

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-15-269
Missouri Gaming Company)

PRELIMINARY ORDER FOR DISCIPLINARY ACTION

Comes now the Missouri Gaming Commission acting in its official capacity pursuant to 11 CSR 45-13.050, and states as follows:

1. The Missouri Gaming Commission (the "Commission" or "MGC") is a state commission created under Chapter 313, RSMo 2000,¹ with jurisdiction over gaming activities, including riverboat gambling activities, in the State of Missouri.
2. The Commission issued Penn National Gaming, Inc., a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Penn National Gaming, Inc., is the parent organization or controlling entity of the Missouri Gaming Company (the "Company").
4. The Commission issued a Class B riverboat gambling license to the Company to conduct games on and operate the excursion gambling boat known as *Argosy Riverside Casino* (the "Casino").
5. As the holder of a Class B license, the Company is subject to the provisions of §§ 313.800 to 313.850, RSMo, and the regulations promulgated thereunder by the Commission.

STATEMENT OF FACTS²

6. The Casino held its Marquee Millionaire Giveaway slot tournament on March 7, 2015.
7. The Casino did not submit notice of the tournament nor the rules for that tournament to the MGC until March 12, 2015.
8. The Casino admitted it failed to submit its notice and tournament rules at least 10 days prior to the start of the tournament as required by law.

LAW

9. Under § 313.805(6), RSMo, the Commission may assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, or penalties in an amount determined by the Commission.

¹ All statutory references are to RSMo 2000, unless otherwise specified.

² 20150316003

10. Section 313.812.14, RSMo, states, in pertinent part, as follows:

A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline.

- (1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulations;
- (2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming[.]

11. Title 11 CSR 45.10.030 states, in pertinent part, as follows:

- (7) All occupational licensees shall have a working knowledge of Chapter 313.800, RSMo et seq., *Code of State Regulations*, Title 11 Division 45, and the internal controls of the Class A or B licensees for whom they are currently employed by as they pertain to the responsibilities and limitations of their job.

12. Title 11 CSR 45-5.180(3) states, in pertinent part, as follows:

...Class B licensees may conduct tournaments provided:

- (A) The licensee shall notify the gaming agent in charge at that property and the commission tax section of the planned tournament at least ten (10) calendar days before the first day of the event.
- (B) A copy of the tournament rules shall be submitted to the gaming agent in charge at that property and the commission tax section at least ten (10) calendar days before the first day of the event.

VIOLATIONS

13. The actions or omissions of employees or agents of the Company as described above constitute failure of the Casino to notify the MGC and to submit tournament rules at least 10 days prior to the start of the events, thereby violating 11 CSR 45-5.180(3), and 11 CSR 45.10.030(7).

14. The Company is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 313.812.14(1) and (2), RSMo.

PENALTY PROPOSED

15. Under § 313.805(6), RSMo, the Commission has the power to assess any appropriate administrative penalty against the Company as the holder of a Class B license.

16. THEREFORE, it is proposed that the Commission fine Missouri Gaming Company, the amount of \$2,500 for the violations set forth herein.

Brian Jamison
Chairman
Missouri Gaming Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a true and correct copy of the foregoing to be mailed, postage prepaid, this ____ day of August, 2015, to:

Aaron Rosenthal
Argosy Riverside Casino
777 NW Argosy Pkwy.
Riverside, MO 64150

Brian Jamison
Chairman
Missouri Gaming Commission