

MISSOURI GAMING COMMISSION

COMMISSION RESOLUTION NO. 18-002-B  
REGARDING WAIVER OF HEARINGS AND CONSENT ORDER

LITTLE GUYS BASEBALL CLUB  
February 28, 2018

WHEREAS, the Missouri Gaming Commission (“Commission”) issued proposed discipline against Little Guys Baseball Club; and

WHEREAS, Little Guys Baseball Club and the Commission have come to an agreement concerning the issues presented in the proposed discipline, (a copy of the Settlement Agreement is attached as Exhibit 1).

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby approves the Settlement Agreement concerning Little Guys Baseball Club.

BE IT FURTHER RESOLVED that this Settlement Agreement shall become effective upon the date of this resolution and be considered a final decision of the Missouri Gaming Commission.

RECEIVED

IN THE MISSOURI GAMING COMMISSION

FEB 01 2018

In RE: Little Guys Baseball Club )

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MISSOURI GAMING COMMISSION  
BINGO DIVISION

)

DC 17-004-B

License Number: B-3143 )

SETTLEMENT AGREEMENT

The Missouri Gaming Commission takes up the above matter for consideration and disposition. The Missouri Gaming Commission ("MGC" or "Commission"), by Executive Director William K. Seibert, Jr., and Little Guys Baseball Club ("Little Guys") have reached a settlement in this matter and have consented to the issuance of this Settlement Agreement.

Findings of Fact

1. The Missouri Gaming Commission is a state commission created under Chapter 313, RSMo (2000)<sup>1</sup>, with jurisdiction over gaming activities, including riverboat gambling and bingo activities, in the State of Missouri.

2. The Commission issued a bingo license to Little Guys Baseball Club (hereafter, "Little Guys" or "Licensee") to conduct the game of bingo.

3. As the holder of a bingo license, Licensee is subject to the provisions of §§ 313.005 to 313.085, RSMo, and the regulations promulgated thereunder by the Commission.

4. After receiving two complaints alleging that Licensee had unapproved workers participating in the conduct of bingo games, the MGC conducted an inspection of the Licensee's premises on November 9, 2016 and September 27, 2017.

5. The inspections revealed that Licensee had workers that were not on its list of Approved Workers conducting or otherwise participating in bingo games on at least two occasions.

6. Licensee acknowledges and understands that it has the right to consult counsel at

<sup>1</sup> All statutory references are to RSMo (2000) unless otherwise specified.

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its own expense.

7. Licensee admits to the facts alleged by the MGC and outlined in this Settlement Agreement.

8. Licensee agrees that these facts constitute grounds to discipline its bingo license.

9. On December 19, 2017, counsel for the Commission sent documentation to Licensee, which described the specific conduct for which discipline was sought and citation to the law allegedly violated, along with documents which were the basis thereof.

10. Licensee has been advised that it has 60 days to review the documentation provided and consider the proposed settlement offer.

11. Licensee acknowledges and understands that it may, either at the time the settlement agreement is signed by all parties, or within 15 days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties to the settlement constitute grounds for disciplining Licensee's bingo license.

12. Except as provided in paragraph 11, Licensee stipulates and agrees to waive any rights it may have to a hearing before the Administrative Hearing Commission or the Commission and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Settlement Agreement and forever releases and holds harmless the Commission, and the Executive Director and his agents from all liability and claims arising out of, pertaining to, or relating to this matter.

13. 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.

14. The Commission is authorized to settle this matter and is authorized to issue this Consent Order in the public interest pursuant to §§ 313.004 and 536.060, RSMo, and §621.045, RSMo (Supp. 2013).

**Conclusions of Law**

15. Article III, § 39(a)(3)(a) of the Missouri State Constitution states, as follows:

The game commonly known as bingo when conducted by religious, charitable, fraternal, veteran or service organizations is not a lottery or gift enterprise within the meaning of subdivision (9) of section 39 of this article if the general assembly authorizes by law that religious, charitable, fraternal, service, or veteran organizations may conduct the game commonly known as bingo, upon the payment of the license fee and the issuance of the license as provided for by law. Any such law shall include the following requirements:

\* \* \*

(3) No person shall participate in the management, conduct or operation of any game unless that person:

(a) Has been a bona fide member of the licensed organization for the two years immediately preceding such participation, and volunteers the time and service necessary to conduct the game[.]

16. Section 313.052, RSMo, provides, in relevant part, as follows:

A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or other action for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit charitable bingo operations in Missouri or the state of Missouri unless the licensee proves by clear and convincing evidence that he 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 sections 313.005 to 313.085, the following acts or omissions may be grounds for such discipline:

- (1) Failing to comply with or make provision for compliance with the provisions of sections 313.005 to 313.085, 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 bingo;

\* \* \*

- (8) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by the provisions of sections 313.005 to 313.085.

17. Section 313.070, RSMo, provides that “any license issued under sections 313.005 to 313.080 shall be suspended or revoked by the commission if it is found that the licensee or any person connected therewith has violated any provision of sections 313.005 to 313.080 or any rule or regulation of the commission adopted pursuant to sections 313.005 to 313.080.”

18. Section 313.040(2), RSMo, states, in pertinent part, “No person shall participate in conducting or managing the game of bingo except a person who has been a bona fide member of the licensed organization for at least two years immediately preceding such participation, who is not a paid staff person of the licensed organization employed and compensated specifically for conducting or managing the game of bingo and who volunteers the time and service necessary to conduct the game.”

19. Section 313.080, RSMo, states that “Any person who violates any provision of sections 313.005 to 313.080 shall be guilty of a class A misdemeanor.”

20. Title 11 CSR 45-30.535(6), allows the Commission to suspend “any existing license required by the bingo statutes.”

21. Title 11 CSR 45-30.550 requires the following:

- (1) Licensees, workers, members, partners, agents, and employees of a licensee shall promptly report to the commission any facts which the licensee has reasonable grounds to believe indicate a violation of law (other than a traffic violation) or commission rule committed by any licensed bingo manufacturer, supplier, or organization, its workers or employees, including, without limitation, the performance of licensed activities different from those permitted under its license.

22. Licensee acknowledges and understands that under §§ 313.052(1), (2), and (8), and 313.070, RSMo, the Commission can impose financial penalties against the Licensee's bingo license because it violated provisions of Article III, § 39(a)(3)(a) of the Missouri State Constitution and § 313.040(2), RSMo, the rules and regulations of the commission, and/or order or ruling of the Commission or its agents pertaining to bingo, by having unapproved workers working at its bingo games on at least two occasions.

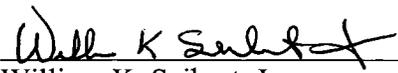
**ORDER**

IT IS AGREED AND STIPULATED THAT as follows:

1. Little Guys Baseball Club will pay a fine of \$500.00, to be paid out of non-bingo funds and made payable to the "Greene County Treasurer," within 30 days of the Missouri Gaming Commission's approval of this Settlement Agreement.

2. Little Guys Baseball Club will agree to obey all laws, including, but not limited to, those concerning the operation of bingo games, and will cooperate fully with the MGC in all investigations and inquiries into its bingo operations and license.

Dated: \_\_\_\_\_

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

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Little Guys Baseball Club has the right to a hearing, but that Little Guys Baseball Club has waived the hearing and consented to the issuance of this Consent Order.



\_\_\_\_\_  
Bob Garrison  
Bingo Chairman  
Little Guys Baseball Club  
5484 W. Sunshine  
Brookline, MO 65619

\_\_\_\_\_  
Date 1/24/2018



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Date 2/1/2018