

The Virginia Lottery

In the Matter of Rivers Portsmouth Gaming, LLC

Docket No. 2023-03-01

**SETTLEMENT AGREEMENT**

Pursuant to Article 1 of Chapter 41 of Title 58.1 of the Code of Virginia ("Va. Code"), § 58.1-4100, *et seq.* ("Casino Gaming Law"), and Virginia Administrative Code 11VAC5-90-90.F, the Executive Director ("Director") of the Virginia Lottery ("Lottery") and Rivers Portsmouth Gaming, LLC d/b/a Rivers Casino Portsmouth ("Rivers") wish to resolve this matter without a formal administrative hearing. Accordingly, the parties recite the following facts and make the following agreements:

**BACKGROUND**

The Director and Lottery staff, through regulations adopted by the Virginia Lottery Board ("Board"), regulate the operation of Virginia's casino gaming program and are responsible for authorizing qualified persons to offer casino gaming within the Commonwealth of Virginia and for ensuring that the operation of casino gaming is conducted legally. Va. Code §§ 58.1-4101, 58.1-4102, 58.1-4110; 11VAC5-60; 11VAC5-90.

If a licensee or permit holder violates a provision of the Casino Gaming Law, a regulation promulgated by the Board, or a directive of the Lottery or the Director, the Director is authorized to, after a hearing, take action against a licensee or permit holder that may include suspension or revocation of the casino gaming facility operator's license or other gaming permit and levying a civil penalty for each violation. Va. Code § 58.1-4116; 11VAC5-90-90.H. The Director may impose these sanctions on a holder of a casino gaming facility operator's license for violations committed by the facility operator's affiliates and contractors, including the facility operator's principals, suppliers, vendors, or employees. 11VAC5-90-100.D. The Director may enter into a voluntary settlement agreement with a licensee or permit holder to resolve a violation. 11VAC5-90-90.F.

Rivers was issued a casino gaming facility operator's license to operate Rivers Casino Portsmouth ("the Casino"), which opened on January 23, 2023, in Portsmouth, Virginia.

In January and February 2023, the Lottery and the Casino concurrently reviewed alleged violations of the Casino Gaming Law that occurred at the Casino. Based on the review, the Lottery informed the Casino of the Lottery's allegations that the Casino, directly and through its contractors and agents, had violated certain provisions of the Casino Gaming Law and the Lottery's related regulations prior to and after the Casino's opening on January 23, 2023. Specifically, the Lottery identified alleged violations with respect to underage and voluntarily excluded persons, licensing requirements relating to slot machines, and unauthorized games in play, for which the Director is proposing a settlement amount. The Lottery has asserted that these actions violated the Casino Gaming Law and the regulations promulgated thereunder, and that these actions were sanctionable.

Rivers has cooperated fully with the Lottery's inquiry into these matters, has taken corrective measures, and has developed a corrective action plan to ensure future compliance with the Casino Gaming Law and its related regulations.

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

#### **TERMS AND CONDITIONS**

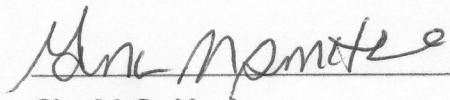
1. This Settlement Agreement is being entered into as a means of settling the alleged violations and avoiding the potential expense and inconvenience of a formal hearing.
2. There has not been a formal finding as to the merits of the allegations. This Settlement Agreement does not constitute an allegation, an admission, or a denial by either party that a violation of law or regulation has occurred.
3. Upon execution of this Settlement Agreement by both parties, and no later than 10 days after, Rivers shall remit payment of \$275,000 to the Lottery for deposit into the Commonwealth's General Fund.
4. Upon receipt of payment from Rivers, the Director will close these matters.
5. As part of its corrective action plan, Rivers will continue to take appropriate measures to ensure future compliance with the Casino Gaming Law and its related regulations.



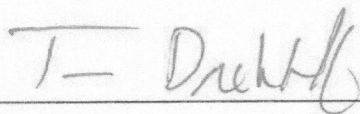
6. If Rivers violates a term of this Settlement Agreement, the Director may impose a sanction or penalty on Rivers for violating the Agreement or for the underlying violations pursuant to 11VAC5-90-90.F.4.
7. By entering into this Settlement Agreement, Rivers waives all rights to administrative or judicial review of these alleged violations pursuant to 11VAC5-90-90.I.
8. This Settlement Agreement extends only to those alleged violations that are known to the Lottery and which occurred between January 1, 2023, and the date of this Settlement Agreement. If the Lottery subsequently discovers additional facts of a material and substantial nature involving any of those incidents, and said facts constitute additional alleged violations, the Lottery may pursue such additional alleged violations. Rivers may dispute any such additional alleged violations.
9. This Settlement 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 Settlement Agreement.
10. This Settlement Agreement may not be modified, supplemented, or amended, in any manner, except by written agreement signed by the parties.

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

Date: 3/28/2023

  
\_\_\_\_\_  
Gina M. Smith  
Deputy Executive Director Gaming Compliance  
Virginia Lottery

Date: 3-22-2023

  
\_\_\_\_\_  
Tim Drehkoff  
Chief Executive Officer  
Rivers Portsmouth Gaming, LLC