

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF BUSINESS REGULATION
JOHN O. PASTORE CENTER, BLDG. 68-1
1511 PONTIAC AVENUE
CRANSTON, RHODE ISLAND 02920**

IN THE MATTER OF

JOEL KOLODOFF,

RESPONDENT.

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DBR No. 19GA008

CONSENT AGREEMENT

The Department of Business Regulation (the "Department") enters into this Consent Agreement with Joel Kolodoff (the "Respondent") to resolve the above-captioned matter pursuant to its authority under R.I. Gen. Laws § 42-35-9(d).

It is hereby agreed by and between the Division and the Respondent that:

1. Respondent holds Rhode Island Gaming Facility Employee License No. GFE000142N-O ("License"). Respondent's License was most recently effective January 1, 2019 and has an expiration date of December 31, 2021. The Department's earliest retained record of Respondent's licensure is December 9, 2004.
2. On April 25, 2019, Respondent's Tiverton Hotel and Casino ("Tiverton") Cage Shift Manager ("CSM") discovered a piece of paper containing horse-racing wagers and associated currency in Respondent's drawer after his Mutuels Lead shift concluded.
3. On April 26, 2019, Respondent's Cage Operations Manager ("COM") requested that Tiverton Surveillance conduct an investigation regarding Respondent's suspected wagering during working hours. As a result, Tiverton Surveillance found video footage from April 25, 2019, wherein Respondent is seen taking money from his drawer, running it through the jet scanner, and then putting the bills in his pocket.
4. Because of the April 26th findings, Tiverton Surveillance reviewed security footage for Respondent's April 2019 work schedule. Between April 3rd and April 28th and during sixteen (16) work shifts, Tiverton Surveillance found ninety-four (94) transactions where Respondent placed wagers. Video footage depicts Respondent placing wagers while there is no patron at his window, placing wagers without a corresponding placement of money, and

balancing his drawer by either adding money to or removing money from his till (“April Violations”).¹

5. On May 9, 2019, Tiverton Human Resources informed Respondent that he was suspended from work for one-week (three (3) days) due to the April Violations, which is documented in Tiverton Casino’s *Change in Employment Status* form dated May 29, 2019. Respondent was suspended for not following the *Patronization and Gaming Policy (#411)*.
6. On May 25, 2019, Tiverton Surveillance observed Respondent take money from his pants’ pocket and make change with money from his drawer.²
7. On May 30, 2019, the COM reminded all Cage, Count, Mutuels, Sportsbook and Credit staff via an internal memo that all policies and procedures should be followed at all times, emphasizing the importance of money handling.

Applicable Law and Policies

8. Pursuant to R.I. Gen. Laws § 41-4-9.1(c), the Division may “suspend or revoke, for good cause, any license issued by it after a hearing held in accordance with chapter 35 of title 42 and subject to further appeal procedures provided by § 41-2-3.”
9. Tiverton Casino *Patronization and Gaming, Policy #411*, states:

“Employees may gamble at the Race Book (pari-mutuels) on days that they are not working; however, any employee gambling at the Race Book must not commence gambling until at least eight (8) hours have passed from the end of his/her previous work shift.”

...

“Employees can patronize the Company property as long as they follow these guidelines:

- Employees who choose to patronize the Company property must be off duty and out of uniform.”

Conditions

10. Though the Division maintains that it has the requisite good cause to suspend or revoke Respondent’s License pursuant to R.I. Gen. Laws § 41-4-9.1(c), in consideration for the Respondent’s lack of criminal charges stemming from the April Violations, lack of Departmental disciplinary history for his significant years of employment, and his acceptance of responsibility, the parties have agreed to an amicable resolution of the matter without an administrative hearing and the attendant time and costs. As such, the following

¹ Paragraphs 2, 3 and 4 incorporate facts as stated in an associated Tiverton Surveillance *Incident File Summary Report* (#IN20190002155) and an *Audit/Investigation* report on Respondent.

² Paragraph 6 incorporates facts as stated in an associated Tiverton Surveillance *Daily Log Full Report* (DL20190117760).

are the conditions under which the Department will grant Respondent a Conditional License:

- a. Respondent's Conditional License will run for a period of one (1) year from the date of the execution of this Consent Agreement ("Conditional Licensing Period");
- b. Respondent will contact the Employee Assistance Program ("EAP") regarding the frequency and substance of his wagering and will participate in any and all of the recommendations EAP makes regarding Respondent addressing his wagering behaviors;
- c. During the Respondent's Conditional Licensing Period, he will remain free of any arrests, charges or allegations of criminal conduct, civil violations, probation violations and/or violations of any of Tiverton Casino's Management Policies and Procedures;
- d. Respondent will report any arrests, charges or allegations of criminal conduct, civil violations, probation violations or violations of any of Tiverton Casino's Management Policies and Procedures within twenty-four (24) hours of their occurrence to the Department by e-mail or phone call to Christina Tobiasz, Gaming and Athletics Administrator, Division of Gaming and Enforcement;
- e. If the Respondent remains free from any arrests, charges or allegations of criminal conduct, civil violations, probation violations or violations of any of Tiverton Casino's Management Policies and Procedures for the duration of his Conditional Licensing Period, thereafter his Conditional License will become permanent for the remainder of his licensing cycle.
- f. If the Respondent incurs any arrest, charge or allegation of criminal conduct, civil violation, probation violation or violations of any of Tiverton Casino's Management Policies and Procedures during his Conditional Licensing Period, the Department may immediately suspend or revoke his License.

11. The Department and Respondent agree that this Consent Agreement and its terms represent the final determination of this matter.

Legal Effects of Consent Agreement

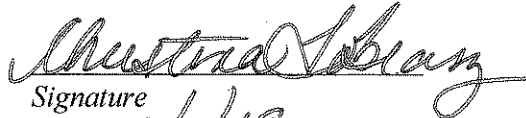
12. *Waiver of Hearing and Appeal.* By agreeing to resolve this matter through the execution of this Consent Agreement, Respondent knowingly and voluntarily waives any right to an administrative hearing and waives any right to pursue an appeal to the Superior Court under the Rhode Island Administrative Procedures Act, R.I. Gen. Laws § 42-35-1 *et seq.*
13. *Enforcement.* If the Respondent fails to comply with any term or condition of this Consent Agreement within any applicable time period set forth herein, the Respondent will be in

violation hereunder and the Department shall be entitled to immediately to take enforcement or other action in accordance with applicable law.

14. *Compliance; Laws.* Compliance with the terms of this Consent Agreement does not relieve the Respondent of any obligation to comply with other applicable laws or regulations administered by or through the Department or any other governmental agency.

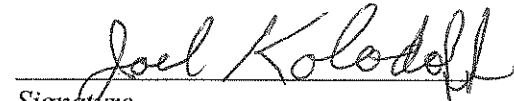
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For the Division:


Signature
Date: 7/1/19

Christina Tobiasz
Gaming and Athletics Administrator
Division of Gaming and Athletics

For the Respondent:


Signature
Date: JUNE 29, 2019

Joel Kolodoff

CERTIFICATION

I hereby certify that on this 1st day of July 2019, a fully-executed copy of this Consent Agreement was sent by first-class mail, postage prepaid to:

Mr. Joel Kolodoff
531 South county Trl. Unit 12
Exeter, RI 02822-3409

And by e-mail to:

1. Christina Tobiasz, Gaming & Athletics Administrator;
2. Sara Tindall-Woodman, DBR Senior Legal Counsel.

A handwritten signature in cursive, appearing to read "Amy J. M.", is written over a horizontal line.