

ORDER 2015-195
AN ORDER OF THE INDIANA GAMING COMMISSION
IN RE SETTLEMENT AGREEMENT
AMERISTAR CASINO EAST CHICAGO, LLC
15-AS-04

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

APPROVES

the proposed terms of the Settlement Agreement.

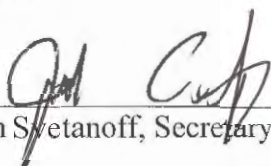
IT IS SO ORDERED THIS 12th DAY OF NOVEMBER, 2015.

THE INDIANA GAMING COMMISSION:



Cris Johnston, Chair

ATTEST:



Joseph Svetanoff, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)	
)	SETTLEMENT
AMERISTAR CASINO EAST)	15-AS-04
CHICAGO, LLC)	

SETTLEMENT AGREEMENT

The Indiana Gaming Commission ("Commission") by and through its Executive Director Sara Gonso Tait and Ameristar Casino East Chicago, LLC ("Ameristar"), (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. Pursuant to IC 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.
2. According to a memo sent to all riverboat licensees on May 17, 2005 by the Commission's Executive Director, if an expired identification card or driver's license is presented to a Security Officer for proof of age the Security Officer should refuse entry onto the casino.
3. On August 18, 2015, a Gaming Agent was contacted by a Surveillance Shift Manager regarding a person who possibly used a fraudulent identification ("ID") to try and enter the casino. The Surveillance Shift Manager further stated that a Security Supervisor had confiscated the ID and was evicting the person from the casino. The Surveillance Shift Manager asked the Agent if he had been contacted by the Security Supervisor. The Agent responded that he had not. The Surveillance Shift Manager stated it was not normal procedure for security to confiscate a person's ID, evict the person and not notify a Gaming Agent. He said if the Agent wanted to speak to the person he would need to hurry as security had almost escorted the person to her vehicle. The Agent was able to stop the person as she was getting into her vehicle. The Agent asked for the person's ID and she stated that the Security Supervisor had it. The Supervisor gave the ID to the Agent and the Agent determined that the ID did not belong to the person. The Agent confirmed that the person was underage and that she had consumed alcohol. The Agent did a review of surveillance footage and found earlier in the day that the underage person presented the fraudulent ID at the turnstile, was allowed on the casino floor and had been

served an alcoholic beverage while in the casino. The ID the underage person presented both times was expired.

4. On September 17, 2015, a Gaming Agent was approached by an Indiana State Excise Officer who informed him that a minor had been allowed on the casino floor. The Excise Officer told the Agent that the underage person was not asked for identification at the turnstile.

COUNT II

5. 68 IAC 2-6-16(e) states the casino licensee shall maintain emergency bill validator drop boxes that meet the requirements set forth in subsection (d). The emergency bill validator drop boxes shall have the word "EMERGENCY" permanently imprinted thereon. Emergency bill validator drop boxes shall be maintained in a secured area. The riverboat licensee shall submit internal control procedures for the maintenance and use of the emergency bill validator drop boxes in accordance with 68 IAC 11.
6. 68 IAC 11-3-6(c) states the soft count team shall handle drop boxes in the following manner:
 - (1) An individual drop box shall be selected and the identification label displayed to the surveillance camera.
 - (2) The drop box shall be opened by the appropriate soft count team member, and the entire contents of the drop box shall be emptied onto the soft count table.
 - (3) The inside of the empty drop box shall be held up for full view by the surveillance camera, and at least one (1) member of the soft count team shall verify that the drop box is empty.
 - (4) The slide on the drop box shall be reset, and the door to the drop box shall be relocked.
7. According to Ameristar Internal Control C-13.1 upon the verbal approval of the Indiana Gaming Commission agent, the emergency drop box will be transported to the slot machine that is in need of the replacement validator. The validator will be removed and the emergency validator placed in the slot machine by the slot department team member. The replaced validator will then be transported to the count room by the security personnel and the slot department team member, and secured in the area designated for the validator drop boxes. This validator will then be counted at the prescribed time that all of the validator boxes are counted. The count room will be secured by the security personnel and the keys returned to the appropriate area. The emergency BV drop box will remain in the slot machine until the normal drop process begins and the validators are removed from the slot machines.
8. On September 15, 2015 a Gaming Agent was contacted by a Slot Technician regarding an emergency bill validator ("BV") box that was thought to be empty, but contained cash and tickets. The Slot Technician informed the Agent that the emergency BV box was in the office processing station where empty emergency BV boxes are kept in a locked cage area. The emergency BV boxes are used to switch out with full boxes inside slot machines. Another Slot Technician was in the process of inserting what she thought was

an empty emergency BV box when she noticed cash in the small reader window. The box was placed in the soft count room. The casino has no explanation for what happened except that the box had a variance on it the week of August 19, 2015. An exception report was sent to the Slot Department to explain the variance and the Slot Department responded that the GMU (Game Management Unit) was not responding and the meters for the tickets was not accurate. There was \$1,145 in cash and \$428 in TITO tickets inside the BV box.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Ameristar by and through its agents as described herein constitute a breach of IC 4-33, 68 IAC and/or Ameristar's approved internal control procedures. The Commission and Ameristar hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Ameristar. This agreement is being entered into to avoid the potential expense and inconvenience of disciplinary action.

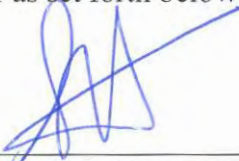
Ameristar shall pay to the Commission \$12,500 (\$10,500 for Count I and \$2,000 for Count II) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this agreement. This agreement extends only to those violations and findings of fact 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, Ameristar agrees to promptly remit payment in the amount of \$12,500 and shall waive all rights to further administrative or judicial review.

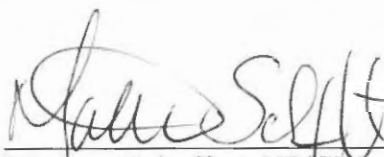
This Settlement Agreement constitutes the entire agreement between the parties. No prior or subsequent understandings, agreements, or representations, oral or written, not specified or referenced within this document will be valid provisions of this Settlement Agreement. This Settlement Agreement may 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 Ameristar.

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



Matthew Schuffert, VP/GM
Ameristar Casino East Chicago, LLC

Date

11/10/15

Date

10/27/15