

**ORDER 2011-253**  
**IN RE SETTLEMENT AGREEMENT**  
**INDIANAPOLIS DOWNS, LLC**  
**11-IL-03**

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 10th DAY OF NOVEMBER, 2011.**

**THE INDIANA GAMING COMMISSION:**

Timothy Murphy  
Timothy Murphy, Chair

ATTEST:

Mary A Shy  
Mary Shy, Secretary

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

**IN RE THE MATTER OF:** )  
 ) **SETTLEMENT**  
**INDIANAPOLIS DOWNS, LLC** ) **11-IL-03**  
 )

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and Indianapolis Downs, LLC (“Indiana Live”), (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 4-35-7-2(a) 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 racetrack where gambling is being conducted.
2. On August 10, 2011, a Gaming Agent was contacted by Security regarding an underage person on the casino floor. A surveillance review showed the underage person’s identification was checked and she was allowed to enter the casino.
3. On August 27, 2011, a Gaming Agent was notified by security dispatch that an infant had been allowed on the casino floor. Surveillance review showed the infant was pushed in a large stroller by her mother and father. The Security Officer stationed at the garage entrance asked the mother for identification and then allowed all three to enter the casino.

**COUNT II**

4. 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.
  - (2) The forms must be submitted to the enforcement agent within fifteen (15) days of the occurrence of the change or action.
5. On September 5, 2011 a Gaming Agent received paperwork regarding an employee who was terminated on May 16, 2011.

### **COUNT III**

6. 68 IAC 15-6-1(c)(4) states "Patron" means an individual who:
  - (A) boards the riverboat to participate in a gambling excursion; and
  - (B) is not entitled to receive a tax-free pass.
  
7. 68 IAC 15-6-2 (a)(3) states whether or not a riverboat licensee or operating agent chooses to observe flexible scheduling:
  - (A) all patrons boarding or exiting the riverboat shall pass through an approved patron counting system; and
  - (B) the riverboat licensee or operating agent is responsible for ensuring that the approved patron counting system keeps an accurate count of the patrons who enter and exit the riverboat.
  
8. 68 IAC 11-1-6(b) states failure to comply with approved internal control procedures may result in the initiation of a disciplinary action. Indiana Live Internal Control 8-7 states all visitors entering the Casino and other restricted areas will be required to wear a visitor badge. The visitor must display the visitor badge so that it is visible at all times.
  
9. On September 16, 2011 a Gaming Agent was informed by Security that a patron had entered through the employee entrance and was not stopped before reaching the doors to enter the casino. The patron walked past the Security Officer stationed at the employee entrance and several other casino employees before being stopped.

### **TERMS AND CONDITIONS**

Commission staff alleges that the acts or omissions of Indiana Live by and through its agents as described herein constitute a breach of IC 4-35, 68 IAC or Indiana Live's approved internal control procedures. The Commission and Indiana Live hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Indiana Live. This agreement is being entered into to avoid the potential expense and inconvenience of disciplinary action.

Indiana Live shall pay to the Commission a total of \$14,000 (\$10,500 for Count I; \$2,000 for Count II and \$1,500 for Count III) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this agreement. Neither this agreement nor any action performed pursuant to it will constitute an admission of any violation by Indiana Live. This agreement extends only to known incidents specifically alleged in this agreement and wholly based on the facts described herein. If the Commission subsequently discovers additional facts, which are not described in this agreement, that may

support an independent determination that a violation has occurred, the Commission may pursue disciplinary action for such violations even if the facts are 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, Indiana Live agrees to promptly remit payment in the amount of \$14,000 and shall waive all rights to further administrative or judicial review.

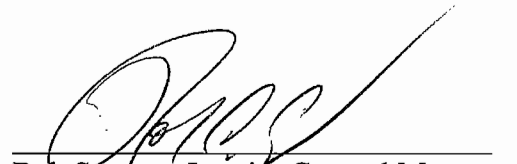
This Settlement Agreement constitutes the entire agreement between the parties. No prior or subsequent understandings, agreements, or representations, oral or written, not specified or referenced within this document will be valid provisions of this Settlement Agreement. This Settlement Agreement may 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 Indiana Live.

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

11.9.14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Bob Stewart, Interim General Manager  
Indiana Live

11/2/14  
\_\_\_\_\_  
Date