

**ORDER 2010-165  
IN RE SETTLEMENT AGREEMENT  
BELTERRA CASINO AND RESORT  
10-BT-03**

After reviewing the attached Settlement Agreement, the Indiana Gaming Commission:

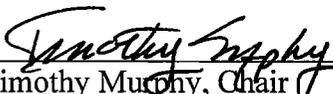
Approves

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 16<sup>th</sup> DAY OF SEPTEMBER, 2010.**

**THE INDIANA GAMING COMMISSION:**

  
\_\_\_\_\_  
Timothy Murphy, Chair

ATTEST:

  
\_\_\_\_\_  
Marc Fine, Secretary

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

<b>IN RE THE MATTER OF:</b>	)	
	)	<b>SETTLEMENT</b>
<b>BELTERRA CASINO AND RESORT</b>	)	<b>10-BT-03</b>
	)	

**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 2-6-6(c)(7) states that the riverboat licensee shall 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.
2. On December 26, 2009, a Gaming Agent was working with a Slot Technician and a Security Officer on coin testing slot machines. Upon arriving at the slot machine to be tested, a patron was gambling at the machine even though the electronic card displayed showed the machine “Out of Order”. The patron was asked to cash out the credits so the machine could be tested. The machine was not properly disabled.
3. On January 15, 2010, a Gaming Agent was performing coin tests with a Slot Technician. When they arrived at the machine to be tested, a patron was gambling at the machine. The patron cashed out so that the machine could be tested. The machine was not properly disabled.
4. On February 4, 2010, a Gaming Agent was informed by a Belterra employee that a bank of machines had been put into play before being coin tested. When the Gaming Agents arrived at the machines to coin test them, patrons were playing on them. The incident was brought to the attention of the Agents after the seven day tape limit, so surveillance coverage was not available.

## COUNT II

5. 68 IAC 11-3-3(b)(3)(C) states the soft count room shall have a count table constructed of clear glass-like material that is used for the emptying, counting, and recording of the contents of the drop boxes and bill validators.
6. On February 25, 2010, a Gaming Agent inspected the soft count room and found that the tops of the count tables were not transparent. As of June 24, 2010, the tables had not been replaced.

## 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/or 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 a total of \$4,000 (\$2,500 for Count I; and \$1,500 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, Belterra agrees to promptly remit payment in the amount of \$4,000 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.

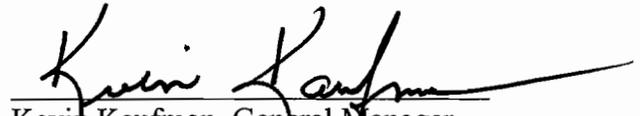
IN WITNESS WHEREOF, the parties have signed this Settlement Agreement on the date and year as set forth below.



Ernest E. Yelton, Executive Director  
Indiana Gaming Commission

9.13.10

Date



Kevin Kaufman, General Manager  
Belterra Casino and Resort

9-1-10

Date