

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-18-042
Ameristar Casino Kansas City, 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 Pinnacle Entertainment, Inc., a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Pinnacle Entertainment, Inc., is the parent organization or controlling entity of Ameristar Casino Kansas City, 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 *Ameristar Casino Kansas City* ("Casino").
5. As the holder of a Class B license, Ameristar Casino Kansas City, 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 October 2, 2017, the MGC found that two of the Casino's Craps No More table game layouts contained two fewer wagering spots for the "Craps" and "Eleven" wagers, in comparison to the layouts approved by the MGC.
7. Both layouts had a green background, instead of the approved burgundy background, were missing wording from the approved layout, and contained unapproved wording.
8. On October 11, 2017, MGC initiated an investigation and audit of all of ACKC's table games in use on the casino floor. That investigation revealed an additional 20 table games with layout variances from the approved layouts.

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

² 20171002005 and 20171025003

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 45-9.060 states, in pertinent part, as follows:

- (3) Violations of the minimum internal control standards [(“MICS”)] by a Class A or Class B licensee or an agent or employee of a Class A or Class B licensee are deemed to be unsuitable conduct for which the Class A or Class B licensee and/or its agent or employee is subject to administrative penalty pursuant to section 313.805(6), RSMo and 11 CSR 45-1 et seq., as amended from time-to-time. Any agent or employee of a Class A or Class B licensee that is involved in a violation of the minimum internal control standards may be subject to fine, discipline, or license revocation.
- (4) Violations of the Class A licensee’s internal control system [(“ICS”)] by the Class A or Class B licensee or an agent or employee of the Class A or Class B licensee shall be *prima facie* evidence of unsuitable conduct for which the Class A or Class B licensee and/or its agents or employees may be subject to discipline pursuant to section 313.805(6), RSMo and 11 CSR 45-1 et seq., as amended from time-to-time.

17. Both the Commission’s MICS and the Casino’s ICS, Chapter D, § 12.01, regarding table layouts state as follows:

Table game layouts shall be consistent with the Internal Control System and shall comply with the following:

* * *

(F) a colored depiction of the layout shall be submitted to MGC for approval prior to layouts being placed into play.

VIOLATIONS

18. The actions or omissions of employees or agents of Ameristar Casino Kansas City, LLC, as described above constitute a failure to have its table game layouts on the gaming floor approved by the MGC before use, thereby violating 11 CSR 45-5.050, MICS, Chapter D, § 12.01, and the Casino's ICS, Chapter D, § 12.01.
19. The Company is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 314.812.14(1) and (2), RSMo and 11 CSR 45-9.060(3) and (4).

PENALTY PROPOSED

20. Under § 313.805(6), RSMo, the Commission has the power to assess any appropriate administrative penalty against Ameristar Casino Kansas City, LLC, as the holder of a Class B license.
21. THEREFORE, it is proposed that the Commission fine Ameristar Casino Kansas City, 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 31st day of May, 2018, to:

Keith Henson
General Manager
Ameristar Casino Kansas City
PO Box 33480
Kansas City, MO 64120-3480

Herbert M. Kohn
Chairman
Missouri Gaming Commission