

**ORDER 2023-80  
IN RE SETTLEMENT AGREEMENT**

**HORSESHOE HAMMOND, LLC  
23-HH-02**

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

**APPROVED**

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APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 15<sup>th</sup> DAY OF JUNE, 2023.**

**THE INDIANA GAMING COMMISSION:**



Milton Q. Thompson, Chair

ATTEST:



Charles Cohen, Commissioner



shuffler and placed the deck she was previously using in the shuffler. The Dealer proceeded to deal the teal deck without counting down the deck to ensure all playing cards were accounted for. This pattern of putting the teal deck in the shuffler with a red light and then subsequently placing the cards into play while missing a card continued for approximately twenty (20) more minutes with two (2) different Dealers.

4. The Poker Manager ultimately pulled the cards from play and counted them down, discovering a card to be missing. The card was located an hour and a half later under the railing of the other table. The teal deck of cards was dealt four (4) times with the missing card.

## COUNT II

5. 68 IAC 11-3-6 provides the procedures for the soft count process.
6. Horseshoe Hammond's approved internal control procedures, D-7, describe the procedures of the bill validator ("BV") drop box collection.
7. Horseshoe Hammond's approved internal control procedures, D-8, describe the procedures for counting and recording the BV drop boxes.
8. On January 4, 2023, a Gaming Agent was provided a Surveillance report that was generated due to a soft count violation that occurred on January 1, 2023. The Count Room Manager was working on a cart of BV boxes during the count process. Approximately, forty (40) minutes later, a Count Room Lead entered soft count and the Count Room Manager left the count room with twelve (12) unfinished BV boxes on the cart. The cart of uncounted BV boxes is closed and moved into cart storage.
9. On January 2, 2023, the uncounted BV boxes were discovered, counted and recorded. This would have been a 100% drop and Horseshoe should have known how many boxes they had and should have known that they were missing boxes.
10. On January 5, 2023, a Gaming Agent was provided a Surveillance report that was generated due to a soft count violation that occurred on January 1, 2023. The surveillance report provided that on January 5, 2023, while the drop team was setting out BV boxes for the drop, the team discovered a hot BV box on the cart.
11. A Gaming Agent reviewed the surveillance coverage of the count process on January 1, 2023, and observed a Count Room Representative ("CR Rep") opening BV boxes from a drop cart. The CR Rep removed three (3) blue BV boxes from the third row and then left for his break. Another CR Rep relieved him. The new CR Rep was observed pushing over four (4) blue BV boxes on the third row and then removing eight (8) blue BV boxes from the third row which left one (1) hot BV box unsecured. The unsecured BV box was left unattended on the locked cart for approximately five (5) days. The missed box was discovered when the drop team was laying out boxes for the drop on January 5, 2023.

12. 68 IAC 11-3-3(c)(1) provides that no individual shall carry a pocketbook or other nontransparent container into the soft count room other than containers used in the soft count process.
13. Horseshoe Hammond's approved internal control procedures, D-5.1 and D-8.1, describe the procedures for counting and recording the BV and table drop boxes.
14. On January 22, 2023, a Gaming Agent was made aware of an employee bringing money into the soft count room. The Gaming Agent reviewed the surveillance coverage. Surveillance coverage showed a CR Rep enter the soft count room and leave to take a break approximately three (3) hours later. The CR Rep returned to soft count approximately one (1) hour later. The CR Rep was observed leaving the soft count room at approximately two (2) hours later. Upon removing his jumpsuit, the CR Rep reached into his pants pocket and produced a wallet to the Security Supervisor. The wallet contained \$241.00. The surveillance review never observed the CR Rep concealing or taking any money while in soft count.
15. 68 IAC 11-3-2(b) provided in accordance with 68 IAC 11-1, the casino licensee must submit to the executive director internal control procedures covering currency collection and soft count.
16. The Commission's 24-hour gaming policy provides the Drop Team for the table games drop will consist of three (3) Security Officers.
17. Horseshoe Hammond's approved internal control procedures, D-3.1, describe the live gaming device drop procedures.
18. On January 29, 2023, a Gaming Agent began an investigation into a table drop violation that occurred on January 19, 2023. Security advised Gaming Agents that the table games drop started with one (1) Security employee and one (1) CR Rep rather than the three (3) required employees. The drop was ultimately paused until the correct number of employees were present. Surveillance also authorized the start of the process with the incorrect number of employees.
19. 68 IAC 11-3-1(a)(9) provides the "Soft count team" means a team of the casino licensee's employees that consists of at least: (A) one (1) employee of the soft count department; and (B) one (1) soft count: (i) supervisor; (ii) manager; (iii) lead; or (iv) equivalent. The soft count team shall be responsible for counting and bundling the currency collected from the live gaming devices and bill validators. An employee from the accounting department may assist the soft count team if the soft count team has a discrepancy in its counts.
20. Horseshoe Hammond's approved internal control procedures, D-5.1 and D-8.1, describe the procedures for counting and recording the BV and table drop boxes.
21. On March 8, 2023, Security notified Gaming Agents that currency was found in the soft count room. A Security Ambassador was doing a visual sweep of the soft count room after

the count process when a \$100 bill was found in the room. The \$100 bill was given to a Security Supervisor who delivered it to the Main Cage for a paid-in. The \$100 bill was laying inside the banding machine. The count team failed to verify all money was accounted for and did not properly inspect the machines, the pockets and money counters for currency.

22. 68 IAC 11-3-3(c)(6) provides after the soft count team has entered the soft count room and the door has been locked, no one except: (A) commission personnel; (B) individuals specifically authorized by the commission; (C) main bank employees; and (D) currency collection team members who are dropping off drop boxes; is allowed access to the soft count room.
23. Horseshoe Hammond's approved internal control procedures, D-5.1 and D-8.1, describe the procedures for counting and recording the BV and table drop boxes.
24. On March 8, 2023, Surveillance notified Gaming Agents that a Soft Count Lead left the soft count room without designating a temporary lead before leaving. Neither Gaming Agents nor Surveillance were contacted about the Soft Count Lead leaving the room or who his replacement would be.

### TERMS AND CONDITIONS

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

Horseshoe Hammond shall pay to the Commission a total of \$6,000 (\$1,500 for Count I and \$4,500 for Count II) 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 each Count 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, Horseshoe Hammond agrees to promptly remit payment in the amount of \$6,000 and waive all rights to further administrative or judicial review.

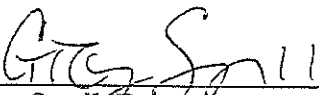
This Agreement constitutes the entire agreement between the Parties. No prior or subsequent understandings, agreements, or representations, oral or written, not specified or referenced within this document will be valid provisions of this Agreement. This Agreement may

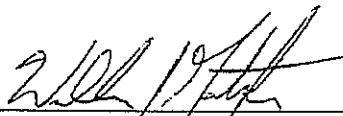
not be modified, supplemented, or amended, in any manner, except by written agreement signed by all Parties.

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 Horseshoe Hammond.

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

  
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Greg Small, Executive Director  
Indiana Gaming Commission

  
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William Gustafson, General Manager  
Horseshoe Hammond, LLC

6/6/2023  
Date

6-1-23  
Date