

**ORDER 2014-180  
IN RE SETTLEMENT AGREEMENT**

**THE MAJESTIC STAR CASINO, LLC AND  
THE MAJESTIC STAR CASINO II, LLC  
14-MS-02**

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

**APPROVED**

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APPROVES OR DISAPPROVES

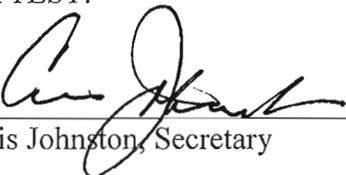
the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS 18th DAY OF SEPTEMBER, 2014.**

**THE INDIANA GAMING COMMISSION:**

  
\_\_\_\_\_  
Matt Bell, Chair

ATTEST:

  
\_\_\_\_\_  
Cris Johnston, Secretary

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

<b>IN RE THE MATTER OF:</b>	)	
	)	<b>SETTLEMENT</b>
<b>THE MAJESTIC STAR CASINO, LLC</b>	)	<b>14-MS-02</b>
	)	

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and The Majestic Star Casino, LLC and The Majestic Star Casino II, Inc. (together referred to herein as “Majestic Star”) (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. Pursuant to IC 4-33-9-12 and 68 IAC 1-11-1(c), a person who is less than twenty-one (21) years of age may not be present in the area of a riverboat where gambling games are conducted.
2. On June 30, 2014 a Gaming Agent at Majestic Star was contacted by a Gaming Agent from Ameristar Casino regarding an underage person who had attempted to enter the Ameristar Casino but was stopped at the turnstiles for identification. When the underage person was questioned by the Ameristar Gaming Agent, the minor stated that he had just left Majestic Star and had been on the casino floor for approximately two hours. The Majestic Star Gaming Agent reviewed surveillance coverage and found that the underage person had presented his identification to a Security Officer. Even though the identification showed that he was underage the Security Officer allowed the minor to enter the casino.

**COUNT II**

3. 68 IAC 12-1-5(b) states the surveillance system shall provide coverage of each of the following areas as specified in this rule:
  - (1) Areas of the main bank, including the following:
    - (A) A general overview of the entire area of each cage and vault area with sufficient clarity to identify patrons and employees.
    - (B) Dedicated coverage with sufficient clarity to identify the following:
      - (i) Currency.

4. 68 IAC 12-1-5(g)(1) states the surveillance system must include cameras dedicated to monitoring areas where cash is transported or stored.
5. On March 27, 2014 a Gaming Agent was advised by a Surveillance Shift Manager that the lights in the EBC room, which is part of the Cage Department, were turned off by a Dual Rate Supervisor. The lights were off for approximately an hour.
6. On May 11, 2014 a Gaming Agent was notified by a Surveillance Officer that the lights in the EBC room were turned off by a Cage Cashier. The lights were off for approximately five and a half hours.
7. The EBC room is used by the Cage Department to store US currency and approximately \$50,000 is stored in the room. Constant surveillance coverage is required and when the lights are turned off it prevents coverage of the room.

### **COUNT III**

8. 68 IAC 2-3-9.2 (b) states riverboat licensees must advise the enforcement agent, on a form prescribed or approved by the commission, when one (1) of the following events occurs with an occupational licensee:
  - (1) The occupational licensee's employment with the riverboat licensee is terminated for any reason.The forms must be submitted to the enforcement agent within fifteen (15) days of the occurrence of the change or action.
9. On May 22, 2014 a Gaming Agent, along with the Gaming Supervisor, received a Separation from Service or Suspension form from a Human Resources Specialist. The employee had been terminated on November 11, 2013.

### **TERMS AND CONDITIONS**

Commission staff alleges that the acts or omissions of Majestic Star by and through its agents as described herein constitute a breach of IC 4-33, 68 IAC and/or Majestic Star's approved internal control procedures. The Commission and Majestic Star hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Majestic Star. This agreement is being entered into to avoid the potential expense and inconvenience of disciplinary action.

Majestic Star shall pay to the Commission a total of \$10,000 (\$3,000 for Count I; \$5,000 for Count II; and \$2,000 for Count III) 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, Majestic Star agrees to promptly remit payment in the amount of \$10,000 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 Majestic Star.

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

9-15-14

Date



Craig I. Ghelfi, General Manager  
The Majestic Star Casino, LLC  
The Majestic Star Casino II, Inc.

8-19-14

Date