

ORDER 2016-077
AN ORDER OF THE INDIANA GAMING COMMISSION
IN RE SETTLEMENT AGREEMENT
AZTAR INDIANA GAMING CO., LLC dba TROPICANA EVANSVILLE
16-AZ-01

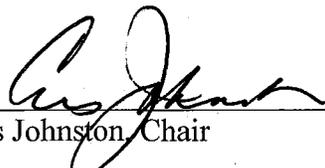
After having reviewed the attached Settlement Agreement, the Indiana Gaming Commission hereby:

APPROVES

the proposed terms of the Settlement Agreement.

IT IS SO ORDERED THIS 24th DAY OF FEBRUARY, 2016.

THE INDIANA GAMING COMMISSION:



Cris Johnston, Chair

ATTEST:



Joseph Svetanoff, Secretary

FEB 15 2016

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**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
 AZTAR INDIANA GAMING CO., LLC) **16-AZ-01**
)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Sara Gonso Tait and Aztar Indiana Gaming Co., LLC (“Tropicana Evansville”), (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 2-6-38(c) states when more than one (1) progressive electronic gaming device is linked to the progressive controller, the progressive controller shall automatically reset to the reset amount and continue normal play. During this time, the progressive meter or another attached approved device must display the following information:
 - (1) The identity of the electronic gaming device that caused the progressive meter to activate.
 - (2) The winning progressive amount.
 - (3) The new normal mode amount that is current on the link.

2. 68 IAC 2-6-34(a) states the casino licensee must maintain a record of the amount shown on a progressive jackpot meter.
 - (b) Supporting documents must be maintained to explain a reduction in the payoff amount from a previous entry.
 - (c) The records and documents must be retained for a period of five (5) years unless otherwise provided by the executive director in writing.

3. On October 17, 2015, a Gaming Agent was notified by a Slot Service Shift Manager that a progressive reset amount on a slot machine was incorrect and the top progressive award was hit and cashed out on a TITO ticket instead of a handpay. The Manager explained that the error was discovered during the jackpot reconciliation after a shortage of \$1,039 appeared on the balance sheet. A search of the jackpot history on each of the machines linked to the progressive found that on October 16, 2015 the top progressive award of \$1039 was hit at machine #3172/3C103 and was paid to the credit meter. The patron at the machine cashed out the ticket. A Slot Technician checked the options on the machine and found the reset value was configured incorrectly. The reset value was changed to the

proper reset value. Further investigation found that the machine had hit the top progressive jackpot amount on two prior occasions with one prompting a hand pay of \$1184 on September 9, 2015 and the other going to the credit meter on September 19, 2015 with the jackpot amount unknown.

COUNT II

4. 68 IAC 14-3-5(a) requires all dice or playing cards that are not being utilized at a live gaming device shall be kept in locked compartments.
5. On October 24, 2015 a Gaming Agent was contacted by a Surveillance Officer about a package of playing cards left unsecured on a podium in pit B Minor. The bag of cards had been left on the podium by the Table Games Assistant Shift Manager. The cards were left unsecured for approximately two hours until discovered by the same Table Games Assistant Shift Manager.

COUNT III

6. 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 is being conducted.
7. On November 22, 2015 a Gaming Agent was contacted by a Surveillance Lead regarding an underage person attempting to use a drink voucher at Hoosiers Bar. The bar is located outside of the casino and in the pavilion. The underage person was asked for identification and was refused service due to being only nineteen years of age. Since drink vouchers are given out to Club 55 members, the Gaming Agent investigated further and found that the underage person had been allowed on the casino floor without being asked for identification and one of her friends had given her the drink voucher.

COUNT IV

8. 68 IAC 2-6-6(c)(5)(B) states if a casino licensee converts an electronic gaming device, the casino licensee must perform a coin test to ensure that the electronic gaming device is communicating with the central computer system. If the electronic gaming device is not communicating with the central computer system, the electronic gaming device must be disabled.
9. On January 18, 2016, a Gaming Agent was advised by a Slot Technician that a slot machine may have been placed in service without the Commission's authorization. The Slot Technician explained that the slot machine had been coin tested on January 17, 2016 by him and another Gaming Agent. The machine failed the coin test and the Gaming Agent informed him and another Slot Technician that the machine could not be placed into service until the issue was resolved and another coin test was conducted and passed.

The machine was placed out of service by the Technician and the Technician relayed the Gaming Agent's instructions to the next shift. The Technician told the Agent when he arrived for his shift this morning he noticed that the machine was in service and wondered if it had been approved by another Gaming Agent. The Agent reviewed surveillance coverage and verified what the Technician had told him. The Agent continued the review and found that approximately nine hours after the machine was placed out of service, a Slot Attendant placed the machine into service. A patron played the machine and approximately four hours later the machine was placed out of service.

TERMS AND CONDITIONS

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

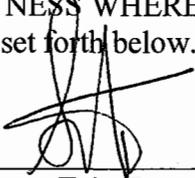
Tropicana Evansville shall pay to the commission a total of \$6,000 (\$1,500 for Count I; \$1,500 for Count II; \$1,500 for Count III; and \$1,500 for Count IV) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this agreement. 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, Tropicana Evansville agrees to promptly remit payment in the amount of \$6,000 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 Tropicana
Evansville.

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



Sara Gonso Tait, Executive Director
Indiana Gaming Commission

2/22/16
Date



John J. Chaszar, General Manager
Tropicana Evansville

2/11/16
Date