

**ORDER 2009-153
IN RE SETTLEMENT AGREEMENT**

**CASINO AZTAR
09-AZ-03**

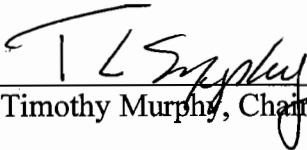
After reviewing the attached Settlement Agreement, the Indiana Gaming Commission hereby:

Approves
APPROVES OR DISAPPROVES

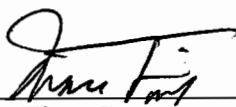
the proposed terms of the Settlement Agreement.

IT IS SO ORDERED THIS THE 17th DAY OF SEPTEMBER, 2009.

THE INDIANA GAMING COMMISSION:


Timothy Murphy, Chair

ATTEST:


Marc Fine, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
CASINO AZTAR) **09-AZ-03**
)

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 11-4-4(e) states 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.
2. 68 IAC 2-3-9(d) requires occupational licensees to notify the commission that a riverboat licensee, a supplier licensee or an occupational licensee has violated the Act or this title as soon as the occupational licensee become aware the violation. If an occupational licensee fails to notify the commission of a violation of the Act or this title by a riverboat licensee, supplier licensee or an occupational licensee, the commission may initiate disciplinary action.
3. On March 16, 2009, a Gaming Agent reviewed surveillance logs and observed an entry regarding an unsecured float. A Surveillance Operator noted the unsecured float and contacted a Pit Manager who secured the float. The float was unsecured for approximately two hours. The Surveillance Operator and Pit Manager failed to notify the Commission of this violation.

COUNT II

4. 68 IAC 2-6-6(c)(7) states that the riverboat licensee must perform a coin test to ensure that the electronic gaming device is communicating with the central computer system. If the electronic gaming device is not communicating with the central computer system, the electronic gaming device must be disabled.

5. On May 17, 2009, a Gaming Agent conducted a slot audit on a slot machine. During the bill testing phase, the machine would not accept the TITO ticket. The Agent had a Lead Slot Tech place the machine out of service until the problem could be corrected. On May 18, 2009, the machine was tested again and still would not accept the TITO ticket. Once again the Agent had the machine placed out of service. On May 20, 2009, while assisting a Slot Tech Supervisor on another machine the Agent noticed the above mentioned machine was in service. The Agent checked the Machine Entry Access Log (MEAL) book and it showed the machine being put into service but not being bill tested.

COUNT III

6. Pursuant to 4-33-9-12 and 68 IAC 1-11-1(c), 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. On January 27, 2009, a Gaming Agent was contacted by a Security Supervisor regarding an underage person who had attempted to gain entry in the casino. Earlier in the day, the underage person used a false identification and the Security Officer at the turnstile allowed him to enter the casino. When he used it again to re-enter, the Security Officer at the turnstile denied his entry.
8. 11. On June 27, 2009, a Gaming Agent was contacted by a Security Shift Manager regarding an underage person in the casino. The identification of the underage person was examined by two Security Officers at the turnstile who then allowed the minor to enter the casino.

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 IC 4-33, 68 IAC and/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 \$14,500 (\$5,000 for Count I; \$5,000 for Count II and \$4,500 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 herein. If the Commission subsequently discovers facts that give rise to additional or separate violations,

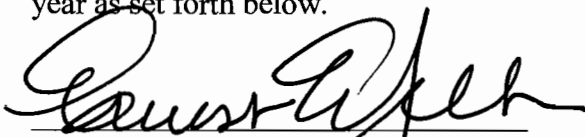
which are not described herein, the Commission may pursue disciplinary action for such violations even if the subsequent violations are similar or related to an incident described herein.

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 \$14,500 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.

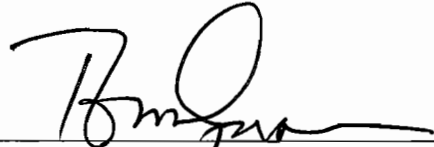
This Settlement Agreement shall be binding upon the Commission and Aztar.

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

9.16.09
Date



Tom Dingman, Attorney-in-Fact
Casino, Aztar

9/9/2009
Date