

ORDER 2015-63
AN ORDER OF THE INDIANA GAMING COMMISSION
IN RE SETTLEMENT AGREEMENT
CENTAUR ACQUISITION, LLC d/b/a INDIANA GRAND RACING & CASINO
15-IG-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 19th DAY OF MARCH, 2015.

THE INDIANA GAMING COMMISSION:



Cris Johnston, Chair

ATTEST:



Joseph Svetanoff, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
CENTAUR ACQUISITION, LLC) **15-IG-01**
)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and Centaur Acquisition, LLC (“Indiana Grand”), (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 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 games are conducted.
2. On November 6, 2014, a Gaming Agent was notified by a Security Shift Supervisor of a possible underage person on the casino floor. A surveillance review showed that a Security Officer had examined the ID of the underage person before allowing him onto the casino floor.

COUNT II

3. 68 IAC 15-6-4(a) states the casino licensee's security department shall maintain a vendor and visitor log on forms prescribed or approved by the commission.
 - (b) Vendors and visitors must report to security to complete the vendor and visitor log and to obtain a badge. When the vendor or visitor leaves the casino, the vendor or visitor must complete the appropriate portion of the log.
 - (c) Vendors and visitors in the casino may not participate in a gambling game.
 - (d) Vendors and visitors in the casino must wear, in a conspicuous location, a badge issued by the security department.
 - (e) The vendor and visitor log shall contain the following information:
 - (1) The name of the vendor or visitor.
 - (2) The company or organization the vendor or visitor represents.
 - (3) The date and time the vendor or visitor entered the casino.
 - (4) The purpose that necessitates the vendor or visitor entering the casino.
 - (5) The date and time that the vendor or visitor exits the casino. The casino licensee is responsible for instituting a policy that ensures that vendor and visitor badges are

returned to the security department and accounted for when the vendor or visitor exits the casino.

(6) If the person is a visitor, the individual who authorized the visitor's presence in the casino.

4. 68 IAC 11-1-6(b) states failure to comply with approved internal control procedures may result in the initiation of a disciplinary action. According to Indiana Grand Internal Control 8-7: Temporary and Other Badges, Page 3, 1 and 2, all visitors entering the Casino and other restricted areas will be required to wear a visitor badge. All visitors entering the casino will be required to be escorted by a representative from the casino.
5. On October 3, 2014, a Gaming Agent was outside the Commission office and noticed that the Hoosier Park Quality Assurance Manager ("HPQAM") was walking from the back of the house entrance with the VP/Assistant General Manager. The Agent checked the Executive Visitor Badge Log ("Log") and it showed that the HPQAM had signed the log. On October 4, 2014, the Agent saw the HPQAM on the second floor wearing his visitor's badge. On October 5, 2014, the Agent reviewed the Log and found there was no entry for the HPQAM for October 4th or 5th. The Agent also reviewed the activities of the HPQAM and found that he had been on the gaming floor without an escort as required in the Indiana Grand internal controls. The Agent also reviewed the most current page of the Log and found several errors. The errors consisted of missing dates, times, employee names, badge number issued and no return information recorded. On September 24, 2014, badge number 2 was issued and there was no entry log of it being returned; however, on October 5, 2014, the Agent noticed that the badge was present.

TERMS AND CONDITIONS

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

Indiana Grand shall pay to the Commission a total of \$4,500 (\$3,000 for Count I and \$1,500 for Count II) and a corrective action plan outlining how the casino will maintain the security of the VEP list, including the casino employees who will receive the list, 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 Grand. 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 Grand agrees to promptly remit payment in the amount of \$4,500, submit a corrective action plan outlining how the casino will maintain the security of the VEP list, including the casino employees who will receive the list 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 Grand.

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

3.9.15

Date



Jim Brown, COO and General Manager
Indiana Grand

2/19/15

Date