



State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

DECISION OF THE LOUISIANA GAMING CONTROL BOARD

IN RE: BOYD GAMING D/B/A TREASURE CHEST CASINO NO. RGS000403

This is an appeal by the Louisiana State Police, Casino Gaming Division ("Division"), of the decision of the Hearing Officer of the Louisiana Gaming Control Board ("Board") fining the licensee, Boyd Gaming d/b/a Treasure Chest Casino ("Treasure Chest"), \$2,500. for violation of L.A.C. 42:XIII.4205(C).

Louisiana Administrative Code 42:XIII.4205 provides, in pertinent part:

A. The Licensee shall have a computer connected to all EGD's on the riverboat to record and monitor the activities of such devices. No EGD's shall be operated unless it is on-line and communicating to a computer monitoring system approved by a designated gaming laboratory specified by the Division/Board. Such computer monitoring system shall provide on-line, real-time monitoring and data acquisition capability in the format and media approved by the Division.

...

B. The computer permitted by subparagraph of this Subsection shall be designed and operated to automatically perform and report functions relating to EGD meters, and other exceptional functions and reports in the riverboat as follows:

1. record the number and total value of tokens placed in the EGD for the purpose of activating play;
2. record the total value of credits received from the currency acceptor for the purpose of activating play;
3. record the number and total value of tokens deposited in the drop bucket of the EGD;
4. record the number and total value of tokens automatically paid by the EGD as the result of a jackpot;

5. record the number and total value of tokens to be paid manually as the result of a jackpot. The system shall be capable of logging in this data if such data is not directly provided by EGD;
6. have on-line computer alert, alarm monitoring capability to insure direct scrutiny of conditions detected and reported by the EGD, including any device malfunction, any type of tampering, and any open door to the drop area. In addition, any person opening the EGD or the drop area shall complete the machine entry authorization log including time, date, machine identity and reason for entry; with exclusion of the drop team,
7. be capable of logging in and reporting any revenue transactions not directly monitored by token meter, such as tokens placed in the EGD as a result of a fill, and any tokens removed from the EGD in the form of a credit;
8. identify any EGD taken off-line or placed on-line of the computer monitor system, including date, time, and EGD identification number; and
9. report the time, date and location of open doors or error conditions, as specified in §4201.D.2, by each EGD.

C. The licensee shall store, in machine-readable format, all information required by paragraph b for the period of five years. The Licensee shall store all information in a secure area and certify that this information is complete and unaltered. This information shall be available upon request by a Division agent in the format and media approved by the Division.

Treasure Chest stipulated to violating the regulation which requires a licensee to maintain certain information for five years. A representative of Treasure Chest, the slot manager, testified that the information required by L.A.C. 42:XIII.4205(B)(9) was only kept for 9 days; this was not intentional; the backup tape had never been checked to ascertain compliance with the regulation; and the MIS department of the licensee felt that 9 days was sufficient for this information. He further testified that the information required by 4205(B)(9) can indicate theft or an illegal door opening; the information is usually used within one or two days; and the licensee had never needed to go further back for this information since it commenced operation.

An audit by the Division in September 2000 revealed the violation. The licensee corrected the

violation immediately upon notification of its occurrence. The Hearing Officer considered the fact that the Division had not discovered the violation in prior audits.

The riverboat gaming fine schedule does not contain a penalty amount for this violation. The landbased casino and racetrack slot machine gaming fine schedules contain a penalty of \$10,000. for violation of an identical provision. We are currently in the process of promulgating an amendment to the riverboat fine schedule which includes a fine of \$10,000. for violation of 4205(C). The Hearing Officer considered a \$10,000. penalty harsh and fined the licensee \$2,500.

LEGAL ANALYSIS

The fact that the Division had not pointed out the violation to the licensee is of no moment. It is the duty of the licensee to be aware of and comply with all regulations at all times not just when caught. There was testimony that the violation was not intentional but there was also testimony that the licensee did not check to ascertain if it was in compliance with this regulation and didn't see the need for keeping the information for five years.

This regulation is an important safeguard to the state and its citizens. This information contains a record of possible theft or illegal entry into gaming devices. It is not left to the licensee to determine the need of the state for this information. That determination has already been made by the state through the regulation.

The fine of \$10,000. is appropriate in this instance.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of February 19, 2002:

IT IS ORDERED THAT the licensee, Boyd Gaming, Inc. d/b/a Treasure Chest Casino, License No. RO12600098, in the matter of RGS000403, is fined \$10,000.00 for violation of L.A.C. 42:XIII.4205.

THUS DONE AND SIGNED this 19th day of February 2002.

LOUISIANA GAMING CONTROL BOARD

BY: 
HILLARY J. CRAIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 20th DAY
OF February, 2002

APPEAL/DOCKET CLERK

