

ORDER 2018-220

IN RE SETTLEMENT AGREEMENT

**AZTAR INDIANA GAMING CO., LLC d/b/a TROPICANA EVANSVILLE
18-AZ-04**

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

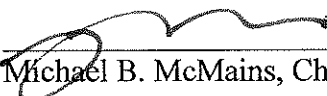
APPROVED

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

IT IS SO ORDERED THIS THE 6th DAY OF DECEMBER, 2018.

THE INDIANA GAMING COMMISSION:



Michael B. McMains, Chair

ATTEST:



Joseph Svetanoff, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)	
)	SETTLEMENT
AZTAR INDIANA GAMING CO., LLC)	18-AZ-04
d/b/a TROPICANA EVANSVILLE)	

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Sara Gonso Tait and Aztar Indiana Gaming Co., LLC d/b/a Tropicana Evansville (“Tropicana”), (collectively, the “Parties”) desire to enter into this settlement agreement (“Agreement”) 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. 68 IAC 11-9-2(a) states the casino licensee or trustee shall submit to the executive director internal control procedures concerning the withholding of cash winnings from delinquent obligors in accordance with 68 IAC 11-1.
2. 68 IAC 11-1-3(c)(4) states that no casino licensee or casino license applicant may use an internal control procedure unless the internal control procedure has been approved, in writing, by the executive director.
3. 68 IAC 13-1-1(b)(2) and (3) states the Commission may initiate an investigation or a disciplinary action, or both, against a licensee if the Commission has reason to believe the licensee is not complying with licensure conditions or is not complying with this Act or this title.
4. Tropicana Evansville’s approved internal controls, 11-9, describe the procedures for the Child Intercept Process.
5. On September 28, 2018, a Gaming Agent audited the Child Support Arrears Delinquency Registry (CSADR). This audit covered the months of January 2018-October 2018. The results of this audit found that twenty-six (26) individuals were searched using an incorrect social security number and thirty-six (36) individuals were not searched through the CSADR system at all.

COUNT II

6. IC 4-33-9-12(a) states 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.
7. 68 IAC 1-11-1(c) states a person under twenty-one (21) years of age shall not be present in a casino.
8. On October 4, 2018, Security notified Gaming Agents of a possible underage person. A Security Officer advised the female approached the podium and was turned away since she was eighteen (18) years old. Later after this Security Officer was relieved of his duties at the podium, he observed the same female at an ATM on the casino floor. The Security Officer escorted her to the Tropicana podium.
9. On October 7, 2018, Surveillance notified Gaming Agents of a potential underage person on the casino floor. The underage person presented an US federally issued employment authorization card to the Security Officer with a date of birth of January 30, 1998 that was expired. The Security Officer allowed the underage patron onto the casino floor after presenting this identification.

COUNT III

10. 68 IAC 10-7-3(h) states if an automatic card shuffler is utilized, the riverboat licensee may use a second deck of playing cards that meets the requirements of subsection (a) and that has a different color of back than the first deck of playing cards. If two (2) decks of cards are utilized with an automatic card shuffler, one (1) deck of cards should be placed in play while the second deck of cards is placed in the automatic card shuffler. The two (2) decks of cards with different color backs must be alternated in and out of play with each deck being used for alternate rounds of play. The cards from only one (1) deck of cards shall be placed in the discard rack at a given time.
11. On October 13, 2018, a Table Games Shift Manager notified a Gaming Agent that two (2) red backed, pre-shuffled, six-deck shoes were discovered in play at a table game. This violation was discovered when a recurring red light error appeared on the automatic shuffler. The cards were removed from the shuffler and it was at this time that the Table Games Shift Manager discovered the cards in the shuffler had a red back and the cards being dealt at the table also had a red back. The deck in the shuffler was replaced with a blue deck. Prior to leaving the area, the Table Games Shift Manager discovered a red and blue card box discarded underneath the table. The Table Game Shift Manager instructed Supervisors to find the blue deck. The blue deck was located at another table game where two blue decks were in play on the same table. Two decks of playing cards with the same color back were in play on two different table games for approximately nine (9) hours prior to discovery.

COUNT IV

12. 68 IAC 15-12-3(a) states live gaming device fills shall proceed in the following manner:
(3) Surveillance shall be notified that a live gaming device fill is being processed.

13. On September 2, 2018, Gaming Agents were notified that the Cage failed to notify surveillance of a table fill request in excess of \$5,000.
14. On September 14, 2018, Gaming Agents were notified that a Cage Cashier failed to notify surveillance of a table fill request in excess of \$5,000.
15. On September 15, 2018, Gaming Agents were notified that a Cage Cashier failed to notify surveillance of two (2) different table fills requested in excess of \$5,000.

COUNT V

16. 68 IAC 2-6-6(c) states if a casino licensee converts an electronic gaming device, the casino licensee must take the following steps: (4) In the presence of an enforcement agent, a slot technician or the equivalent shall ensure that the payglass installed on the electronic gaming device accurately reflects the payouts for the control program medium that has been installed in the electronic gaming device. The payglass test may be performed by either: (A) running the payout table test; or (B) ensuring the payglass matches the approved diagram set forth in the payglass manual maintained by the commission. (5) The casino licensee shall do the following: (B) Perform a coin test to ensure that the electronic gaming device is communicating with the central computer system. If the electronic gaming device is not communicating with the central computer system, the electronic gaming device must be disabled.
17. On September 10, 2018, the Tropicana Director of Compliance notified Gaming Agents that a patron had complained to the Slot Department that a reel on an electronic gaming device (EGD) was incorrect. After further investigation, it was discovered that the wrong reel had been placed on this EGD. The incorrect reel had been installed on September 2, 2018 and the EGD had been in play for eight (8) days with an incorrect reel. Since the incorrect reel strips were installed on the EGD, it resulted in the payglass being an inaccurate representation of possible winning combinations to the patron.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Tropicana by and through its Agents as described herein constitute a breach of IC 4-33, 68 IAC and/or Tropicana's approved internal control procedures. The Commission and Tropicana hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Tropicana.

Tropicana shall pay to the Commission a total of \$57,000 (\$40,000 for Count I, \$7,500 for Count II, \$3,000 for Count III, \$4,500 for Count IV and \$2,000 for Count V) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in 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

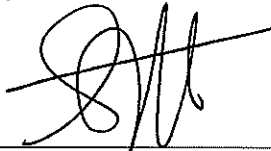
violations even if the subsequent violations are similar or related to an incident described in the findings above.

Upon execution and approval of this Agreement, Commission staff shall submit this Agreement to the Commission for review and final action. Upon approval of the Agreement by the Commission, Tropicana agrees to promptly remit payment in the amount of \$57,000 and shall waive all rights to further administrative or judicial review.

This 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 Agreement. This Agreement may not be modified, supplemented, or amended, in any manner, except by written agreement signed by all Parties.

This Agreement shall be binding upon the Commission and Tropicana.

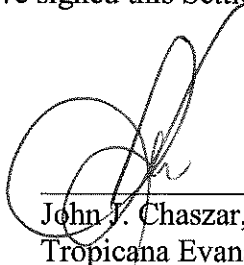
IN WITNESS WHEREOF, the Parties have signed this Settlement Agreement on the date and year as set forth below.



Sara Gonso Tait, Executive Director
Indiana Gaming Commission

12/6/18

Date



John J. Chaszar, General Manager
Tropicana Evansville

12/5/18

Date