

**ORDER 2021-156  
IN RE SETTLEMENT AGREEMENT**

**ZUVID, LLC  
21-ZUVID-01**

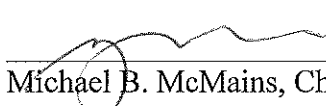
After having reviewed the attached Settlement Agreement, the Indiana Gaming Commission hereby:

**APPROVED**  
\_\_\_\_\_  
APPROVES OR DISAPPROVES


the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 29<sup>th</sup> DAY OF SEPTEMBER, 2021.**

**THE INDIANA GAMING COMMISSION:**

  
\_\_\_\_\_  
Michael B. McMains, Chair

ATTEST:

  
\_\_\_\_\_  
Jason Dudich, Secretary

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

**IN RE THE MATTER OF:** )  
 ) **SETTLEMENT**  
**ZUVID, LLC** ) **21-ZUVID-01**

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Greg Small and Zuvid, LLC (“Zuvid”) (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 to the following:

**FINDINGS OF FACT**

1. 68 IAC 12-1-2(b) provides surveillance rooms must be located out of the general view of patrons and non-surveillance employees.
2. 68 IAC 12-1-2(c) provides surveillance room access shall be limited to: (1) surveillance employees; (2) enforcement agents; (3) commission staff; and (4) internal audit staff; except that persons with a legitimate need to enter the surveillance room, either on a routine or a case-by-case basis, may do so upon receiving approval from the executive director or the executive director's designee.
3. On August 11, 2021, the President of Unity Surveillance self-reported that photographs of Hard Rock Northern Indiana’s (“HRNI”) surveillance room and other sensitive areas were released to another Indiana based casino without Commission approval.
4. On August 12, 2021, the Commission’s Director of Compliance requested a Gaming Agent to investigate this incident. The Gaming Agent interviewed the HRNI’s Director of Compliance. HRNI’s Director of Compliance provided that HRNI’s President received a call from a colleague from another Indiana based casino who advised him that his casino property had received an email communication from Unity Surveillance. This email included a link to a power point presentation that included photographs of HRNI’s property including the surveillance room, main cage pin hole cameras, the MDF room that houses surveillance servers and switches, as well as other surveillance related hardware and equipment. HRNI’s Director of Compliance subsequently contacted Unity Surveillance and conveyed her understanding of what had been released without the approval of HRNI or the Commission. The President of Unity Surveillance advised HRNI’s Director of Compliance that he was not aware of this situation, but he would look into the matter. HRNI’s Director of Compliance advised him to self-report this matter to the Commission.
5. The President for Unity Surveillance responded to HRNI’s Director of Compliance and confirmed that a PowerPoint was sent to another Indiana based casino and contained sensitive photographs of HRNI. The President stated that the PowerPoint was sent in

confidence and included photographs of the surveillance room while Zuvid was installing equipment. The President provided steps taken by Unity to address this matter internally.

6. The Gaming Agent requested to know if HRNI's Director of Compliance recognized the individual in the picture labeled surveillance monitoring room construction. HRNI's Director of Compliance provided that the individual was a Zuvid employee.
7. The Gaming Agent then interviewed the Project Manager for Zuvid, as he was the senior most Zuvid employee on-site during the construction phase of HRNI. The Project Manager provided that Zuvid was contracted by HRNI Corporate to oversee the installation of the surveillance related equipment at HRNI. The Project Manager also advised that Unity Surveillance worked under the direction of Zuvid. Unity Surveillance provided the equipment Zuvid installed and performed the programming and access control work unrelated to the surveillance system. Zuvid holds a supplier's license with the Commission, but Unity Surveillance does not hold a supplier's license with the Commission. The on-site Unity Surveillance presence consisted of the President of Unity Surveillance and his assistant. The Project Manager advised that he was not aware of anyone requesting to photograph the installation or the surveillance areas and stated he did not see anyone taking these photographs.
8. The Gaming Agent also interviewed the President of Unity Surveillance. The President recounted his conversation with HRNI's Director of Compliance and what his team did to research the matter. The President could not identify who took the photos stating it could have been someone from Unity or Zuvid. The Gaming Agent advised the President that he had spoken to Zuvid, and they all denied being responsible. The President ultimately accepted responsibility for taking the pictures. He also acknowledged that he did not seek approval from HRNI or the Commission to take the pictures. The President stated that he was responsible for the PowerPoint and sent it to the other Indiana based casino. The Gaming Agents pressed him further about some of his responses to HRNI's Director of Compliance, and he advised that he panicked but did not think they sent anything inappropriate. He advised he considered the presentation to be confidential, and it was sent for the sole purpose of drumming up business. The President acknowledged being under stress and apologized profusely for violating any rules.

### **TERMS AND CONDITIONS**

Commission staff alleges that the acts or omissions of Zuvid by and through its agents as described herein constitute a breach of IC 4-33, IC 4-35, and/or 68 IAC. The Commission and Zuvid hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Zuvid.

Zuvid shall pay to the Commission a total of \$5,000 in consideration for the Commission foregoing disciplinary action based on the facts specifically described in in the Findings 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.

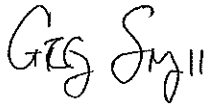
Upon execution and approval of this Agreement, Commission staff shall submit this Agreement to the Commission for review and final action. Upon approval of the Agreement by the Commission, Zuvid agrees to promptly remit payment in the amount of \$5,000 and shall waive all rights to further administrative 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 may be executed in multiple counterparts, each of which shall be deemed an original agreement and both of which shall constitute one and the same agreement. The counterparts of this Agreement may be executed and delivered by electronic mail, facsimile, or other electronic signature by either of the parties and the receiving party may rely on the receipt of such document so executed and delivered electronically as if the original had been received.

This Agreement shall be binding upon the Commission and Zuvid.

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



\_\_\_\_\_  
Greg Small, Executive Director  
Indiana Gaming Commission

9/28/21

\_\_\_\_\_  
Date



\_\_\_\_\_  
Michael Giles, President  
Zuvid, LLC

09/17/21

\_\_\_\_\_  
Date