

**ORDER 2008-28  
IN RE SETTLEMENT AGREEMENT  
BELTERRA CASINO AND RESORT  
08-BT-01**

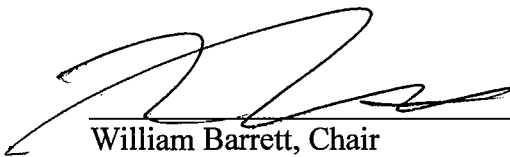
After having reviewed the attached Settlement Agreement, the Indiana Gaming Commission hereby:

Approves  
APPROVES OR DISAPPROVES


the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 31st DAY OF MARCH, 2008.**

**THE INDIANA GAMING COMMISSION:**

  
\_\_\_\_\_  
William Barrett, Chair

ATTEST:

  
\_\_\_\_\_  
Tom Swihart, Secretary

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

**IN RE THE MATTER OF:** )  
 ) **SETTLEMENT**  
**BELTERRA CASINO AND RESORT** ) **08-BT-01**  
 )

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Ernest E. Yelton and Belterra Casino and Resort (“Beltterra”) (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 that the following facts are true:

**FINDINGS OF FACT**

**COUNT I**

1. 68 IAC 2-6-6(c)(6)(B) states that the riverboat licensee shall perform a coin test to ensure that the electronic gaming device is communicating with the central computer system. If the electronic gaming device is not communicating with the central computer system, the electronic gaming device must be disabled.
2. On August 2, 2007, a Gaming Agent attempted to coin test a slot machine with a Slot Technician and a Security Officer. When the Slot Technician began the test, the machine would not communicate properly so the test was terminated. A BV box was taken down to the slot tech office and the machine was turned off.
3. On August 3, 2007, the same Gaming Agent, a Slot Technician and Security Officer were coin testing slot machines when they went to the same slot machine. They discovered a patron was playing the slot machine. The machine was placed out of service. Upon opening the machine, a BV test box was found in the machine instead of a regular BV box, which is a secure box. A secure BV box was placed in the machine and the machine was coin tested prior to being put back in service. A review of the MEAL indicated that the machine was placed back into play at 1845 hours on August 2nd prior to being coin tested.

**COUNT II**

4. On September 18, 2007, a Gaming Agent was assisting a Slot Technician on the casino floor when he became aware that a request had been made for another slot technician to assist an employee from AC Coin. Due to a previous incident at another casino involving this employee from AC Coin, all of the Indiana casinos had been told that he must have a security escort with him while he was on the

casino floor as a vendor. The Slot Technician working with the Gaming Agent attempted to radio that the employee from AC Coin needed a security escort; however, he was already on the casino floor. It was discovered that he signed in at boat dispatch at 10:10 am and signed off at 10:24 am.

### COUNT III

5. 68 IAC 11-7-2 (a) states that the riverboat licensee shall submit a list of authorized occupational licensees who have access to the sensitive keys box. These employees must hold an occupational license, Level 2 or higher. Amendments to the list of employees with authorized access must be submitted to the enforcement agent as the amendments occur.
6. 68 IAC 11-7-3 states that the riverboat licensee shall maintain a sensitive key log on a form approved by the commission. The sensitive key log shall include, but not limited to, the following: the date, the time the key is signed in and out, the key name, the printed name, signature, and occupational license number of the occupational licensee obtaining and returning the key.
7. 68 IAC 11-7-4 (b) states when a sensitive key is determined to have been lost, missing or taken from the premises, the riverboat licensee shall perform an immediate investigation. The investigation will be documented on an incident record. A copy of the incident report shall be given to the enforcement agent immediately.
8. On October 1, 2007, a Security Supervisor wanted permission to move a sensitive key from a designated vessel key ring to a land key ring due to an NRT vault key being broken and the only remaining copy being on a vessel ring. A Gaming Agent requested to see the Sensitive Key Access List to determine the number of NRT vault key duplicates. The Security Supervisor indicated that the NRT keys were not logged in. They were just put in the duplicate box.
9. Upon further review, it was discovered that the Sensitive Key Access List did not contain information on individual keys, custodian, and quantity of individual keys, occupational license level and location of duplicate keys. The Sensitive Key Log did not include the key name or the signature and occupational license number of the individual obtaining and returning the key. A review of the electronic key log indicated that the system allowed "unknown users" to conduct key transactions sixty one times. The electronic system also alarmed thirty eight times during the same period. Security response to these alarms ranged from immediate to over an hour.

**TERMS AND CONDITIONS**

Commission staff alleges that the acts or omissions of Belterra by and through its agents as described herein constitute a breach of the Riverboat Gambling Act, Title 68 of the Indiana Administrative Code and Belterra's approved internal control procedures. The Commission and Belterra hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Belterra. This agreement is being entered into to avoid the potential expense and inconvenience of disciplinary action.

Belterra shall pay to the Commission a total of \$12,500 (\$2500 for Count I; \$2500 for count II and \$7500 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 herein. If the Commission subsequently discovers facts that give rise to additional or separate violations, which are not described herein, the Commission may pursue disciplinary action for such violations even if the subsequent violations are similar or related to an incident described herein.

Upon execution and approval of this Settlement Agreement, Commission staff shall submit this Agreement to the Commission for review and final action. Upon approval of the Settlement Agreement by the Commission, Belterra agrees to promptly remit payment in the amount of \$12,500 and shall waive all rights to further administrative or judicial review.


This Settlement 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 Settlement Agreement. This Settlement Agreement may not be modified, supplemented, or amended, in any manner, except by written agreement signed by all Parties.

This Settlement Agreement shall be binding upon the Commission and Belterra.

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

  
\_\_\_\_\_  
Ernest E. Yelton, Executive Director  
Indiana Gaming Commission

3.25.08  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Kevin Kaufman, General Manager  
Belterra Casino and Resort

3.13.08  
\_\_\_\_\_  
Date