

**ORDER 2022-145  
IN RE SETTLEMENT AGREEMENT**

**AZTAR INDIANA GAMING CO., LLC d/b/a BALLY'S EVANSVILLE  
22-BE-03**

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

**APPROVED**

---

APPROVES OR DISAPPROVES

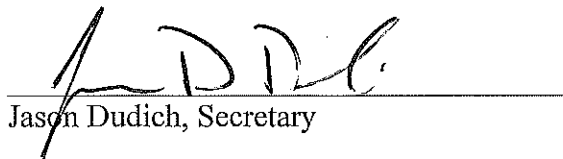
the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 27<sup>th</sup> DAY OF SEPTEMBER, 2022.**

**THE INDIANA GAMING COMMISSION:**

  
Milton Thompson, Chair

ATTEST:

  
Jason Dudich, Secretary

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

<b>IN RE THE MATTER OF:</b>	)	
	)	<b>SETTLEMENT</b>
<b>AZTAR INDIANA GAMING CO., LLC</b>	)	<b>22-BE-03</b>
<b>d/b/a BALLY'S EVANSVILLE</b>	)	

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission ("Commission") by and through its Executive Director Greg Small and Aztar Indiana Gaming Co., LLC d/b/a Bally's Evansville ("Bally's"), (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 11-9-2(a) provides the casino licensee or trustee shall submit to the executive director internal control procedures concerning the withholding of cash winnings from delinquent obligors in accordance with 68 IAC 11-1.
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 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.
4. Bally's Evansville's approved internal control procedures, B-2, describe the procedures for Child Support Intercept Process.
5. Gaming Agents conducted an audit of the Child Support Arrears Delinquency Registry (CSADR) for May 2022. The results of this audit were that three (3) individuals were not searched in the CSADR after winning a taxable jackpot.
6. Gaming Agents conducted an audit of the Child Support Arrears Delinquency Registry (CSADR) for July 2022. The results of this audit were that three (3) individuals were not searched in the CSADR after winning a taxable jackpot.

**COUNT II**

7. 68 IAC 13-1-1(b)(2) and (3) provides 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.
8. Bally's Evansville's approved internal control procedures, D-2 (J), describe the currency collection process.
9. On July 1, 2022, Security notified Gaming Agents that a "hot" bill validator cash box was located in the casino security office and was locked in the emergency drop ("e-drop") cart. The e-drop cart was housed in the security office when not in use. The e-drop had occurred on June 30, 2022.
10. A review of surveillance coverage showed a Security Officer escort a Slot Technician to the electronic gaming device ("EGD"). The bill validator drop box was retrieved from the EGD and placed into the drop cart. The Security Officer and Slot Technician went to the team member window to deposit the e-drop slip and then took the cart to the casino security office. They did not stop at the main bank window to deposit the cash box.
11. 68 IAC 11-3-2(b) provides in accordance with 68 IAC 11-1, the casino licensee must submit to the executive director internal control procedures covering currency collection and soft count.
12. The Commission's 24-hour Gaming Operations Plan provides that after all patrons and non-drop team employees have been cleared from the designated drop area, Security will station themselves at opposite ends of the designated drop area. Security will prevent patrons and non-drop employees from entering the designated drop area while the drop buckets are being collected. One Security Officer will be assigned to monitor the trolley.
13. Bally's Evansville's approved internal control procedures, M-10, describes the 24-hour gaming operations plan and drops.
14. On June 1, 2022, a Security Shift Supervisor notified Gaming Agents that a patron was in the drop zone while EGD's were being dropped. A review of surveillance coverage determined that a Security Officer allowed a patron to access the drop zone so they could cash out a ticket at a kiosk. The drop began while the patron was in the drop zone.
15. 68 IAC 11-3-5(1) provides that the currency collection team shall be under the constant observation of a Security Officer.
16. 68 IAC 11-1-2(1) provides that the procedures of the internal control system are designed to ensure the assets of the casino licensee are safeguarded.
17. Bally's Evansville's approved internal control procedures, D-2 (B), describe the currency collection process.

18. On July 1, 2022, a Gaming Agent was observing the drop process when they observed a Security Officer with his back to the drop area and speaking to another Security Officer. The Gaming Agent observed the Count Room Manager open the doors to six (6) EGD's, three (3) EGD's on each side of the EGD bank. The Gaming Agent looked for the Security Officer monitoring the open EGD's and was unable to locate a Security Officer. The Gaming Agent questioned the Count Room Manager who was in charge of observation of the open EGD's and after looking around and observing no one, the Count Room Manager yelled for the Security Officer that had his back to the drop process.
19. The Gaming Agent performed a review of the surveillance coverage of the drop process and during a thirty (30) minute time frame, there were several instances where the Security Officers were turned away from the Count Team members who were pulling the bill validator drop boxes and replacing them with empty drop boxes. The Security Officers would be looking toward other areas of the casino floor, speaking to other Security Officers or not paying any attention to the drop process.
20. The Gaming Agent identified additional drop process violations in the sportsbook where the Security Officers were talking amongst themselves while the Count Team was pulling drop boxes on the opposite side of the area.
21. On July 5, 2022, a Gaming Agent was observing the drop process when they identified that there was not a Security Officer within the line of sight of a Count Team member. A Security Lead Officer approached the area while the Gaming Agent was in the area and the Security Lead walked away after the Gaming Agent left the area. The Gaming Agent went to Surveillance to further observe and noted additional instances where a Count Team Member was pulling boxes with no Security Officer observing.
22. 68 IAC 15-13-2.5 provides in accordance with 68 IAC 15-1-3, a casino licensee or casino license applicant must submit policies and procedures covering pouch pays.
23. Bally's Evansville's approved internal controls, F-8 (J), describe the procedures for manually paid jackpots and pouch fund procedures.
24. On May 11, 2022, Gaming Agent Supervisors met with casino management to discuss a reoccurring issue with Slot Service Hosts taking pay pouches from the casino. Casino management advised that all Slot Hosts know to secure their pouches before leaving the casino for any reason. Casino management also advised that they would reinforce this with staff.
25. Gaming Agents observed Slot Service Hosts from May 16, 2022 – May 21, 2022, and observed several violations of this policy. One (1) Slot Service Host consistently violated this policy. The Slot Service Host violated this policy on eight (8) occasions. In one instance, he was not on surveillance coverage for approximately six (6) minutes.

### COUNT III

26. 68 IAC 14-3-2(b) provides 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.
27. On May 1, 2022, Surveillance notified Gaming Agents that a Dealer knocked a shoe off a table game onto the floor. The Dealer and a Dual Rate Dealer/Floor Supervisor retrieved and counted the cards prior to placing the cards back into play. When the cards were counted down at the end of the night after closing the table, it was determined that eleven (11) cards were missing and were located under another table. Surveillance confirmed that the deck of cards was in play for approximately five (5) hours with an incomplete deck.
28. 68 IAC 11-4-4(a) provides 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.
  - (d) The occupational licensee shall immediately deposit the closer in the drop box.
  - (e) The pit boss or the equivalent shall place the opener on the live gaming device tray in a manner that the amounts on the opener may be read through the cover, and lock the transparent live gaming device tray lid in place.
29. On July 31, 2022, Surveillance notified Gaming Agents that a table inventory slip was incorrect. A Table Games Shift Manager identified that the table inventory slip was incorrect when he opened the table for play. The physical chip count was \$690, however, the table inventory slip and computer system reflected \$890.

### COUNT IV

30. 68 IAC 2-3-9.2(b) provides 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.
31. On April 25, 2022, an HR Generalist notified a Gaming Agent that he was made aware that a Deep Cleaner, a level 3 licensee, had been terminated on March 7, 2022, however,

his termination was not processed in LAM, the Commission's occupational licensing database, until April 25, 2022. Bally's failed to timely notify the Commission.

#### COUNT V

32. 68 IAC 27-1-2(16) defines a prohibited sports wagering participant as an individual listed on the commission's exclusion list kept under 68 IAC 6-1, that has a voluntarily excluded person (VEP) status as defined under 68 IAC 6-3 or has signed up for the statewide internet self-restriction program (ISRP).
33. 68 IAC 27-13-2(d) provides that sports wagering operators must restrict wagering by statewide Internet self-restriction participants and may not market to statewide Internet self-restricted participants.
34. 68 IAC 6-3-4(a) provides each casino licensee and casino license applicant shall establish internal control procedures for compliance with this rule, which shall be submitted and approved under 68 IAC 11.
35. 68 IAC 6-3-4(b)(3) provides the internal controls must, at a minimum, address that the casino licensee must refuse wagers from and deny gaming privileges to any voluntarily excluded person.
36. 68 IAC 13-1-1(b)(2) and (3) provides 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.
37. On July 25, 2022, a Gaming Agent conducted the 2<sup>nd</sup> quarter prohibited participant audit for Bally Bet which is Bally's mobile sports wagering vendor. The results of this audit identified thirty-nine (39) errors. As a result of the audit, the Gaming Agent reached out to Bally Bet for a remediation on these errors and Bally Bet's Director of Compliance provided that Bally's was responsible for some of the discrepancies. Bally's was responsible for twenty-two (22) of the discrepancies and one (1) omission.
38. The Gaming Agent reached out to Bally's in regard to the discrepancies and omission. Bally's Director of Compliance advised the Gaming Agent that one (1) of the omissions was not provided to Bally's by the Commission. The prohibited participant in question had been on the prohibited participant list distributed to Indiana casinos since April 23, 2022.
39. During the course of the investigation into the prohibited participant errors, it was determined that Bally's does not have an internal control procedure explaining the procedures for submitting the prohibited participant list to Bally Bet, as required by the Commission.

## COUNT VI

40. 68 IAC 11-7-1(b) provides for the purposes of this rule, "sensitive keys" means keys that either management or the commission considers sensitive to the casino licensee's operation and therefore require strict control over custody and issuance.
41. 68 IAC 11-7-3(b) provides that sensitive keys shall be returned to custody and signed in by the same occupational licensee they were issued to unless there is a documented change of shift.
42. On February 23, 2022, a Slot Service Shift Manager notified Gaming Agents that a Slot Service Host left his keys in an electronic gaming device ("EGD"). The keys were unattended for four (4) minutes.
43. On April 4, 2022, a Security Shift Supervisor notified Gaming Agents that a Slot Service Host took sensitive keys with him as he left the building for a smoke break. The keys access the main door of an EGD. The Slot Service Host was outside of surveillance coverage for approximately eight (8) minutes. The key alarm did not activate as he exited and entered the casino.
44. On April 11, 2022, the Gaming Agent Supervisor was reviewing the surveillance daily log for April 9, 2022, and noticed a sensitive key violation. A Slot Service Host took sensitive keys with him as he left the building for a smoke break. The keys access the main door of an EGD. The Slot Service Host was outside of surveillance coverage for a very short period of time. The key alarm did not activate as he exited and entered the casino.
45. On May 6, 2022, an Assistant Slot Service Shift Manager notified a Gaming Agent that a Slot Service Host had left the building with a sensitive key in his possession while going to his vehicle. The key alarm did not activate as he exited the casino, however, the alarm sounded when he re-entered the casino. The Slot Service Host advised he went to his vehicle for his break. The Slot Service Host and the sensitive keys were out of surveillance view for approximately fifteen (15) minutes. The sensitive keys had access to the main door of the EGD.
46. On May 7, 2022, a Slot Shift Supervisor notified Gaming Agents that a Slot Technician left a sensitive key in his locker in the Slot Tech Room at the end of his shift. The locker does not have a latch. Therefore, the keys were not secured. The keys were unsecured for approximately one (1) hour and thirteen (13) minutes.
47. On May 23, 2022, a Slot Assistant Shift Manager notified a Gaming Agent that a Slot Technician left his sensitive keys in his locker in the Slot Tech room at the end of his shift. The locker does not have a latch. Therefore, the keys were not secured. The keys were unsecured for approximately five (5) hours.

## TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Bally's by and through its Agents as described herein constitute a breach of IC 4-33, IC 4-38, 68 IAC, and/or Bally's approved internal control procedures. The Commission and Bally's hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Bally's.

Bally's shall pay to the Commission a total of \$27,500 (\$6,000 for Count I, \$6,500 for Count II, \$2,500 for Count III, \$1,000 for Count IV, \$5,500 for Count V and \$6,000 for Count VI) and submit prohibited participant internal controls as referenced in Count V in consideration for the Commission foregoing disciplinary action based on the facts specifically described in 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, Bally's agrees to promptly: 1) remit payment in the amount of \$27,500, 2) submit prohibited participant internal controls as referenced in Count V and 3) shall waive all rights to further administrative or judicial review.

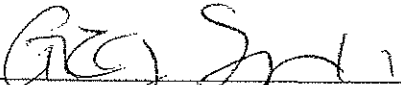
This Agreement may be executed in multiple counterparts, each of which shall be deemed an original agreement and both of which shall constitute one and the same agreement. The counterparts of this Agreement may be executed and delivered by electronic mail, facsimile, or other electronic signature by either of the parties and the receiving party may rely on the receipt of such document so executed and delivered electronically as if the original had been received.

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.

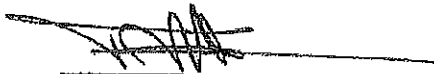
This Agreement shall be binding upon the Commission and Bally's.



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

  
\_\_\_\_\_  
Greg Small, Executive Director  
Indiana Gaming Commission

9/15/2022  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Timothy Bollmann, General Manager  
Aztar Indiana Gaming Co., LLC d/b/a  
Bally's Evansville

9/14/22  
\_\_\_\_\_  
Date