

**ORDER 2022-34
IN RE SETTLEMENT AGREEMENT
BOYD GAMING CORPORATION
22-BOYD-01**

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

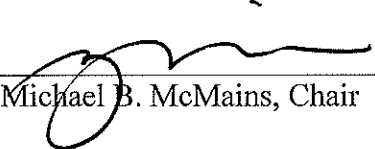
APPROVED

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

IT IS SO ORDERED THIS THE 8th DAY OF MARCH, 2022.

THE INDIANA GAMING COMMISSION:



Michael B. McMains, Chair

ATTEST:



Jason Dudich, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
BOYD GAMING CORPORATION) **22-BOYD-01**

SETTLEMENT AGREEMENT

The Indiana Gaming Commission ("Commission") by and through its Executive Director Greg Small and Boyd Gaming Corporation ("Boyd"), (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 2-2-1(d) provides the applicant's key persons, substantial owners, and any other persons deemed necessary to allow the commission to ensure the applicant meets the statutory criteria for licensure set forth in IC 4-33, IC 4-35, and this title must complete and submit a Personal Disclosure Form 1 (PD1) application for occupational license under 68 IAC 2-3-1.
2. 68 IAC 2-2-4(b)(3) provides an application shall be deemed filed when the completed application forms, including all required documents, all personal disclosure forms, materials, photographs, and application fee have been submitted. The commission will not begin its background investigation until the application is filed.
3. On March 11, 2021, Boyd's Gaming Licensing Manager sent an email to the Commission announcing a new EVP, General Counsel and Secretary (EVP) for Boyd Gaming. Boyd provided that the EVP would assume full duties of the title when he was appointed as an Officer.
4. On March 12, 2021, the Commission advised Boyd that the EVP shall submit a PD1 within thirty (30) days of appointment or request an extension. Boyd was also advised to be sure to submit his title for approval through the job description process.
5. On May 10, 2021, Boyd sent an email to the Commission notifying that the EVP's appointment had occurred on May 6, 2021.
6. On May 14, 2021, Boyd reached out to the Commission to inquire if the EVP's job title was already approved with the Commission. The Commission responded that the EVP's job title was not approved and would need Commission approval. Boyd subsequently submitted the required documentation for the job description approval.

7. On May 19, 2021, the Commission approved the job title and advised Boyd that this position would require a level 1 license. As a result, Boyd would need to submit a PD1 application within thirty (30) days of the licensing determination or position appointment. If the position was already being held by a level 1 licensee, no further action was necessary.
8. Based on the date of the EVP's appointment, the PD1 was due on June 6, 2021.
9. On June 1, 2021, Boyd's Outside Counsel reached out the Commission to request an extension for the PD1 application. The Commission approved the extension to until July 8, 2021.
10. On July 8, 2021, Boyd advised payment and fingerprint cards had been sent to the Commission for the EVP's PD1. Additionally, Boyd's Outside Counsel submitted the PD1 to the Commission. The PD1 was originally locked with a password that was not previously given to the Commission.
11. On July 12, 2021, Boyd's Outside Counsel provided the Commission with the password.
12. On July 16, 2021, the Commission reviewed the PD1, and two (2) exhibits were missing. The Commission advised Boyd of the missing exhibits and Boyd acknowledged this communication.
13. On July 22, 2021, Boyd's Outside Counsel advised that the information for one of the exhibits may be in the same folder with another exhibit. Boyd also advised that the EVP was still working on obtaining information for the other exhibit. The Commission advised Boyd that the exhibits must be separated and resubmitted along with the missing exhibit information.
14. On July 30, 2021, the Commission followed up and requested if there was an update on the status of the missing exhibits. Boyd responded to their Outside Counsel that they had the missing exhibit information, and that they would load them to their shared drive. The Commission did not receive a direct response.
15. On September 17, 2021, the Commission followed up again and requested if there was an update on the status of the PD1. Boyd's Outside Counsel responded that the PD1 would be sent over ASAP. That same day, the information was submitted, and the Commission issued a temporary license.
16. The PD1 was sixty-three (63) days late and the Commission had to follow up multiple times on the status of the PD1 and the missing exhibits.

COUNT II

17. 68 IAC 27-2-16(d) provides except as outlined in this section, occupational licensing of an employee, independent contractor, agent or subagent of a sports wagering operator shall be governed by IC 4-33-8 and 68 IAC 2-3.

18. 68 IAC 2-3-9.2(b)(1) requires the occupational licensee to notify the Commission of separation on a form prescribed or approved by the Commission.
19. 68 IAC 2-3-9.2(c) requires the notification must be submitted to the Commission within fifteen (15) days of the occurrence of the change or action.
20. On October 18, 2021, the Commission received a separation from service form from Boyd for an Analyst II Business, showing a separation date of April 28, 2021. The Commission was not notified in a timely manner.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Boyd by and through its agents as described herein constitute a breach of IC 4-33, IC 4-38 and/or 68 IAC. The Commission and Boyd hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Boyd.

Boyd shall pay to the Commission a total of \$3,500 (\$3,000 for Count I and \$500 for Count II) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in the Findings of Fact 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, Boyd agrees to promptly remit payment in the amount of \$3,500 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 Boyd.

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

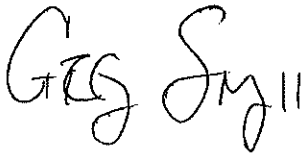
Michelle Rasmussen
Michelle Rasmusson, Vice President
Regulatory Compliance, Corporate
Compliance Officer
Boyd Gaming Corporation

February 23, 2022

Date

Date

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

3/8/22

Date

Michelle Rasmusson, Vice President
Regulatory Compliance, Corporate
Compliance Officer
Boyd Gaming Corporation

Date