

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-18-033
Tropicana St. Louis, LLC)

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 Tropicana Entertainment, Inc., a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Tropicana Entertainment, Inc., is the parent organization or controlling entity of Tropicana St. Louis, LLC ("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 *Lumiere Place Casino & Hotels* ("Casino").
5. As the holder of a Class B license, Tropicana St. Louis, LLC, is subject to the provisions of §§ 313.800 to 313.850, RSMo, and the regulations promulgated thereunder by the Commission.

STATEMENT OF FACTS²

6. On August 28, 2017, MGC conducted an investigation after it was determined that Human Resources (HR) employees failed to notify the Commission within 10 days of an employee's termination/transfer and the revocation of that employee's identification badge.
7. Although that employee's date of separation was July 30, 2017, the MGC was not notified until August 28, 2017, 29 days after termination.
8. Lumiere Place and its employees have been issued six Notices of Investigations (NOIs) and two Compliance Directives (CDs) for the same violation since 2009, with four of the NOIs and both CDs being issued in 2016 and 2017.

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

² 20170828002

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 of an amount determined by the Commission.

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 45-4.410(1) requires each Class B licensee to “notify the commission within ten (10) days if any such authorization has been revoked.”

12. 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.

VIOLATIONS

13. The actions or omissions of employees or agents of Tropicana St. Louis, LLC, as described above constitute a failure to timely notify the Commission of an employee’s termination or revocation of that employee’s identification badge, thereby violating 11 CSR 45-4.410(1) and 11 CSR 45.10.030(7).

14. Tropicana St. Louis, LLC, is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 314.812.14(1) and (2), RSMo.

PENALTY PROPOSED

15. Under § 313.805(6), RSMo, the Commission has the power to assess any appropriate administrative penalty against Tropicana St. Louis, LLC, as the holder of a Class B license.
16. THEREFORE, it is proposed that the Commission fine Tropicana St. Louis, LLC, the amount of \$2,500 for the violations set forth herein.

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 to be mailed, postage prepaid, this ____ day of April, 2018, to:

Brian Marsh
General Manager
Lumière Place Casino & Hotels
999 North Second
St. Louis, MO 63102

Herbert M. Kohn
Chairman
Missouri Gaming Commission