

IN THE MATTER OF THE
HORSESHOE CASINO,
Respondent.

* BEFORE THE
* MARYLAND LOTTERY
* AND GAMING CONTROL
* COMMISSION
* Case Nos. 2017-05-113, -137 and -141

* * * * *

CONSENT AGREEMENT

Pursuant to the Annotated Code of Maryland, State Government Article (“SG”), §§ 9-1A-01, *et seq.* (“Gaming Law”), and Code of Maryland Regulations (“COMAR”) 36.03.04.06, the Maryland Lottery and Gaming Control Commission (“Commission”) and CBAC Borrower, LLC, (“Horseshoe Casino”) desire to resolve this matter without a formal administrative hearing. Accordingly, the parties recite the following facts and make the following agreements:

BACKGROUND

The Commission, with the assistance of the Maryland Lottery and Gaming Control Agency (“MLGCA” or “Agency”), regulates the operation of the State’s video lottery terminals (“VLTs”) and table games, and is responsible for licensing qualified facility operators and ensuring that the operation of video lottery facilities, VLTs and table games is conducted legally. SG §§ 9-1A-02(b), 9-1A-04(b)(14).

If a licensee violates a provision of the Gaming Law, a regulation promulgated by the Commission, or a directive of the Commission or the Director of the MLGCA, the Commission is authorized to, after a hearing, take action against a licensee that may include suspension or revocation of a license, and levying a civil penalty for each violation. SG §§ 9-1A-04(a)(3) – (8), -25; Code of Maryland Regulations (“COMAR”) 36.03.04. The Commission may also take other enforcement action, such as a corrective action plan, a reprimand, or imposition of a

condition on a license. SG §§ 9-1A-04(a)(3), -25; COMAR 36.03.04. The Commission may also agree with a licensee to reach a settlement to resolve a violation. COMAR 36.03.04.06.

Horseshoe Casino is licensed by the Commission as the operator of the video lottery facility in Baltimore City.

By letters dated November 16, 2017 and January 4, 2018, the Agency notified Horseshoe Casino that it was investigating alleged violations of the Gaming Law pertaining to underage individuals.

On January 12, 2018, the Agency issued a Notice of Alleged Violations of the Maryland Gaming Law (“Notice of Violation”) to Horseshoe Casino. The Notice of Violation alleged that on three separate occasions, underage individual(s) were admitted into the casino and onto the gaming floor. The Notice of Violation asserted that these actions violated the Gaming Law and regulations promulgated thereunder, and that these actions were sanctionable.

Horseshoe Casino has taken corrective measures to restrict underage individuals from entering the casino.

The parties agree to the following terms and conditions as a means of resolving the captioned alleged violations.

TERMS AND CONDITIONS

1. This Consent Agreement is being entered into as a means of settling the alleged violations and avoiding the potential expense and inconvenience of a formal hearing.
2. There has not been a formal finding as to the merits of the allegations in the Notices of Violation. This Consent Agreement does not constitute an admission or denial by either party that a violation of law or regulation has occurred.


3. Upon the parties' execution of this Consent Agreement, Commission staff shall submit this Consent Agreement to the Commission for review and final approval at its meeting on
February 22, 2018.
4. Upon the Commission's final approval of this Consent Agreement, and no later than 10 days after, Horseshoe Casino shall remit payment of \$1,000.00 to the Commission.
5. Upon receipt of payment from Horseshoe Casino, the Commission will close these matters.
6. Horseshoe Casino will continue to take appropriate measures to prevent underage individuals from entering the casino.
7. If Horseshoe Casino violates a term of this Consent Agreement, the Commission may impose a sanction or penalty on Horseshoe Casino for violating the Agreement or for the underlying violations. COMAR 36.03.04.06.
8. By entering into this Consent Agreement, Horseshoe Casino waives all rights to administrative or judicial review of these alleged violations.
9. This Consent Agreement extends only to those alleged violations referenced in the January 12, 2018, Notice of Violation. If the Commission subsequently discovers additional facts of a material and substantial nature involving any of the incidents cited in the January 12, 2018, Notice of Violation, and said facts constitute additional alleged violations, the Commission may pursue such additional alleged violations. Horseshoe Casino may dispute such additional alleged violations.
10. This Consent Agreement constitutes the entire agreement between the parties. No prior or subsequent understandings, agreements, or representations, oral or written that are not

specified or referenced within this document will be valid provisions of this Consent Agreement.

11. This Consent Agreement may not be modified, supplemented or amended, in any manner, except by written agreement signed by the parties.

12. This Consent Agreement is not final and binding until it is approved by the Commission. COMAR 36.03.04.06B(2).

IN WITNESS WHEREOF, the parties have signed this Consent Agreement as set forth below:



Erin Chamberlin (date)
General Manager
Horseshoe Casino - Baltimore

Gordon Medenica (date)
Director
Maryland Lottery and Gaming Control
Agency

APPROVED:

Kimberly Robertson (date)
Chair, Maryland Lottery and Gaming Control Commission

HORSESHOE CASINO – UNDERAGE VIOLATIONS
(Case Nos. 2017-05-113, -137 and -141)

Case #2017-05-113

On November 5, 2017, an underage male was allowed to enter the casino after having his identification checked by security. As a result of this incident, the underage male was able to gain entry into areas of the video lottery facility where VLTs and/or table games are located at Horseshoe Casino. Surveillance immediately notified security of the error and with a few minutes, the underage male was removed from the gaming floor. The underage male did not gamble or consume any alcoholic beverages.

Proposed Settlement Amount: Warning

Case #2017-05-137

On December 21, 2017, an underage male vendor was seen exiting the casino without and escort. It was determined that the underage male vendor had switched vendor badges with a coworker in order to retrieve a caulk gun from their work truck outside the casino. As a result of this incident, the underage male was able to access the gaming floor without an escort in areas of the video lottery facility where VLTs and/or table games are located at Horseshoe Casino. The underage male vendor was without an escort for approximately 2 minutes. There was no indication that the underage gambled or consumed any alcoholic beverages. The underage male was escorted from with casino without incident.

Proposed Settlement Amount: No Violation

Case #2017-05-141

On December 29, 2017, an underage male and his parents were able to enter the casino through an emergency exit door that was not secure. As a result of this incident, the underage male was able to gain entry into areas of the video lottery facility where VLTs and/or table games are located at Horseshoe Casino. The underage male was on the casino gaming floor for approximately 6 minutes and did not gamble or consume any alcoholic beverages. The underage male and his parents were escorted from the casino.

Proposed Settlement Amount: \$1,000.00