

**ORDER 2022-156
IN RE SETTLEMENT AGREEMENT**

BALLY'S CORPORATION

22-BAC-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 30th DAY OF SEPTEMBER, 2022.

THE INDIANA GAMING COMMISSION:



Milton Thompson, Chair

ATTEST:



Jason Dudich, Secretary

**STATE OF INDIANA
INDIANA GAMING COMMISSION**

| | | |
|-----------------------------|---|-------------------|
| IN RE THE MATTER OF: |) | |
| |) | SETTLEMENT |
| |) | 22-BAC-01 |
| BALLY'S CORPORATION |) | |
| |) | |

SETTLEMENT AGREEMENT

The Indiana Gaming Commission ("Commission") by and through its Executive Director Greg Small and Bally's Corporation ("Bally's"), (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

1. 68 IAC 2-3-9.2(b)(1) requires the occupational licensee to notify the Commission of separation on a form prescribed or approved by the Commission.
2. 68 IAC 2-3-9.2(c) requires the notification must be submitted to the Commission within fifteen (15) days of the occurrence of the change or action.
3. On March 27, 2022, the Commission received a separation of service notification through the occupational licensing database for a Director of External Reporting, a level two (2) licensee. The Director of External Reporting relinquished the license on January 5, 2022, as a result of the IGC's determination that the position no longer required a license after receipt of an updated job description. Bally's failed to timely notify the Commission.
4. On August 2, 2022, the Commission received a separation of service notification through the occupational licensing database for an Executive VP of Human Resources, a level two (2) licensee. The Executive VP of Human Resources relinquished the license on January 5, 2022, as a result of the IGC's determination that the position no longer required a license after receipt of an updated job description. Bally's failed to timely notify the Commission.
5. 68 IAC 2-3-9.2(c)(4) requires the occupational licensee to notify the Commission when a change is made to a job title and position of the occupational licensee affected. This notification must be submitted to the Commission within fifteen (15) days of the occurrence of the change or action.
6. The Commission is charged with making licensing determinations for the employees of the Indiana casinos and their corporate entities based off the regulation outlined in the Indiana Administrative Code. The need for licensure is determined by Commission staff through job description and an organizational chart submission by the casino.

Submissions must be sent to the Commission's Gaming Administrator for review and approval prior to implementation.

7. On January 1, 2022, two (2) individuals had their job titles changed from a Regional Audit Manager to a Regional Director of Internal Audit.
8. On April 13, 2022, the Commission inquired about a change in position that was discovered during a level one (1) licensee interview.
9. On April 27, 2022, Bally's submitted the updated job description to the Commission.
10. On May 11, 2022, the Commission approved the updated job descriptions, and the job titles are automatically approved in LAM, the Commission's occupational licensing database.
11. The position and job description updates were 106 days late.

TERMS AND CONDITIONS

Commission staff alleges that the acts or omissions of Bally's by and through its agents as described herein constitute a breach of IC 4-33, IC 4-35, IC 4-38, and/or 68 IAC. The Commission and Bally's hereby agree to a monetary settlement of the alleged violations described herein in lieu of the Commission pursuing formal disciplinary action against Bally's.

Bally's shall pay to the Commission a total of \$1,500 in consideration for the Commission foregoing disciplinary action based on the facts specifically described in the Findings of Fact 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, Bally's agrees to promptly remit payment in the amount of \$1,500 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 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.

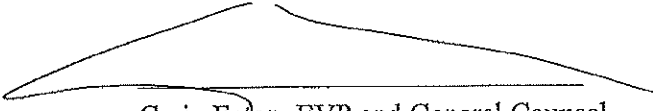
The counterparts of this Agreement may be executed and delivered by electronic mail, facsimile, or other electronic signature by either of the parties and the receiving party may rely on the receipt of such document so executed and delivered electronically as if the original had been received.

This Agreement shall be binding upon the Commission and Bally's.

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



Greg Small, Executive Director
Indiana Gaming Commission



Craig Eaton, EVP and General Counsel
Bally's Corporation

9/20/2022
Date

9/21/22
Date