

MISSOURI GAMING COMMISSION  
COMMISSION RESOLUTION NO. 16-045

STEWART A. BREDELL  
September 28, 2016

WHEREAS, Stewart A. Bredell ("Bredell"), requested a hearing to contest the proposed disciplinary action initiated against him on February 10, 2016, by the Commission's issuance of a Preliminary Order for Disciplinary Action, DC-16-015; and

WHEREAS, pursuant to 11 CSR 45-13.010, et. seq., an administrative hearing has been held on Bredell's request and the Hearing Officer has submitted the proposed Findings of Fact, Conclusions of Law and Final Order attached hereto (collectively the "Final Order") for approval by the Commission; and

NOW, THEREFORE, BE IT RESOLVED, that the Commission has reviewed the Final Order and hereby issues to Bredell a suspension of his occupational license for two (2) calendar day in the above-referenced case in the matter of DC-16-015; and

BE IT FURTHER RESOLVED, that this shall be considered a final decision of the Missouri Gaming Commission.

**BEFORE THE MISSOURI GAMING COMMISSION**

In Re: )  
 )  
 STEWART A. BREDELL ) Case No. DC16-015  
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**FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER**

The above-captioned matter comes before the Missouri Gaming Commission (hereinafter referred to as "Commission") upon a request for hearing dated February 25, 2016, submitted by Mr. Stewart A. Bredell (hereinafter referred to as "Licensee"). Said request for hearing was in response to the Commission's Preliminary Order for Disciplinary Action dated February 10, 2016. The designated Hearing Officer, Mr. Chas. H. Steib, conducted a hearing on June 21, 2016, where the Licensee and the Commission's attorney, Ms. Carolyn H. Kerr, appeared to present evidence and arguments of law.

**FINDINGS OF FACT**

1. Licensee holds a Level II Occupational License granted by the Commission for employment as a Security Officer at the Ameristar Casino licensed by Commission.
2. On December 5, 2015, Trooper Scott Ronald of the Missouri State Highway Patrol noticed an abandoned Ticket In – Ticket Out ("TITO") voucher on a counter near a trash can and initiated an investigation (Tr.p.12, 1.23 *et seq.*).
3. Trooper Ronald's investigation revealed the following:
  - i. The TITO in question was worth \$0.28;
  - ii. Security Officer Aaron Brown ("Brown") discarded the TITO into a trash bin after overhearing Tpr. Ronald and Security Officer Faizen Khan ("Kahn") talking about what to do with it;
  - iii. When asked why Brown threw the TITO away, Brown responded by saying that TITOs may be thrown away if they are valued less than \$1;
  - iv. Brown identified Licensee as the person who told him it was permissible to throw away TITOs valued less than \$1; and
  - v. Khan also identified Licensee as telling him it was permissible to throw away TITOs valued less than \$1.
4. Licensee admitted under oath that he might have said "go ahead and throw away the ticket" or instructed other Security Officers to leave TITOs where discarded (Tr.p.29, 1.4-7) (Tr.p.29, 1.18-19) (Tr.p.29, 1.22-24) (Tr.p.31, 1.25) (Tr.p.32, 1.1-3) (Tr.p.32, 1.7) (Tr.p.35, 1.13-15) (Tr.p.35, 1.18-19).
5. Commission Exhibit 1 (Correspondence dated February 10, 2016, from Commission to Licensee including the Preliminary Order for Disciplinary Action): Commission Exhibit 2 (Correspondence

dated February 25, 2016, from Licensee to Commission requesting a hearing); and Commission Exhibit 3 (Gaming Incident/Investigation Report No. 20151205006) were all admitted into evidence without objection.

### CONCLUSIONS OF LAW

1. “The Commission shall have the full jurisdiction over and shall supervise all gaming operations governed by Section 313.800 to 313.850.” Section 313.805, MO. REV. STAT. 2000.

2. “A holder of any license shall be the 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 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 regulation; . . . “Section 313.812.14, MO. REV. STAT. 2000.

3. “The State has a legitimate concern in strictly regulating and monitoring riverboat gaming operations. As such, any doubt as to the legislative objective or intent as to the Commission’s power to regulate riverboat gaming operations in this State must be resolved in favor of strict regulation.” *Pen-Yan Investment, Inc. v. Boyd Kansas City, Inc.*, 952 S.W.2d 299, 307 (Mo. App. 1997).

4. The burden of proof is at all times on the Licensee. The Licensee shall have the affirmative responsibility of establishing the facts of his/her case by clear and convincing evidence . . .” Regulation 11 CSR 45-13.060(2).

5. “Clear and convincing evidence” is evidence that “instantly tilts the scales in the affirmative when weighed against the opposing evidence, leaving the fact finder with an abiding conviction that the evidence is true.” *State ex rel. Department of Social Services v. Stone*, 71 S.W.3d 643,646 (Mo. App. 2002).

6. “The Commission shall have the following powers . . . to access any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission . . .” Section 313.805(6), MO. REV. STAT. 2000.

7. Section 313.812.14(1), RSMO (2000), states that a Licensee may be disciplined for failing to comply with or make provisions for compliance with Section 313.800 to 313.850, the rules and regulations or the Commission of any federal, state or local law or regulation.

8. Section 313.812.14(2), RSMO (2000), states that a Licensee may be disciplined for failing to comply with any rule, order of ruling of the Commission or its agents pertaining to gaming.

9. Section 313.812.14(9), RSMO (2000), states that a Licensee may be disciplined for incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties by Sections 313.800 to 313.850.

10. The Commission's Minimum Internal Control Standards (MICS) (CSR 45-10.030(1), (4) and (7) Chapter H §§ 14.05 and 14.08) and the Casino's Internal Control Standards (CICS) Chapter H §§ 14.05, 14.06 and 14.08 mandate that any TITO, regardless of amount, be transferred to the Casino's main bank and held as unclaimed property.

### DISCUSSION

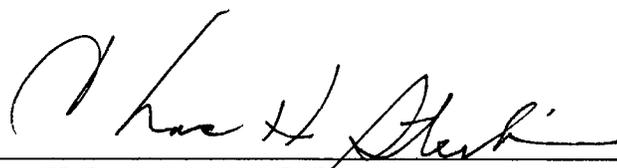
Licensee's encouragement of Security Officers to discard TITOs is injurious to the public health, safety, morals, good order and general welfare of the people of the State of Missouri and discredits the Missouri gaming industry and the State of Missouri, in that Licensee's acts and/or omissions violate 11 CSR 45-10.030(1), (4) and (7), the Commission's Minimum Internal Control Standards ("MICS"), Chapter H §§ 14.05 and 14.08, and the Casino's Internal Control Standards ("ICS"), Chapter H §§ 14.05, 14.06 and 14.08.

### FINAL ORDER

WHEREFORE, IT IS ORDERED AND ADJUDGED that Licensee did not meet his burden of proof to show clearly and convincingly that he should not be subject to discipline for encouraging Security Officers to not properly retain TITOs and transfer same to the Main Bank as unclaimed property. The decision of the Commission dated February 10, 2016, is affirmed as a proper form of discipline to impose upon Licensee, being a two (2) calendar day suspension of his Level II Occupational License.

Dated:

August 1, 2016

  
Chas. H. Steib, Hearing Officer