

The Virginia Lottery

In the Matter of HR Bristol, LLC

Docket No. 2023-06-01

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 HR Bristol, LLC (“Hard Rock”) 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.

Hard Rock was issued a casino gaming facility operator's license to operate the Hard Rock Bristol Casino ("the Casino"), which opened in a temporary facility on July 8, 2022, in Bristol, Virginia.

Between November 2022 and early March 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. Specifically, the Lottery identified alleged violations with respect to voluntarily excluded persons, 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.

Hard Rock 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, Hard Rock shall remit payment of \$50,000 to the Lottery for deposit into the Commonwealth's General Fund.
4. Upon receipt of payment from Hard Rock, the Director will close these matters.
5. As part of its corrective action plan, Hard Rock will continue to take appropriate measures to ensure future compliance with the Casino Gaming Law and its related regulations.

6. If Hard Rock violates a term of this Settlement Agreement, the Director may impose a sanction or penalty on Hard Rock for violating the Agreement or for the underlying violations pursuant to 11VAC5-90-90.F.4.
7. By entering into this Settlement Agreement, Hard Rock 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 November 2022 and March 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. Hard Rock 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: 5/30/2023



Kelly T. Gee
Executive Director
Virginia Lottery

Date: 05 20 2023



Jon Lucas
Chief Operating Officer
Hard Rock