

ORDER 2015-158
AN ORDER OF THE INDIANA GAMING COMMISSION
IN RE SETTLEMENT AGREEMENT
AZTAR INDIANA GAMING COMPANY, LLC
dba TROPICANA EVANSVILLE
15-AZ-03

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

APPROVES

the proposed terms of the Settlement Agreement.

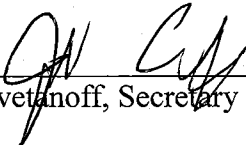
IT IS SO ORDERED THIS 17th DAY OF SEPTEMBER, 2015.

THE INDIANA GAMING COMMISSION:



Cris Johnston, Chair

ATTEST:



Joseph Svetanoff, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
AZTAR INDIANA GAMING CO., LLC) **15-AZ-03**
)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission ("Commission") by and through its Executive Director ~~Ernest E. Yelton~~ and Aztar Indiana Gaming Co., LLC ("Tropicana Evansville"), (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:

SARA BONISO TAITE
(S)

FINDINGS OF FACT

COUNT I

1. 68 IAC 2-6-2(a) states the following may not be used for gaming by any casino licensee prior to the executive director, or the executive director's designee, authorizing their inclusion in the commission's online database of approved items and technologies:
 - (1) Electronic gaming devices and any component parts material to gaming activity, including, but not limited to, the following:
 - (A) Random number generators.
 - (B) All game media.
 - (C) Progressive controllers.
 - (D) Bill changers.
 - (4) Electromechanical devices material to accounting for casino assets, including, but not limited to, the following:
 - (E) Kiosks capable of distributing or collecting cashless wagering instruments or credits, or both.
 - (F) Ticket validation equipment.
 - (G) Currency counters.
 - (H) Chip sorters.

2. 68 IAC 17-1-1(a) states this rule applies to casino licensees and casino license applicants.
 - (b) Electronic gaming devices may only be moved in accordance with this rule. Casino licensees, casino license applicants, and supplier licensees must comply with this rule before electronic gaming devices are transported:
 - (1) from a point outside of Indiana into the state of Indiana;
 - (2) from a point within Indiana to a point outside of Indiana; or
 - (3) within Indiana.

(d) Electronic gaming devices may only be sold or delivered, or both, to casino licensees, casino license applicants, or other persons entitled to possess electronic gaming devices pursuant to applicable state and federal law.

3. On March 27, 2015, a Gaming Agent was speaking to a Slot Tech Supervisor about printer issues pertaining to a bank of machines. The Supervisor told the Agent she had emailed the IGT Representative and Tropicana Slot Performance Manager to request information on the correct printer software needed for the machines in that bank. The Supervisor informed the Agent she had received a reply from the IGT Representative that the current software they were using was not legal in Indiana. She also stated that another Slot Tech Supervisor acknowledged he knew the software was not legal in August of 2014. The Supervisor estimated 20 machines had the firmware but would check. The Agent checked the EGD database and could not locate any record of the printer firmware. The Agent sent an email to the Commission EGD Coordinator, Director of Compliance and the Assistant Director of Compliance about the issue. The Coordinator responded he would look into it. The Agent spoke with the other Slot Tech Supervisor who looked through his records and found that the machines were from a sister property in Atlantic City. The Supervisor explained he entered all of the bill validator and printer software into the EGD database to determine which ones were listed. He presented a list of all the software not listed in the EGD database to the Slot Performance Manager. On March 28, 2014 the Gaming Agent was copied in an email sent from the Commission EGD Coordinator to the other Slot Tech Supervisor informing him that the printer software was not approved in Indiana. On April 2, 2015 the Tropicana Compliance Manager responded to the Gaming Supervisor's weekly incident report regarding the illegal software. She stated:

Patriot, the Vendor who was supposed to update the firmware with Indiana approved firmware evidently did not update it as requested. There was no way we could have discovered the error until the printers were placed into the machines. There were 87 total printers on the floor 25 in the warehouse. So far 53 printers have been updated; 30 by Tropicana and 23 printers by IGT. IGT updated 5 last week when it was discovered the wrong firmware was in the printers and 18 this week. The remaining 34 printers on the floor will be taken care of on 4/2/15 by Konami and Bally. The Slot Tech Department will ensure that the remaining 25 in the warehouse are updated once parts are received.

The Commission Director of Compliance spoke to the owner of Patriot and the Commission EGD Coordinator about Patriot's role in this issue. Both stated that several Tropicana Slot Management employees were told by the EGD Coordinator that Patriot did not have the authority to ship certain software to Tropicana and it was advised the product be shipped back to Tropicana in Atlantic City and then shipped to Tropicana Evansville. Also, Patriot is limited in items that they can order and receive in the state of Indiana. Patriot was not able to order the software for the upgrade.

COUNT II

4. 68 IAC 17-1-1(f) states EPROMs shall be transported separately from the shipment of electronic gaming devices.
5. On January 28, 2015, a Gaming Agent was notified by a Slot Technician Supervisor that secured software was discovered installed on a CPU board she had requested from the warehouse. The Agent retrieved the software and the Supervisor advised that the Slot Performance Manager was made aware of the incident and would address it with his staff. An hour later three Slot Department employees entered the warehouse to inspect twenty-three remaining slot machines and CPUs, that were purchased in September 2014 from Tropicana in Atlantic City, for any additional secured software. They found one additional EPROM inside a machine on a CPU board. Both chips were destroyed.

COUNT III

6. 68 IAC 14-3-2 (b) states that all playing cards must meet the following specifications:
(1) all decks of cards must be a complete standard deck of fifty-two cards in four suits. The four suits shall be hearts, diamonds, clubs and spades. Each suit shall consist of numerical cards from: (A) two to ten; (B) a jack; (C) a queen; (D) a king; and (E) an ace.
7. 68 IAC 10-1-2 states the purpose of requiring submission of rules of the game is to ensure the following:
 - (1) The games offered by casino licensees are performed only in accordance with IC 4-33, IC 4-35, and this article.
 - (2) The functions, duties, and responsibilities are appropriately segregated and performed in accordance with sound practices by competent, qualified personnel, and no employee of the casino licensee is in a position to perpetuate and conceal errors or irregularities in the normal course of his or her duties.
 - (3) The games offered by casino licensees in Indiana have rules of play that meet uniform minimum standards.
 - (4) Gaming is conducted with integrity and in accordance with IC 4-33, IC 4-35, and this title.
8. Tropicana Internal Control 10 – Conduct of Gaming, Poker Internal Controls page 10 states the Dealer will count each active deck of cards maintained at the poker table each time the Dealer is rotated to a different table or goes on a break. The Dealer will be required to count the stub at least once every 15 minutes in order to determine the correct number of cards is present.
9. On May 25, 2015, a Gaming Agent was notified by a Table Games Shift Manager regarding a missing Queen of Spades from the black backed deck of cards at a Poker Table. The card was found inside the shuffle machine. The black backed deck of cards was placed in the shuffle machine at 1641 and at 1644 the red error light on the machine lights up and continues to blink until the machine is turned off by a Table Games Floor Supervisor. At 1911 a Dealer removed the black deck and the deck is put into play. A

total of 103 hands were dealt by five different dealers using the black deck with the Ace of Spades missing. The deck was finally counted down and it is found to be missing a card.

10. On May 26, 2015 and June 8, 2015, Gaming Agents observed the Poker Room and noted that numerous Dealers failed to follow Tropicana's internal controls regarding the reshuffle of the cards.

COUNT IV

11. 68 IAC 12-1-5(b)(3) states the surveillance system shall provide coverage of the route, both inside and outside the casino, through which monies are transported.
12. 68 IAC 12-1-5(h)(2) states the surveillance system must include cameras dedicated to monitoring the entrances and exits of the casino.
13. On April 15, 2015 a Gaming Agent conducted a surveillance camera check and observed the walkway the patrons were taking to enter the casino was lacking camera coverage. Due to high water levels patrons were walking along the outside of the casino after entering the turnstiles to gain access to the casino. The area was blocked off by a blue tarp to provide a temporary enclosure. The Agent was able to locate a camera that would provide coverage, but due to the tarp was blocked. Next the Agent reviewed the route that money being transported from the vessel to land or land to vessel and found it was the same as the patrons. An email was sent to the Surveillance Tech Manager about the lack of coverage. The Manager acknowledged that there was not coverage for the area and the camera that would be used was blocked by the tarp. The Agent instructed the Manager to move the camera. The camera was moved on April 16, 2015.

TERMS AND CONDITIONS

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

Tropicana Evansville shall pay to the commission a total of \$14,000 (\$5,000 for Count I; \$5,000 for Count II; \$2,500 for Count III; and \$1,500 for Count IV) 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

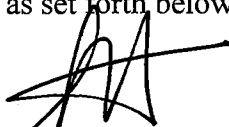
disciplinary action for such violations even if the subsequent violations are similar or related to an incident described herein.

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, Tropicana Evansville agrees to promptly remit payment in the amount of \$14,000 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 Tropicana Evansville.

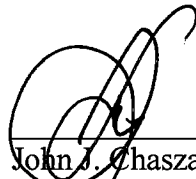
IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the date and year as set forth below.



Sara Gonso Tait, Executive Director
Indiana Gaming Commission

9/9/15

Date



John J. Chaszar, General Manager
Tropicana Evansville

9/9/15

Date