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BEFORE THE MISSOURI GAMING COMMISSION

Meeting (via teleconference)
April 17, 2020
10:00 a.m.

BEFORE: Mike Leara, Chairman
Daniel P. Finney, III, Commissioner
Brandon Boulware, Commissioner
Pat Conway, Commissioner
David W. Hane, Commissioner

Reported by:
Patricia A. Stewart, CCR 401
Alaris Litigation Services
Columbia, Missouri 65201
(800) 280-3376

1	AGENDA	
2		page
3	I. Call to Order	3:3
4	II. Motion for Closed Meeting under RSMo Section 610.021(1), Legal Actions	3:19
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1 (Start time: 10:00 a.m.)

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

3 CHAIRMAN LEARA: Call the April 17 10:00 a.m.
4 meeting to the Missouri Gaming Commission to order.

5 Angie, please call the roll.

6 MS. FRANKS: Commissioner Hane.

7 COMMISSIONER HANE: Present.

8 MS. FRANKS: Commissioner Conway.

9 COMMISSIONER CONWAY: Present.

10 MS. FRANKS: Commissioner Boulware.

11 COMMISSIONER BOULWARE: Present.

12 MS. FRANKS: Commissioner Finney.

13 COMMISSIONER FINNEY: Present.

14 MS. FRANKS: Chairman Leara.

15 CHAIRMAN LEARA: Present.

16 All right. And since we have a court
17 reporter online, Pat is online, if you're speaking,
18 please state your name for her to be aware.

19 At this time I'll make a motion for a closed
20 meeting under Revised Statutes of Missouri,
21 Section 610.021, Section 1, legal actions, and ask for a
22 second.

23 COMMISSIONER BOULWARE: This is Brandon
24 Boulware. Second.

25 CHAIRMAN LEARA: Second. Okay.

1 Please call the roll.

2 COMMISSIONER FINNEY: Mr. Chairman, I have an
3 objection to read into the record before you call the
4 roll.

5 CHAIRMAN LEARA: Go right ahead, Mr. Finney.

6 COMMISSIONER FINNEY: Yes. Thank you.

7 Pat, can you hear me okay?

8 THE COURT REPORTER: Yes.

9 COMMISSIONER FINNEY: I am hereby objecting
10 to this closed session pursuant to Section 610.002.6,
11 Revised Statutes of Missouri, and this objection shall
12 act as an absolute defense to any claim filed against me
13 pursuant to Section 610.027.

14 Furthermore, I am hereby abstaining from
15 voting on any motion pending before this Commission
16 until such time as there has been an investigation into
17 the chairman of this Commission and the results of that
18 investigation are released to the public.

19 My reasons for this position are the
20 following: The chairman has alleged he has evidence
21 that information was wrongfully withheld from him before
22 he voted on a motion but has refused to disclose the
23 source of that information to me.

24 I take this as a direct personal attack and a
25 sign that he is or will be taking a position that I have

1 engaged in some sort of misconduct at the Missouri
2 Gaming Commission, which I categorically reject. I want
3 to know who is the source of these allegations against
4 me and the Missouri Gaming Commission and why the
5 chairman is protecting or refusing to release the name
6 of this individual to myself and the rest of the
7 commissioners.

8 Second, the chairman has made material
9 misrepresentations to myself and the other commissioners
10 during the last closed meeting.

11 He had demanded the resignation of the deputy
12 director without the knowledge or consent of the
13 Commission. This came to my attention through the
14 executive director, and I spoke directly with the deputy
15 director who confirmed this fact.

16 When I asked the chairman why he made this
17 decision and if he had someone else in mind, he said
18 that he had never requested the resignation of the
19 deputy director, which I take to be a misrepresentation
20 of the fact.

21 Third, he has moved for the termination of a
22 mid-level employee at the Gaming Commission, Missouri
23 Gaming Commission, during a closed meeting and that
24 motion was seconded and there was a vote after
25 discussion on that motion. The chairman was voted down

1 four to one. The motion did not pass.

2 The results of that vote were not released
3 after a Sunshine request pursuant to the counsel of a
4 member of the Department of Public Safety, not the
5 counsel -- the general counsel for the Missouri Gaming
6 Commission.

7 I am concerned that this has exposed me
8 personally to liability pursuant to 610.002.6 and as
9 such am objecting to this particular closed session and
10 abstaining for the reasons I stated.

11 In sum, this chairman has withheld the source
12 of allegations that I did not have all of the facts
13 necessary for a vote before I cast it. This chairman
14 has withheld and misrepresented material facts to me,
15 potentially caused me to incur personal liability.

16 Finally, I wish to be clear on this point. I
17 have never cast a vote as a commissioner on the Missouri
18 Gaming Commission without being in possession and
19 knowledge of all of the material facts necessary for my
20 deliberation and determination of that vote.

21 I will take legal action against any person
22 or entity who make the statement in my opinion in any --
23 who make the statement in any form which I determine to
24 be defamatory against me related to my diligence and
25 record of public service.

1 And that's all I have.

2 CHAIRMAN LEARA: Angie, please call the roll.

3 MS. FRANKS: Commissioner Hane.

4 COMMISSIONER HANE: Approved.

5 MS. FRANKS: Commissioner Conway.

6 COMMISSIONER CONWAY: Approved.

7 MS. FRANKS: Commissioner Boulware.

8 COMMISSIONER BOULWARE: Approved.

9 MS. FRANKS: Commissioner Finney.

10 COMMISSIONER FINNEY: Not approved.

11 MS. FRANKS: Chairman Leara.

12 CHAIRMAN LEARA: Approved.

13 The motion carries. We will now go into

14 closed session.

15 WHEREIN, the meeting concluded at 10:03 a.m.

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CERTIFICATE OF REPORTER

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Patricia A. Stewart

CCR 401

MISSOURI GAMING COMMISSION
Second Open Session Minutes
April 17, 2020

The Missouri Gaming Commission (the “Commission”) went into the open session at approximately 10:16 a.m. on April 17, 2020, at the Missouri Gaming Commission, 3417 Knipp Drive, Jefferson City, Missouri.

Leara moved to adjourn the second open session. Commissioner Conway seconded the motion, and after a roll call vote was taken, Hane – yes, Conway – yes, Boulware – yes, Finney – abstain, and Leara – yes, the motion passed unanimously.

The open session meeting ended at 10:17 a.m.