

**ORDER 2019-57**

**IN RE SETTLEMENT AGREEMENT**

**AZTAR INDIANA GAMING CO., LLC d/b/a TROPICANA EVANSVILLE  
19-AZ-01**

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

**APPROVED**

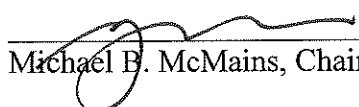
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APPROVES OR DISAPPROVES

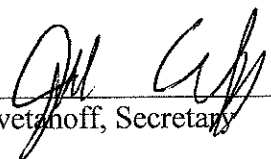
the proposed terms of the Settlement Agreement.

**IT IS SO ORDERED THIS THE 8<sup>th</sup> DAY OF MARCH, 2019.**

**THE INDIANA GAMING COMMISSION:**

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

ATTEST:

  
\_\_\_\_\_  
Joseph Svetanoff, 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>19-AZ-01</b>
<b>d/b/a TROPICANA EVANSVILLE</b>	)	

**SETTLEMENT AGREEMENT**

The Indiana Gaming Commission (“Commission”) by and through its Executive Director Sara Gonso Tait and Aztar Indiana Gaming Co., LLC d/b/a Tropicana Evansville (“Tropicana”), (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 2-3-9.2(b) states 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.
2. On December 7, 2018, Gaming Agents confirmed with Human Resources that two (2) licensees had been terminated on October 29, 2018. Tropicana had failed to notify the Commission of these terminations in a timely manner.

**COUNT II**

3. 68 IAC 2-6-5 states electronic gaming devices must meet the following security and audit specifications:
  - (7) Clearly display applicable rules of play and the payout schedule.
  - (8) Display an accurate representation of each game outcome using:
    - (A) rotating reels;
    - (B) video monitors; or
    - (C) any other type of display mechanism that accurately depicts the outcome of the game.
4. 68 IAC 2-6-6(c) states if a casino licensee converts an electronic gaming device, the casino licensee must take the following steps: (4) In the presence of an enforcement agent, a slot technician or the equivalent shall ensure that the pay glass installed on the electronic gaming device accurately reflects the payouts for the control program medium that has been installed in the electronic gaming device. The pay glass test may be performed by either: (A) running the payout table test; or (B) ensuring the pay glass

matches the approved diagram set forth in the pay glass manual maintained by the commission. (5) The casino licensee shall do the following: (B) 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.

5. On November 12, 2018, an Assistant Slot Shift Manager notified Gaming Agents that an incorrect reel had been installed on an electronic gaming device (EGD). The incorrect reel had been installed on September 12, 2018.
6. On January 17, 2019, Gaming Agents became aware that an EGD had been placed into service without a coin test. The EGD was in service for approximately four (4) hours and played by twenty-two (22) patrons.
7. 68 IAC 2-6-35 states the electronic gaming device must be linked to a progressive meter or meters showing the current payoff to all players who are playing an electronic gaming device which may potentially win the progressive amount.
8. On December 13, 2018, a Lead Slot Technician notified Gaming Agents that an EGD, which was a part of a four (4) EGD progressive link, was not displaying the progressive amount. The error was discovered while preparing a BV conversion. Review determined that the EGD had stopped displaying the progressive amount on December 10, 2018.
9. On January 28, 2019, a Slot Tech Supervisor notified Gaming Agents that an EGD was placed in-service with an incorrect progressive amount displayed. The incorrect progressive amount was discovered when the morning progressive log was compared to the previous gaming day's log. On January 30, 2019, the EGD was RAM cleared again, coin tested and placed back into service with the correct amount displayed.

### COUNT III

10. 68 IAC 11-1-3(c)(4) states 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.
11. 68 IAC 13-1-1(b)(2) and (3) states 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.
12. Tropicana's approved internal control procedures, AZ-10-Poker Room, dictates the poker room's bad beat drop process.
13. On November 18, 2018, Surveillance notified Gaming Agents the Floor Supervisor failed to notify surveillance prior to starting the bad beat drop in the Poker Room.

14. On December 5, 2018, Surveillance notified Gaming Agents that the Floor Supervisor and Dual Rate Dealer failed to notify surveillance prior to starting the bad beat drop in the Poker Room.
15. 68 IAC 15-9-3(a) states the casino licensee or operating agent must establish policies and procedures in connection with the removal, collection, and counting of the tip box contents for subsequent distribution to gaming occupational licensees. These policies and procedures must include, at a minimum, the following:
  - (1) Tip boxes must be dropped and counted at the end of each day. Surveillance must be notified before the emptying of any tip boxes.
16. On January 7, 2019, Surveillance notified Gaming Agents that the token committee failed to notify surveillance prior to beginning the collection of the tokens.
17. 68 IAC 15-12-3(a) states live gaming device fills shall proceed in the following manner:
  - (3) Surveillance shall be notified that a live gaming device fill is being processed.
18. On December 18, 2018, Surveillance notified Gaming Agents that a Cage Cashier failed to notify surveillance of a table fill in excess of \$5,000.
19. On January 18, 2019, Surveillance notified Gaming Agents that a Cage Cashier failed to notify surveillance of a table fill in excess of \$5,000. In addition, this violation was not timely reported to Gaming Agents. This violation occurred at 17:39 on January 13, 2019 and Gaming Agents were not notified until 06:37 on January 14, 2019.

#### COUNT IV

20. 68 IAC 14-3-2(a) states all playing cards utilized by a riverboat licensee or a riverboat license applicant must comply with this rule.
  - (b) 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.
21. On January 26, 2019, a Table Game Shift Manager notified Gaming Agents that a playing card had been found on the floor in the Poker Room. The playing card fell on the floor while the Dealer was washing the cards. The playing card remained on the floor for one hour and twenty-two minutes. Twenty-two (22) hands were dealt with an incomplete deck.

22. 68 IAC 15-1-2 states the purpose of the accounting records and procedures is to ensure the following: (1) The assets of the casino licensee or casino license applicant are safeguarded.
23. 68 IAC 1-5-1 states a casino or supplier licensee shall provide a written notice to the executive director as soon as the casino or supplier licensee becomes aware of the following: (1) a violation or apparent violation of a rule of the commission by any of the following: (A) the casino or supplier licensee.
24. On January 30, 2019, the Security/Locksmith notified Gaming Agents that a re-key of the poker exchange bag was being conducted. The poker bag is utilized to take currency and chips from the poker room to the cage. Gaming Agents were advised that one of the poker bag locks had been lost and only one (1) poker bag was functional.

The Gaming Agent reviewed surveillance coverage from January 17 to January 30, 2019 to determine if any poker bags were utilized without a lock. On January 29, 2019, a poker bag containing \$45,700 in currency was transported to the Cage by a Dealer and Security Officer without a lock and was not properly secured. Surveillance and IGC were not notified of this violation.

#### COUNT V

25. 68 IAC 11-7-1(b) states 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. The term includes keys that will allow access to Electronic Gaming Devices.
26. 68 IAC 11-7-3(b) states 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.
27. On August 3, 2018, the Commission issued a disciplinary letter to Tropicana regarding various sensitive key issues.
28. On August 30, 2018, a table games sensitive key was left unsecured at the table games pit podium for approximately ten (10) minutes.
29. On September 12, 2018, a table games sensitive key was taken off property. Tropicana identified the sensitive key and what locks the key belonged to. Those locks were rekeyed.
30. On October 16, 2018, sensitive keys were left unsecured for approximately one (1) hour.
31. On November 7, 2018, a slot department sensitive key was left unsecured in an employee locker for approximately ten (10) hours.

32. On November 14, 2018, a table games sensitive key was taken off property for approximately twelve (12) hours and thirty (30) minutes. Tropicana identified the sensitive key and what locks the key belonged to. Those locks were rekeyed.
33. On November 18, 2018, a main bank sensitive key was left unsecured for approximately thirty (30) minutes.
34. On November 28, 2018, a main bank sensitive key was left unsecured for approximately one (1) hour and thirty (30) minutes.
35. On November 28, 2018, a table games sensitive key was left unsecured at the table games pit podium for approximately twenty (20) minutes.
36. On December 3, 2018, a table games sensitive key was left unsecured in a table games office for approximately ten (10) minutes.
37. On December 25, 2018, a slot department sensitive key was taken off property. The slot department employee entered the smoke shack with the sensitive keys. The sensitive key was off of surveillance coverage for approximately fifteen (15) minutes.

### **TERMS AND CONDITIONS**

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

Tropicana shall pay to the Commission a total of \$19,000 (\$2,000 for Count I, \$4,000 for Count II, \$5,000 for Count III, \$3,000 for Count IV and \$5,000 for Count V) and the submission of a corrective action plan for the security of sensitive keys 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, Tropicana agrees to promptly remit payment in the amount of \$19,000 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 Tropicana.

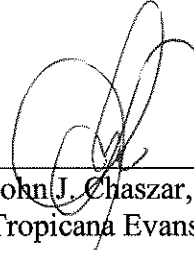
IN WITNESS WHEREOF, the Parties have signed this Settlement Agreement on the date and year as set forth below.



\_\_\_\_\_  
Sara Gonso Tait, Executive Director  
Indiana Gaming Commission

2/26/19

\_\_\_\_\_  
Date



\_\_\_\_\_  
John J. Chaszar, General Manager  
Tropicana Evansville

2/22/19

\_\_\_\_\_  
Date