

**ORDER 2008-64
IN RE SETTLEMENT AGREEMENT
BELTERRA CASINO AND RESORT
08-BT-02**

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


Approves

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

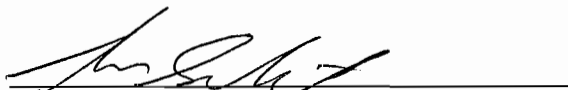
IT IS SO ORDERED THIS THE 28th DAY OF MAY, 2008.

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-02**
)

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

1. 68 IAC 11-7-3 (a) requires the riverboat licensee shall maintain a sensitive keys log on a form approved by the commission. The sensitive keys log shall include, but not limited to, the following: (1) The date, (2) The time the key is signed in and out, (3) The key name, (4) The printed name, signature and occupational license number of the occupational licensee obtaining and returning the key.
2. On November 19, 2007, a Gaming Agent was contacted by the Security Department in reference to sensitive keys that were overdue. A Slot Floorperson checked out her keys prior to beginning her shift. The KeyWatcher system went into alarm state when the keys became overdue. The alarm sounded for 1 hour and 45 minutes before it was reported to a Security Supervisor. The key was located in the Slot Floorperson’s locker and returned to the KeyWatcher system within twelve minutes.
3. On December 17, 2007, a Gaming Agent was contacted by the Director of Security in regard to the KeyWatcher system encountering a problem which resulted in a loss of data from 7:12 am on 12-5-07 to 1:56 on 12-7-07.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Beltterra by and through its agents as described herein constitute a breach of the Riverboat Gambling Act, Title 68 of the Indiana Administrative Code and Beltterra’s approved internal control procedures. The Commission and Beltterra 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.

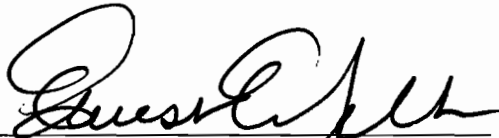
Belterra shall pay to the Commission \$7,000 in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this agreement. This agreement extends only to those violations and findings of fact, specifically alleged herein. If the Commission 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 \$7,000 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 Belterra.

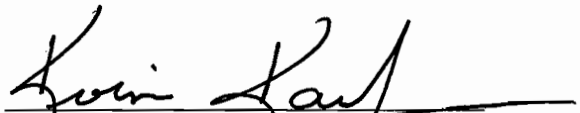
IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the date and year as set forth below.



Ernest E. Yelton, Executive Director
Indiana Gaming Commission

5.27.08

Date



Kevin Kaufman, General Manager
Belterra Casino and Resort

5.16.08

Date