

**ORDER 2018-152**

**IN RE SETTLEMENT AGREEMENT**

**AMERISTAR CASINO EAST CHICAGO, LLC  
18-AS-03**

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

**APPROVED**

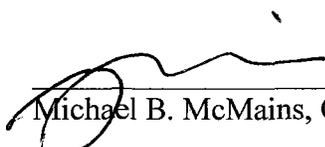
---

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 13<sup>th</sup> DAY OF SEPTEMBER, 2018.**

**THE INDIANA GAMING COMMISSION:**

  
\_\_\_\_\_  
Michael B. McMains, Chair

ATTEST:

  
\_\_\_\_\_  
Marc Fine, Vice Chair

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

<b>IN RE THE MATTER OF:</b>	)	
	)	<b>SETTLEMENT</b>
<b>AMERISTAR CASINO EAST</b>	)	<b>18-AS-03</b>
<b>CHICAGO, LLC</b>	)	

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Sara Gonso Tait and Ameristar Casino East Chicago, LLC (“Ameristar”), (collectively, the “Parties”) desire to enter into this settlement agreement (“Agreement”) 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 2-3-9.2(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. The form must be submitted to the enforcement agent within fifteen (15) days of the occurrence of the change or action.
2. On April 1, 2018, a Gaming Agent was reviewing annual renewals for occupational licensees when it was discovered that a Beverage Server had not renewed her license. An HR representative confirmed that the Beverage Server had been terminated. After repeated requests by the Gaming Agent, the termination form was submitted on May 2, 2018. The Beverage Server’s employment was terminated on July 27, 2015.

**COUNT II**

3. 68 IAC 1-5-1 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 the following:
  - (1) A violation or apparent violation of a rule of the commission by any of the following:
    - (A) The casino or supplier licensee.
    - (10) 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.
4. On April 28, 2018, a Surveillance Observer notified a Gaming Agent that a jackpot switch had taken place approximately one and a half hours earlier. The subjects involved were no longer on property. No notifications were made to Gaming Agents at the time of

the incident. Therefore, Gaming Agents could not determine the reason for the attempted switch.

5. On May 10, 2018, the Assistant Gaming Enforcement Supervisor notified a Gaming Agent that a jackpot switch had been attempted on April 22, 2018. The Slot Floor Manager discovered a couple attempting to switch jackpots and called surveillance. Surveillance was able to determine the correct winner of the jackpot and ensure the correct person claimed the jackpot. The Slot Floor Manager and Surveillance Officer did not report the attempted jackpot switch to the Gaming Agents at the time of the incident.

### **COUNT III**

6. 68 IAC 11-1-3(c)(4) states that no casino licensee or casino license applicant may use an internal control procedure unless the internal control procedure has been approved, in writing, by the executive director.
6. 68 IAC 13-1-1(b)(2) & (3) states the Commission may initiate an investigation or a disciplinary action, or both, against a licensee if the Commission has reason to believe the licensee is not complying with licensure conditions or is not complying with this Act or this title.
7. 68 IAC 11-3-2(c)(2)(A) states the internal control procedures for the currency collection and soft count process must include the following: the manner in which the currency collection process will proceed, including the location from which the currency collection will commence.
8. Ameristar's approved internal control procedures, Section F-6.1, describe the procedures for currency collection.
9. On June 30, 2016, the Commission's Executive Director issued a directive allowing drop route change requests to be approved by the on-site Gaming Enforcement Supervisor but such changes need to be conveyed in writing with an attached map/schematic. A copy of the approval and/or denial should also be forwarded to the Director of Audit.
10. On May 4, 2018, a Gaming Agent was tasked with performing a review of the bill validator drop on May 1, 2018 for a potential drop route violation. A review of surveillance coverage determined that two (2) count team members initiated the drop route from an incorrect location and deviated from the approved drop route.
11. On June 9, 2018, a Gaming Agent was observing the bill validator drop and observed a count team member remove a "hot" bill validator box from an electronic gaming device without a security officer present.
12. On June 18, 2018, a Gaming Agent was tasked with performing a review of the bill validator drops for June 14, 2018 and June 16, 2018. A review of surveillance coverage

confirmed on both dates two (2) count team members deviated from the approved drop route.

#### **COUNT IV**

13. 68 IAC 14-3-2(a) states all playing cards utilized by a riverboat licensee or a riverboat license applicant must comply with this rule.
  - (b) All playing cards must meet the following specifications:
    - (1) Unless otherwise provided in this article, all decks of cards must be one (1) complete standard deck of fifty-two (52) cards in four (4) suits. The four (4) suits shall be hearts, diamonds, clubs, and spades. Each suit shall consist of numerical cards from:
      - (A) two (2) to ten (10);
      - (B) a jack;
      - (C) a queen;
      - (D) a king; and
      - (E) an ace.
14. On June 11, 2018, an Assistant Casino Manager notified Gaming Agents of two (2) missing playing cards. A review of surveillance coverage determined that while a dealer was dealing a blue deck of playing cards she dropped two (2) of the playing cards. These cards should have been placed in the discard rack. The playing cards fell between the table and the token box. The blue playing cards were placed in the shuffle machine while the dealer began dealing the orange deck of playing cards. The shuffle machine illuminated with a red light, which indicated an error had occurred in counting the cards in the shuffle machine. Despite the red light, the dealer was able to retrieve the blue deck of playing cards from the shuffle machine and inserted the orange deck of playing cards into the shuffle machine. The deck of blue playing cards was put into play missing two (2) cards and the entire shoe was played.

#### **TERMS AND CONDITIONS**

Commission staff alleges that the acts or omissions of Ameristar by and through its Agents as described herein constitute a breach of IC 4-33, 68 IAC and/or Ameristar's approved internal control procedures. The Commission and Ameristar hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Ameristar.

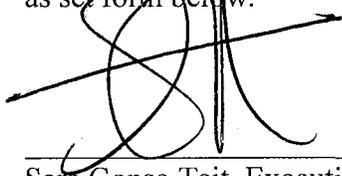
Ameristar shall pay to the Commission a total of \$5,500 (\$1,000 for Count I, \$1,500 for Count II, \$1,500 for Count III and \$1,500 for Count IV) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this Agreement. This Agreement extends only to those violations and findings of fact specifically alleged in the findings above. If the Commission subsequently discovers facts that give rise to additional or separate violations, the Commission may pursue disciplinary action for such violations even if the subsequent violations are similar or related to an incident described in the findings above.

Upon execution and approval of this Agreement, Commission staff shall submit this Agreement to the Commission for review and final action. Upon approval of the Agreement by the Commission, Ameristar agrees to promptly remit payment in the amount of \$5,500 and shall waive all rights to further administrative or judicial review.

This 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 Agreement. This Agreement may not be modified, supplemented, or amended, in any manner, except by written agreement signed by all Parties.

This Agreement shall be binding upon the Commission and Ameristar.

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



\_\_\_\_\_  
Sara Gonso Tait, Executive Director  
Indiana Gaming Commission

9-11-18

\_\_\_\_\_  
Date



\_\_\_\_\_  
Matthew Schuffert, VP/GM  
Ameristar Casino East Chicago, LLC

9/6/18

\_\_\_\_\_  
Date