

Centerville man sues Cincinnati casino for \$56,000

Written by Administrator
Thursday, 04 September 2014 13:23 -

A retired Xenia High School teacher has filed a lawsuit against the [Horseshoe Cincinnati](#) , accusing the casino of false imprisonment and malicious prosecution.

Mark DiSalvo, 57, of Centerville won a \$2,000 video poker jackpot on March 11, 2013, one week after the casino opened. He did not have proper identification to claim his winnings and waited nearly two hours before receiving a voucher.

DiSalvo got into a confrontation with security personnel and was arrested on a misdemeanor menacing charge as he tried to leave the casino with his father, sister and a family friend.

While waiting for his voucher, DiSalvo received no explanation for the paperwork delay, according to an amended complaint filed last week in U.S. District Court in Cincinnati.

He placed a 911 call to police in an effort to get help in securing his winnings. He also called 911 a second time after receiving the voucher.

"I asked politely during the interim, what's going on?" DiSalvo said. "Nobody really gave me an answer, to the point where I actually wondered if I was going to get the \$2,000."

Before leaving, DiSalvo approached a casino employee to get his name with the intention of reporting him to management for rudeness.

"Whenever you want to take anybody's name, that's when they get upset. That's what really started it, I think," said Mark Painter, DiSalvo's attorney, [whose law firm posted a video of the incident on YouTube](#) .

DiSalvo later was summoned by casino employee Charles Beebe and confronted "in a rude and threatening manner," according to the lawsuit.

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“He walked right up to me and said, ‘When I call you over, come right over to me, boy,’ ” DiSalvo said in an interview.

DiSalvo said he told Beebe he was leaving and Beebe said “no, you’re not.”

“He leaned a little closer and challenged me basically to a fight, said DiSalvo, who took off his glasses during the exchange. “I said, ‘If that’s what you want to do’ ... and we were detained.”

In a response to DiSalvo’s complaint filed in federal court, Beebe’s attorneys denied that the former Cincinnati police employee was rude and threatening.

A spokesperson for Caesars Entertainment, which operates the casino, said the Horseshoe Cincinnati does not comment on pending litigation.

Beebe and other casino employees — including security director Richard Janke, a former Cincinnati assistant police chief — detained DiSalvo near the exit before police arrived and arrested DiSalvo.

During the August 2013 trial, at which DiSalvo was found not guilty, he claims three Horseshoe employees gave false testimony.

Painter said the casino falsely claimed to police that DiSalvo had been “escorted off the property yesterday and is back today.” DiSalvo said the Monday afternoon visit on March 11, 2013, was the only time he has been to the casino.

“The cops shouldn’t have arrested him, but they were lied to about what happened,” Painter said.

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After being released from jail, DiSalvo returned to the casino with his ID and a police officer to claim his winnings.

DiSalvo first filed his lawsuit on March 11, 2014, naming the casino and three Cincinnati police officers. The city settled for \$4,250. The amended complaint naming the casino and four employees was filed on Aug. 29.

DiSalvo is seeking \$56,000 in damages. He said the casino offered to settle for \$10,000, but that would include banning him from all Caesars properties.

DiSalvo, who retired from teaching in 2011, said he is meeting next week with the Ohio Casino Control Commission. OCCC spokesperson Tama Davis said a 1-hour, 45-minute wait for a voucher is not normal.

"That would be something we would review and look at their internal controls and process," Davis said.

Painter said he wants to schedule a trial "as soon as possible."

"You shouldn't walk in with your 85-year-old father and your sister and walk around the casino for a while, win a jackpot and end up in jail," he said. "People shouldn't be put in jail for no reason."

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