

1 Case No. 15-02-RTR

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STATE OF NEVADA
BEFORE THE NEVADA GAMING COMMISSION

6 In the Matter of:
7 LAS VEGAS SANDS, LLC, dba
8 VENETIAN RESORT HOTEL CASINO/
PALAZZO RESORT HOTEL CASINO
9 Claim for Refund of Live Entertainment Tax
10 for the Period of January 2011 through
January 2014.

**STIPULATION FOR
SETTLEMENT AND ORDER**

11 The Claimant, LAS VEGAS SANDS, LLC dba VENETIAN RESORT HOTEL
12 CASINO/PALAZZO RESORT HOTEL CASINO (VENETIAN), and the STATE GAMING
13 CONTROL BOARD (BOARD) hereby stipulate and agree that the Claim for Refund in NGC
14 Case No. 15-02-RTR shall be settled on the following terms and conditions:

15 1. On or about February 10, 2015, VENETIAN filed with the Nevada Gaming
16 Commission a claim for a tax refund for the period of January 2011 through January 2014
17 pursuant to Nevada Revised Statutes 368A.260, 463.370 and 463.387; Nevada Administrative
18 Code 368A.520; and Nevada Gaming Commission Regulation 6.180. Based on the
19 limitations period, VENETIAN and the BOARD agree the time period of the VENETIAN's
20 Claim for Refund should be adjusted to the period of January 2012 through January 2014
21 pursuant to NRS 368A.260.

22 2. The BOARD, through its Audit Division, performed an investigation of the claim for
23 Refund filed by VENETIAN and verified an overstatement of live entertainment tax revenue in
24 the amount of \$1,945,883.71. This overstatement is a result of VENETIAN erroneously failing
25 to exclude the amount of complimentary admission tickets for the David Spade and the Soul
26 to Soul shows from reported live entertainment revenue.

27 3. The BOARD agrees to refund, and VENETIAN agrees to accept, as full and final
28 settlement of the Claim for Refund, in Case No. 15-02-RTR, \$194,588.37 in live entertainment

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1 tax, plus \$8,391.77 in accrued interest through April 23, 2015, plus additional daily interest of
2 \$13.99 commencing April 24, 2015, until the refund is paid. Each party will bear its own
3 attorney fees and costs.

4 4. This settlement is made for the purposes of avoiding litigation and economizing
5 resources and does not constitute an admission of liability on the part of VENETIAN or the
6 BOARD, nor shall it operate or be construed as any precedent for the validity or invalidity of
7 any legal position taken in this matter by either party. This settlement is made exclusively
8 between the BOARD and VENETIAN, and no licensee may rely upon it for any purpose.

9 5. VENETIAN fully understands and voluntarily waives any right it may have to a public
10 hearing on the Claim for Refund, in NGC Case No. 15-02-RTR, and its right to pursue judicial
11 review in state district court or otherwise contest this matter in any court of competent
12 jurisdiction.

13 6. VENETIAN, for itself, its heirs, executors, administrators, successors, and assigns,
14 hereby releases, dismisses, and forever discharges the State of Nevada, the Nevada Gaming
15 Commission, the State Gaming Control Board, the Nevada Attorney General and each of their
16 members, agents, and employees in their individual and representative capacities from any
17 and all manner of actions, causes of action, suits, debts, judgments, executions, claims, and
18 demands whatsoever known or unknown, in law and equity, that VENETIAN ever had, now
19 has, may have, or claims to have against any and all of the persons or entities named in this
20 paragraph arising out of, or by reason of, this Claim for Refund, NGC Case No. 15-02-RTR, or
21 any other matter relating thereto.

22 7. VENETIAN, for itself, its heirs, executors, administrators, successors, and assigns,
23 hereby indemnifies and holds harmless the State of Nevada, the Nevada Gaming
24 Commission, the State Gaming Control Board, the Nevada Attorney General, and each of
25 their members, agents, and employees in their individual and representative capacities
26 against any and all claims, suits, actions, debts, damages, costs, charges, and expenses,
27 including court costs and attorney's fees, and against all liability, losses, and damages of any
28 nature whatsoever that the persons and entities named in this paragraph shall or may have at

1 any time sustain or be put to by reason of this Claim for Refund, NGC Case No. 15-02-RTR,
2 or any other matter relating thereto.

3 8. VENETIAN enters into this Stipulation freely and voluntarily. VENETIAN confirms
4 that this settlement is not a result of force, threats, or any other type of coercion or duress, but
5 is the product of negotiations between representatives of VENETIAN and the BOARD.

6 9. VENETIAN and the BOARD recognize and agree that the Nevada Gaming
7 Commission has the sole and absolute discretion to determine whether to accept this
8 Stipulation for Settlement. VENETIAN and the BOARD hereby waive any right they may have
9 to challenge the impartiality of the Nevada Gaming Commission to hear and consider the facts
10 and matters embraced in the VENETIAN, NGC Case No. 15-02-RTR, in the event the Nevada
11 Gaming Commission does not accept this Stipulation for Settlement.

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10. This Stipulation for Settlement shall not become effective until such time as the Nevada Gaming Commission approves it. Such approval shall not constitute an admission of liability on the part of the Nevada Gaming Commission.

DATED this 7th day of April, 2015.


LAS VEGAS SANDS, LLC, dba
VENETIAN RESORT HOTEL CASINO/
PALAZZO RESORT HOTEL CASINO

STATE GAMING CONTROL BOARD

By: 
CAROL WETZEL
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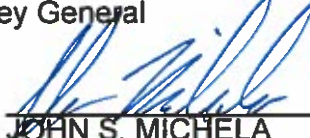

A.G. BURNETT, Chairman


SHAWN R. REID, Member


TERRY JOHNSON, Member

Claimant

Submitted by:
ADAM PAUL LAXALT
Attorney General

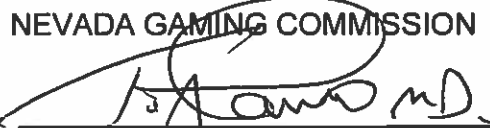
By: 
JOHN S. MICHELA
Senior Deputy Attorney General
Gaming Division
775-850-4153

Attorneys for the State Gaming Control Board

ORDER

IT IS SO ORDERED in NGC Case No. 15-02-RTR.

DATED this 23rd day of April, 2015.

NEVADA GAMING COMMISSION

TONY ALAMO, M.D., Chairman