

**ORDER 2007-114**

**AN ORDER OF THE INDIANA GAMING COMMISSION  
CONCERNING A SETTLEMENT AGREEMENT WITH  
CASINO AZTAR  
07-AZ-03**

The Indiana Gaming Commission ("Commission") adopts the following order pursuant to authority granted it under IC 4-33.

After having reviewed the attached Settlement Agreement, the Indiana Gaming Commission hereby **APPROVES** the proposed terms of the Settlement Agreement.

Pursuant to IC 4-21.5-3, this order is effective fifteen (15) days after the order is served.

**IT IS SO ORDERED THIS THE 8<sup>th</sup> DAY OF NOVEMBER, 2007.**

**THE INDIANA GAMING COMMISSION:**



William Barrett, Chair

**ATTEST:**



Tom Swihart, Secretary

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

<b>IN RE THE MATTER OF:</b>	)	
	)	<b>SETTLEMENT</b>
<b>CASINO AZTAR</b>	)	<b>07-AZ-03</b>
	)	

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission ("Commission") by and through its Executive Director Ernest E. Yelton and Casino Aztar ("Aztar") (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 11-3-3(c)(1) states that no individual shall carry a pocket book or other non-transparent container into the soft count room other than containers utilized in the soft count process.
2. 68 IAC 11-3-3(c)(2)(C) states that access to the soft count room shall be restricted to maintenance personnel and supervisors who are accompanied by security personnel for problem resolution.
3. On April 16, 2007, a Gaming Agent witnessed a vendor inside the soft count room. The vendor was not being escorted by a security officer and had carried a non-transparent bag inside the soft count room.

**COUNT II**

4. Casino Aztar's Internal Controls Article 15, page AF-2, letter E states that all vendors boarding the City of Evansville Riverboat Casino and other restricted areas will be required to wear a vendor badge which shall be visible at all times. The vendor will be required to be escorted by a representative from Casino Aztar-Evansville.
5. 68 IAC 9-4-6(c) states that individuals who are present on the riverboat via a vendors badge in accordance with 68 IAC 15-6-4 may not participate in any gambling game.
6. On July 10, 2007, two vendors, while wearing vendor badges, were found playing slot machines.

**TERMS AND CONDITIONS**

Commission staff alleges that the acts or omissions of Aztar by and through its agents as described herein constitute a breach of the Riverboat Gambling Act, Title 68 of the Indiana Administrative Code or Aztar's approved internal control procedures. The Commission and Aztar hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Aztar. This agreement is being entered into to avoid the potential expense and inconvenience of disciplinary action.

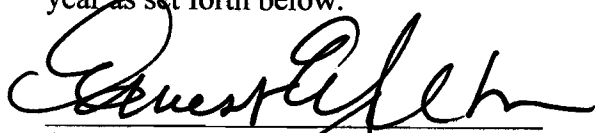
Aztar shall pay to the commission a total of \$15,000 (\$10,000 for Count I; \$5,000 for Count II) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this agreement. This agreement extends only to those violations and findings of fact, specifically alleged herein. If the Commission subsequently discovers facts that give rise to additional or separate violations, which are not described herein, the Commission may pursue disciplinary action for such violations even if the subsequent violations are similar or 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, Aztar agrees to promptly remit payment in the amount of \$15,000 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.

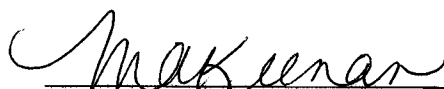
This Settlement Agreement shall be binding upon the Commission and Aztar.

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



Ernest E. Yelton, Executive Director  
Indiana Gaming Commission

10/31/07  
Date



Maureen Keenan, General Manager  
Casino Aztar

10/29/07  
Date