

ORDER 2019-164

IN RE SETTLEMENT AGREEMENT

**FRENCH LICK RESORT • CASINO
19-FL-03**

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

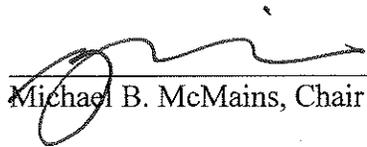
APPROVED

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

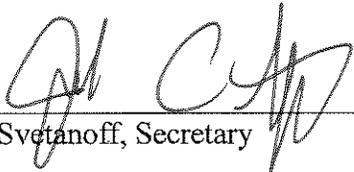
IT IS SO ORDERED THIS THE 28th DAY OF AUGUST, 2019.

THE INDIANA GAMING COMMISSION:



Michael B. McMains, Chair

ATTEST:



Joseph Svetanoff, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

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| IN RE THE MATTER OF: |) | |
| |) | SETTLEMENT |
| FRENCH LICK RESORT•CASINO |) | 19-FL-03 |
| |) | |

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Sara Gonso Tait and French Lick Resort•Casino (“French Lick”) (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 15-6-4(b) states 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.
2. 68 IAC 15-6-4(e) states the vendor and visitor log shall contain the following information: (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.
3. On January 24, 2019, the Commission issued a memorandum to all casino licensees on occupational licenses which states vendor and visitor badges are not to be utilized by those who hold or should hold an occupational license. If individuals referenced above attempt to access the gaming floor using a vendor or visitor badge, casino staff should assist in the matter by refusing entry and directing the individuals to local Gaming Agents for assistance.
4. A Gaming Agent performed an inspection of the vendor/visitor log for April 2019. On April 6, 2019, a Security Officer failed to properly complete the log by failing to note when the vendor exited the casino.
5. A Gaming Agent performed an inspection of the vendor/visitor log for May 2019 and identified the following:
6. On May 20, 2019, an NRT Tech obtained a vendor’s badge to obtain access to the casino floor and completed work on the casino floor without an occupational license.

7. On May 23, 2019, an NRT Tech obtained a vendor's badge to obtain access to the casino floor and completed work on the casino floor without an occupational license.
8. On June 5, 2019, the NRT Tech received an occupational license.

COUNT II

9. 68 IAC 11-4-4(a) states at any time when a live gaming device is closed, chips remaining at the live gaming device shall be counted by the appropriate level of occupational licensee assigned to the live gaming device and verified by the pit boss or the equivalent.
 - (b) A live gaming device inventory slip shall be prepared.
 - (c) The occupational licensee and the pit boss or the equivalent who observed the count of the contents of the tray shall sign the inventory slip at the time of closing the live gaming device attesting to the accuracy of the information recorded.
10. On May 9, 2019, a Gaming Agent was performing a routine pit inspection when it was determined that the closing table inventory slip (TIS) was not correct on a blackjack table. The TIS was off by \$25 in green \$25 chips.
11. On May 9, 2019, a Gaming Agent was performing a routine pit inspection when it was determined that the closing table inventory slip (TIS) was not correct on another blackjack table. The TIS was off by \$5 in red \$5 chips.
12. On July 14, 2019, a Gaming Agent was investigating a credit at a table game when it was determined that the closing table inventory slip (TIS) was not correct on a blackjack table. The TIS was off by \$35.
13. On July 23, 2019, a Gaming Agent was performing a routine pit inspection when it was determined that the closing table inventory slip (TIS) was not correct on a roulette table. The TIS was off by \$2,000 in black \$100 chips.
14. 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.
15. 68 IAC 13-1-1(b)(2) and (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.
16. French Lick's approved internal control procedures, K-19, describe the procedures for emergency table game drops.
17. On June 7, 2019, while investigating an emergency drop box on a table game, a Gaming Agent observed on surveillance coverage that an emergency drop was conducted without notification to the Gaming Agents.

18. French Lick's approved internal control procedures, K-16, describe the procedures for card, dice and layout control.
19. On June 20, 2019, a Gaming Agent was notified by Security that five (5) decks of playing cards in the card and dice cancellation room had incorrect or omitted dates on them.
20. On July 5, 2019, a Gaming Agent was notified by Security that six (6) decks of playing cards in the card and dice cancellation room had incorrect or omitted dates on them.

COUNT III

21. 68 IAC 15-9-3(a) states the casino licensee or operating agent must establish policies and procedures in connection with the removal, collection, and counting of the tip box contents for subsequent distribution to gaming occupational licensees. These policies and procedures must include, at a minimum, the following:
 - (1) Tip boxes must be dropped and counted at the end of each day. Surveillance must be notified before the emptying of any tip boxes.
 - (2) The tip count team must perform the drop and count once per day in the presence of a security officer.
22. French Lick's approved internal control procedures, M-18, describe the removal, collection and counting of tip boxes.
23. On June 21, 2019, surveillance notified Gaming Agents that a Slot Rep failed to notify surveillance before emptying the slot rep token box.

TERMS AND CONDITIONS

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

French Lick shall pay to the Commission a total of \$7,500 (\$3,000 for Count I, \$3,500 for Count II and \$1,000 for Count III) 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.

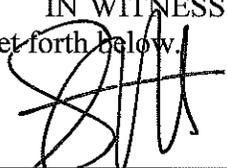
Upon execution and approval of this Agreement, Commission staff shall submit this Agreement to the Commission for review and final action. Upon approval of the Agreement by

the Commission, French Lick agrees to promptly remit payment in the amount of \$7,500 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 French Lick.

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
8/20/19

Date



Chris Leininger, General Manager
French Lick Resort • Casino
8/20/19

Date