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BEFORE THE MISSOURI GAMING COMMISSION

MEETING

MAY 29, 2019
9:30 a.m.
3417 Knipp Drive
Jefferson City, Missouri

BEFORE: Brian Jamison, Chairman
Thomas Neer, Commissioner
Richard F. Lombardo, Commissioner
Daniel P. Finney, III, Commissioner
Brandon Boulware, Commissioner

Reported by:
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VIII. Motion for Closed Meeting under Sections
313.847 and 313.945, RSMo., Investigatory,
Proprietary and Application Records and
610.021(1), RSMo., Legal Actions, (3) &
(13) Personnel and (14) Records Protected
from Disclosure by Law 98

1 P R O C E E D I N G S

2 (Start time: 9:30 a.m.)

3 CHAIRMAN JAMISON: Good morning. I'll
4 call the May 29th Missouri Gaming Commission meeting
5 to order.

6 Angie, would you please call the roll.

7 MS. FRANKS: Commissioner Boulware?

8 COMMISSIONER BOULWARE: Present.

9 MS. FRANKS: Commissioner Finney?

10 COMMISSIONER FINNEY: Present.

11 MS. FRANKS: Commissioner Lombardo?

12 COMMISSIONER LOMBARDO: Present.

13 MS. FRANKS: Commissioner Neer?

14 COMMISSIONER NEER: Present.

15 MS. FRANKS: Chairman Jamison?

16 CHAIRMAN JAMISON: Present.

17 Okay. If there is anyone here from the Isle
18 of Capri in Boonville we'd like to extend our
19 appreciation again for our on-site visit yesterday.
20 Hope the flood waters are not coming up anymore on
21 you guys. But we did enjoy that and we really
22 appreciate you taking the time to host us yesterday,
23 so thank you very much.

24 AUDIENCE MEMBER: Absolutely. Our
25 pleasure.

1 CHAIRMAN JAMISON: Nothing to do on
2 administrative stuff?

3 MS. FRANKS: No.

4 CHAIRMAN JAMISON: Okay. Chair would
5 entertain a motion on the consideration of the
6 minutes from the April 24th meeting.

7 COMMISSIONER NEER: Motion to approve.

8 COMMISSIONER BOULWARE: Second.

9 CHAIRMAN JAMISON: It has been first and
10 seconded.

11 Angie?

12 MS. FRANKS: Commissioner Boulware?

13 COMMISSIONER BOULWARE: Approved.

14 MS. FRANKS: Commissioner Finney?

15 COMMISSIONER FINNEY: Approved.

16 MS. FRANKS: Commissioner Lombardo?

17 COMMISSIONER LOMBARDO: Approved.

18 MS. FRANKS: Commissioner Neer?

19 COMMISSIONER NEER: Approved.

20 MS. FRANKS: Chairman Jamison?

21 CHAIRMAN JAMISON: Approved.

22 MS. FRANKS: By your vote you have
23 adopted the minutes of the April 24th, 2019 meeting.

24 DIRECTOR GROTHAUS: Mr. Chairman, the
25 first item of business is consideration of hearing

1 officer recommendations. Charles Steib will
2 present.

3 MR. STEIB: Good morning. May it please
4 the Commission, the first item on the agenda is the
5 matter of Brittany Reynolds, Case No. DC-18-085.
6 This case involves the failure to notify the
7 Commission as required of a change in status.

8 The licensee is -- holds a position of slot
9 supervisor at the Lady Luck Casino. On February 16,
10 2018 she was issued a citation for shoplifting in
11 Blytheville, Arkansas.

12 On May 16th, 2018 the licensee executed a
13 notice of duty to disclose arrest. However, this
14 was not within the required 10-day period. Licensee
15 failed to also notify the Commission of her arrest
16 on February 16th, 2018, a hearing in the district
17 court in Arkansas on February 20th, 2018, another
18 hearing on March 29th, 2018, and her plea of guilty
19 which she entered on April 16th, 2018.

20 Based upon the evidence adduced and admitted,
21 the licensee did not bear her burden of proof to
22 show by clear convincing evidence that she should
23 not be disciplined and therefore she should be
24 disciplined and the recommendation is that her
25 license be revoked.

1 CHAIRMAN JAMISON: Is there any
2 questions for Mr. Steib?

3 COMMISSIONER LOMBARDO: I will have a
4 question and I'm not sure whether it's for Mr. Steib
5 or for counsel. But maybe before we do that to --

6 CHAIRMAN JAMISON: We'll check to see if
7 she's --

8 COMMISSIONER LOMBARDO: Yeah.

9 CHAIRMAN JAMISON: Is Ms. Reynolds here
10 today?

11 MS. REYNOLDS: Yes, sir.

12 CHAIRMAN JAMISON: Would you like to
13 make a statement for the Commission? You'd have to
14 step up to that microphone right there.

15 MS. REYNOLDS: I would like to say that
16 --

17 CHAIRMAN JAMISON: Hold on just a
18 second. Just state your name, please, for the
19 record.

20 MS. REYNOLDS: My name is Brittany
21 Reynolds.

22 CHAIRMAN JAMISON: Okay.

23 MS. REYNOLDS: I would like to say that
24 I understand that I did wrong with not meeting my
25 requirements as far as the time limit that I had to

1 report to Gaming, but it was confusion on my part.
2 I assumed that I had to report it at the end of
3 everything. It was a -- what happened was not what
4 I intended to happen. It was an accident and I
5 essentially showed up late for court, which is why I
6 had the arrest and it was just a lot of confusion
7 and I didn't really know how to handle the
8 situation.

9 But I understand that there needs to be
10 discipline because I did wrong and so I know that
11 something needs to happen but I just wish that I
12 wouldn't have to lose my license. I work very hard
13 and my job means a lot to me.

14 CHAIRMAN JAMISON: When you say this was
15 an accident, what are you referring to as an
16 accident?

17 MS. REYNOLDS: The initial charge that I
18 received was shoplifting at a Wal-Mart. I was
19 shopping and I laid something on my -- the front end
20 of my cart that I forgot the pay for. The guy that
21 worked there, he saw that I had it on my cart, I
22 told him that I would pay for it but I didn't even
23 get the option.

24 CHAIRMAN JAMISON: Does anyone have any
25 questions for Ms. Reynolds?

1 COMMISSIONER FINNEY: What was your
2 sentence for the misdemeanor?

3 MS. REYNOLDS: I just -- when I went to
4 court I showed up late, I had to pay \$500 to bail
5 myself out. So the next time that I went I was so
6 spooked but I actually was in the wrong courtroom
7 the whole time. I showed up on time but I was in
8 the wrong courtroom. So they just took the \$500 and
9 I believe it was a suspended imposition of the
10 sentence of -- I can't exactly remember but I'm
11 assuming it was six months but they took the 500 and
12 that was pretty much it.

13 COMMISSIONER FINNEY: Did you have an
14 attorney at the plea?

15 MS. REYNOLDS: I did not. I did try to
16 get an attorney but I couldn't afford the attorney
17 fees. I couldn't afford it.

18 COMMISSIONER FINNEY: Okay.

19 COMMISSIONER BOULWARE: I got a
20 question. I'm confused. This is probably directed
21 at you. She failed to report or reported untimely?

22 MR. STEIB: She did fail to report in a
23 timely fashion. I would also point out to the
24 Commission that the licensee may not hold a license
25 if they have been convicted of theft, which is the

1 case in this situation.

2 COMMISSIONER BOULWARE: Okay. But did
3 she ultimately, on her own, report -- disclose to
4 you the misdemeanor?

5 MR. STEIB: She ultimately reported some
6 89 days after the event. The requirement is that
7 the licensee must report within 10 days any change
8 in status.

9 COMMISSIONER FINNEY: When you say she
10 was convicted, what was the sentence?

11 MR. STEIB: I don't recall the sentence.

12 COMMISSIONER FINNEY: Then how do you
13 know it's a conviction?

14 MR. STEIB: I don't recall the sentence.
15 I know that she did for forfeit her bond.

16 COMMISSIONER FINNEY: Okay. Do you know
17 it's a conviction?

18 MR. STEIB: She was convicted.

19 COMMISSIONER FINNEY: And what was the
20 sentence?

21 MR. STEIB: I don't recall --

22 CHAIRMAN JAMISON: Hang on. I think
23 Carolyn can answer.

24 MR. STEIB: Perhaps Carolyn knows.

25 COMMISSIONER FINNEY: Thank you.

1 MS. KERR: According to the docket, it
2 looks like on 4/12/18 she pled guilty, paid a \$500
3 fine and six months SIS, jail suspended.

4 COMMISSIONER FINNEY: What is it a
5 suspended imposition of sentence or was she
6 sentenced and the execution was suspended?

7 MR. STEIB: I believe it was an SES, not
8 an SIS.

9 COMMISSIONER FINNEY: Okay. Do we know
10 that for sure?

11 COMMISSIONER LOMBARDO: I think the
12 material we've been presented with said SIS but I'm
13 not sure if that's correct.

14 MR. STEIB: SES is suspended execution
15 of sentence. SIS is --

16 COMMISSIONER LOMBARDO: I know what they
17 are.

18 MR. STEIB: Oh, I'm sorry.

19 COMMISSIONER LOMBARDO: I said I believe
20 what I read said SIS.

21 MR. STEIB: Okay.

22 MS. KERR: Six months jail suspended.

23 COMMISSIONER LOMBARDO: Well, that
24 sounds like an SES.

25 COMMISSIONER FINNEY: It does sound like

1 an SES. But that would be the difference between a
2 conviction and not a conviction, right, because an
3 SIS is not a conviction?

4 MS. KERR: An SIS is a conviction.

5 COMMISSIONER FINNEY: Okay. So I just
6 don't know -- I mean, I'm a little bit concerned
7 about the confusion on this point I think. If we're
8 saying she was convicted I would like to know for
9 sure that she was convicted and not that we don't
10 really know.

11 MS. KERR: Well, an SIS is considered a
12 conviction.

13 COMMISSIONER FINNEY: No, it's not. An
14 SIS?

15 COMMISSIONER LOMBARDO: I think it is.

16 CHAIRMAN JAMISON: For our gaming
17 purposes it would be a conviction as far as a
18 licensing issue.

19 MR. GREWACH: If I could --

20 CHAIRMAN JAMISON: Because we've ran
21 into this before where people thought they didn't
22 have a conviction because it was an SIS. But they
23 have a conviction, it's just a suspended imposition
24 of sentence.

25 MR. GREWACH: But to kind of cut through

1 that legal distinction because from a criminal law
2 standpoint it's not, but what our Regulation in 260
3 Paragraph 5 says that any person who holds a license
4 who pleads guilty to an offense in which theft,
5 fraud or dishonesty is an essential element, that
6 shall make the licensee unsuitable to hold an
7 occupational license.

8 So both the statutory and the regulatory
9 disqualification or unsuitability finding is based
10 on the plea --

11 COMMISSIONER FINNEY: Got it.

12 MR. GREWACH: -- and so that's probably
13 why there wasn't as much attention brought to
14 whether or not it was a --

15 COMMISSIONER FINNEY: Conviction or not.

16 MR. GREWACH: -- SIS or an SES.

17 COMMISSIONER FINNEY: I understand.

18 Okay. Thank you very much.

19 COMMISSIONER LOMBARDO: Ed, as long as
20 you're telling us things --

21 MR. GREWACH: Yes.

22 CHAIRMAN JAMISON: Sharing information.

23 COMMISSIONER LOMBARDO: -- I have a
24 question, and it's really -- first, I guess maybe to
25 get some foundation for this, you and I have talked

1 before in open meetings about what actually is
2 disqualifying and my understanding is felonies are
3 absolutely disqualifying, correct?

4 MR. GREWACH: Correct.

5 COMMISSIONER LOMBARDO: And then we get
6 to misdemeanors and there's a distinction between
7 whether misdemeanors are rules or some other
8 category in terms of how they're viewed. Can you
9 explain that to us?

10 MR. GREWACH: Yes. The disqualification
11 from a licensee pleading guilty to a felony from
12 holding a license is in statute, so we don't have
13 the authority to waive that statute or provision.

14 Disqualification for a licensee who pleads
15 guilty to a misdemeanor is in our rules, so the
16 Commission has full authority to waive the
17 application or modify the application of that
18 particular rule to any licensee who comes before us
19 in a disciplinary action.

20 COMMISSIONER LOMBARDO: And it would not
21 matter whether it was an SIS or an SES in terms of
22 that analysis?

23 MR. GREWACH: Correct, because the rule
24 states specifically if you plead guilty to a
25 misdemeanor, essential element of which is theft or

1 fraud, then you're disqualified from holding an
2 occupational license.

3 COMMISSIONER LOMBARDO: So that gets me
4 to my next question, the question I really want to
5 ask. I have looked at all of the priors, the
6 previous individuals who have had misdemeanors and
7 what has happened to them and there seems to be the
8 needle goes really strong one way or the other.
9 They either get revoked or next to nothing happens
10 to them. Either they get a non-punitive letter or a
11 day or they get revoked. And how are those
12 decisions made at the staff level?

13 MR. GREWACH: And I haven't done a
14 complete thorough analysis of the priors that you've
15 been provided, but in a case like this where there's
16 two allegations in the preliminary order: failing to
17 report on time and the fact that she pled guilty to
18 a misdemeanor theft charge, so all of the priors you
19 see contain both.

20 So there may be something, a DWI, that
21 doesn't involve theft or fraud that they didn't
22 report and they may, as you said, just get a
23 non-punitive letter or whatever action -- you know,
24 relatively lenient action is there.

25 And to the best that we can, whenever there's

1 a plea of guilty to a crime that involves theft or
2 dishonesty the Commission staff has been consistent
3 in recommending revocation. So if you look at all
4 those priors and they're mixed together and that
5 would probably explain a difference when you see one
6 non-punitive letter, next revoke, and I think if you
7 look at those it would probably depend on the nature
8 of the crime that occurred.

9 COMMISSIONER LOMBARDO: Well, here's
10 one, for instance, from May of 2018 where a food and
11 beverage employee failed to notify MGC of a criminal
12 arrest for petty larceny within ten days and this
13 was discovered during a license renewal. No charges
14 have been filed it looks like but it is a theft
15 arrest and that's a non-punitive letter.

16 CHAIRMAN JAMISON: But this would be not
17 a plea as opposed to a plea, correct?

18 MR. GREWACH: That was going to be my
19 response, yes.

20 COMMISSIONER LOMBARDO: Does that matter
21 whether or not there's an actual plea or -- an
22 arrest can be grounds -- an arrest for theft can be
23 grounds to revoke somebody, right?

24 MR. GREWACH: I would -- my initial
25 reaction would be to say no because we would then --

1 if there were no plea, then the next rule that would
2 -- we'd have to look at the actual facts of the case
3 and prove that the person's activities were
4 sufficient to support revocation on some other
5 regulatory grounds.

6 COMMISSIONER LOMBARDO: Okay. And then
7 you've got others where people have domestic battery
8 and they get like a couple of days. So the
9 difference is that's not theft, right?

10 MR. GREWACH: Correct. Correct.

11 COMMISSIONER FINNEY: And when you say
12 that it's just an arrest and I might have to find
13 other regulatory grounds, do you mean based upon
14 that arrest or do you mean it would be like
15 something entirely different like a failure to
16 timely report it or would it still be on the issue
17 of the dishonesty of the underlying allegations?

18 MR. GREWACH: Right. So let's just say
19 someone was arrested, reported it on a timely basis
20 but was never charged or convicted or pled guilty.
21 At that point there are some provisions in the rules
22 that say if a person because of their character or
23 conduct is -- you know, brings discredit to the
24 gaming industry or to the State of Missouri that we
25 can discipline them or revoke them. But we would

1 then have to prove those facts and that case to
2 support a disciplinary action.

3 If the person instead pled guilty to it all
4 we would need the guilty plea and that would trigger
5 the unsuitability.

6 COMMISSIONER FINNEY: What's the
7 standard for proving that if there's no conviction
8 or no plea of guilty?

9 MR. GREWACH: I don't -- I can't recall
10 a case where we've actually brought forth a matter
11 and I can't really tell you definitively from memory
12 but --

13 COMMISSIONER FINNEY: You're saying it's
14 a technical question, I'm not trying to --

15 MR. GREWACH: Right. Right. But there
16 have been cases on the casino floor where we've seen
17 something that we believe is improper and could
18 potentially even lead to a criminal charge but we
19 have just, by the licensee's conduct on the floor,
20 recommended revocation but we can prove those facts.
21 We have surveillance. We have witnesses. We have
22 documents. We have whatever we need to prove that.

23 COMMISSIONER FINNEY: And then in this
24 case what we're saying is we're relying on her plea
25 of guilty to the charge of --

1 MR. GREWACH: Right. Correct, because
2 it happened in Arkansas I believe and --

3 CHAIRMAN JAMISON: And that would
4 satisfy the rule --

5 MR. GREWACH: Right.

6 CHAIRMAN JAMISON: -- that we can either
7 waive or accept that the rule would cover the plea
8 of the offense.

9 COMMISSIONER FINNEY: Right. And you're
10 saying that -- you're saying that and also the
11 failure to timely report, are those the two charges
12 that you think are germane or is it just one? I'm
13 sorry, I didn't --

14 MR. STEIB: I think it's both. I think
15 it's both. As Ed points out, it's the plea of
16 guilty and it is the untimely reporting.

17 COMMISSIONER FINNEY: Okay. Thank you.

18 COMMISSIONER LOMBARDO: All of these
19 similar instances involved essentially two
20 violations, the act itself and the failure to report
21 it?

22 MR. GREWACH: Well, the act itself won't
23 always be a regulatory violation. A DWI, for
24 example, you know, it doesn't violate a regulation.
25 So the DWI, the plea of guilty to a DWI doesn't

1 violate a regulation. So really then you only have
2 just the one, the failure to report.

3 But if you have a failure to report and a
4 plea of guilty to a theft or fraud-related charge
5 then you have two.

6 CHAIRMAN JAMISON: Okay. Ms. Reynolds,
7 is there anything else you would like to add this
8 morning?

9 MS. REYNOLDS: No, sir.

10 CHAIRMAN JAMISON: I see you have
11 someone with you. Is that just support or is that
12 someone from the casino or --

13 MS. REYNOLDS: She is from my casino.

14 CHAIRMAN JAMISON: Is there anything you
15 would like to say?

16 MS. McMAHAN: I'm Lisa McMahan. I'm
17 from Lady Luck Casino. I'm the director of
18 marketing there. I would just like to say that she
19 is an exemplary employee. She has been with us for
20 six and a half years. She started as a housekeeper,
21 she moved in as a slot attendant, she became a dual
22 rate, she became a slot supervisor and now she's a
23 food and beverage supervisor.

24 She certainly has proven herself to be an
25 asset to us and we would like, if we could, to keep

1 her license so that we can keep her employed at our
2 casino.

3 CHAIRMAN JAMISON: Okay. Thank you.

4 COMMISSIONER FINNEY: I have one
5 question. I'm sorry.

6 CHAIRMAN JAMISON: Okay.

7 COMMISSIONER FINNEY: Did you take any
8 independent action? Once you learned about this did
9 you guys do anything?

10 MS. McMAHAN: No, we have not done
11 anything.

12 COMMISSIONER FINNEY: Okay.

13 CHAIRMAN JAMISON: Any other questions?

14 COMMISSIONER FINNEY: No, sir.

15 CHAIRMAN JAMISON: Okay. We have a
16 resolution in front of us that recommends
17 revocation. The Chair would entertain a motion on
18 that Resolution 19-027.

19 COMMISSIONER LOMBARDO: I would move to
20 amend the recommendation to 60 days suspension and I
21 will tell you why. No doubt in my mind that she
22 committed a violation. I'm a little concerned about
23 where we are with what we do with some of these
24 cases and I think it's a very, very serious thing to
25 take away her license, so I would recommend 60 days

1 and move to amend it that way.

2 CHAIRMAN JAMISON: Is there a second?

3 COMMISSIONER NEER: I second.

4 CHAIRMAN JAMISON: Is there any
5 discussion that anyone wants to have to the amended
6 resolution?

7 Okay. Angie?

8 MS. FRANKS: Commissioner Boulware?

9 COMMISSIONER BOULWARE: Approved.

10 MS. FRANKS: Commissioner Finney?

11 COMMISSIONER FINNEY: Approved.

12 MS. FRANKS: Commissioner Lombardo?

13 COMMISSIONER LOMBARDO: Approved.

14 MS. FRANKS: Commissioner Neer?

15 COMMISSIONER NEER: Approved.

16 MS. FRANKS: Chairman Jamison?

17 CHAIRMAN JAMISON: Approved.

18 MS. FRANKS: By your vote you have
19 adopted Resolution No. 19-027 as amended to a 60-day
20 suspension.

21 CHAIRMAN JAMISON: Mr. Steib?

22 MR. STEIB: Next item on the agenda is
23 licensee Laverne M. Schmidt, DC-18-086. This case
24 involves the mishandling of a TITO. The licensee
25 holds a Level 2 Occupational License as a bartender

1 at the River City Casino.

2 On May 26, 2018 a patron ordered a drink from
3 the licensee who was working in the lounge there.
4 After receiving the drink the patron left a cash tip
5 of some \$3 on the bar and, separated by some 30
6 inches, a TITO in the amount of \$145.60.

7 Through some extraordinary police work the
8 investigators learned that this patron was a
9 resident of the State of Wisconsin. The patron was
10 contacted and asked about the TITO, whereupon he
11 stated that he did not intend to leave that as a tip
12 but lost it some place in the casino.

13 An observation of the video shows that he
14 apparently was attempting to go through his pockets
15 to learn where he had lost that, but he did not lose
16 that.

17 So, based upon the video, the licensee had
18 the time and the opportunity to contact that patron
19 to learn whether he had intended to leave that
20 145.60 TITO as a tip or not. The tip from 17 --
21 excuse me, I didn't mean to say the tip -- the TITO
22 was placed from 7:17 p.m. to 9:28 on the back bar
23 either beside the tip jar or under the tip jar. It
24 was also the subject of some discussion in those two
25 hours between other licensees.

1 At 9:42 the assistant beverage manager,
2 Ashley Madigan, spoke behind the bar with the
3 bartender licensee and the other employees. No
4 mention was made of that TITO. The licensee made no
5 effort during this time to locate the patron.

6 There is a specific standard as to what's to
7 happen with a TITO in that condition and to
8 determine whether it's lost or indeed meant to stay
9 left as a tip. There are Minimal Internal Control
10 Standards of the Commission and also the casino's
11 requirements as to what should happen with that.

12 Ultimately that TITO was taken with the tips
13 and colored up, as they say, taken to redeem, then
14 later to be distributed among the bartenders.

15 Based upon the licensee's inconsistent
16 handling of the tip, it was sometimes not placed in
17 the tip jar but placed beside it and his failure to
18 report that incident, it is the recommendation based
19 upon the fact that the licensee did not meet his
20 burden of clearly and convincingly showing that he
21 should not be subject to discipline, that he should
22 be disciplined and it is the recommendation that as
23 a discipline his license be suspended for six months
24 or 180 days.

25 This employee, this licensee, has been an

1 employee in the gaming industry for some 24 years.
2 No question about error in misjudgment, but the
3 recommendation, based upon the evidence adduced and
4 accepted, is that his license be suspended for six
5 months.

6 CHAIRMAN JAMISON: Any questions?

7 COMMISSIONER LOMBARDO: We're hearing
8 all three of them?

9 CHAIRMAN JAMISON: Well, we're going to
10 go through this one and then we're going to hear
11 some of the other ones and then we'll get into final
12 discussion.

13 COMMISSIONER LOMBARDO: Okay. But
14 questions now?

15 CHAIRMAN JAMISON: If you have questions
16 about this particular one of the hearing officer and
17 then we'll see if Mr. Schmidt is here or staff.

18 COMMISSIONER LOMBARDO: You mentioned
19 there was a very definitive internal control
20 standard. Can you expand on that a little bit about
21 what to do with a TITO like this?

22 MR. STEIB: I can. The standard is if
23 the owner of found cash, chips, unclaimed credits or
24 EGD ticket is identified and the item is valued at
25 \$10 or more, the fund shall be placed in safekeeping

1 for return to the owner.

2 If the value is less than \$10 the fund shall
3 be processed as unclaimed property or placed for
4 safekeeping.

5 If the owner is not identified the fund shall
6 be processed as unclaimed property regardless of the
7 amount. That goes to how you handle the item,
8 whether it is found or whether it's meant to be left
9 as a tip.

10 There's also another regulation whereupon a
11 duty is placed upon --

12 CHAIRMAN JAMISON: Wait a minute. I've
13 got a question in your statement. Did you say that
14 that statement applies if it's left as a tip or if
15 it's just found property?

16 MR. STEIB: If you're unsure about
17 whether --

18 CHAIRMAN JAMISON: Okay. If you're
19 unsure, but if it's intentionally left as a tip then
20 that standard would not apply; is that correct?

21 MR. STEIB: I believe that's true if
22 it's intentionally left as a tip. And indeed --

23 CHAIRMAN JAMISON: Like you could leave
24 a chip, a casino chip for a tip and they don't have
25 to claim -- I mean, if it's intentionally handled to

1 the server as a tip, they don't have to view that as
2 found property and the same would be true of a TITO?

3 MS. KERR: Correct.

4 CHAIRMAN JAMISON: Okay. So if it's
5 intentionally left as tip, but what you're saying is
6 if it's unknown if it's a tip or if it's found
7 property then that application applies?

8 MR. STEIB: Yes.

9 CHAIRMAN JAMISON: I'm just trying to
10 make sure because it kind of sounded like you said
11 that applies to tips and found property?

12 MR. STEIB: No, this is --

13 CHAIRMAN JAMISON: Okay.

14 MR. STEIB: If it is clear that it is a
15 tip it does not apply.

16 CHAIRMAN JAMISON: Okay.

17 MR. STEIB: There is also the regulation
18 that if there is some uncertainty, then the
19 bartender, the licensee has an obligation to contact
20 a supervisor to say we have a problem here and we
21 don't know how to handle this.

22 In this particular situation this particular
23 TITO was handled in an inconsistent manner all
24 along. It was never placed in the tip jar but when
25 it came time to color up the tips it was included as

1 a tip.

2 COMMISSIONER NEER: If it's obvious that
3 a TITO is left for a tip is it automatically put in
4 the tip jar?

5 CHAIRMAN JAMISON: I don't know that he
6 could answer that. That would have to be a -- and
7 if Mr. Schmidt is here he can answer that question.

8 MR. STEIB: I think the licensee should
9 answer that. I believe --

10 COMMISSIONER NEER: I thought I read --

11 CHAIRMAN JAMISON: Well, that may be --
12 that may be the impression of the investigator or
13 that may be -- you know, that may be our impression
14 but that doesn't necessarily -- I don't think
15 there's a regulation that would require that.

16 COMMISSIONER LOMBARDO: Do these
17 standards apply to the whole casino floor, not just
18 the bar but also the gaming tables?

19 MR. STEIB: I believe it does.

20 COMMISSIONER BOULWARE: What was the
21 passage of time between the TITO being left on the
22 bar --

23 MR. STEIB: I'm sorry?

24 COMMISSIONER BOULWARE: What was the
25 passage of time between the TITO being left on the

1 bar and then it being counted as a tip at the end of
2 night?

3 MR. STEIB: At least two hours because
4 at the end of the night it was taken as a tip. As
5 to what time it was, obviously before 7:18 it was
6 placed on the bar.

7 CHAIRMAN JAMISON: Any more questions
8 for Mr. Steib?

9 COMMISSIONER FINNEY: Just one. And if
10 you can't, I understand because it's kind of a
11 hypothetical, but did the amount of money that was
12 -- did that seem unreasonable to you and did that
13 factor into your recommendation? In other words --

14 MR. STEIB: What the patron purchased
15 was a beer and he left a cash tip of \$3. I might
16 also tell you that -- and I will tell you later,
17 that the amount of that TITO was of some concern to
18 the bartenders and barbacks who participated in a
19 discussion about this. So the amount of that was,
20 in fact, a factor.

21 COMMISSIONER FINNEY: Okay. Thank you.

22 CHAIRMAN JAMISON: Is Mr. Schmidt here
23 or a representative for Mr. Schmidt?

24 MR. SCHMIDT: Yes, sir.

25 CHAIRMAN JAMISON: Okay. If you'd come

1 to the microphone and state your name for the
2 record, please.

3 MR. SCHMIDT: Laverne Schmidt. I go by
4 Vern Schmidt. I guess there are some differences in
5 there.

6 I currently work at Lumière Casino. I have
7 been in the casino industry for 24 years, started on
8 the President Casino, on the Admiral, and I had
9 previously worked at River City when this incident
10 happened.

11 CHAIRMAN JAMISON: Is there anything
12 you'd like to tell us about how this occurred or
13 what your thoughts are on it or do you want us to
14 ask questions? I'm just giving you an opportunity
15 to state to the Commission what you want us to
16 consider.

17 MR. SCHMIDT: I understand. For the
18 most part I kind of agree with the events except for
19 the fact that I did not know whose ticket it was.
20 Once the person leaves the bar I have no idea where
21 it goes and I still maintain that I did not who that
22 was.

23 CHAIRMAN JAMISON: Okay. I understand
24 that and I've got a couple of questions for you.

25 Did you think it was a tip immediately?

1 MR. SCHMIDT: I didn't know. It was on
2 the bar.

3 CHAIRMAN JAMISON: Okay. So if you
4 weren't sure that it was a tip, what do you think --
5 do you think the actions that you took of placing it
6 -- you don't dispute the fact that it was placed
7 over by the tip jar outside of the tip jar?

8 MR. SCHMIDT: Well, there's a reason we
9 do that, is we get money left on the bar all the
10 time without actually being handed them --

11 CHAIRMAN JAMISON: Correct.

12 MR. SCHMIDT: -- whether it's cash,
13 chips, tickets. So we put the one to the side just
14 in case the person came back and nobody ever came
15 back.

16 CHAIRMAN JAMISON: So when you say that
17 someone may come back, there was some thought
18 obviously that you thought that maybe the person
19 accidentally left the money as opposed to being a tip?

20 MR. SCHMIDT: It could be either way, we
21 didn't know.

22 CHAIRMAN JAMISON: Right. So you had
23 doubt?

24 MR. SCHMIDT: Right.

25 CHAIRMAN JAMISON: Having that doubt, do

1 you think it falls under the regulation that you
2 should have called a supervisor?

3 MR. SCHMIDT: After the fact, yes, the
4 way -- after everything has been -- we've gone
5 through everything, yes. That's not the norm of
6 what we operated. We just didn't --

7 CHAIRMAN JAMISON: At that time that
8 wasn't your thought process but after reviewing all
9 of this you --

10 MR. SCHMIDT: Definitely. I regret this
11 whole incident happening. This thing has been over
12 my head for a year and I completely would handle
13 things different from the start.

14 CHAIRMAN JAMISON: Any other -- do you
15 have any questions?

16 COMMISSIONER LOMBARDO: No.

17 CHAIRMAN JAMISON: Anything else you
18 want to add?

19 MR. SCHMIDT: The only thing I would
20 like to add is, like I just said, this has been over
21 my head now for a year. I lost my job at River City
22 Casino because of it. My only question is how much
23 punishment is enough? I lost my job roughly in May.
24 It took me until August to get another job and now
25 my current employer has said a six-month suspension,

1 they won't hold my position. So then I'm going to
2 lose another job.

3 It has caused a pretty good financial
4 hardship on me. Lost all my benefits, everything,
5 and I'm still trying to dig out of it and now it's
6 like being reset to zero, I'm going right back to
7 it. So I'm willing to take any punishment
8 obviously. I would just like for it to be a little
9 shorter. So that would be it.

10 CHAIRMAN JAMISON: One other question,
11 when you say after you've gone through this you
12 realize that probably calling a supervisor would
13 have been correct, were you aware of that
14 requirement at that time or were you not aware or
15 why did that not come to you? Because did not
16 someone suggest that it should be discussed with a
17 supervisor at some time in the evening?

18 MR. SCHMIDT: It's just never been our
19 norm. We never did that.

20 CHAIRMAN JAMISON: But did someone
21 suggest that that night?

22 MR. SCHMIDT: I can't recall. Like I
23 said, it has been a year. I mean, the two other
24 people that were involved are here and I regret them
25 being put in this position as well.

1 CHAIRMAN JAMISON: Okay. Thank you very
2 much.

3 MR. SCHMIDT: Thank you.

4 CHAIRMAN JAMISON: Okay. We have a
5 unique case here where we have three discipline
6 resolutions from the consideration of the hearing
7 officer and they all stem from the same set of
8 events. So before the Commission is going to take
9 action on any of the resolutions we're going to go
10 ahead and hear from the hearing officer on each one
11 of the three resolutions and give all the
12 opportunity to collect all the evidence on the three
13 and then we will handle each resolution individually
14 after that.

15 So I would like for you to proceed with
16 Resolution 19-029 on Joshua Crull, please.

17 MR. STEIB: I will, Mr. Chairman. Based
18 upon the --

19 CHAIRMAN JAMISON: Wait a minute.

20 MR. SCHMIDT: Can I correct one thing?
21 One or our barbacks -- I was just kind of nervous up
22 here -- one of our barbacks did express concern,
23 David Cook. And, again, in hindsight I would have
24 done things differently.

25 CHAIRMAN JAMISON: Okay. Mr. Steib, I

1 know we're doing it differently but I think this is
2 the best way to handle it.

3 MR. STEIB: I think this is the most
4 logical way to do it and the Commissioners will
5 recognize that there have been three different
6 recommendations in this matter and that is based on
7 the fact that there is different complicity in this
8 situation and hence a recommendation for a different
9 culpability and hence a recommendation for different
10 discipline.

11 It would have been easy to paint everybody
12 with the same brush in this because it came out of
13 the same transaction but based on the evidence
14 adduced I did not think that's appropriate.

15 So I will proceed with Joshua Crull. I
16 believe that's the next one.

17 CHAIRMAN JAMISON: Yes.

18 MR. STEIB: This is Case No. DC-18-087.
19 And I will be prepared at the conclusion of these
20 three presentations, Mr. Chairman, to give you why I
21 differentiated in the recommendation. So I realize
22 that the facts are all the same and so --

23 CHAIRMAN JAMISON: Sure.

24 MR. STEIB: -- without belaboring those
25 facts, the licensee, Mr. Crull, was employed as a

1 casino beverage department barback who was
2 responsible for supplying the bar, not a bartender,
3 but supplying the bar. The same transaction
4 occurred, patron ordered a drink, left a \$3 tip,
5 left \$3 on the bar, left a TITO for \$145.60.

6 This particular licensee, Mr. Crull, had been
7 told by another bartender, Mr. Schmidt, that it had
8 been -- the TITO had been accepted as a tip. So he
9 was told that this was a tip.

10 This particular licensee placed the TITO next
11 to the tip bucket on the back bar and not in the jar
12 because he thought that perhaps the patron would
13 come back pursuant to the scenario that Mr. Schmidt
14 has advised you.

15 Again, between 7:17 and 9:28 that TITO
16 remained on the back bar. Pursuant to the video,
17 which was admitted, it was the subject to discussion
18 among Mr. Schmidt and Mr. Browning, who you'll hear
19 from later, and Mr. Crull.

20 At 9:42 the assistant beverage manager,
21 Ms. Madigan, walked behind the bar. No mention was
22 made by Mr. Crull of this particular TITO. At
23 12:35 a.m., when it came time to color up the tips
24 for the bartenders and the barback, this was taken
25 up as part of a tip.

1 When Mr. Crull was approached by Sergeant
2 Hoffmann of the Highway Patrol and asked whether the
3 TITO was a tip, he stated, "I'm not sure." That was
4 his testimony under oath. The same standards apply.
5 As I related to you before, that is the internal
6 standards of both the Commission and the casino.

7 In this situation the licensee, Mr. Crull,
8 had no interaction with the patron. He was told by
9 a bartender that this had been left as a tip.
10 However, he did see that there was \$145.60 and that
11 apparently raised some concern as to whether the
12 TITO had been left as a mistake or whether it was in
13 fact a tip. He did place it next to the tip jar.
14 He did not report this to a supervisor, but then he
15 did take it up -- color it up for disbursement to
16 himself and to the other bartenders.

17 Based upon the evidence adduced and admitted,
18 the licensee did not bear his burden of proof to
19 show clearly and convincingly that he should not be
20 subject to discipline and it is the recommendation
21 that Mr. Crull be disciplined by having his license
22 suspended for 60 days.

23 CHAIRMAN JAMISON: Any questions for
24 Mr. Steib?

25 COMMISSIONER LOMBARDO: Not at this

1 time.

2 COMMISSIONER FINNEY: No.

3 COMMISSIONER NEER: Not right now.

4 CHAIRMAN JAMISON: Mr. Crull, are you
5 here?

6 MR. CRULL: Yes, sir.

7 CHAIRMAN JAMISON: Would you like to
8 make a statement to the Commission?

9 MR. CRULL: Sure.

10 CHAIRMAN JAMISON: Come to the
11 microphone and state your name for the record for
12 me, please.

13 MR. CRULL: My name is Joshua Crull.
14 Josh Crull. I'll take any questions about the
15 situation.

16 CHAIRMAN JAMISON: Any questions of Mr.
17 Crull?

18 COMMISSIONER LOMBARDO: What is your
19 recollection of what you were told by the bartender
20 about whether that was a tip or not?

21 MR. CRULL: That he considered it a tip,
22 that he picked it up off the bar and that he just --
23 we pick TITOs off the bar all the time for tips and
24 the reason that we did not put it in the tip bucket,
25 I never put my TITOs in the tip bucket. I put all

1 my TITOs altogether separate from my cash.

2 COMMISSIONER LOMBARDO: Whether they
3 were for 10 cents or \$143?

4 MR. CRULL: Correct.

5 COMMISSIONER LOMBARDO: Okay. At what
6 point in time relative -- if you know, relative to
7 when the customer was there, did the bartender tell
8 you that it was a tip?

9 MR. CRULL: I'm not sure because I never
10 saw the customer.

11 COMMISSIONER LOMBARDO: Okay. How long
12 do you recall the TITO sitting on the bar before it
13 was put in the tip jar?

14 MR. CRULL: It never went in the tip
15 jar.

16 CHAIRMAN JAMISON: It never went in
17 there. All right. Where did it go eventually?

18 MR. CRULL: It went -- I keep my cash,
19 my change and my TITOs all separate. I'm just super
20 OCD with that kind of thing. And I guess we put it
21 altogether -- I think I got cut -- I got cut early
22 that night, so it was after midnight when I put all
23 the stuff together.

24 COMMISSIONER LOMBARDO: So where was --
25 I want to make sure I understand this. I know we've

1 gone over it, but it seems to be there's slightly
2 different versions.

3 Where was the TITO when you first saw it?

4 MR. CRULL: I believe it was on the back
5 of the bar, not on the customer side, on the
6 bartender side.

7 COMMISSIONER LOMBARDO: Okay. And how
8 long do you recall -- and then where did it go from
9 there?

10 MR. CRULL: I just asked if it was a
11 tip, we had a discussion about it, and from what I
12 understand he thought it was a tip, so I put it
13 underneath the tip bucket. And I think there was
14 another TITO already there.

15 COMMISSIONER LOMBARDO: You put it
16 underneath the tip bucket?

17 MR. CRULL: Yes.

18 COMMISSIONER LOMBARDO: So how long was
19 it sitting on the back of the bar before you put it
20 underneath the tip bucket?

21 MR. CRULL: I can't recall.

22 COMMISSIONER LOMBARDO: All right. I
23 don't have any other questions.

24 COMMISSIONER BOULWARE: Did you have any
25 reason to doubt that it was a tip?

1 MR. CRULL: I don't. I mean, it's a
2 large amount but that's not to say that like we
3 don't deserve it, like we don't work hard for our
4 money. I don't think that just because it was a
5 large amount it wasn't a tip.

6 COMMISSIONER BOULWARE: I thought that I
7 heard that you said to someone later that you
8 weren't sure whether it was a tip or not.

9 MR. CRULL: Sergeant Hoffmann asked me
10 if I was sure it was a tip and I said I wasn't sure
11 because I'm sure of like the one-third of the tips I
12 take but I can't say the other two-thirds of the
13 tips that we got that night, I can't say for any of
14 those transactions if they were tips or not. I can
15 only just take the word of the other bartenders.

16 COMMISSIONER BOULWARE: Right. The only
17 information you had was a TITO was left and the
18 bartender considered it a tip?

19 MR. CRULL: Correct.

20 COMMISSIONER BOULWARE: Thank you.

21 COMMISSIONER LOMBARDO: Do you recall
22 ever receiving a \$143 or \$145 tip before?

23 MR. CRULL: I have people hit jackpots
24 and we have regulars, they do tip us pretty
25 generously.

1 COMMISSIONER LOMBARDO: Does that happen
2 frequently?

3 MR. CRULL: Frequently, no. I'm not --
4 I would be rich.

5 COMMISSIONER LOMBARDO: The fact that it
6 was for -- and I forget \$143 or \$145, did that cause
7 any question in your mind as to whether it was a
8 tip?

9 MR. CRULL: All I can do is just take
10 his word. I had no doubt.

11 COMMISSIONER LOMBARDO: And you didn't
12 have any interaction with the customer so --

13 MR. CRULL: Correct.

14 COMMISSIONER LOMBARDO: -- if somebody
15 left the bartender a \$143 tip you weren't going to
16 have any way to dispute that one way or the other?

17 MR. CRULL: Right.

18 CHAIRMAN JAMISON: Dan?

19 COMMISSIONER FINNEY: You mentioned the
20 TITOs were put under the tip jar?

21 MR. CRULL: Correct.

22 COMMISSIONER FINNEY: Is that customary
23 or --

24 MR. CRULL: I just don't mix it in with
25 my cash.

1 COMMISSIONER FINNEY: Okay.

2 MR. CRULL: I keep my coins in a cup and
3 I usually keep my TITOs in a cup and I just kept
4 them underneath the tip bucket that night.

5 CHAIRMAN JAMISON: Is that just your
6 practice or is that -- do some people --

7 MR. CRULL: I've seen other people do
8 that as well.

9 CHAIRMAN JAMISON: But do some people
10 put TITOs in the tip jar? I mean, it's not --

11 MR. CRULL: Yeah, there's no like strict
12 operating procedure of what to do with our tips.

13 CHAIRMAN JAMISON: Right. Okay.

14 COMMISSIONER FINNEY: Nothing. I don't
15 have anything further. Thanks.

16 CHAIRMAN JAMISON: Okay. Anything else
17 you want the Commission to consider?

18 MR. CRULL: Yeah. These two are very
19 honest, hardworking people and I've really had the
20 pleasure of working with them and I think putting
21 them out of work would be a huge mistake.

22 CHAIRMAN JAMISON: Thank you for being
23 here.

24 MR. CRULL: Thank you.

25 CHAIRMAN JAMISON: Mr. Steib?

1 MR. STEIB: Next item on the agenda is
2 Brian M. Browning, Case No. DC-18-088.

3 Mr. Browning was employed as a bartender at
4 the River City Casino. The factual -- truncated
5 factual situation is a TITO was placed on the bar
6 along with a cash tip of \$3, a TITO for \$145.60.

7 That TITO remained on the back bar from 7:17
8 to 9:28, was the subject of some discussion,
9 pursuant to the evidence on the video, with this
10 licensee and other bartenders.

11 At 9:42 the assistant beverage manager spoke
12 with the licensee and other bartenders and no
13 mention was made of this particular TITO. At 12:35
14 Mr. Crull, who you've heard from, took the items and
15 colored them up to divide the proceeds among the
16 bartenders including the licensee. This particular
17 licensee never knew whether the TITO was left as a
18 tip or whether the guest would return pursuant to
19 his testimony under oath.

20 At 10:28 assistant beverage Austin Wilson
21 spoke with this particular licensee and the other
22 bartenders and no mention was made of this
23 particular item. Licensee stated under oath that,
24 quote, I have full admittance of not adhering to the
25 policy regarding unsure owner or location of a tip,

1 unquote. And to that degree the licensee has made
2 an admission against interest.

3 The same regulations apply regarding a found
4 tip, whether it is -- what is to be done with that
5 and whether it should be held for safekeeping.

6 In this particular situation the licensee
7 testified that he knew the requirements and
8 obligations of licensees when they deal with
9 questionable TITOs and he failed to -- under this
10 obligation to report that to a security officer.

11 Based upon the evidence adduced and admitted
12 the licensee did not meet by clear and convincing
13 evidence that he should not be subject to
14 discipline, therefore he should be subject to
15 discipline and the recommendation is that his
16 license be suspended for some 60 days.

17 Mr. Chairman, if you wish to hear from
18 Mr. Browning at this point perhaps that's
19 appropriate and then if you decide that you would
20 like to hear on why the recommendations were
21 different I would be glad to share that with you.

22 CHAIRMAN JAMISON: And to make sure I
23 understand, it's 6 months, 60 days, and 60 days?

24 MR. STEIB: Correct. Six-month
25 suspension for Mr. Schmidt, 60 days for Mr. Crull,

1 and 60 days for Mr. Browning and if you would like
2 me to address that --

3 CHAIRMAN JAMISON: Not yet. Wait a
4 minute. Is there any questions for Mr. Steib before
5 we --

6 COMMISSIONER NEER: Not at this time.

7 COMMISSIONER LOMBARDO: Not at this
8 time.

9 COMMISSIONER NEER: Not right now.

10 CHAIRMAN JAMISON: Mr. Browning? I'm
11 assuming that's you.

12 MR. BROWNING: Yes, sir.

13 CHAIRMAN JAMISON: Would you come to the
14 microphone and identify yourself for the record,
15 please.

16 MR. BROWNING: Yes. My name is Brian
17 Browning. I'm an employee at River City Casino.

18 CHAIRMAN JAMISON: Okay. And what would
19 you like the Commission to consider this morning?

20 MR. BROWNING: I may be able to provide
21 a little bit of insight here as to what transpired
22 with your questions from earlier.

23 My admittance to not adhering to the policies
24 was to my ignorance. I believe what it states in
25 the River City policy is that any TITOs found that

1 are \$10 and under do not have to be reported. I was
2 unaware of that at the time. Being that it was such
3 a large amount it should have been immediately
4 reported. So I take full fault for that. I knew of
5 the ticket, knew of its existence, it should have
6 been reported.

7 That being said, TITOs that are left on the
8 bar as tips, when we take those tips at the end of
9 the night to have them colored at the main bank in
10 the back of the house of the casino, those employees
11 at the bank are also required to verify whether
12 those tickets can be claimed as a tip or not. So
13 there's kind of a multilayered process to this.

14 Where we were wrong is in the amount of the
15 ticket being so high we should have immediately
16 informed a supervisor or security staff that it was
17 found. I can only speak for myself in this. I was
18 unaware of that exact policy at the time. I didn't
19 realize that there was a dollar amount that kind of
20 separated the two.

21 Josh had taken the ticket to -- Mr. Crull had
22 taken the ticket to the bank along with the tip
23 moneys for the night, at which point those employees
24 in the bank would have had to verify, especially
25 with it being such a large amount, it would have

1 been called to attention.

2 CHAIRMAN JAMISON: So what is that
3 verification process? Do they just ask you if it's
4 a tip?

5 MR. BROWNING: I am unsure honestly. I
6 do not know.

7 CHAIRMAN JAMISON: Does someone know
8 that?

9 MR. BROWNING: It's not something we run
10 across a lot.

11 CHAIRMAN JAMISON: Does someone know
12 that answer? I mean, do they just ask them if it's
13 tip or do they -- I mean, I don't know how you
14 verify it was a tip unless the bartender --

15 COMMISSIONER LOMBARDO: Cheryl is
16 walking up.

17 MS. ALONZO: Cheryl Alonzo, Missouri
18 Gaming Commission. The cashiering procedures for
19 the tip-out at the end of the night, when they're
20 presented with the TITOs, they just redeem them to
21 make sure that they're good TITOs that have not been
22 redeemed before. They don't know --

23 CHAIRMAN JAMISON: So make sure it's not
24 --

25 MS. ALONZO: -- the source.

1 CHAIRMAN JAMISON: -- an expired TITO,
2 for lack of a better word?

3 MS. ALONZO: Right. When they're just
4 redeeming them in the main bank, if the system
5 redeems it, it means it hasn't been redeemed before.

6 CHAIRMAN JAMISON: Okay.

7 MS. ALONZO: You know, there's no
8 process by which they go and track down when that
9 TITO was printed, which you can do, but that's not
10 what they do at the main bank. They're just like,
11 these are your tips, and then they do that exchange.

12 CHAIRMAN JAMISON: And they verify that
13 it's a valid TITO --

14 MS. ALONZO: That it's a valid TITO.

15 CHAIRMAN JAMISON: -- for \$145?

16 MS. ALONZO: Right, not whether it was a
17 tip or not. They wouldn't know that.

18 CHAIRMAN JAMISON: Okay. Thank you.

19 Sorry to interrupt you but I thought it was
20 important for us to understand what the
21 verification --

22 MR. BROWNING: And that's something
23 we've had some confusion on. That is part of our
24 River City policy. That's not a Gaming Commission
25 policy, so there was some confusion there.

1 I guess my point to that being that initially
2 we were all accused of theft, which I did not
3 appreciate being that I am not a thief. It was more
4 confusion in the policy. And I guess what I'm
5 trying to say is that had someone wanted to steal
6 that they would not have taken it to a bank and
7 given it to those employees who are also there to
8 verify it. It being a large amount, that obviously
9 would have called some attention to the ticket
10 itself.

11 COMMISSIONER LOMBARDO: Did you have any
12 interaction with the actual customer?

13 MR. BROWNING: I did not.

14 COMMISSIONER LOMBARDO: Okay. Did you
15 see the customer leave the facility?

16 MR. BROWNING: I did not. I was on the
17 opposite end of a probably 30-foot bar.

18 COMMISSIONER LOMBARDO: Did you have any
19 conversation with Mr. Crull or Mr. Schmidt about the
20 amount of the TITO?

21 MR. BROWNING: I did.

22 COMMISSIONER LOMBARDO: And what was
23 that conversation?

24 MR. BROWNING: It was a -- they let me
25 know that it existed, the three of us had a brief

1 conversation. My initial question was, was the
2 ticket found in one of the machines because we do
3 know that that's a no-no. You're not allowed to
4 remove TITOs from the machine. We can only accept
5 them if they are either handed to us or left on the
6 bar.

7 They said no, it was left on the bar. At
8 that point it is kind of an unwritten policy for us
9 bartenders. As Mr. Schmidt admitted earlier, we do
10 often find things that are left behind of value. We
11 will take them and hold onto them. Typically they
12 come back. Be it a credit card, a cell phone, a
13 purse, a jacket, whatever it may be, we will hold
14 those items for a short time and see if they come
15 back and then they'll get turned into our security
16 if not.

17 COMMISSIONER LOMBARDO: Did you have a
18 question in your mind as to whether it was a tip or
19 whether somebody had inadvertently left it?

20 MR. BROWNING: Yes, I mean, it is a
21 large amount, so obviously that throws some flags
22 up. It doesn't necessarily mean it's not. The fact
23 that I would recommend holding onto it in case the
24 guest would come back to retrieve it, obviously
25 there's some question there, yes.

1 COMMISSIONER BOULWARE: Did Mr. Crull or
2 Mr. Schmidt express to you whether it was a tip, not
3 a tip, or unsure during this conversation the three
4 of you had?

5 MR. BROWNING: I think just kind of
6 unsure at that point. I don't think it was
7 necessarily -- I don't recall discussing that
8 particular as to whether it was a tip. It was just
9 found on the bar, which would typically mean that
10 it's a tip. We are allowed to accept those when
11 they are left on the bar. It does happen from time
12 to time. It's not completely uncommon.

13 But of course, it being a large amount, I
14 recommended that we hold onto it, keep it separate
15 from things just in case that person should come
16 back to claim it.

17 COMMISSIONER LOMBARDO: Is there any
18 normal practice as to who takes these TITOs up to
19 the bank? In this case it was Mr. Crull, who was
20 the barback. Is that normal or sometimes the
21 bartenders take --

22 MR. BROWNING: Actually, correction, Mr.
23 Crull is a bartender.

24 COMMISSIONER LOMBARDO: Okay.

25 MR. BROWNING: He's formerly a barback,

1 but that was many years ago.

2 Typically, when we were all three there until
3 the end of the night, we will all go do that. At
4 this particular night it was a little bit slower.
5 We decided to let Mr. Crull go home early, which
6 means he would be the one free to take those to the
7 bank and color them up.

8 CHAIRMAN JAMISON: Who did the -- I know
9 you were here when Mr. Schmidt came back up and
10 mentioned that there was someone that raised a
11 question about this.

12 MR. BROWNING: Yes.

13 CHAIRMAN JAMISON: Was that a discussion
14 you had with that person or who had the discussion
15 with --

16 MR. BROWNING: Yes, he was involved with
17 that initial discussion that we had when I informed
18 of the TITO. That was David Cook. He was our
19 barback for the evening. He is the one that
20 initially went to security and questioned it. He at
21 the time was actually unaware that we could accept
22 TITOs as tips, so he was under the impression that
23 we could not take those at all.

24 CHAIRMAN JAMISON: So he may have been
25 correct in the fact that it was unknown and it

1 should have been reported, but he wasn't reporting
2 it on the basis of that question. He was reporting
3 it that he didn't think you could take TITOs at all?

4 MR. BROWNING: Absolutely.

5 CHAIRMAN JAMISON: But he was correct --

6 MR. BROWNING: Correct.

7 CHAIRMAN JAMISON: -- he was just
8 correct for the wrong reasons?

9 MR. BROWNING: Correct. Yeah.

10 CHAIRMAN JAMISON: Okay.

11 Dan, did you have any more questions?

12 COMMISSIONER FINNEY: I'm just trying to
13 get a clear picture of the time line as far as, you
14 know, when was the TITO left and then when was it
15 moved from that position.

16 MR. STEIB: The TITO was left some time
17 before 7:17 p.m. It was in the possession of these
18 gentlemen until 9:28 and then later until
19 12:35 a.m., the next morning when it was colored up
20 and taken it. So that's the time line.

21 CHAIRMAN JAMISON: But it was taken off
22 the bar like two minutes after it was left on the
23 bar, correct?

24 MR. STEIB: That's true. The testimony
25 was that a different patron came to the bar, ordered

1 a drink, Mr. Schmidt began serving that other patron
2 and that's when the TITO was taken off the front
3 bar.

4 CHAIRMAN JAMISON: And put over by the
5 back bar.

6 MR. STEIB: Right.

7 COMMISSIONER FINNEY: Did the patron
8 ever come back looking for it?

9 MR. STEIB: The patron did not come back
10 because the patron didn't know where he lost it.
11 And that was, as I've said, the result of some very
12 good police work to track this gentleman down in
13 Wisconsin, to identify him and ask him whether he
14 had left that as a tip or not.

15 COMMISSIONER NEER: Would that have
16 occurred if they would have just left the TITO with
17 a supervisor? Would there have been an effort made
18 to determine who the owner of that TITO was?

19 MR. STEIB: I think you need to address
20 that question to the Commission staff. I don't know
21 the answer to that --

22 CHAIRMAN JAMISON: Who wants to answer
23 that? I would assume that we would track it down
24 but --

25 MR. GREWACH: Right. If the supervisor

1 was doing their job, when they received it they
2 would turn it into unclaimed property and then
3 there's a whole system in place for unclaimed
4 property and notification of potential owners and
5 that would have been the proper process.

6 CHAIRMAN JAMISON: So surveillance would
7 have started working on trying to figure out who was
8 the person that left it in the bar and backtrack
9 from there?

10 MR. GREWACH: Right. And I think there
11 may be some evidence from the ticket itself which
12 you could use to identify who the patron was.

13 CHAIRMAN JAMISON: When it came out?

14 MR. GREWACH: Yes.

15 CHAIRMAN JAMISON: Is there any more --
16 just a second, Dan. Is there any more questions for
17 Mr. Browning?

18 COMMISSIONER LOMBARDO: No.

19 CHAIRMAN JAMISON: Is there anything
20 else you want to add before -- because I don't want
21 to make you stand here --

22 MR. BROWNING: No, no, I appreciate the
23 Commission's time. I do regret the situation. I
24 regret Sergeant Hoffmann's time that he had to use
25 in order to solve all of this.

1 On a personal note, I would just like to say
2 that I had very minimal involvement in this
3 situation and while I have had time to prepare for
4 this, financially I am also a single parent of two
5 disabled children that I take care of by myself and
6 60 days of no work would definitely put me into a
7 financial hardship and I would ask that the
8 Commission keep that in mind in their decision.

9 CHAIRMAN JAMISON: Okay. Thank you.

10 Now, Dan, do you have anything further?

11 COMMISSIONER FINNEY: Yeah, I just want
12 to make sure I understand this clearly. So the TITO
13 was left at 7:15 -- 7:17, I'm sorry?

14 MR. STEIB: Approximately, yes.

15 COMMISSIONER FINNEY: Okay. It was
16 colored at 12:35?

17 MR. STEIB: Correct.

18 COMMISSIONER FINNEY: \$176 and --

19 CHAIRMAN JAMISON: 145.

20 COMMISSIONER FINNEY: I'm sorry. I beg
21 your pardon.

22 MR. STEIB: \$145.60.

23 COMMISSIONER FINNEY: 145.00 and the
24 person who lost the TITO never went back to the bar
25 looking for it during that time period; is that

1 correct?

2 MR. STEIB: There has been no evidence
3 that he ever went back to the bar looking for it.
4 The only evidence concerning him looking for the
5 TITO is him going through his pockets on the video,
6 but there's no evidence or video showing him going
7 around looking on the floor -- or to the bar looking
8 for it.

9 COMMISSIONER FINNEY: Okay. Thank you.

10 CHAIRMAN JAMISON: The only evidence is
11 that he was looking for something in his pocket.
12 The assumption is made that he was looking for that
13 TITO but you can't make the -- you can't make the
14 assurance that that's what he was looking in his
15 pocket for.

16 COMMISSIONER FINNEY: Right.

17 COMMISSIONER NEER: Could have been a
18 hotel key.

19 CHAIRMAN JAMISON: That's the assumption
20 was that he was looking for that TITO, but -- unless
21 he said that during the interview with Sergeant
22 Hoffmann.

23 MR. STEIB: There is no testimony that
24 he said to Mr. Hoffmann he went through his pockets
25 looking for that TITO.

1 CHAIRMAN JAMISON: Right. It's just the
2 video of him looking for something --

3 COMMISSIONER FINNEY: What time is that
4 video at? Do you remember?

5 CHAIRMAN JAMISON: At the same time he
6 was at the bar.

7 MR. STEIB: What time was it at?

8 COMMISSIONER FINNEY: The video, yeah.

9 MR. STEIB: It was prior to 7:17 because
10 the patron ordered his beer, walked away from the
11 bar and stood at an island drinking his beer, going
12 through his pockets, et cetera.

13 The only testimony regarding it being lost
14 was when Sergeant Hoffmann contacted him later and
15 he said I lost it some place, lost the TITO
16 somewhere.

17 COMMISSIONER FINNEY: So the timetable
18 between him placing the TITO on the bar and is
19 searching through his pockets, what was that time
20 difference?

21 CHAIRMAN JAMISON: Two minutes.

22 COMMISSIONER FINNEY: Two minutes.

23 MR. STEIB: Approximately.

24 COMMISSIONER FINNEY: And he didn't go
25 back to the bar and say, "You know what, I probably

1 left it here," within that two minutes?

2 MR. STEIB: That's correct.

3 COMMISSIONER FINNEY: Okay.

4 COMMISSIONER BOULWARE: With respect to
5 Mr. Crull, the record is that he was told and
6 understood that this TITO was a tip and that's
7 uncontradicted. So what I'm struggling with here is
8 if that's what's in his mind, what did he do wrong?

9 MR. STEIB: Well, what he did wrong was
10 there was some question in his mind apparently
11 whether this was a TITO or not. He did testify --

12 CHAIRMAN JAMISON: A tip. Whether it
13 was a tip or not. You said whether it was a TITO or
14 not.

15 MR. STEIB: Correct. Correct.

16 CHAIRMAN JAMISON: Okay.

17 MR. STEIB: There was some testimony
18 with these three gentlemen -- and I might say that
19 the evidence does not establish some tri-party
20 conspiracy among these gentlemen based on their
21 credibility. It does, however, suggest a serious
22 mishandling of this TITO and sufficient doubt that
23 they should have done something in addition to that.

24 There was testimony, among these three
25 gentlemen, that "if my co-employee tells me it's a

1 tip I take his word, why should I doubt that?" So
2 there was evidence to that effect.

3 COMMISSIONER BOULWARE: Just focusing on
4 Mr. Crull, again, in the record and what from what I
5 heard today was he was told it was a tip, he
6 believed it was a tip, and accepting that, why would
7 he have done anything different? Where in the
8 record is there evidence that he actually believed
9 it wasn't a tip or at least he wasn't sure whether
10 it was a tip?

11 MR. STEIB: I don't believe there is any
12 evidence whether it was or not. There is evidence
13 that they did not know and they did not report that
14 to their supervisor as they should have.

15 COMMISSIONER LOMBARDO: Is there some
16 kind of mens rea requirement for this violation or
17 is it just strict liability?

18 MR. STEIB: The first part of your
19 question, Commissioner, was?

20 COMMISSIONER LOMBARDO: Maybe we can get
21 Ed back up here on this one. Ed, you understand the
22 question. You know, to find somebody actually
23 violated this rule is there some sort of mens rea
24 requirement that there must be a state of mind to
25 violate the rule or is it just strict liability

1 because they should have done it?

2 MR. GREWACH: It's reasonable belief.

3 COMMISSIONER LOMBARDO: Reasonable
4 belief?

5 MR. GREWACH: Yes.

6 CHAIRMAN JAMISON: I guess the question
7 would be then and maybe, Mr. Crull, I'm going to ask
8 you this question, were you there when the
9 discussion was with the barback that said this ought
10 to be reported to a supervisor?

11 MR. CRULL: I had no discussion with
12 Mr. Cook.

13 CHAIRMAN JAMISON: Okay.

14 COMMISSIONER FINNEY: So I understand
15 the regulation, I'm sorry, if it's over \$20 it needs
16 to be reported, so if someone left a TITO for \$25
17 the bartender is not at the prerogative to assume
18 that's left as a tip?

19 CHAIRMAN JAMISON: I think the question
20 comes if it's handed to them as a tip it doesn't
21 matter what the amount is. If it's found on the bar
22 and there's a question about was it a tip or was it
23 not, then that comes into the play of was it found
24 property.

25 COMMISSIONER FINNEY: So if somebody --

1 if a bartender would find a TITO for \$25 on the bar,
2 his obligation in that situation is to report that
3 as unclaimed; is that correct?

4 CHAIRMAN JAMISON: Correct. You would
5 call a supervisor. And it's a \$10 limit on the
6 regulation.

7 COMMISSIONER FINNEY: So if it's a \$12
8 TITO that's left on the bar, the bartender --

9 CHAIRMAN JAMISON: If they don't -- if
10 it's not a tip, then it would fall under the
11 regulation that would say it is found property.

12 COMMISSIONER FINNEY: So they should
13 know that any money over \$12 that's left on the bar
14 is not a tip; is that correct? Or they've got to
15 assume that that's not a tip?

16 CHAIRMAN JAMISON: No, they don't --

17 COMMISSIONER NEER: It was a TITO.

18 COMMISSIONER FINNEY: If someone leaves
19 a \$12 TITO on the bar the bartender is supposed to
20 turn that in?

21 CHAIRMAN JAMISON: If they believe -- if
22 it's unclear if it's a tip.

23 COMMISSIONER NEER: Well, you just said
24 it's just left on the bar. If it's under \$10 --

25 CHAIRMAN JAMISON: It goes into -- it

1 goes into unclaimed property if he doesn't believe
2 it's a tip.

3 COMMISSIONER NEER: Any amount --

4 CHAIRMAN JAMISON: So it still goes to
5 the belief of the tip. If it's handed to the
6 bartender and it's known as a tip, but if the person
7 has already tipped and it's found on the bar or if
8 it's left, in this particular instance, where the
9 tip was made but it wasn't made -- this piece was
10 found there, the unknowing that if it's found or if
11 it's a tip, then the supervisor helps them make that
12 decision would be my understanding of the rule is
13 you would bring a supervisor in to clarify.

14 MR. STEIB: In this particular situation
15 there was a cash tip left on the bar also and that
16 was significant in the rationale.

17 MR. GREWACH: If I may address that and
18 I hate to get too far afield of the issues here
19 because, in any event, the TITO was over \$10, but
20 just for future clarification, when you look at the
21 MICS Chapter 14.07, H-14.07 and they're cited,
22 there's just two different processes for TITOs over
23 and under \$10. One, to be placed in safekeeping and
24 the other either be placed in safekeeping or handled
25 as unclaimed property.

1 So all found property has to go through a
2 process regardless of dollar amount.

3 CHAIRMAN JAMISON: But if it's known as
4 a tip, then that wouldn't apply, those rules would
5 not apply if it's known as a tip.

6 MR. GREWACH: Correct. Right.

7 CHAIRMAN JAMISON: The problem with this
8 case is if you have a question that it's not a tip,
9 then those rules apply because you don't believe --
10 if you don't know that it's a tip, then you would
11 have to call the supervisor and follow that process.

12 COMMISSIONER FINNEY: Okay. So I think
13 that -- in response I think that gets to Rick's
14 question as to what the mindset was, whether it was
15 known or thought reasonable belief that it wasn't a
16 tip.

17 My question is if somebody leaves a \$12 TITO
18 on the bar, are we writing up every bartender that
19 doesn't turn that in as unclaimed property? We
20 should, right, according to regulations?

21 CHAIRMAN JAMISON: You're talking about
22 the handling of it. I think the determination would
23 be was it considered a tip?

24 Because by their own discussion they left it
25 out -- I mean, by the person that took it, it's my

1 understanding, and you correct me if I'm wrong here,
2 but my understanding is they left it outside the tip
3 jar in case the guy came back to pick it up. So if
4 they knew it was a tip, why would he come back and
5 pick up a tip that they knew was a tip?

6 And so by his own admission he clarifies this
7 TITO as something other than a tip.

8 COMMISSIONER FINNEY: If he -- in
9 response to that, if he didn't leave it as a tip, he
10 would have picked it up. He didn't pick it up, so
11 they assumed it was a tip.

12 I mean, the logic I'm having trouble with,
13 Brian, is you're saying, well, they had a question as
14 to whether or not he left it as a tip, okay, so
15 that's -- and so they were waiting to --

16 CHAIRMAN JAMISON: Just going on what he
17 said.

18 COMMISSIONER FINNEY: -- and so they're
19 waiting to see if he comes to pick it up. And after
20 five hours, when he doesn't show up, they then
21 assume it's a tip. So I just want to make sure that
22 I understand that that's actually what the --

23 CHAIRMAN JAMISON: But there's a
24 regulation that says if you're unsure you ask a
25 supervisor. And so the fact that they said they

1 weren't sure puts -- for me, puts it into the
2 category of let's get a supervisor in here to make
3 sure that we're doing what we're supposed to do.

4 COMMISSIONER FINNEY: So right at the
5 moment they were unsure is when they should have
6 contacted a supervisor and they didn't have the
7 prerogative to wait to see if he came back. It
8 should have been the question right away should have
9 been reported to a supervisor?

10 CHAIRMAN JAMISON: That's the way I
11 understand the regulation.

12 COMMISSIONER FINNEY: Okay. All right.
13 Thank you.

14 CHAIRMAN JAMISON: Yeah, to me it's the
15 unsure aspect and then what's the next step if
16 you're unsure if it's a tip or not. If you're sure
17 that it's a tip, I mean if they paid their bill and
18 they left no tip and they left a \$10 TITO next to
19 the money that they left for the drink, then you
20 could make the assumption that that's a tip.

21 But in this case if they -- by his statement
22 says, "I was unsure," then I think that triggers the
23 requirement to follow the next step in the
24 regulation. That's just me. I'm not saying that's
25 accurate. I'm just saying from my perspective.

1 COMMISSIONER NEER: It was left at 7:17,
2 you're saying at 7:18 or 7:19 a supervisor should
3 have been contacted and that TITO turned over to a
4 supervisor two minutes after or two hours after or
5 --

6 CHAIRMAN JAMISON: I'd say in a
7 reasonable time if he's --

8 COMMISSIONER NEER: The magic word here,
9 again, "reasonable."

10 COMMISSIONER FINNEY: How do we define
11 what a reasonable amount of time is?

12 COMMISSIONER LOMBARDO: I think that's
13 our job.

14 CHAIRMAN JAMISON: Yep, that's what
15 we're doing here today.

16 COMMISSIONER FINNEY: And reasonable
17 minds disagree on that.

18 CHAIRMAN JAMISON: I told you I didn't
19 say that that's the way it was. I'm just telling
20 you that's my perspective.

21 COMMISSIONER FINNEY: Just let me know
22 when I get to unreasonable. I just want to stay in
23 the reasonable part of the equation.

24 COMMISSIONER BOULWARE: Chairman, sorry
25 to beat a horse here, but Mr. Crull, can I ask you

1 one more question?

2 MR. CRULL: Absolutely.

3 COMMISSIONER BOULWARE: You may want to
4 come up to the mic.

5 Did there come a point in time where you were
6 unsure whether this was a tip or not?

7 MR. CRULL: When I was approached by the
8 gaming officer, just very intimidating and it made
9 me feel like maybe it wasn't a tip after all.

10 COMMISSIONER BOULWARE: Okay. And prior
11 to that -- and that's after the TITO had already
12 been turned into the bank?

13 MR. CRULL: Right.

14 COMMISSIONER BOULWARE: Prior to that
15 did you have any reason to believe that the TITO was
16 not a tip?

17 MR. CRULL: I never said to anybody that
18 I was unsure. I just -- all I can do is take the
19 word from the bartender that it's a tip.

20 COMMISSIONER BOULWARE: Okay. Thank
21 you.

22 COMMISSIONER LOMBARDO: Mr. Browning has
23 had his hands up several times.

24 MR. BROWNING: I just wanted to state
25 that not only with TITOs would we -- I mean, we're

1 often unsure of a lot of things. We're under a lot
2 of scrutiny and we realize that with the regulations
3 that we work under. There have been countless times
4 where a guest may have come up to the bar and left
5 what would appear to be their change on the bar,
6 maybe in the amount of \$15 or something like that.

7 We will often, because we didn't have a
8 direct verbal contact with that guest as to why that
9 was left there -- you know, typically in a bar
10 scenario if it's left on the bar it would be assumed
11 a tip. A lot of the times, because we do respect
12 our guests, we will set that \$15 aside.

13 If they come back throughout the night and
14 say, "Hey, I think I forgot to grab my change when I
15 came up to get my drink," and, "Yeah, you did. Here
16 you go." And that's something that we deal with a
17 lot.

18 So it's not just the TITOs. It's we question
19 a lot of things and, you know, I've had -- myself
20 had high-dollar amount tips that were left, given to
21 me. I've had high-dollar amount TITOs that were
22 given to me. The difference there is they were
23 handed to me, so I knew.

24 But we will often set valuables aside if we
25 are unsure because we know we're highly scrutinized

1 as to what we're doing. That's all I need to say.

2 Thank you.

3 COMMISSIONER FINNEY: Mr. Chairman, I've
4 got one question.

5 CHAIRMAN JAMISON: Sure.

6 COMMISSIONER FINNEY: This reasonable
7 test that we're talking about, is that a technical
8 test, number one? And, number two, is it objective
9 or subjective, if you know?

10 MR. GREWACH: It would be objective
11 because it would be reasonable to an ordinary
12 reasonable person. Just like any negligence or any
13 other standard, reasonable belief -- and I'll say in
14 an employment -- employee harassment situation,
15 would the activity be, you know, reasonably -- would
16 be construed by from an objective standard by a
17 reasonable person.

18 And the same is true of our -- you know, of
19 our situation here. And I guess -- I know you may
20 very well ask Carolyn in here what our recommendation
21 is, but I'll go ahead and short circuit that to say
22 our recommendation continues to be revocation
23 because that's one thing we look at, what reasonable
24 person would believe that in addition to a \$3 cash
25 tip this patron would leave a \$145 tip on top of

1 that. And that's how -- when we look at how would
2 an ordinary reasonable person interpret that
3 situation and that was a major factor in our
4 recommendation.

5 COMMISSIONER FINNEY: On that point,
6 what would the dollar amount -- was the dollar
7 amount a factor for you as to whether it was
8 reasonable to assume it was a tip or not?

9 MR. GREWACH: Yes.

10 COMMISSIONER FINNEY: And what was --
11 what figure did you cap that at as to what would be
12 reasonable?

13 MR. GREWACH: We did not cap it. We
14 just looked at, again, all those circumstances: a \$3
15 beer, a \$3 cash tip, and then an additional \$145
16 TITO tip. Under those facts we didn't find that any
17 reasonable person would assume that was a tip.

18 COMMISSIONER FINNEY: Can I ask Mr.
19 Schmidt one more question?

20 CHAIRMAN JAMISON: Sure.

21 COMMISSIONER FINNEY: Mr. Schmidt, do
22 you mind?

23 MR. SCHMIDT: Yes, sir.

24 COMMISSIONER FINNEY: How long have you
25 been a bartender in the casino business?

1 MR. SCHMIDT: Twenty-four years.

2 COMMISSIONER FINNEY: What is the
3 largest tip you've ever received?

4 MR. SCHMIDT: Good Lord, 24 years, it's
5 hard to tell. It has been in excess of \$200 at
6 least.

7 COMMISSIONER FINNEY: Okay.

8 MR. SCHMIDT: I do have one thing to
9 say, if that's okay. At the time I have no idea
10 whose ticket that is that's on the bar. I didn't
11 know it came from the same gentleman that tipped me
12 the \$3, whatever you said, for the beer. It was on
13 the bar. There's no way for me to know who it was
14 that put it on there.

15 So if it's on the bar, that's our tipped
16 area. You know, that's where -- people leave tips
17 on the bar all the time. And, like Brian said,
18 we're not jerks. If it's -- we're going to put it
19 to the side in case they come back.

20 COMMISSIONER LOMBARDO: Mr. Schmidt, if
21 somebody gives you a tip over a hundred dollars do
22 they usually let you know that they're giving you
23 that tip or do they just kind of leave it and slink
24 away?

25 MR. SCHMIDT: It has happened both ways.

1 I mean, it depends on the relationship with the
2 guest, if I've known that guest for a while they
3 know it's going to be on the bar.

4 But in the situation with the TITO, I have no
5 idea who at that time it belonged to. It was just
6 on the bar.

7 COMMISSIONER LOMBARDO: Okay.

8 MR. STEIB: Mr. Chairman, by virtue of
9 this discussion these are difficult cases.

10 CHAIRMAN JAMISON: Understood.

11 MR. STEIB: There is no question, based
12 on the evidence however, that this TITO was
13 mishandled. That may be an error in judgment on
14 these gentlemen's part, so as to whether they should
15 be disciplined, the hearing officer found that there
16 should be discipline.

17 The difficulty in making recommendations was
18 the complicity of these gentlemen in this whole
19 factual situation. And you will see that the
20 recommendation of the hearing officer differs from
21 the recommendation of the staff and the hearing
22 officer labored to some degree over why there should
23 be a differentiation in the discipline proposed and
24 I would like to share those with you.

25 With Mr. Schmidt the recommendation is that

1 he be suspended -- license be suspended for 60 days
2 based on the fact that --

3 CHAIRMAN JAMISON: No, six months.

4 MR. STEIB: Six months. 180 days.

5 Thank you.

6 He did serve the patron. He had the
7 opportunity to see the tip, the cash tip, and the
8 TITO. He had an opportunity to contact the person,
9 although his testimony was he said he didn't know
10 who the patron was. He did relate to the other
11 gentlemen that you heard from that this was a -- his
12 characterization that this was a tip.

13 And based on the evidence, the connection or
14 lack of connection between the \$3 beer and the \$3
15 tip and the \$145 TITO would raise a reasonable
16 question in a reasonable person's mind.

17 As to Mr. Crull, he did separate the TITO
18 from the other tips, which raises the question did
19 he know whether this was a tip or not and if he
20 didn't know then he should have contacted a
21 supervisor.

22 He did, in fact, according to the testimony,
23 point out the amount of it. He recognized that
24 \$145.60 was substantial. He, however, did not know
25 the patron, could not have identified the patron,

1 nonetheless he did participate in the coloring up
2 process to divide those tips.

3 His involvement is different than Mr.
4 Schmidt's and that's why the recommendation is that
5 his license be suspended for 60 days.

6 As to Mr. Browning, his contact is the least
7 in this whole situation and he knew what the policy
8 was regarding doubt that there should be some
9 contact with a supervisor. That was the rationale
10 and the basis for a differentiation in the
11 recommendation of the hearing officer on varying
12 degrees of discipline.

13 CHAIRMAN JAMISON: Okay. Thank you.

14 Okay. Let's proceed with 19-028 on Laverne
15 Schmidt. The Chair would entertain a motion on that
16 resolution.

17 If you want to discuss it before or after the
18 motion. Does anyone have a place they want to start
19 at?

20 COMMISSIONER BOULWARE: I'll have a
21 motion with respect to Mr. Crull but we'll handle
22 him next.

23 CHAIRMAN JAMISON: Yeah, we'll handle
24 him next.

25 COMMISSIONER FINNEY: Mr. Chairman, I'm

1 sorry, I could give you my thoughts, if you'd like,
2 as to this?

3 CHAIRMAN JAMISON: Sure.

4 COMMISSIONER FINNEY: Okay. So the
5 difficulty I'm having with -- in this situation is
6 determining the reasonableness standard. So it
7 seems like, according to the regulations, the
8 requirement is any amount -- any TITO that's left
9 that's over \$10, if there's any question about it,
10 it needs to be turned in as unclaimed property and
11 the supervisor needs to be contacted.

12 CHAIRMAN JAMISON: The \$10 is how they
13 handle it once it's turned in is my understanding.

14 COMMISSIONER FINNEY: Okay.

15 CHAIRMAN JAMISON: It's not the
16 determination --

17 COMMISSIONER FINNEY: Got it.

18 CHAIRMAN JAMISON: -- if it's found or
19 not. Either one of them, if it's not known as a
20 tip, both of those have to be turned in, less than
21 \$10 or more than \$10. It's how they handle the
22 TITO.

23 COMMISSIONER FINNEY: Got it. Okay. So
24 and we're saying in this situation that the
25 governing issue would be that the amount was -- no

1 reasonable person would believe that that amount was
2 actually left as a tip? I'm just trying to
3 understand --

4 COMMISSIONER LOMBARDO: Well, Dan, you
5 also have the other testimony and Mr. Schmidt's own
6 words that he had a question in his mind. So if
7 you're looking at a reasonableness standard you can
8 look at the circumstantial evidence, which is \$3
9 beer, \$145 tip.

10 If you look at Mr. Schmidt's words, which he
11 had a question, you can look at the actions, which,
12 you know, they left it out, and you can also look at
13 Mr. Crull's testimony where Mr. Crull says he told
14 me that it was a tip, but he said that after he
15 already also told -- he told the gaming officer that
16 he had a question about it.

17 So I don't have a problem with this
18 reasonable standard. I do maybe have a problem with
19 the severity of the punishment. But I don't have a
20 threshold problem that there was a violation here.

21 COMMISSIONER NEER: Okay. We seem to be
22 almost at a stalemate. Obviously they should have
23 contacted a supervisor, that was wrong. He claims
24 he already lost his job at Lumière -- what is it?

25 CHAIRMAN JAMISON: River City.

1 MR. SCHMIDT: River City. I work at
2 Lumière now.

3 COMMISSIONER NEER: So to get the ball
4 moving here, I recommend a sentence -- a penalty of
5 a 60-day suspension.

6 CHAIRMAN JAMISON: So you're wanting to
7 amend Resolution No. 19-028?

8 COMMISSIONER NEER: Yes.

9 CHAIRMAN JAMISON: To?

10 COMMISSIONER NEER: Sixty days as
11 opposed to 180.

12 CHAIRMAN JAMISON: Is there a second?

13 COMMISSIONER LOMBARDO: Second.

14 CHAIRMAN JAMISON: Okay. It has been
15 first and seconded.

16 Is there any more discussion?

17 COMMISSIONER FINNEY: No, sir.

18 CHAIRMAN JAMISON: Okay. Angie, call
19 the roll.

20 MS. FRANKS: Commissioner Boulware?

21 COMMISSIONER BOULWARE: Approved.

22 MS. FRANKS: Commissioner Finney?

23 COMMISSIONER FINNEY: Approved.

24 MS. FRANKS: Commissioner Lombardo?

25 COMMISSIONER LOMBARDO: Approved.

1 MS. FRANKS: Commissioner Neer?

2 COMMISSIONER NEER: Approved.

3 MS. FRANKS: Chairman Jamison?

4 CHAIRMAN JAMISON: Approved.

5 MS. FRANKS: By your vote you have
6 adopted Resolution No. 19-028 as amended for a
7 60-day suspension.

8 CHAIRMAN JAMISON: Okay. Brandon, do
9 you want to do Resolution No. 19-029? You said you
10 had -- or at least you want to comment first?

11 COMMISSIONER BOULWARE: Yeah, I have a
12 comment. I would move that no discipline be handed
13 down with respect to Mr. Crull and here's my
14 thinking. The way I read the rules and regulations
15 here, it's his duty to present clear and convincing
16 evidence that he did not have a reasonable belief
17 that this TITO was a tip.

18 And the record shows that he had no
19 involvement, no interaction with the patron, he
20 didn't see the TITO on the bar, at least where the
21 customer sat, and that he was told by his fellow
22 bartender that it was in fact a tip.

23 To me that meets the clear and convincing
24 evidence standard that this gentleman did not have a
25 reasonable belief and someone in his position would

1 not have a reasonable belief based on that set of
2 facts that the TITO was not a tip, that the TITO was
3 unclaimed property.

4 So for that reason I would move -- I'm not
5 exactly sure if I'm wording this correctly, Mr.
6 Chairman --

7 CHAIRMAN JAMISON: You want to amend
8 resolution -- well, no, do we need to amend it or
9 just put no vote on it?

10 MR. GREWACH: Actually what you would do
11 here is reject the hearing officer's recommendation
12 and vote that no discipline be issued.

13 COMMISSIONER LOMBARDO: Do we also have
14 to reject the staff's recommendation?

15 MR. GREWACH: No, because the rule just
16 provides that --

17 CHAIRMAN JAMISON: If you go with any of
18 these resolutions you've already rejected the
19 staff's resolution because --

20 COMMISSIONER FINNEY: We don't make a
21 point of that.

22 CHAIRMAN JAMISON: We don't bring that
23 up.

24 COMMISSIONER LOMBARDO: Well, we're not
25 keeping score.

1 CHAIRMAN JAMISON: So, Brandon, your
2 motion?

3 COMMISSIONER BOULWARE: Would be to --
4 and I don't like using this word but I view this as
5 an extraordinary case -- reject the hearing
6 officer's recommendation with respect to Mr. Crull
7 --

8 CHAIRMAN JAMISON: 19-029?

9 COMMISSIONER BOULWARE: Yes, sir.

10 COMMISSIONER LOMBARDO: Second.

11 CHAIRMAN JAMISON: It has been first and
12 seconded. Is there any more discussion?

13 COMMISSIONER FINNEY: No, sir.

14 CHAIRMAN JAMISON: Okay. Angie, call
15 the roll.

16 MS. FRANKS: Commissioner Boulware?

17 COMMISSIONER BOULWARE: Approved.

18 MS. FRANKS: Commissioner Finney?

19 COMMISSIONER FINNEY: Approved.

20 MS. FRANKS: Commissioner Lombardo?

21 COMMISSIONER LOMBARDO: Approved.

22 MS. FRANKS: Commissioner Neer?

23 COMMISSIONER NEER: Approved.

24 MS. FRANKS: Chairman Jamison?

25 CHAIRMAN JAMISON: Approved.

1 MS. FRANKS: By your vote you have
2 adopted Resolution No. 19-029 as amended, rejecting
3 the hearing officer's recommendation.

4 CHAIRMAN JAMISON: And that leaves us
5 Resolution No. 19-030 on Mr. Browning.

6 COMMISSIONER LOMBARDO: Okay. I'll talk
7 first. I view Mr. Browning as different than either
8 Mr. Schmidt or Mr. Crull. Mr. Browning, to his
9 credit, acknowledges that he had enough information
10 that he probably should have reported it to a
11 supervisor. On the other hand, he had minimal
12 contact with the whole situation.

13 So I'm struggling with what would be -- and I
14 think there's an admitted violation but I'm
15 struggling with what would be an appropriate
16 sanction and I'll just throw it out and suggest a
17 one-week suspension. Move to amend the resolution
18 to a one-week suspension.

19 COMMISSIONER BOULWARE: Second.

20 CHAIRMAN JAMISON: It has been first and
21 seconded. Any additional discussion?

22 Okay. Angie?

23 MS. FRANKS: Commissioner Boulware?

24 COMMISSIONER BOULWARE: Approved.

25 MS. FRANKS: Commissioner Finney?

1 COMMISSIONER FINNEY: Approved.

2 MS. FRANKS: Commissioner Lombardo?

3 COMMISSIONER LOMBARDO: Approved.

4 MS. FRANKS: Commissioner Neer?

5 COMMISSIONER NEER: Approved.

6 MS. FRANKS: Chairman Jamison?

7 CHAIRMAN JAMISON: Approved.

8 MS. FRANKS: By your vote you have
9 adopted Resolution No. 19-030 as amended to a
10 one-week suspension.

11 CHAIRMAN JAMISON: Thank you, Mr. Steib.

12 MR. STEIB: You're welcome.

13 DIRECTOR GROTHAUS: Mr. Chairman, next
14 on your agenda is the consideration of disciplinary
15 actions. General counsel Ed Grewach will present.

16 MR. GREWACH: Thank you. Director
17 Grothaus, Mr. Chairman, Commissioners, under Tab F
18 we have a preliminary order of discipline directed
19 to Aristocrat Technologies. On December the 6th,
20 2018, the company shipped unapproved electronic
21 gaming device software to the Isle of Capri
22 Boonville Casino.

23 This shipment constituted their fifth
24 violation in the calendar year 2018. The prior
25 violations having been responded to by either a

1 non-punitive letter or a compliance directive.

2 In investigating the matter we learned that
3 on November the 1st of 2017 the company had changed
4 its process and verification of a software that was
5 shipped. All of those five violations in 2018
6 occurred after that change took place and the staff
7 recommendation is a \$5,000 fine.

8 CHAIRMAN JAMISON: Any questions for
9 Mr. Grewach?

10 Okay. Chair would entertain a motion on
11 DC-19-061.

12 COMMISSIONER FINNEY: Motion to approve.

13 COMMISSIONER NEER: Second.

14 CHAIRMAN JAMISON: It has been first and
15 seconded.

16 Angie?

17 MS. FRANKS: Commissioner Boulware?

18 COMMISSIONER BOULWARE: Approved.

19 MS. FRANKS: Commissioner Finney?

20 COMMISSIONER FINNEY: Approved.

21 MS. FRANKS: Commissioner Lombardo?

22 COMMISSIONER LOMBARDO: Approved.

23 MS. FRANKS: Commissioner Neer?

24 COMMISSIONER NEER: Approved.

25 MS. FRANKS: Commissioner Jamison?

1 CHAIRMAN JAMISON: Approved.

2 MS. FRANKS: By your vote you've adopted
3 DC-19-061.

4 CHAIRMAN JAMISON: Ed, before you -- Mr.
5 Schmidt, Mr. Crull, Mr. Browning, we're not going to
6 do anything additional with you guys. If you guys
7 want to stay for the entire meeting you're more than
8 welcome to stay but I didn't want you to feel that
9 you're obligated to stay, that there will be any
10 more interaction between us and you guys today.

11 MR. CRULL: Thank you for letting us
12 know.

13 CHAIRMAN JAMISON: Thank you for being
14 here.

15 Oh, and, I'm sorry, Ms. Reynolds.

16 MS. REYNOLDS: Thank you.

17 CHAIRMAN JAMISON: It has been so long
18 since we heard yours.

19 Okay. Ed?

20 MR. GREWACH: Yes. Under Tab G we have
21 a preliminary order of discipline directed to Bally
22 Technologies. On November the 9th, 2018, the
23 company shipped electronic gaming device software to
24 River City Casino that was not approved for use in
25 Missouri.

1 Our investigation revealed that this was due
2 to human error. The software that was shipped was
3 approved in Illinois but not in Missouri. Someone
4 who had entered information into their system
5 incorrectly entered that River City was located in
6 Illinois and this, again, was their fourth violation
7 in the calendar year 2018 and the staff
8 recommendation is a \$5,000 fine.

9 CHAIRMAN JAMISON: Any questions of Ed
10 on DC-19-062?

11 The Chair would entertain a motion on that
12 disciplinary action?

13 COMMISSIONER BOULWARE: Motion to
14 approve.

15 COMMISSIONER LOMBARDO: Second.

16 CHAIRMAN JAMISON: It has been first and
17 seconded.

18 Angie?

19 MS. FRANKS: Commissioner Boulware?

20 COMMISSIONER BOULWARE: Approved.

21 MS. FRANKS: Commissioner Finney?

22 COMMISSIONER FINNEY: Approved.

23 MS. FRANKS: Commissioner Lombardo?

24 COMMISSIONER LOMBARDO: Approved.

25 MS. FRANKS: Commissioner Neer?

1 COMMISSIONER NEER: Approved.

2 MS. FRANKS: Chairman Jamison?

3 CHAIRMAN JAMISON: Approved.

4 MS. FRANKS: By your vote you've adopted
5 DC-19-062.

6 CHAIRMAN JAMISON: Okay. Ed, you're
7 still up?

8 MR. GREWACH: Yeah. Under Tab H we have
9 four proposed amendments to our rules. The first
10 two, 11.020 and 11.110, deal with refunds from
11 overpayment of gaming tax. It was an effort by our
12 staff in response to the call to reduce paperwork
13 and burdens on businesses and to streamline our own
14 systems.

15 Under the existing rule, when there was an
16 overpayment of gaming tax that was more --
17 discovered more than a week after the tax was paid,
18 the casino was required to file a form in duplicate
19 regardless of the amount of the overpayment and some
20 of them may be very small, \$2, 20 cents.

21 And two things about that that we found. One
22 is it's also a lot of work on not only their part
23 but our part to process that paperwork. Often the
24 companies, quite logically, would look at a very
25 small refund and just not make the claim and then we

1 had to -- you know, because of the burden that was
2 involved we would have to balance our paperwork.

3 What the amendment proposes is that these
4 forms are only due if the overpayment is in the sum
5 of \$100 or more and they only have to file one copy
6 of the form with us.

7 I want to point out to the Commission that we
8 have very thorough and adequate auditing processes
9 in place on an ongoing basis and then at regular tax
10 audits to make sure that the tax amounts are
11 correct. This is just in the interim to reduce the
12 amount of paperwork on an overpayment when a refund
13 is due.

14 The next two, for 30.090 and 30.130, both
15 relate to bingo. On November the 6th of 2018, the
16 voters approved a constitutional amendment that
17 reduced the time that an individual had to be a
18 member of an organization before they were allowed
19 to work at a bingo event from two years to six
20 months.

21 These rule amendments are designed to make
22 our rules consistent with that constitutional
23 provision. If the Commission approves these
24 proposed rules and amendments today there will be a
25 30-day public comment written period beginning on

1 July the 1st of 2019, there will be a public hearing
2 on July 30th, 2019, and the final orders of rule
3 making, along with any comments we receive will come
4 before the Commission at your September 25th, 2019
5 meeting.

6 CHAIRMAN JAMISON: Any questions?

7 COMMISSIONER LOMBARDO: No.

8 COMMISSIONER FINNEY: No.

9 CHAIRMAN JAMISON: The Chair would
10 entertain a motion on the slate under Tab H.

11 COMMISSIONER FINNEY: Motion to approve.

12 COMMISSIONER NEER: Second.

13 CHAIRMAN JAMISON: It has been first and
14 seconded.

15 Angie?

16 MS. FRANKS: Commissioner Boulware?

17 COMMISSIONER BOULWARE: Approved.

18 MS. FRANKS: Commissioner Finney?

19 COMMISSIONER FINNEY: Approved.

20 MS. FRANKS: Commissioner Lombardo?

21 COMMISSIONER LOMBARDO: Approved.

22 MS. FRANKS: Commissioner Neer?

23 COMMISSIONER NEER: Approved.

24 MS. FRANKS: Chairman Jamison?

25 CHAIRMAN JAMISON: Approved.

1 MS. FRANKS: By your vote you have
2 adopted the proposed amendments 11 CSR 45-11.020,
3 11.110, 30.090 and 30.130.

4 DIRECTOR GROTHAUS: Mr. Chairman, next
5 up is the consideration of relicensure of suppliers
6 -- certain suppliers. Sergeant Jason McTheeney will
7 present.

8 SERGEANT McTHEENEY: Director Grothaus,
9 thank you. Good morning, Mr. Chairman,
10 Commissioners.

11 The Missouri State Highway Patrol officers,
12 along with Missouri Gaming Commission financial
13 investigators, conducted the relicensing
14 investigations on three suppliers. The
15 comprehensive investigations consisted of, but were
16 not limited to, jurisdictional inquiries, feedback
17 from affected gaming companies and financial
18 analysis.

19 The results of these investigations were
20 provided to the Missouri Gaming Commission staff for
21 their review, and you possess the respective summary
22 reports.

23 The following supplier companies are being
24 presented for your consideration:

25 IGT, JCM American Corporation, NRT Technology

1 Corporation.

2 Investigators are present should you have any
3 questions. Thank you.

4 CHAIRMAN JAMISON: Thank you.

5 Does any Commissioner have any questions in
6 reference to these three licensees?

7 Okay. Thank you. The Chair would entertain
8 a motion on Resolution 19-031.

9 COMMISSIONER BOULWARE: Motion to
10 approve.

11 COMMISSIONER LOMBARDO: Second.

12 CHAIRMAN JAMISON: It has been first and
13 seconded.

14 Angie?

15 MS. FRANKS: Commissioner Boulware?

16 COMMISSIONER BOULWARE: Approved.

17 MS. FRANKS: Commissioner Finney?

18 COMMISSIONER FINNEY: Approved.

19 MS. FRANKS: Commissioner Lombardo?

20 COMMISSIONER LOMBARDO: Approved.

21 MS. FRANKS: Commissioner Neer?

22 COMMISSIONER NEER: Approved.

23 MS. FRANKS: Chairman Jamison?

24 CHAIRMAN JAMISON: Approved.

25 MS. FRANKS: By your vote you have

1 adopted Resolution No. 19-031.

2 CHAIRMAN JAMISON: Chair would entertain
3 a motion on Resolution No. 19-032.

4 COMMISSIONER BOULWARE: Motion to
5 approve.

6 COMMISSIONER LOMBARDO: Second.

7 CHAIRMAN JAMISON: It has been first and
8 seconded.

9 Angie?

10 MS. FRANKS: Commissioner Boulware?

11 COMMISSIONER BOULWARE: Approved.

12 MS. FRANKS: Commissioner Finney?

13 COMMISSIONER FINNEY: Approved.

14 MS. FRANKS: Commissioner Lombardo?

15 COMMISSIONER LOMBARDO: Approved.

16 MS. FRANKS: Commissioner Neer?

17 COMMISSIONER NEER: Approved.

18 MS. FRANKS: Chairman Jamison?

19 CHAIRMAN JAMISON: Approved.

20 MS. FRANKS: By your vote you have
21 adopted Resolution No. 19-032.

22 CHAIRMAN JAMISON: The Chair would
23 entertain a motion on Resolution 19-033.

24 COMMISSIONER FINNEY: Motion to approve.

25 COMMISSIONER NEER: Second.

1 CHAIRMAN JAMISON: It has been first and
2 seconded.

3 Angie?

4 MS. FRANKS: Commissioner Boulware?

5 COMMISSIONER BOULWARE: Approved.

6 MS. FRANKS: Commissioner Finney?

7 COMMISSIONER FINNEY: Approved.

8 MS. FRANKS: Commissioner Lombardo?

9 COMMISSIONER LOMBARDO: Approved.

10 MS. FRANKS: Commissioner Neer?

11 COMMISSIONER NEER: Approved.

12 MS. FRANKS: Chairman Jamison?

13 CHAIRMAN JAMISON: Approved.

14 MS. FRANKS: By your vote you have
15 adopted Resolution No. 19-033.

16 DIRECTOR GROTHAUS: Mr. Chairman, Item 7
17 is the consideration of licensure for Level I and
18 Key Applicants. Sergeant Brian Holcomb will
19 present.

20 SERGEANT HOLCOMB: Thank you, Executive
21 Director Grothaus. Good morning, Mr. Chairman,
22 Commissioners.

23 Missouri State Highway Patrol officers worked
24 with Missouri Gaming Commission financial
25 investigators to conduct comprehensive background

1 investigations on multiple key and Level I
2 applicants.

3 These investigations included criminal, civil
4 and general character inquiries that were made in
5 the jurisdictions where the applicants live, work
6 and frequent, as well as a detailed review of the
7 applicant's finances.

8 The following individuals are being presented
9 for your consideration:

10 Neil G. Chatfield, non-executive chairman of
11 the board for Aristocrat Leisure Limited. Julie N.
12 Cameron-Doe, global chief financial officer for
13 Aristocrat Technologies, Incorporated. Christine
14 J. Spadafor, independent director, Boyd Gaming
15 Corporation. William Robert Stage, director of
16 internal audit for Boyd Gaming Corporation. Paul W.
17 Whetsell, director for Boyd Gaming Corporation.
18 John V. R. Peck, group manager, BMM North America,
19 Incorporated. Susan H. Carletta, senior vice
20 president, deputy general counsel and chief
21 regulatory and compliance officer, Caesars
22 Entertainment Corporation. Christopher J. Holdren,
23 executive vice president and chief marketing
24 officer, Caesars Entertainment Corporation. Glenn
25 T. Carano, senior vice president of regional

1 operations, midwest region for Eldorado Resorts,
2 Incorporated. Mark P. Hughes, director of security
3 for Lumière Place Casino and Hotels. And Stephen S.
4 Cochran, surveillance manager, St. Jo Frontier
5 Casino.

6 Results of these investigations were provided
7 to Commission staff and officers are available to
8 answer any questions you might have. Additionally,
9 I have a list of each applicant's name, position and
10 company, which I also made for the record.

11 CHAIRMAN JAMISON: Any questions?

12 The Chair would entertain a motion for the
13 docket under Resolution 19-034.

14 COMMISSIONER LOMBARDO: Motion to
15 approve.

16 COMMISSIONER BOULWARE: Second.

17 CHAIRMAN JAMISON: It has been first and
18 seconded.

19 Angie?

20 MS. FRANKS: Commissioner Boulware?

21 COMMISSIONER BOULWARE: Approved.

22 MS. FRANKS: Commissioner Finney?

23 COMMISSIONER FINNEY: Approved.

24 MS. FRANKS: Commissioner Lombardo?

25 COMMISSIONER LOMBARDO: Approved.

1 MS. FRANKS: Commissioner Neer?

2 COMMISSIONER NEER: Approved.

3 MS. FRANKS: Chairman Jamison?

4 CHAIRMAN JAMISON: Approved.

5 MS. FRANKS: By your vote you have
6 adopted Resolution No. 19-034.

7 CHAIRMAN JAMISON: We have one
8 non-agenda item that I want to cover the morning.
9 Chair would entertain a motion for nomination for a
10 vice chair for the Missouri Gaming Commission.

11 COMMISSIONER LOMBARDO: I would move
12 that Tom Neer be the vice chair of the Missouri
13 Gaming Commission.

14 COMMISSIONER FINNEY: Second.

15 CHAIRMAN JAMISON: It has been first and
16 seconded.

17 Angie?

18 MS. FRANKS: Commissioner Boulware?

19 COMMISSIONER BOULWARE: Approved.

20 MS. FRANKS: Commissioner Finney?

21 COMMISSIONER FINNEY: Approved.

22 MS. FRANKS: Commissioner Lombardo?

23 COMMISSIONER LOMBARDO: Approved.

24 MS. FRANKS: Commissioner Neer?

25 COMMISSIONER NEER: No.

1 (Laughter.)

2 MS. FRANKS: Chairman Jamison?

3 CHAIRMAN JAMISON: Approved.

4 MS. FRANKS: I think you lost that.

5 CHAIRMAN JAMISON: Congratulations, Vice
6 Chair.

7 COMMISSIONER NEER: I lost that vote,
8 didn't I?

9 CHAIRMAN JAMISON: Yeah.

10 Okay. Now the Chair would entertain a motion
11 for a closed meeting.

12 COMMISSIONER LOMBARDO: I move for a
13 closed meeting under Sections 313.847 and 313.945 of
14 the Revised Statutes of Missouri, Investigatory,
15 Proprietary and Application Records and Section
16 610.021, Subsection 1, Revised Statutes of Missouri,
17 Legal Actions, Subsections 3 and Subsections 13
18 Personnel and Subsection 14 Records Protected from
19 Disclosure by Law.

20 COMMISSIONER FINNEY: Second.

21 CHAIRMAN JAMISON: It has been first and
22 seconded.

23 Angie?

24 MS. FRANKS: Commissioner Boulware?

25 COMMISSIONER BOULWARE: Approved.

1 MS. FRANKS: Commissioner Finney?

2 COMMISSIONER FINNEY: Approved.

3 MS. FRANKS: Commissioner Lombardo?

4 COMMISSIONER LOMBARDO: Approved.

5 MS. FRANKS: Commissioner Neer?

6 COMMISSIONER NEER: Approved.

7 MS. FRANKS: Chairman Jamison?

8 CHAIRMAN JAMISON: Approved.

9 Okay. We now we will move into closed
10 session and this will conclude our open meeting.
11 We'll come out afterwards and adjourn but we don't
12 anticipate any further open meeting business.

13 - - - - -

14 (Wherein, the meeting concluded at 11:13 a.m.)

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CERTIFICATE OF REPORTER

I, Suzanne M. Zes, a Certified Court Reporter (MO) and Registered Professional Reporter, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me pursuant to Section 492.010 RSMo; that the testimony of said witness was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

Certified Court Reporter
within and for the State of Missouri

MISSOURI GAMING COMMISSION
Second Open Session Minutes
May 29, 2019

The Missouri Gaming Commission (the “Commission”) went into open session at approximately 12:02 p.m. on May 29, 2019, at the Missouri Gaming Commission, 3417 Knipp Drive, Jefferson City, Missouri.

Commissioner Finney moved to adjourn the open session meeting. Commissioner Lombardo seconded the motion. After a roll call vote was taken, Boulware – yes, Finney – yes, Lombardo – yes, Neer – yes, and Jamison – yes, the motion was unanimously approved.

The meeting ended at 12:03 p.m.