

**ORDER 2022-205
AGT GAME TECHNOLOGY, LTD
22-AGT-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 15th DAY OF DECEMBER, 2022.

THE INDIANA GAMING COMMISSION:


Milton O. Thompson, Chair

ATTEST:


Jason Dudich, Secretary

STATE OF INDIANA
INDIANA GAMING COMMISSION

IN RE THE MATTER OF:)
)
AGT GAME TECHNOLOGY, LTD.) **SETTLEMENT**
) **22-AGT-01**
)

SETTLEMENT AGREEMENT

The Indiana Gaming Commission ("Commission") by and through its Executive Director Greg Small and Ainsworth Game Technology, LTD. ("AGT"), (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 to the following:

FINDINGS OF FACT

COUNT I

1. 68 IAC 2-2-1(d) provides the applicant's key persons, substantial owners, and any other persons deemed necessary to allow the commission to ensure the applicant meets the statutory criteria for licensure set forth in IC 4-33, IC 4-35, and this title must complete and submit a Personal Disclosure Form 1 ("PD1") application for occupational license under 68 IAC 2-3-1.
2. 68 IAC 2-2-4(b)(3) provides an application shall be deemed filed when the completed application forms, including all required documents, all personal disclosure forms, materials, photographs, and application fee have been submitted. The commission will not begin its background investigation until the application is filed.
3. On March 30, 2022, AGT's Director of Compliance advised the Commission that there was a newly appointed Chief Technology Officer ("CTO") as of March 25, 2022.
4. On March 31, 2022, the Commission advised AGT to submit a PD1 application within thirty (30) days of appointment which would make the PD1 due on April 25, 2022. AGT was also advised that if an extension was needed, AGT would need to request an extension before the due date of the PD1. AGT confirmed receipt of the email.
5. On April 25, 2022, AGT's Senior Compliance Manager submitted the PD1 for the CTO on time and advised that the password to the file would be sent separately.
6. On April 26, 2022, the Commission notified AGT that the password had not been received.

7. On May 3, 2022, AGT provided the password to the Commission.
8. On May 13, 2022, the Commission provided AGT with a list of deficiencies for the PD1.
9. On May 17, 2022, AGT stated that the CTO was on vacation and would work with him on the deficiencies upon his return to work.
10. On June 20, 2022, the Commission reached out to AGT on the status of the PD1.
11. On June 27, 2022, AGT provided that the CTO was working on getting the requested information as quickly as possible.
12. On July 18, 2022, the Commission reminded AGT that the Commission was still missing information on the CTO's PD1 when responding to a separate issue.
13. On July 19, 2022, AGT sent a link with the PD1 updates.
14. On July 22, 2022, the Commission advised AGT that the job title for the CTO was not in the Commission's occupational licensing database ("LAM"). The LAM manual requires that the job title to be submitted in LAM before sending a PD1.
15. On August 16, 2022, the Commission followed up on the job title missing in LAM and AGT subsequently added the job title to LAM that day.
16. The PD1 was sixty-seven (67) days late. It also took AGT an additional twenty-five (25) days to add the job title to LAM. It was eight-nine (89) days before the Commission had a complete PD1 for the CTO.

COUNT II

17. 68 IAC 2-2-1(d) provides the applicant's key persons, substantial owners, and any other persons deemed necessary to allow the commission to ensure the applicant meets the statutory criteria for licensure set forth in IC 4-33, IC 4-35, and this title must complete and submit a Personal Disclosure Form 1 ("PD1") application for occupational license under 68 IAC 2-3-1.
18. 68 IAC 2-2-4(b)(3) provides an application shall be deemed filed when the completed application forms, including all required documents, all personal disclosure forms, materials, photographs, and application fee have been submitted. The commission will not begin its background investigation until the application is filed.

19. On July 11, 2022, AGT notified the Commission that there was a new appointee as the Independent Non-Executive Director which required a PD1 application. The PD1 would be due on August 11, 2022.
20. On September 12, 2022, the Commission reached out to AGT to inquire about the status of the PD1.
21. On September 14, 2022, AGT responded that the PD1 had been placed in the mail to the Commission.
22. On September 21, 2022, AGT advised the Commission that the PD1 had been submitted electronically as it had been returned to AGT. The PD1 was not returned by the Commission.
23. On September 30, 2022, the Commission received the fingerprints for the applicant but no payment was included. The Commission responded to AGT advising them of the missing information on the PD1.
24. On October 12, 2022, AGT responded with partial updates, but did not provide updates on all the missing information. The Commission requested an update when all documents were available.
25. On October 14, 2022, the Commission inquired about payment for the PD1.
26. On October 24, 2022, the Commission received payment for the PD1.
27. On October 27, 2022, the Commission followed up on the missing information. AGT advised that the missing information had been uploaded.
28. On October 28, 2022, the Commission issued a temporary license for the Independent Non-Executive Director.
29. The PD1 was forty-one (41) days late. It took an additional thirty-six (36) days to get the missing information, fingerprints, and payment. In total, the PD1 was seventy-seven (77) days late.

COUNT III

30. IC 4-33-7-8(a) provides unless a supplier's license is suspended, expires, or is revoked, the supplier's license may be renewed annually upon:
 - (1) the payment of a seven thousand five hundred dollar (\$7,500) annual renewal fee; and
 - (2) a determination by the commission that the licensee is in compliance with this article.

(b) The holder of a supplier's license shall undergo a complete investigation every three (3) years to determine that the licensee is in compliance with this article.

31. 68 IAC 2-2-9(a) provides all supplier licensees have a continuing duty to maintain suitability for licensure. A supplier's license does not create a property right, but is a revocable privilege granted by the state contingent upon continuing suitability for licensure.
32. 68 IAC 2-2-1(d) provides the applicant's key persons, substantial owners, and any other persons deemed necessary to allow the commission to ensure the applicant meets the statutory criteria for licensure set forth in IC 4-33, IC 4-35, and this title must complete and submit a Personal Disclosure Form 1 (PD1) application for occupational license under 68 IAC 2-3-1.
33. 68 IAC 2-2-4(b)(3) provides an application shall be deemed filed when the completed application forms, including all required documents, all personal disclosure forms, materials, photographs, and application fee have been submitted. The commission will not begin its background investigation until the application is filed.
34. On February 16, 2022, the Commission notified AGT's Director of Compliance that they would need to undergo a three (3) year re-investigation which included the submission of a Supplier Reinvestigation Application and eight (8) PD1 applications.
35. On March 3, 2022, AGT's Senior Compliance Administrator requested an extension.
36. On March 4, 2022, the Commission advised AGT that they would be granted an extension and the new due date would be April 16, 2022.
37. On July 18, 2022, the Commission requested an update on the applications, as the supplier application and five (5) of the eight (8) PD1's were still not submitted. AGT's Director of Compliance responded that she had renewed the licenses in LAM. The Commission advised AGT that the PD1 applications and company application were still due and unrelated to the renewals in LAM.
38. On July 19, 2022, AGT responded to the Commission that there had been a miscommunication on their end which led to the application not being submitted timely.
39. On August 4, 2022, the last due application was submitted to the Commission, however, all pending PD1's were still missing fingerprints.
40. On August 24, 2022, the Commission inquired about the status of the required fingerprint cards. AGT advised they would be sent soon.

41. On September 13, 2022, the Commission received the fingerprint cards and was able to fully process the PD1 applications.
42. Five (5) of the eight (8) PD1's and the company reinvestigation application was 150 days late.

TERMS AND CONDITIONS

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

AGT shall pay to the Commission a total of \$15,000 (\$3,000 for Count I, \$3,000 for Count II and \$9,000 for 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, AGT agrees to promptly remit payment in the amount of \$15,000 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 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 AGT.

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

Greg Small
Greg Small, Executive Director
Indiana Gaming Commission

12/14/2022
Date

Alisha Ray
Alisha Ray
Director of Compliance
Ainsworth Game Technology, LTD.

December 9, 2022
Date