV2606.
5. On August 2, 2023, the BV box became full and required an emergency drop (“e-drop”). A Slot Technician and Security Officer conducted the e-drop and then escorted the BV box to the soft count room where it remained secured until August 5, 2023.
6. On August 5, 2023, during the count process, a Count Team Member began processing the BV box by removing the paperwork. After removing the paperwork, the Count Team Member moved the BV box off to the side and began processing another BV box. The Count Team Member processed the remaining BV boxes and placed the empty BV boxes

on the cart for storage. The unprocessed "hot" BV box was placed onto the storage cart with the empty BV boxes.

7. On August 6, 2023, another Count Team Member was prepping the empty BV boxes for future use when the "hot" BV box was removed from the cart and placed on the floor. The Count Team Member subsequently pushed several BV boxes, including the "hot" BV box, into the hallway which was not a secured location. The BV boxes were then turned over to a Security Officer who gave them a visual inspection before stacking them on a shelf for future use.
8. On August 7, 2023, a Slot Technician pulled the "hot" BV box from the shelf in order to service it, however, the BV box was locked. The Slot Technician placed a note on BV box stating it needed to be opened and left it unsecured along the railing at the entrance of the count room.
9. On August 8, 2023, the Count Team Manager saw the BV box, opened it, and discovered it contained currency and TITO tickets. At this time, the Count Room Manager made all notifications. The BV box contained \$1,063 and \$437.24 in TITO tickets.

COUNT II

10. 68 IAC 11-7-4(b) provides when a sensitive key is determined to have been lost, missing, or taken from the premises, the casino licensee shall perform an immediate investigation. The investigation will be documented on an incident record. A copy of the incident report shall be given to the enforcement agent immediately. The record shall be kept in accordance with section 5 of this rule.
11. 68 IAC 1-5-1(1) provides a casino or supplier licensee shall provide a written notice to the executive director as soon as the casino or supplier licensee becomes aware of a violation or apparent violation of a rule of the commission by any of the following: (A) The casino or supplier licensee.
12. Ameristar's approved internal control procedures, A-3.1, describe the procedures for sensitive key control.
13. Ameristar's approved internal control procedures, A-3.3, describe the procedures for missing or lost keys.
14. On August 24, 2023, the Regional Director of Regulatory Compliance notified Gaming Agents that an Everi kiosk key was missing. This key was used to access the cash cassettes located inside the Everi kiosks. A duplicate key was subsequently placed on the key tag to replace the missing key. Ameristar was unable to determine the exact date this key went missing. An audit was done in early August and all keys were accounted for at that time. The key was first discovered missing on August 20, 2023.

15. 68 IAC 11-7-1(b) provides for the purposes of this rule, "sensitive keys" means keys that either management or the commission considers sensitive to the casino licensee's operation and therefore require strict control over custody and issuance.
16. 68 IAC 11-7-3(b) provides that sensitive keys shall be returned to custody and signed in by the same occupational licensee they were issued to unless there is a documented change of shift.
17. On September 17, 2023, a Security Assistant Shift Manager notified Gaming Agents that a sensitive key was left unsecured in a table games pit by a Security Officer and was recovered a short time later by a Security Assistant Manager. Surveillance coverage confirmed the keys were not handled by anyone else while unsecured.
18. On September 21, 2023, a Security Manager notified Gaming Agents that two (2) sensitive keys were missing. A table games drop box key, which accesses the contents of the table games drop box, had been missing since December 31, 2022, and the bill validator ("BV") key, which accesses the contents of the BV drop box, had been missing since September 17, 2023.
19. On September 21, 2023, a Security Manager notified Gaming Agents that the table games drop box key was not missing and was in the key box. There was a malfunction in the key box that was not allowing the key to be released nor was it registering as being in the key box. The issue was reported to IT a while back but had not been resolved.
20. On September 22, 2023, a Security Manager notified Gaming Agents that BV drop box key was located in the trash compactor. A review of surveillance coverage determined that a Dual Rate Count Room Supervisor threw the key into the trash can located in the soft count room on September 17, 2023. The trash was removed from the soft count room by a Security Officer on September 22, 2023. The trash was placed in a trash dumpster and then placed in the compactor. The Count Room Manager located the key on the same day.
21. On September 25, 2023, a Security Assistant Shift Manager notified Gaming Agents of a possible sensitive key violation. A Security Officer left a soft count sensitive key in her work coat and placed her coat in her locker before going home. The soft count key opened the bill validator box cart. The Security Officer returned to the casino approximately one (1) hour later and returned the keys to the Security Shift Manager.

COUNT III

22. 68 IAC 15-12-3(a) provides the requirements for live gaming device fills.
23. Ameristar's approved internal control procedures, D-13.1, describe the procedures for table fills and credits.

24. On September 9, 2023, Surveillance notified Gaming Agents of a \$10,000 overage variance for the 4th level cage. A review of surveillance coverage determined that the variance was a result of an incorrect table fill.
25. On September 8, 2023, a Cage Cashier processed a table fill in the amount of \$36,420, however, the table fill should have been for \$49,420. A Security Officer escorted the fill to the table where the Dealer and Assistant Pit Manager discovered the table fill to be short. The table fill was returned to the cage, and the Cage Cashier added \$3,000 of green \$25 chips. The Cage Cashier failed to add the \$10,000 of purple \$500 chips. The table fill, now totaling \$39,420, was escorted back to the table. The incorrect table fill was accepted by the Dealer and Assistant Pit Manager. Not only was the table fill error caught as a result of a variance, but Ameristar failed to properly void the incorrect fill when it was discovered, and still did not complete the table fill correctly.
26. On September 19, 2023, Surveillance notified Gaming Agents of a \$500 overage variance at the pavilion cage. A review of surveillance determined a table fill was requested for \$4,820, however, the Main Cashier only included \$4,320. The incorrect table fill was accepted by the Dealer and Dual Rate Floor Supervisor.
27. On September 23, 2023, Surveillance notified Gaming Agents of a \$500 shortage variance for the 4th level cage. A review of surveillance coverage showed the Cage Cashier processed a table fill in the amount of \$2,720, however, the table fill should have been for \$2,220. A Security Officer escorted the incorrect fill to the table where it was accepted by the Dealer and Dual Rate Floor Supervisor.

TERMS AND CONDITIONS

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

Ameristar shall pay to the Commission a total of \$10,500 (\$2,500 for Count I, \$3,500 for Count II and \$4,500 for Count III) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in the Findings of Fact contained 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

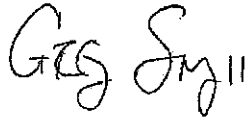
the Commission, Ameristar agrees to promptly remit payment in the amount of \$10,500 and waive all rights to further administrative or judicial review.

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 Ameristar.

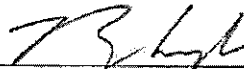
IN WITNESS WHEREOF, the Parties have signed this Agreement on the date and year as set forth below.



Greg Small, Executive Director
Indiana Gaming Commission

11/17/23

Date



Ryan Coppola, General Manager
Ameristar Casino East Chicago, LLC

11/17/23

Date