

ORDER 2019-171

IN RE SETTLEMENT AGREEMENT

**GAMING ENTERTAINMENT (INDIANA), LLC d/b/a RISING STAR CASINO
RESORT
19-RR-03**

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

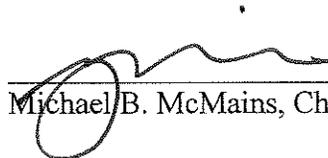
APPROVED

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**

IN RE THE MATTER OF:)
)
) **SETTLEMENT**
GAMING ENTERTAINMENT (INDIANA),) 19-RR-03
LLC d/b/a RISING STAR CASINO RESORT)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Sara Gonso Tait and Gaming Entertainment (Indiana), LLC d/b/a Rising Star Casino Resort (“Rising Star”) (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. The Commission’s 24-hour Gaming Operations Plan describes the required procedures for the bill validator drop process.
2. 68 IAC 11-1-3(c)(4) provides 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.
3. 68 IAC 13-1-1(b)(2) and (3) provides that 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.
3. Rising Star’s Internal Control Procedures, Section 2-6, describes the bill validator drop process.
4. On March 27, 2018, a policy memo was issued by the Commission clarifying that the bill validator (BV) drop should be conducted consecutively without delay or interruption.
5. On April 3, 2019, security notified a Gaming Agent that the bill validator drop was cancelled due to insufficient security staffing.

COUNT II

6. 68 IAC 16-1-7 states procedures shall be established for the computerized and manual issuance of markers, including, at a minimum, the following:

- (1) A designation of those occupational licensees who are authorized to issue markers and a description of their duties.
- (2) A description of where markers can be issued.
- (3) A description of the marker and the information and signatures required to authorize the marker. Requirements for the marker shall be as follows:
 - (A) At least a three-part, prenumbered form. The form shall be submitted to the executive director prior to its use.
 - B) Include, but not be limited to, the following information:
 - (i) Patron's name.
 - (ii) Dollar amount of the marker.
 - (iii) Casino cage marker number.
 - (iv) Current time and date.
 - (v) The required signatures.
- (4) A description of the distribution of each part of the marker.
- (5) Verification of the patron's identity via identification credentials prior to the issuance of the marker.
- (6) Verification of available credit.
- (7) A description of the recording of the credit transaction.
- (8) A description of accountability and control over the markers.
- (9) A log shall be maintained identifying the information in subdivisions (1) through (8) for at least five (5) years.
- (10) A copy of the original marker shall be maintained for at least one (1) year.
- (11) Any other information deemed necessary by the executive director or the commission to ensure compliance with IC 4-33, IC 4-35, and this title.

7. Rising Star's approved internal control procedures, 3-18, describe the procedures for credit and specifically outline the procedures for marker issuance.
8. On May 18, 2019, surveillance notified Gaming Agents that there had been an issue with the issuance of a marker. Surveillance had been asked to review a marker transaction from May 3, 2019 since a patron was disputing that she had requested a \$2,000 marker that day. The patron confirmed she had requested a \$1,000 marker that day but not a \$2,000 marker.

A review of the surveillance coverage showed a marker being issued to a female on May 3, 2019 for \$2,000 and the female's identification was presented at the time of the marker. It was determined that the Cage Supervisor completed the marker paperwork for the incorrect patron.

COUNT III

9. IC 4-33-9-12(a) states a person who is less than twenty-one (21) years of age may not be present in the area of a riverboat where gambling is being conducted.
10. 68 IAC 1-11-1(c) states a person under twenty-one (21) years of age shall not be present in a casino.

11. On June 11, 2019, security notified Gaming Agents of an underage vendor on the casino floor. A Security Officer was handed the underage vendor's identification prior to issuing the vendor badge which allowed the underage vendor access to the casino floor. The underage vendor entered the casino through the turnstiles.

TERMS AND CONDITIONS

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

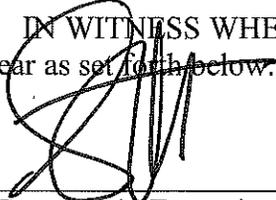
Rising Star shall pay to the Commission a total of \$3,500 (\$1,000 for Count I, \$1,000 for Count II and \$1,500 for Count III) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this Agreement. This Agreement extends only to 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, Rising Star agrees to promptly remit payment in the amount of \$3,500 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 Rising Star.

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



Sara Gonso Tait, Executive Director
Indiana Gaming Commission

Date

8/26/19



Benjamin Douglass, General Manager
Rising Star Casino & Resort

Date

8-20-19