

**ORDER 2019-245  
IN RE SETTLEMENT AGREEMENT**

**HOOSIER PARK, LLC d/b/a HARRAH'S HOOSIER PARK  
19-HP-04**

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

**APPROVED**

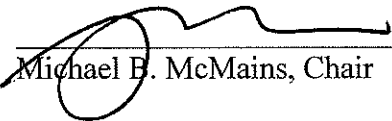
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APPROVES OR DISAPPROVES

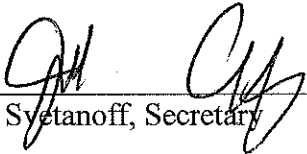
the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 17<sup>th</sup> DAY OF DECEMBER, 2019.**

**THE INDIANA GAMING COMMISSION:**

  
\_\_\_\_\_  
Michael B. McMains, Chair

ATTEST:

  
\_\_\_\_\_  
Joseph Syetanoff, Secretary

**STATE OF INDIANA  
INDIANA GAMING COMMISSION**

<b>IN RE THE MATTER OF:</b>	)	
	)	<b>SETTLEMENT</b>
<b>HOOSIER PARK, LLC</b>	)	<b>19-HP-04</b>
<b>d/b/a HARRAH'S HOOSIER PARK</b>	)	

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Sara Gonso Tait and Hoosier Park, LLC (“Hoosier Park”), (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 2-6-5(10) provides that electronic gaming devices must be following security and audit specifications: (10) The par sheet for the program used in an electronic gaming device must be stored in the electronic gaming device.
2. 68 IAC 2-6-6(a) and (c) provides that the casino licensee must maintain an inventory of electronic gaming devices and equipment. The inventory must include the following: (5) The casino licensee shall do the following: (A) Ensure that a copy of the par sheet for each game theme is placed in the electronic gaming device in accordance with section 5 of this rule.
3. Hoosier Park’s approved internal controls, III - Characteristics of an EGD, require the Erasable Programmable Read-Only Memory (EPROM) and hold percentage from a par sheet for a program utilized in an EGD to be stored in the EGD.
4. On July 29, 2019, a Gaming Agent was conducting an electronic gaming device (EGD) audit when it was determined that an EGD did not have a PAR sheet.
5. On July 30, 2019, a Gaming Agent was working on EGDs with an Electronic Games Tech Supervisor when it was determined that an EGD did not have a PAR sheet.
6. On September 27, 2019, a Gaming Agent was assisting an Electronic Games Technician perform coin tests when it was determined that an EGD did not have a PAR sheet.
7. 68 IAC 2-6-40(d) provides that a progressive controller entry authorization log must be maintained within each controller. The log shall be on a form prescribed by the commission and completed by an individual gaining entrance to the controller.

8. On September 19, 2019, a Gaming Agent was working with an Electronic Games Technician on troubleshooting a progressive controller when it was discovered the progressive entry authorization log was missing.
9. 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.
10. 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.
11. On June 5, 2019, the Commission issued a memorandum on the EGD Logic Area and RAM Clear procedures.
12. According to Hoosier Park's approved internal control procedures, V - Error Conditions, Random Access Memory (RAM) & Logic Area Access, describe the procedures for accessing the logic area of an EGD and outline the RAM clear procedures.
13. On August 22, 2019, an Electronic Games Tech requested the assistance of a Gaming Agent as the Tech was performing several RAM clears on EGDs to trouble shoot and fix issues. The RAM clear form presented to the Gaming Agent had been fully completed and signed by a Supervisor, but the Supervisor who had signed off on the RAM clear form was not presently at the casino.

Upon further investigation, Gaming Agents found additional RAM clear forms in the Slot Tech office. These forms were blank but had already been pre-signed by the Supervisor. The forms are meant to be completed at the time of the work and approved by Supervisors who are working at the time of the work.

## COUNT II

14. 68 IAC 12-1-5(f) provides that electronic gaming device surveillance must be capable of providing the following: (6) Progressive games, including dedicated coverage of the following: (A) An electronic gaming device or group of electronic gaming devices with a possible jackpot payout in excess of fifty thousand dollars (\$50,000). (B) The progressive display showing the incrementation of the progressive jackpot for an electronic gaming device or a bank of electronic gaming devices.
15. Hoosier Park's approved internal control procedures, K-5, describe the procedures for the Surveillance Department.
16. On September 6, 2019, Surveillance notified Gaming Agents of a camera outage covering a progressive EGD. The camera was covering a progressive display in the amount of \$211,562.82. The camera was down for approximately sixty-one (61) hours.

Surveillance personnel was unable to provide an explanation as to how the camera outage went undetected as each shift is required to perform camera checks.

17. On September 16, 2019, Surveillance notified Gaming Agents that the same camera went out again. This time it was caught in a timely manner and another camera was placed on the progressive EGD.
18. On September 22, 2019, Surveillance notified Gaming Agents that another camera covering a progressive EGD was out. The progressive amount was \$63,650.80. The progressive was without coverage for approximately six (6) hours.

### COUNT III

19. IC 4-35-7-2 provides, “[e]xcept as provided in subsection (c), a person who is less than twenty-one (21) years of age may not be present in the area of a racetrack where gambling games are conducted.”
20. 68 IAC 1-11-1(c) provides that a person under twenty-one (21) years of age shall not be present in a casino.
21. On September 7, 2019, a Gaming Agent was advised that an underage vendor had been allowed access to the casino floor. The underage vendor presented himself at the security checkpoint at the horse track side of the property to obtain assistance. The Security Officer advised the underage vendor that he would need to report to Security Dispatch to obtain a vendor’s badge. The Security Officer allowed the underage vendor to access the casino floor unescorted in search of Security Dispatch. The underage vendor ultimately made his way to the main entrance and received additional instruction on how to get to Security Dispatch. After speaking with a Security Officer at Security Dispatch, the underage vendor tried to enter the casino once again from the main entrance of the casino, but this time his identification was checked and he was properly denied entry.

### COUNT IV

22. 68 IAC 2-6-6(c)(5)(B) provides that if a casino licensee converts an electronic gaming device, the casino licensee must 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.
23. On September 17, 2019, a Gaming Agent was requested to perform a coin test on multiple EGD with an Electronic Games Tech. Upon arrival at the EGDs to be coin tested, it was discovered that two (2) EGDs had been placed into service without a coin test. One (1) EGD had been in service for approximately seven (7) hours without a coin test and had patron play. The other EGD had been in service for approximately nine (9) hours without a coin test and had patron play.

### COUNT V

24. 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.
25. 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.
26. Hoosier Park's approved internal control procedures, IV - Currency Collection, describe the procedures for the bill validator drop process.
27. On September 20, 2019, Surveillance notified a Gaming Agent that Security failed to notify surveillance prior to beginning the bill validator drop process. Thirty-two (32) EGDs were dropped before Surveillance was able to start the drop in the Slot Data System.

### TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Hoosier Park by and through its agents as described herein constitute a breach of IC 4-35, 68 IAC and/or Hoosier Park's approved internal control procedures. The Commission and Hoosier Park hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Hoosier Park.

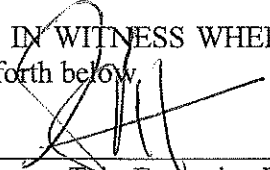
Hoosier Park shall pay to the Commission a total of \$13,000 (\$3,500 for Count I, \$3,500 for Count II, \$3,000 for Count III, \$2,000 for Count IV and \$1,000 for Count V) in consideration for the Commission foregoing disciplinary action based on the facts specifically described in each count of this Agreement. This Agreement extends only to those violations and findings of fact specifically alleged in each Count 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.

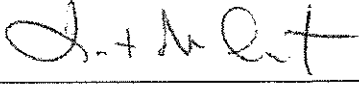
Upon execution and approval of this Agreement, Commission staff shall submit this Agreement to the Commission for review and final action. Upon approval of the Agreement by the Commission, Hoosier Park agrees to promptly remit payment in the amount of \$13,000 and shall waive all rights to further administrative 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 Hoosier Park.

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

  
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Sara Gonso Tart, Executive Director  
Indiana Gaming Commission

  
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Trent McIntosh, General Manager  
Hoosier Park, LLC

12/13/19  
Date

12/9/2019  
Date