

**ORDER 2024-25  
IN RE SETTLEMENT AGREEMENT  
AZTAR INDIANA GAMING CO., LLC  
d/b/a BALLY'S EVANSVILLE  
24-BE-01**

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

**APPROVED**

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APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 21<sup>ST</sup> DAY OF MARCH, 2024.**

**THE INDIANA GAMING COMMISSION:**

  
Milton O. 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>24-BE-01</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 Casino & Hotel ("Bally's" or "Bally's Evansville"), (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 11-1-2(1) provides that the procedures of the internal control system are designed to ensure assets of the casino licensee are safeguarded.
2. 68 IAC 11-3-5 provides the procedures for the currency collection process.
3. Bally's Evansville's approved internal controls, M-10, describe the procedures for the 24-hour Gaming Operations.
4. On December 5, 2023, Surveillance notified Gaming Agents that there was a patron in the drop zone. Surveillance also advised that the patron was in the drop zone when the drop process started. A review of surveillance coverage confirmed that the patron was already gaming in the drop zone area when the Security Officer secured the area to begin the drop process. A Security Officer failed to notice the patron when setting up the drop zone and failed to clear the area of patrons. The drop process commences with the patron in the drop zone. Two (2) Security Officers appear to look in the direction of the patron but take no action. A third Security Officer who was manning the casino entrance noticed the patron and pointed it out to Security.

**COUNT II**

5. 68 IAC 15-6-4(b) provides 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.
6. 68 IAC 15-6-4(e) provides 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.
  - (7) 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. On January 24, 2019, the Commission issued a memorandum to all casino licensees on occupational licenses and the usage of the vendor log which states vendor and visitor badges are not to be utilized by those who hold or should hold an individual 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.
  8. On October 22, 2023, Gaming Agents conducted an audit of the vendor log for September 2023.
  9. On September 12, 2023, an occupational licensee from Konami was issued a temporary badge instead of using their Commission issued occupational licensing badge.
  10. On November 19, 2023, Gaming Agents conducted an audit of the vendor log for October 2023.
  11. On October 10, 2023, an occupational licensee from Everi was issued a temporary badge instead of using their Commission issued occupational licensing badge.
  12. On December 20, 2023, Gaming Agents conducted an audit of the vendor log for November 2023.
  13. On November 29, 2023, an occupational licensee from Konami was issued a temporary badge instead of using their Commission issued occupational licensing badge.

### COUNT III

14. 68 IAC 6-3-4(b)(1) provides the internal controls must, at a minimum, provide a plan for distributing the names and personal information of voluntarily excluded persons to appropriate personnel of the casino. The plan must allow, to a reasonable extent, appropriate employees of a casino licensee to identify a voluntarily excluded person when that person is present in a casino.

15. 68 IAC 6-3-4(e)(3) provides a casino licensee shall be subject to disciplinary action under 68 IAC 13 for failure to comply with the requirements of this section and the internal control procedures outlined under this section, including, but not limited to, failure to follow internal control procedures adopted under this rule.
16. Bally's Evansville's approved internal controls, Q-2, describe the procedures for the Voluntary Exclusion Program ("VEP").
17. On October 10, 2023, Gaming Agents conducted a VEP audit for September 2023. It was identified that Bally's Evansville failed to properly restrict a VEP upon notification from the Commission.

### 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 \$5,500 (\$1,500 for Count I, \$3,000 for Count II and \$1,000 for Count III) 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 remit payment in the amount of \$5,500 and shall waive all rights to further administrative or judicial review.

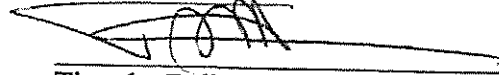
This Agreement may be executed in multiple counterparts, each of which shall be deemed an original agreement and both of which shall constitute one and the same agreement. The counterparts of this Agreement may be executed and delivered by electronic mail, facsimile, or other electronic signature by 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*



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Greg Small, Executive Director  
Indiana Gaming Commission

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Timothy Bollmann, General Manager  
Azar Indiana Gaming Co., LLC d/b/a  
Bally's Evansville Casino & Hotel

2/26/24

*2-16-24*

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date