

ORDER 2013-155
APPROVING THE SETTLEMENT AGREEMENT BETWEEN THE INDIANA
GAMING COMMISSION AND LEVEL 2 LICENSEE

On or about December 30, 2006, Level 2 Occupational Licensee (“Level 2 Licensee”) submitted a Request for Voluntary Exclusion to the Commission requesting a five year participation in the VEP. Level 2 Occupational Licensee received a level 2 permanent occupational license to work at Horseshoe Hammond Casino on October 31, 2012. On May 11, 2013, Level 2 Licensee was discovered on the gaming floor at Blue Chip Casino in Michigan City, Indiana. At that time, Level 2 Licensee remained a member of the VEP, and held the level 2 occupational license to work at Horseshoe Hammond Casino. Level 2 Licensee’s presence on the gaming floor of Blue Chip Casino in Michigan City, Indiana on May 11, 2013, was a violation of the terms of the VEP and 68 IAC 6-3-2.

68 IAC 6-3-2(a) provides that a participant in the Voluntary Exclusion Program (“VEP”) agrees to refrain from entering the gaming area of all Indiana casinos except for the purpose of carrying out employment duties. 68 IAC 2-3-10(b) states: “[i]f the commission determines that an occupational licensee is in violation of this rule or IC 4-33-8, the commission may initiate a disciplinary proceeding to revoke, restrict, or take any other disciplinary action with respect to the occupational license pursuant to 68 IAC 13.” 68 IAC 13-1-18 provides that settlement offers may be made at any time prior to the final disposition of an action, including prior to the initiation of proceedings.

Commission staff and Level 2 Licensee have agreed to settle this matter in lieu of Commission staff filing a complaint and pursuing disciplinary action. The terms of the settlement have been reduced to writing, and in pertinent part, provide that Level 2 Licensee’s shall voluntarily relinquish her occupational license for a period of three (3) working days at a time to be determined by the parties in cooperation with Horseshoe Hammond Casino. Level 2 Licensee agrees that no vacation or paid leave time shall be used during the voluntary relinquishment.

Having considered the foregoing, the Commission hereby **APPROVES** the proposed terms of the settlement agreement.

IT IS SO ORDERED THIS THE 5TH DAY OF SEPTEMBER, 2013:

THE INDIANA GAMING COMMISSION:



Matt Bell, Chair

ATTEST:


Christopher Johnston, Secretary