

**ORDER 2008-149
IN RE SETTLEMENT AGREEMENT
BELTERRA CASINO AND RESORT
08-BT-04**

COMMISSION ACTION

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

Approves
APPROVES or DISAPPROVES

the proposed terms of the Settlement Agreement.

IT IS SO ORDERED THIS THE 13th DAY OF NOVEMBER, 2008.

THE INDIANA GAMING COMMISSION:



William Barrett, Chair

ATTEST:



Thomas Swihart, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
BELTERRA CASINO AND RESORT) **08-BT-04**
)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and Belterra Casino and Resort (“Beltterra”) (collectively, the “Parties”) desire to settle this matter 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 6-2-2(a) states at the time of the eviction, the riverboat licensee shall provide the evicted person with a 2-part form that has been approved by the commission and shall advise the evicted person of, at the minimum, the following information:
 - (1) The reason for the eviction.
 - (2) The earliest date the person may apply for readmission.
 - (3) The criteria that must be satisfied for readmission.
 - (4) The procedure that must be followed in order to apply for readmission.
2. 68 IAC 6-2-2(b) states the evicted person shall sign both parts of the form. Part 1 of the form will be retained by the evicted person. Part 2 of the form will be retained by the riverboat licensee. In the event that an evicted person refuses to sign the form, the form shall be read to the evicted person, signed by a witness, and the refusal shall be noted on both parts of the form.
3. On July 17, 2008, a Gaming Agent was contacted by security and told that the Security Lead was on his way to the Poker Room to evict two patrons suspected of suspicious behavior at a poker table. The Agent went to the Poker Room to meet with the Security Lead and the Poker Supervisor. The Poker Supervisor explained that the Dealer and other patrons at the table were complaining about the two suspects. The two suspects had been seen giving each other hand signals and tapping each other’s feet to signal when to fold or play a certain hand. The two suspects were also bending the cards to help identify them in later hands.
4. The Security Lead approached the two suspects and asked that they leave the table so he could explain why they were being asked to leave the casino for the

day. The men were told why they were being asked to leave and the Security Lead escorted them to the turnstiles. The Agent called security a short time later to request a copy of the eviction report and was told that one was not done. The eviction had been done verbally. The Agent continued to try to identify the patrons and the next day spoke to the Poker Manager and another Poker Supervisor. While talking to them the Agent learned that the men had returned to the casino after midnight and asked if it would be okay to return since it was the "next day" (it was still the same gaming day). A different Security Lead was contacted and the men were allowed to enter the casino since there was no paperwork or notes regarding the eviction. Once the men entered the Poker Room they were recognized and were asked to leave the casino.

COUNT II

5. 68 IAC 14-7-4 (1) states when a roulette table is not open for gaming activity, the roulette wheel shall be secured by: (1) placing a cover over the entire wheel; (2) securely locking the cover to the roulette table.
6. On July 7, 2008, Gaming Agents conducted a table games audit and found a roulette wheel that was left unsecured.
7. On July 26, 2008, a Gaming Agent performing a table games audit found a lock on a roulette table that was unsecured. The wire that runs through the handles on top of the cover was not properly locked with a pad lock.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Belterra by and through its agents as described herein constitute a breach of the Riverboat Gambling Act, Title 68 of the Indiana Administrative Code and Belterra's approved internal control procedures. The Commission and Belterra hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Belterra. This agreement is being entered into to avoid the potential expense and inconvenience of disciplinary action.

Belterra shall pay to the Commission \$6,500 (\$1,500 for Count I and \$5,000 for Count II) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this agreement. This agreement extends only to those violations and findings of fact, specifically alleged herein. If the Commission subsequently discovers facts that give rise to additional or separate violations, which are not described herein, the Commission may pursue disciplinary action for such violations even if the subsequent violations are similar or related to an incident described herein.

Upon execution and approval of this Settlement Agreement, Commission staff shall submit this Agreement to the Commission for review and final action. Upon approval of the Settlement Agreement by the Commission, Belterra agrees to promptly remit payment in the amount of \$6,500 and shall waive all rights to further administrative or judicial review.

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

This Settlement Agreement shall be binding upon the Commission and Belterra.

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



Ernest E. Yelton, Executive Director
Indiana Gaming Commission

11.13.08
Date



Kevin Kaufman, General Manager
Beltterra Casino and Resort

10-31-08
Date