

ORDER 2012-125
IN RE SETTLEMENT AGREEMENT
DATA FINANCIAL, INC.
12-DF-01

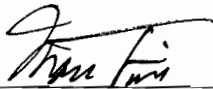
After having reviewed the attached Settlement Agreement, the Indiana Gaming Commission hereby:

Approves
APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

IT IS SO ORDERED THIS THE 2nd DAY OF AUGUST, 2012.

THE INDIANA GAMING COMMISSION:



Marc Fine, Vice-Chair

ATTEST:



Mary Shy, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)	
)	SETTLEMENT
DATA FINANCIAL, INC.)	12-DF-01
)	

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and Data Financial, Inc (“Data Financial”) (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

1. 68 IAC 2-2-9(d) states a supplier licensee must notify the executive director or the executive director's designee within ten (10) days of any change, to the extent known, in its relationship with or the employment status of its employees, independent contractors, agents, or subagents who are subject to occupational licensing under section 6.1 of this rule.
2. 68 IAC 2-3-8 states (a) an occupational license must be renewed annually.
(b) An occupational licensee must request renewal of the license on a form prescribed by the commission no less than thirty (30) days before the expiration of the occupational license. The occupational licensee must complete the form and provide the commission with any information or documents which the commission deems necessary.
2. On February 1, 2012, the Commission’s Licensing Coordinator received a Separation of Service Form for a Senior Field Engineer for Data Financial, Inc. The Separation of Service took place on October 18, 2011. Also, on February 1, 2012 four renewals were received. All four renewals were late: one expired on January 9th and the other three expired on January 12th.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Data Financial by and through its agents as described herein constitute a breach of the IC 4-33 and/or 68 IAC. The Commission and Data Financial hereby agree to a monetary settlement of the alleged violations described

herein in lieu of the Commission pursuing formal disciplinary action against Data Financial. This agreement is being entered into to avoid the potential expense and inconvenience of disciplinary action.

Data Financial shall pay to the Commission a total of \$3,000 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, Data Financial agrees to promptly remit payment in the amount of \$3,000 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.

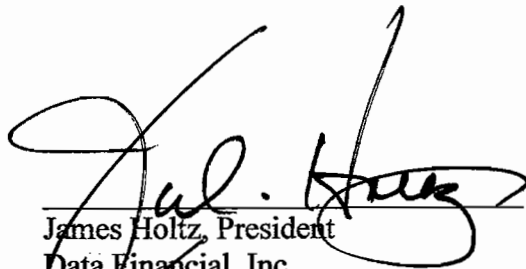
This Settlement Agreement shall be binding upon the Commission and Data Financial.

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

6.26.12
Date



James Holtz, President
Data Financial, Inc.

June 11, 2012
Date