

MISSOURI GAMING COMMISSION
COMMISSION RESOLUTION NO. 17-019

APPROVING SETTLEMENT AGREEMENT AND FINAL ORDER

ANTER A. SOUFI
March 29, 2017

WHEREAS, on August 10, 2016, the Missouri Gaming Commission issued a Preliminary Order for Disciplinary Action (“Order”) against Anter A. Soufi (“Soufi”); and

WHEREAS, Soufi filed a request for hearing on that Order on or about September 9, 2016, and a hearing was scheduled before the Hearing Officer, Case No. 16-119; and

WHEREAS, Soufi and the Commission have come to a settlement agreement concerning the issues presented in the proposed discipline (a copy of which is attached).

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby approves the Settlement Agreement and Final Order concerning Anter A. Soufi, Case No. 16-119.

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

IN THE MISSOURI GAMING COMMISSION

In Re: Anter A. Soufi)
) DC 16-119
License Number: MGC300688)

SETTLEMENT AGREEMENT AND FINAL ORDER

This SETTLEMENT AGREEMENT (“Settlement Agreement”) is made subject to approval of the Missouri Gaming Commission (“Commission”) pursuant to 11 CSR 45-13.065, and is entered into between the Enforcement Division of the Commission (“Staff”) and Anter A. Soufi (“Soufi”) as authorized by 11 CSR 45-13.065 and will become a FINAL ORDER of the Commission effective upon approval by the Commission.

GENERAL MATTERS

WHEREAS, the Commission is a state commission created under Chapter 313, RSMo,¹ with jurisdiction over gaming activities, including riverboat gambling activities and the licensing and disciplining of holders of Level II Occupational Licenses, in the State of Missouri; and

WHEREAS, the Staff is charged with the review and investigation of the activities of holders of Missouri Gaming Licenses (“Licensees”) and the investigation of individuals and entities seeking to receive a Missouri Gaming License; and

WHEREAS, the Commission has, pursuant to § 313.004.4, RSMo, and 11 CSR 45-4.260(1), delegated and authorized the Executive Director to carry out its duties as set forth in Chapter 313, RSMo, including the supervision, regulation, and making the initial determination of discipline for Level I and II Occupational Licensees; and

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



WHEREAS, the Executive Director issued Soufi a Level II Occupational License for employment on an excursion gambling boat licensed by the Commission (License # MGC300688); and

WHEREAS, Soufi, as the holder of an occupational license, is subject to the provisions of §§ 313.800 to 313.850, RSMo, and the regulations promulgated thereunder by the Commission; and

FACTS

1. The Commission issued a Class B riverboat gambling license to Tropicana St. Louis, LLC (“Company”), to conduct games on and operate the excursion gambling boat known as the *Lumiere Place Casino & Hotels* (“Lumiere Place”).

2. The Commission issued a Class B riverboat gambling license to St. Louis Gaming Ventures, LLC (“Company”), to conduct games on and operate the excursion gambling boat known as the *Hollywood Casino St. Louis* (“Hollywood Casino”).

3. In April 2016, Soufi was employed by the *Lumiere Place Casino & Hotels* as a Dealer.

4. On April 26, 2016, Trooper Kimberly House (“Tpr. House”), who was assigned to the Gaming Division of the MSHP as an agent of the Commission, arrested Soufi at the Hollywood Casino for “Trespass 1st Degree (Gambling Boat).”

5. Soufi was playing at slot machine PK08 at Hollywood Casino when a Casino employee recognized him as a Disassociate Person (hereafter, “DAP”) and notified Casino Security.

6. Soufi enrolled in the DAP program on September 23, 2014, and was approved by the MGC on September 30, 2014.

7. At no point has Soufi's status on the DAP List been rescinded.

8. Soufi admitted he placed himself on the DAP List.

LAW

9. Section 313.805, RSMo, states, in pertinent part, as follows:

The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

* * *

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645;

* * *

(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

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 regulation;
- (2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;

* * *

- (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.

11. Under 11 CSR 45-4.260(4)(E), (F), and (Q), the Commission may suspend or revoke an occupational license of any person if any of the following occur:

- a. The Licensee fails “to comply with or make provisions to comply with Chapter 313, RSMo, the rules of this commission, or any federal, state, or local law or regulation,” under 11 CSR 45-4.260(4)(E);
- b. The Licensee “fails to comply with any rule, order or ruling of the commission or its agents,” under 11 CSR 45-4.260(4)(F); and/or
- c. The Licensee’s actions demonstrate “incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850, RSMo,” under 11 CSR 45-4.260(4)(Q).

12. Section 313.813, RSMo, states that “Any person that has been self-excluded is guilty of trespassing in the first degree pursuant to section 569.140 if such person enters an excursion gambling boat.”

13. Section 569.140.1, RSMo, states that “A person commits the crime of trespass in the first degree if he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property.”

14. Title 11 CSR 45-10.030 states, in pertinent part, as follows:

- (1) Licensees shall promptly report to the commission any facts which the licensee has reasonable grounds to believe indicate a violation of law (other than minor traffic violations), minimum internal control standard requirements or commission rule committed by licensees, their employees or others, including, without limitation, the performance of licensed activities different from those permitted under their license.

* * *

- (3) In the event that a licensee or employees of the licensee knows or should have known that an illegal or violent act has been committed on or about the licensed premises, they shall immediately report the occurrence to law enforcement authorities and shall cooperate with law enforcement authorities and agents of the commission during the course of any investigation into an occurrence.

* * *

- (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.

SETTLEMENT

15. Nothing contained in this Settlement Agreement and Final Order (“Settlement Agreement”) shall be deemed to be or construed as an admission of liability or guilt by Anter A. Soufi with respect to any of the claims in the Preliminary Order for Disciplinary Action No. DC 16-119. Rather, this Settlement Agreement is made by the parties in order to reasonably and conclusively resolve the disputed claims without incurring the uncertainty, burden, and expense of continued contested proceedings in this matter.

16. Without admitting liability or guilt with respect to any claim in the Preliminary Order filed against him, Anter A. Soufi agrees that he accepts the following penalty against his Level II Occupational Gaming License: Five (5) years suspension to be served beginning on the date this Settlement Agreement is approved and a Final Order is entered by the Commission (the “Discipline”).

17. In consideration of Anter A. Soufi's agreement to the Discipline, the Commission agrees that the Preliminary Order in DC 16-119 is hereby modified to require a five (5) calendar year suspension.

18. The Discipline agreed to herein is in satisfaction all pending and potential disciplinary actions relating to the activities, actions, and/or inactions described in the Preliminary Order and the Commission's investigation report. Anter A. Soufi agrees to withdraw his timely filed Request for Hearing and waives his rights to pursue an appeal of the Preliminary Order.

19. Anter A. Soufi acknowledges and understands that this Settlement Agreement is an administrative action and that this administrative action should be disclosed on future applications and renewal applications, if required, and that it is his responsibility to comply with the reporting requirements of each state in which he is or may be licensed.

20. Each signatory to this Settlement Agreement certifies by signing that he or she is fully authorized, in his or her own capacity, or by the named party he or she represents, to accept the terms and provisions of this Settlement Agreement in their entirety, and agrees, in his or her personal or representational capacity, to be bound by the terms of this Settlement Agreement.

21. In consideration of the foregoing, the parties agree to the termination of any further proceedings related to this matter.

22. The terms in this Settlement Agreement are an appropriate disposition of this matter and entry of this Settlement Agreement is in the public interest.

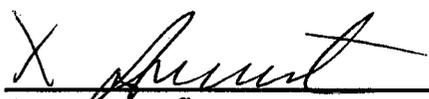
23. This Agreement shall be effective and binding as of the date it is approved by majority vote of the Commission, as a body, as is evidenced by the certification of approval contained at the end of this document.

24. Should the Commission for any reason fail to approve this Agreement by majority vote, Anter A. Soufi shall have the right to pursue his timely filed Request for Hearing and continue with his appeal of the Preliminary Order, and the Commission shall have the right to re-file the Preliminary Order of Discipline in DC 16-119, if it deems appropriate.

25. The terms set forth in this Settlement Agreement are an appropriate disposition of this matter, and entry of this Settlement Agreement is in the public interest.

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Anter A. Soufi has the right to a hearing, but that Anter A. Soufi has waived the hearing and consented to the execution of this Settlement Agreement and hereby submit this Settlement Agreement to the Commission for its approval.

X 
Anter A. Soufi

2-9-17
Date

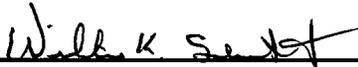

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2-9-17
Date



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2-15-2017
Date



William K. Seibert, Jr.
Executive Director
Missouri Gaming Commission
P.O. Box 1847
3417 Knipp Drive
Jefferson City, MO 65102

2-15-2017
Date

FINAL ORDER

NOW, THEREFORE, pursuant to the authority granted by §§ 313.805 and 313.812 RSMo, and 11 CSR 45-13.065 the above Settlement Agreement becomes a FINAL ORDER of the Commission.

THEREFORE, the Commission suspends Anter A. Soufi's Level II Occupational License for the violations set forth in the Settlement Agreement for a period of five (5) years, effective this ____ day of _____, 2017, subject to the terms and conditions agreed to by the parties and as set forth in the Settlement Agreement.

Herbert M. Kohn
Chairman
Missouri Gaming Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a true and correct copy of the foregoing Settlement Agreement and Final Order to be mailed, postage prepaid, this ____ day of _____, 2017, to:

Thomas C. Simon
Missouri Bar No. 34049
Attorney for Anter A. Soufi
1015 Locust, Suite 428
St. Louis, MO 63101
tom-simon@sbcglobal.net

Herbert M. Kohn
Chairman
Missouri Gaming Commission

IN THE MISSOURI GAMING COMMISSION

In RE: Anter A. Soufi)
) DC 16-119
License Number: MGC300688)

FIRST AMENDED **PRELIMINARY ORDER FOR DISCIPLINARY ACTION**

Comes now the Executive Director of the Missouri Gaming Commission, through counsel, and acting in his official capacity, pursuant to 11 CSR 45-13.050, and states as follows:

1. The Missouri Gaming Commission (the "Commission") 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 has, pursuant to § 313.004.4, RSMo, and 11 CSR 45-4.260(1), delegated and authorized the Executive Director to carry out its duties as set forth in Chapter 313, RSMo, including the supervision, regulation, and making the initial determination of discipline for Level I and II Occupational Licensees.

3. The Executive Director issued Anter A. Soufi ("Licensee") a Level II Occupational License for employment on an excursion gambling boat licensed by the Commission (License # MGC300688).

4. The Commission issued a Class B riverboat gambling license to Tropicana St. Louis, LLC ("Company"), to conduct games on and operate the excursion gambling boat known as the *Lumiere Place Casino & Hotels* ("Lumiere Place").

5. The Commission issued a Class B riverboat gambling license to St. Louis Gaming Ventures, LLC ("Company"), to conduct games on and operate the excursion gambling boat known as the *Hollywood Casino St. Louis* ("Hollywood Casino").

6. As the holder of an occupational license, Licensee is subject to the provisions of §§ 313.800 to 313.850, RSMo, and the regulations promulgated thereunder by the Commission.

7. The Commission believes the following facts to be true:²

- a. At all relevant times as alleged herein, Licensee was employed by *Lumiere Place Casino & Hotels* as a Dealer;
- b. At all relevant times as alleged herein, Trooper Kimberly House ("Tpr. House") of the Missouri State Highway Patrol ("MSHP") was assigned to the Gaming

¹ All statutory references are to the Revised Statutes of Missouri (2000), unless otherwise specified.

² GIR20160429002

Division of the MSHP as an agent of the Commission and was stationed at the Hollywood Casino;

- c. On, April 26, 2016, Tpr. House arrested Licensee at the Hollywood Casino for “Trespass 1st Degree (Gambling Boat)”;
- d. Tpr. House’s investigation revealed the following facts:
 - i. Licensee was playing at slot machine PK08 at Hollywood Casino when a Casino employee recognized him as a Disassociate Person (hereafter, “DAP”) and notified Casino Security;
 - ii. Licensee enrolled in the DAP program on September 23, 2014, and was approved by the MGC on September 30, 2014;
 - iii. At no point has Licensee’s status on the DAP List been rescinded; and
 - iv. Licensee admitted he placed himself on the DAP List.

8. Licensee’s trespass on the gaming floor as a DAP 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 act violates §§ 313.813 and 569.140.1, RSMo, and 11 CSR 45-10.030(1), (3), and (7).

9. Section 313.805, RSMo, states, in pertinent part, as follows:

The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

* * *

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645;

* * *

(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

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 regulation;

* * *

(9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.

11. Under 11 CSR 45-4.260(4)(E), (F), and (Q), the Commission may suspend or revoke an occupational license of any person if any of the following occur:

- a. The Licensee fails "to comply with or make provisions to comply with Chapter 313, RSMo, the rules of this commission, or any federal, state, or local law or regulation," under 11 CSR 45-4.260(4)(E);
- b. The Licensee "fails to comply with any rule, order or ruling of the commission or its agents," under 11 CSR 45-4.260(4)(F); and
- c. The Licensee's actions demonstrate "incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850, RSMo," under 11 CSR 45-4.260(4)(Q).

12. Section 313.813, RSMo, states that "Any person that has been self-excluded is guilty of trespassing in the first degree pursuant to section 569.140 if such person enters an excursion gambling boat."

13. Section 569.140.1, RSMo, states that "A person commits the crime of trespass in the first degree if he knowingly enters unlawfully or knowingly remains unlawfully in a building or inhabitable structure or upon real property."

14. Title 11 CSR 45-10.030 states, in pertinent part, as follows:

(1) Licensees shall promptly report to the commission any facts which the licensee has reasonable grounds to believe indicate a violation of law (other than minor traffic violations), minimum internal control standard requirements or commission rule committed by licensees, their employees or others, including, without limitation, the performance of licensed activities different from those permitted under their license.

* * *

(3) In the event that a licensee or employees of the licensee knows or should have known that an illegal or violent act has been committed on or about the licensed premises, they shall immediately report the occurrence to law enforcement authorities and shall cooperate with law enforcement authorities and agents of the commission during the course of any investigation into an occurrence.

* * *

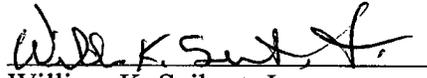
(7) All occupational licensees shall have a working knowledge of Chapter 313.800, RSMo et seq., *Code of State Regulations*, Title 11 Division 45, and the internal controls of the Class A or B licensees for whom they are currently employed by as they pertain to the responsibilities and limitations of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

15. The actions or omissions of Licensee as described in paragraph 7, including all subparts above, violate §§ 313.813 and 569.140.1, RSMo and 11 CSR 45-10.030(1), (3), and (7), and, thus, provide grounds to discipline Licensee's occupational license pursuant to §§ 313.805 and 313.812.14(1) and (9), RSMo, and 11 CSR 45-4.260(4)(E), (F), and (Q).

PENALTY PROPOSED

16. Under § 313.805(6), RSMo, the Commission has the power to assess any appropriate administrative penalty against Licensee, as the holder of a Level II occupational license.

17. THEREFORE, it is proposed that the Commission impose the following penalty against the license of Licensee for the violations set forth herein: **Revocation.**


William K. Seibert, Jr.
Executive Director
Missouri Gaming Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she caused a true and correct copy of the foregoing to be mailed, postage prepaid, this 5th day of December, 2016, to:

Thomas C. Simon
McSweeney, Slater & Merz, PC
1015 Locust St.
Suite 428
St. Louis, MO 63101


Angela Franks
Designated Principal Assistant
Missouri Gaming Commission