

**ORDER 2021-168
IN RE SETTLEMENT AGREEMENT**

**AZTAR INDIANA GAMING CO., LLC
d/b/a TROPICANA EVANSVILLE
21-TE-03**

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 29th DAY OF SEPTEMBER, 2021.

THE INDIANA GAMING COMMISSION:



Michael B. McMains, Chair

ATTEST:



Jason Dudich, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

IN RE THE MATTER OF:)	
)	SETTLEMENT
AZTAR INDIANA GAMING CO., LLC)	21-TE-03
d/b/a TROPICANA EVANSVILLE)	

SETTLEMENT AGREEMENT

The Indiana Gaming Commission ("Commission") by and through its Executive Director Greg Small 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 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.
2. 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.
3. Tropicana's approved internal control procedures, 11-9 and 19-5-2(22), describe the procedures for Child Support Intercept Process.
4. Gaming Agents conducted an audit of the Child Support Arrears Delinquency Registry ("CSADR") for March 2021. The results of this audit were that one (1) individual was not searched in the CSADR after winning a taxable jackpot.
5. Gaming Agents conducted an audit of the CSADR for April 2021. The results of this audit were that two (2) individuals were not searched in the CSADR after winning a taxable jackpot.

COUNT II

6. 68 IAC 2-3-8(b) provides an occupational licensee must request renewal of the license on a form prescribed by the commission no less than thirty (30) days before the expiration of the occupational license.

7. On July 6, 2021, a Gaming Agent received the monthly occupational licensing renewal report from the Commission's Gaming Administrator. Two (2) employees had expired occupational licenses: a Dealer and a Security Lead Officer. Both licenses expired on June 20, 2021.
8. The Gaming Agent reached out to Human Resources, and it was discovered that the Dealer had been on FLMA since April 2021 and there was no anticipated return date. The Security Lead Officer worked thirteen (13) days on an expired license.

COUNT III

9. 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.
10. Tropicana's approved internal control procedures, B6, describe the admissions procedures.
11. On July 25, 2021, a Director of Security notified Gaming Agents that a Security Officer allowed a young male patron to enter the casino floor without an identification. The Security Officer allowed the male patron to enter the casino based on the patron verbally providing his date of birth was January 22, 2000.
12. When the Gaming Agent reviewed surveillance coverage, a second incident was discovered where this same Security Officer allowed three (3) individuals to enter the casino. The Security Officer checked two (2) identifications but did not check the third identification and allowed the male to enter the casino. The male patron clearly appeared to be under forty (40) years old.
13. On August 9, 2021, a Security Officer failed to properly identify two (2) patrons under the age of forty (40). A review of surveillance coverage showed that the Security Officer attempted to scan the first identification through the scanner, but it failed to pass authentication. The Security Officer allowed the patron entry into the casino without notifying a Lead or above as required. The next patron's identification failed the first scan but then passed a subsequent scan. The Security Officer allowed this patron entry into the casino.
14. IC 4-33-9-12(a) provides a person who is less than twenty-one (21) years of age may not be present in the area of a riverboat where gambling is being conducted.
15. 68 IAC 1-11-1(c) provides a person under twenty-one (21) years of age shall not be present in a casino.
16. On May 14, 2021, Security notified Gaming Agents that a male patron provided a Brazil identification card at the casino entrance and was allowed on the casino floor. A review of surveillance coverage determined that when the Security Officer scanned the

identification, the patron's picture is displayed on the monitor with "underage" written in big bold letters across his picture. The Security Officers do not notice this alert and instead reviewed the international identification book at the podium. The underage patron is subsequently allowed to enter the casino. There appeared to be confusion about how the date read on the identification, however, if the scanner noted the patron as underage, the patron should not have been allowed entry into the casino.

COUNT IV

17. 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.
18. Tropicana's approved internal control procedures, C-2, Paid-In's and Paid-Out's, require surveillance be notified of paid out in excess of \$3,000.
19. Tropicana's approved internal control procedures, D-2, Currency Collection, describe the procedures for emergency EGD drops.
20. On April 2, 2021, Surveillance notified Gaming Agents that a Cage Shift Manager failed to notify Surveillance while processing a jackpot payout in the amount of \$3,638.
21. On May 6, 2021, Surveillance notified Gaming Agents that a Cage Cashier failed to notify Surveillance while processing a jackpot payout in the amount of \$8,100.
22. On June 3, 2021, Surveillance notified Gaming Agents that a Security Officer and Slot Tech performed four (4) emergency drops on an EGD without notifying Surveillance.
23. 68 IAC 2-6-5(8)(A) provides electronic gaming devices shall display an accurate representation of each game outcome using rotating reels.
24. On June 4, 2021, a Slot Shift Manager notified Gaming Agents of an incorrect reel placement on an EGD after a patron filed a complaint about not being paid correctly. A reel test was performed, and it was determined that a reel strip had been installed incorrectly on June 2, 2021.
25. 68 IAC 2-6-31(b)(3) provides the casino licensee shall notify the executive director and the enforcement agent of the reset value of the progressive link prior to using progressive electronic gaming devices within the casino.
26. On April 14, 2021, the Slot Performance Manager notified Gaming Agents that an EGD had been discovered to have the incorrect progressive reset amount which caused several patrons to be underpaid for their jackpot winnings since 2019.

27. On September 6, 2019, a Slot Lead Technician RAM cleared an EGD and subsequently set the progressive amounts and reset amounts on the EGD. The Slot Lead Technician incorrectly placed the progressive reset variation to 9 instead of 5 which resulted in the Grand progressive reset amount being \$3,880 instead of \$8,880.
28. On September 6, 2019, the Grand award had only hit once, and the Major award hit nine (9) times. The Grand award hit on April 11, 2021. The correct amount was paid due to the correct amount being placed back on the progressive meter following the RAM clear. It was this win and subsequent reset that caused Tropicana's Accounting Department to realize the progressive reset was incorrect. Of the nine (9) times, the Major award hit, one (1) was paid correctly which was the initial hit after the RAM clear. Six (6) hits resulted in a payment shortage of \$500 to unknown patrons and two (2) hits resulted in a payment shortage of \$500 to known patrons. The known patrons were reimbursed. Tropicana donated the accumulative \$3,000 owed to unknown patrons to the Indiana Council on Problem Gambling.
29. 68 IAC 2-6-40(a) provides each progressive controller linking two (2) or more progressive electronic gaming devices must be housed in a double keyed compartment in a location approved by the executive director. All keys must be maintained in accordance with 68 IAC 11-7.
30. On July 28, 2021, a Gaming Agent was working with a Slot Tech when it was discovered that a progressive controller was unsecured for approximately eight (8) days.

COUNT V

31. IC 4-33-8-3(3) provides except as provided by section 11 of this chapter, the commission may not issue an occupational license to an individual unless the individual has demonstrated a level of skill or knowledge that the commission determines is necessary to operate gambling games on a riverboat.
32. 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.
33. Tropicana's approved internal control procedures, A-1, describe the occupational licensing procedures.
34. On April 23, 2021, a Dealer notified a Gaming Agent that an unqualified Dealer was dealing the game of Craps and assigned to the 3rd Base Dealer. A Surveillance review confirmed that the Dealer in question had been the Base Dealer on Craps. The Gaming Agent proceeded to ask the Table Games Administrator for a list of games each Dealer is approved and certified to deal. The Table Games Administrator advised she did not have a record of what games Dealers were trained on. The Table Games Administration advised the Gaming Agent that a highly valued player requested a Craps game be opened

for play; however, three (3) Craps Dealers called in sick on this date and Tropicana did not have enough Craps Dealers to open the table. The former Executive Director of Gaming Operations authorized them to utilize a Dealer that was not trained in the game of Craps.

35. 68 IAC 15-12-3(a) provides the requirements for live gaming device fills including the requirement that surveillance shall be notified that a live gaming device fill is being processed.
36. On April 27, 2021, a Gaming Agent was in the Cage area when a Cage Shift Supervisor notified them of an error with a table fill. A table fill in the amount of \$15,850 was delivered to the wrong table and accepted by the table.
37. On July 3, 2021, a Table Games Shift Manager notified a Gaming Agent that an incorrect table fill occurred. A table fill in the amount of \$23,700 was delivered and accepted at the wrong table.

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, IC 4-38, 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 \$22,000 (\$3,000 for Count I, \$1,500 for Count II, \$3,000 for Count III, \$10,000 for Count IV and \$4,500 for Count IV) and halt all activity where a Box Person is leaving the craps table as outlined in 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, Tropicana agrees to promptly remit payment in the amount of \$22,000 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 Tropicana.

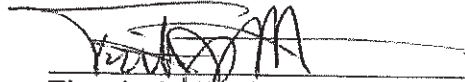
IN WITNESS WHEREOF, the Parties have signed this Settlement Agreement on the date and year as set forth below.



Greg Small, Executive Director
Indiana Gaming Commission

9/28/21

Date



Timothy Bohnann, General Manager
Aztar Indiana Gaming Co., LLC

9/17/21

Date