

ORDER 2006-62

ORDER OF THE INDIANA GAMING COMMISSION
REGARDING SETTLEMENT AGREEMENT
WITH MICHAEL J. MCENELLY

On May 5, 2006, the staff of the Indiana Gaming Commission ("Commission") sent a letter to Mr. Michael J. McEnelly, Occ. Lic. No. CA2768-L2, which offered to settle a possible disciplinary matter before filing a complaint and pursuing disciplinary action. The matter necessitated consideration of disciplinary action due to the fact that Mr. McEnelly was arrested on or about August 28, 2005 for the alleged commission of purchase of more than three (3) grams of ephedrine in a week's time, a misdemeanor offense, and failed to report the arrest to the Commission or Caesars officials until approximately February 1, 2006. By failing to report an arrest in a timely fashion, Mr. McEnelly violated 68 IAC 2-3-9.1.

Mr. McEnelly agreed to a settlement of this matter. The settlement agreement is attached and incorporated by reference.

Having considered the foregoing and the attached settlement agreement, the Commission hereby:

Rejects

APPROVES OR REJECTS

the proposed terms of the settlement agreement.

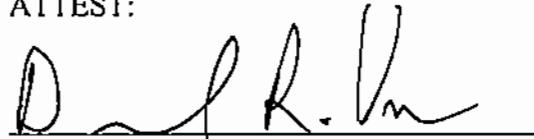
IT IS SO ORDERED THIS THE 14TH DAY OF SEPTEMBER, 2006:

THE INDIANA GAMING COMMISSION:



William W. Barrett, Chair

ATTEST:



Donald R. Vowels, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE LICENSE OF:)
)
) **MATTER NO: 06-OL-CA-01**
MICHAEL J. MCENELLY)
LICENSE NO. CA2768-L2)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”), by and through its Executive Director Ernest E. Yelton, and Michael J. McEnelly (“Licensee”) desire to settle and compromise this matter in lieu of a disciplinary action. In furtherance of this desire, the parties agree to the following findings of fact and settlement:

FINDINGS OF FACT

1. On May 5, 2006, Commission staff mailed a letter to Licensee offering a settlement in lieu of a disciplinary action.
2. IC 4-33-8-8(4) provides that the Commission may suspend, revoke, or restrict an occupational licensee for any just cause.
3. 68 IAC 2-3-10 states in part that: “[i]f the commission determines that an occupational licensee is in violation of this rule or IC 4-33-8, the commission may initiate a disciplinary proceeding to revoke, restrict, or take any other disciplinary action with respect to the occupational license pursuant to 68 IAC 13.”
4. 68 IAC 13-1-18 states that settlement offers may be made at any time prior to the final disposition of an action, including prior to the initiation of proceedings.
5. Pursuant to 68 IAC 2-3-9.1:
 - (b) All occupational licensees must submit, in writing, to the commission agent the following information:
 - (5) That the occupational licensee has been arrested for, indicted of, charged with, convicted of, or plead guilty to any felony or misdemeanor offense.
 - (c) The written document setting forth the above information required by subsection (b) must also set forth the name and occupational license number of the individual.
 - (d) The written document must be submitted within ten (10) calendar days of the change or the occurrence of the event.
6. On or about November 6, 1998, Mr. Michael J. McEnelly submitted a level 2 occupational license application to the Commission to work for Caesars Indiana as a Floor Supervisor. Licensee was issued a temporary level 2 occupational license on or about the same date.

7. On or about May 22, 1999, Licensee was issued a permanent occupational license.
8. On or about February 1, 2006, the Licensee informed Commission agent Kevin Fisher about an arrest that occurred on or about August 28, 2005.
9. Licensee submitted court documentation to the Commission showing that he pled guilty to More than Three (3) Grams of Ephedrine in a Week, a Class C Misdemeanor.
10. Licensee failed to submit to a Commission Agent in writing the information relating to his arrest within ten (10) calendar days of the occurrence of the event, in violation of 68 IAC 2-3-9.1.

SETTLEMENT AGREEMENT

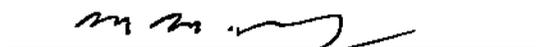
The above described actions of Licensee constitute a violation of Title 68 of the Indiana Administrative Code. The Commission and Licensee agree that a period of suspension of Licensee's occupational license shall be imposed on Licensee in settlement of this action. By agreement, Licensee's occupational license shall be suspended for one (1) working day at a time to be determined by the parties in cooperation with the Human Resources Department of Caesars Indiana. Licensee will not work his regularly scheduled shifts as a Floor Supervisor at Caesars Indiana during this period of suspension. Licensee agrees that no vacation or paid leave time shall be used while serving this suspension.

Licensee agrees to surrender his badge to the Human Resources Department at Caesars Indiana at or before the time his shift would otherwise begin on the day of his suspension and may retrieve his badge after twenty-four (24) hours elapses from the time he turns in his badge, at which time he will be eligible to return to work. Licensee agrees that his failure to comply with this Settlement Agreement will result in further disciplinary action against his occupational license.

Upon execution and approval of this Settlement Agreement, Licensee waives all rights to an administrative hearing under 68 IAC 13 and judicial review. This agreement is subject to the approval of the Commission. Approval by the Commission makes this agreement a final Commission action. This Settlement Agreement shall be binding upon the Commission and Licensee.

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


Ernest E. Yelton, Executive Director
Indiana Gaming Commission


Michael J. McEnelly
Occupational License Number CA2768-L2

Date: Sept 7, 2006

Date: 6-14-06