

**ORDER 2016-209
IN RE SETTLEMENT AGREEMENT
AZTAR INDIANA GAMING CO., LLC
16-AZ-02**

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

APPROVED

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

IT IS SO ORDERED THIS THE 8th DAY OF SEPTEMBER, 2016.

THE INDIANA GAMING COMMISSION:



Cris Johnston, Chair

ATTEST:



Joseph Svetanoff, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
AZTAR INDIANA GAMING CO., LLC) **16-AZ-02**
)

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. 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.
2. On May 5, 2016, a Gaming Agent was notified by a Security Shift Supervisor that an underage person was on the casino floor. The Agent review surveillance video and found that the underage person had stopped at the turnstiles, but the two Security Officers were talking to other patrons and did not notice the underage person. The underage person walked through the turnstile and onto the casino floor.
3. On July 2, 2016, a Gaming Agent was notified by a Security Shift Supervisor that an underage person was attempting to enter the casino. The underage person told the Security Shift Supervisor that he had been on the casino floor early that day. The surveillance video review confirmed that the underage person was allowed to enter the casino earlier in the day. The underage person had stopped at the turnstile, the Security Officer checked the identification and allowed the underage person to enter the casino.

COUNT II

4. 68 IAC 1-5-1(10) states a casino or supplier licensee shall provide a written notice to the executive director as soon as the casino or supplier licensee becomes aware of apparent criminal activity taking place at the casino. A casino licensee shall submit the notice required under this subdivision to a gaming agent in addition to submitting it to the executive director.

5. On July 24, 2016, at approximately 1611 hours, a Gaming Agent was notified by a Security Supervisor that at approximately 1539 hours while security was monitoring the Vanderburgh County Central Dispatch ("VCCD") scanner, security intercepted an "Emergency 911 Shots Fired" call originating from the Tropicana Evansville pavilion. VCCD requested any available units to respond to Tropicana Evansville for a report of an active shooter whereby the caller claimed he had been shot in the leg. The Security Supervisor told the Agent that he and three other Security Officers ran from the hotel Security Dispatch Office, across Riverside Drive and entered the pavilion to investigate. When they did not locate a victim or shooter in the pavilion they left the building and noted a man sitting alone on a bench near Pavilion Drive. They approached the man and identified him. At approximately 1540 hours an Evansville Police Officer arrived in the area and approached the group with his sidearm drawn. After a brief conversation with the man, the Police Officer determined that it was a false call and holstered his weapon. The Agent asked the Security Supervisor why it took over thirty minutes to contact the Gaming Agents. The Supervisor told the Agent that by the time Security Dispatch notified Surveillance and the Security Officers at the turnstiles, the situation had been deemed a false alarm.

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 \$8,500 (\$6,000 for Count I and \$2,500 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.

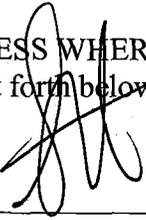
Upon execution and approval of this Settlement Agreement, Commission staff shall submit this Agreement to the Commission for review and final action. Upon approval of the Settlement Agreement by the Commission, Tropicana Evansville agrees to promptly remit payment in the amount of \$8,500 and shall waive 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 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

8/21/16

Date



John J. Chaszar, General Manager
Tropicana Evansville

8/22/16

Date