

ORDER 2018-89
IN RE SETTLEMENT AGREEMENT

DATA FINANCIAL, INC.
18-DF-01

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

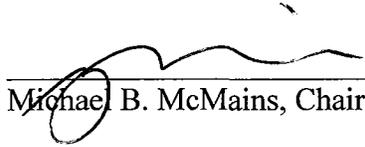
APPROVED

APPROVES OR DISAPPROVES

the proposed terms of the Settlement Agreement.

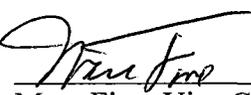
IT IS SO ORDERED THIS THE 28th DAY OF JUNE, 2018.

THE INDIANA GAMING COMMISSION:



Michael B. McMains, Chair

ATTEST:



Marc Fine, Vice Chair

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)
) **SETTLEMENT**
DATA FINANCIAL, INC.) **18-DF-01**
)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission ("Commission") by and through its Executive Director Sara Gonso Tait and Data Financial, Inc. ("DF") (collectively, the "Parties") desire to settle this matter prior to the initiation of a disciplinary proceeding pursuant to 68 IAC 13-1-18(a). The Parties stipulate and agree to the following:

FINDINGS OF FACT

1. 68 IAC 5-2-2(a) states an applicant must complete and submit the appropriate forms prescribed by the commission. The commission must approve the transfer prior to the applicant obtaining an ownership interest in a casino licensee, a casino license applicant, or a supplier licensee.
 - (b) Application procedures are as follows:
 - (1) An applicant is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism, or other action or financial loss that may occur in connection with the application process or the public disclosure of information requested. The applicant expressly waives any claim for damages that may result from the application process.
 - (2) A misrepresentation or omission made with respect to the application may be grounds for denial of the application.
 - (3) An applicant must submit the fully-executed original application for transfer of an ownership interest.
 - (4) An applicant must submit a completed Personal Disclosure Form 1 under 68 IAC 2-3-4(d) for each of the applicant's substantial owners, key persons, or other persons deemed necessary by this rule or by the commission to allow the commission to ensure that the applicant meets the statutory criteria for licensure set forth in IC 4-33, IC 4-35, and this title.
 - (5) The commission will consider an application to be filed when the commission has received the completed application forms, including:
 - (A) the required documents, materials, and photographs; and
 - (B) the application fee under section 3 of this rule.The commission will not initiate a background investigation into the applicant until the commission receives a complete application.
 - (6) The applicant must file its completed application in the commission's office in Indianapolis, Indiana.

- (7) An applicant is under a continuing duty to disclose changes in the information submitted to the commission.
- (c) An applicant to receive an interest in a casino licensee or a casino license applicant must present evidence that it meets or possesses the standards, qualifications, or criteria under 68 IAC 2-1-5(c). The applicant bears the burden of proving its qualifications.
- (d) An applicant to receive an interest in a supplier licensee must present evidence that it meets or possesses the standards, qualifications, or criteria under 68 IAC 2-2. The applicant bears the burden of proving its qualifications.
- (e) The casino licensee, casino license applicant, or supplier licensee that is attempting to transfer an ownership interest to an applicant must submit any information that the commission deems necessary to ensure compliance with IC 4-33, IC 4-35, and this title.
2. 68 IAC 2-2-1(c) states the following persons or business entities are required to hold a supplier's license:
 - (1) The gaming operations manager if the manager is a business entity. If the gaming operations manager is an individual, the applicant shall hold a Level 1 occupational license. All employees of a gaming operations manager who have any duty, authority, or function relating directly or indirectly to a casino gambling operation will be required to hold an occupational license in accordance with 68 IAC 2-3-1.
 3. On April 18, 2018, the Commission's Director of Background Investigations (DBI) notified the Commission's Director of Compliance that the owner of DF had sold the company to two (2) employees on February 2, 2018.
 4. The Commission's investigation into this issue began on April 13, 2018, when the DBI received an email communication from the Founder of DF providing notice that the Founder was stepping down and transitioning ownership to two (2) DF employees. The two (2) employees would each receive 50% ownership. The Founder stated they would complete any documents necessary.
 5. On April 13, 2018, the DBI responded to the Founder's email and requested to know if the transfer of ownership had already occurred and if so, requested a copy of the documents. The DBI also requested to information regarding the two (2) employees that the ownership was being transferred to and if they were licensed in Indiana.
 6. On April 16, 2018, the Founder provided the DBI with the identities of the two (2) employees that were taking over ownership.
 7. As part of the Founder's April 16, 2018 correspondence, he confirmed that the sale had closed on February 5, 2018. The Founder also confirmed that one (1) employee held a Level 2 occupational license with the Commission, however, the other employee did not hold an occupational license in Indiana.

8. The Commission was not made aware of the transfer for 67 days. During this time, DF was being operated by two (2) employees who did not hold a Level One occupational license as required by 68 IAC 5-2-2(b)(4).

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of DF by and through its agents as described herein constitute a breach of IC 4-33, IC 4-35, and 68 IAC. The Commission and DF hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against DF.

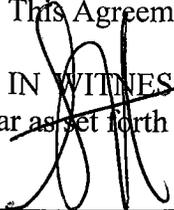
DF shall pay to the Commission a total of \$10,000 in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this Agreement. This Agreement extends only to those violations and findings of fact specifically alleged in the findings above. 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, DF agrees to promptly remit payment in the amount of \$10,000 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 DF.

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



Marc Masi, Co-President
Data Financial, Inc.

Date

6/27/18

Date

6/18/2018