

**ORDER 2017-163
IN RE SETTLEMENT AGREEMENT**

**HOOSIER PARK, LLC.
17-HP-02**

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

APPROVED

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

IT IS SO ORDERED THIS THE 29th DAY OF SEPTEMBER, 2017.

THE INDIANA GAMING COMMISSION:



Cris Johnston, Chair

ATTEST:



Joseph Svetanoff, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
HOOSIER PARK, LLC.) **17-HP-02**
)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Sara Gonso Tait and Hoosier Park, LLC (“Hoosier Park”), (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 4-35-7-2 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. On May 5, 2017, Security Dispatch requested a Gaming Agent’s presence at the employee entrance. A Security Shift Supervisor had a patron detained. The Gaming Agent requested the identification of the patron who complied with the request and it was determined he was a minor. The minor explained that he was not carded upon entering the casino. Surveillance coverage confirms the minor walked past Security at the main entrance to the casino without ever being asked for identification. The minor gambled while on property.

COUNT II

3. 68 IAC 2-3-9.2(b) states riverboat licensees must advise the enforcement agent, on a form prescribed or approved by the commission, when one (1) of the following events occurs with an occupational licensee: (1) The occupational licensee's employment with the riverboat licensee is terminated for any reason. 68 IAC 2-3-9.2(c) requires the form must be submitted to the enforcement agent within fifteen (15) days of the occurrence of the change or action.
4. On June 9, 2017, the Commission’s Occupational Licensing Coordinator received notification from the VP of Human Resources of a termination of employment. The employment had been terminated on January 20, 2017.

5. On August 3, 2017, the Commission's Occupational Licensing Coordinator received notification from Hoosier Park of an employment termination. The employment had been terminated on December 22, 2016.

COUNT III

6. 68 IAC 15-6-4(a) states the casino licensee's security department shall maintain a vendor and visitor log on forms prescribed or approved by the commission.
 - (b) Vendors and visitors must report to security to complete the vendor and visitor log and to obtain a badge. When the vendor or visitor leaves the casino, the vendor or visitor must complete the appropriate portion of the log.
 - (c) Vendors and visitors in the casino may not participate in a gambling game.
 - (d) Vendors and visitors in the casino must wear, in a conspicuous location, a badge issued by the security department.
 - (e) The vendor and visitor log shall contain the following information: (1) The name of the vendor or visitor. (2) The company or organization the vendor or visitor represents. (3) The date and time the vendor or visitor entered the casino. (4) The purpose that necessitates the vendor or visitor entering the casino. (5) The date and time that the vendor or visitor exits the casino. The casino licensee is responsible for instituting a policy that ensures that vendor and visitor badges are returned to the security department and accounted for when the vendor or visitor exits the casino. (6) If the person is a visitor, the individual who authorized the visitor's presence in the casino. (7) Any other information deemed necessary by the executive director or the commission to ensure compliance with IC 4-33, IC 4-35, and this title.
 - (f) Vendors and visitors must be counted in the calculation of the total count to determine that the total occupancy does not exceed the capacity of the casino as set forth in the certificate of inspection issued by the commission or the United States Coast Guard, if applicable.
7. On May 13, 2017, a Security Supervisor notified a Gaming Agent that vendor had been allowed access to the back of the house and the casino floor without a vendor badge. It was determined that an employee of an ATM service entered the property at the Security Dispatch office located at the employee entrance. At the same time, the Security Officer at Security Dispatch was being relieved. Approximately five minutes after arrival, the ATM vendor was escorted onto the casino floor by another Security Officer. The ATM vendor was never issued a badge and the vendor/visitor log had no record of the vendor being on property.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Hoosier Park by and through its agents as described herein constitute a breach of IC 4-35, 68 IAC and/or Hoosier Park's approved internal control procedures. The Commission and Hoosier Park hereby agree to a

monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Hoosier Park. This agreement is being entered into to avoid the potential expense and inconvenience of disciplinary action.

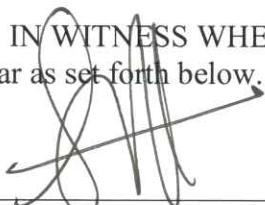
Hoosier Park shall pay to the Commission a total of \$6,500 (\$3,000 for Count I, \$2,000 for Count II and \$1,500 for Count III) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this agreement. This agreement extends only to those violations and findings of fact specifically alleged in the findings above. If the Commission subsequently discovers facts that give rise to additional or separate violations, the Commission may pursue disciplinary action for such violations even if the subsequent violations are similar or related to an incident described in the findings above.

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, Hoosier Park agrees to promptly remit payment in the amount of \$6,500 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 Hoosier Park.

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



Sara Gonso Falt, Executive Director
Indiana Gaming Commission

9-19-17

Date



Michael Facenda, VP and GM 2973
Hoosier Park, LLC

9/13/17

Date