

# IN THE MISSOURI GAMING COMMISSION

In Re: )  
 ) DC 22-055  
Bally's Corporation )

## PRELIMINARY ORDER FOR DISCIPLINARY ACTION

Comes now the Missouri Gaming Commission acting in its official capacity pursuant to 11 CSR 45-13.050, and states as follows:

1. The Missouri Gaming Commission (the "Commission") is a State commission created under Chapter 313, RSMo, with jurisdiction over gaming activities, including riverboat gambling activities, in the state of Missouri.
2. The Commission issued a Class A gaming license to Bally's Corporation ("Bally's") to develop and operate Class B gaming licensees in the state of Missouri.
3. As the holder of a Class A license, Bally's is subject to the provisions of Sections 313.800 to 313.850, RSMo, and the regulations promulgated thereunder by the Commission.

## STATEMENT OF FACTS<sup>1</sup>

4. On June 30, 2020, Bally's (f/k/a Twin River Worldwide Holdings, Inc.) was issued a Class A License by the Commission.
5. Bally's 2021 Class A License renewal application ("2021 renewal application") was due by April 1, 2021. Bally's submitted its 2021 renewal application on April 19, 2021, 19 days late. Additionally, the 2021 renewal application was accompanied by a letter from Bally's legal counsel, in which he acknowledged the application's untimely submission.
6. Bally's 2022 Class A License renewal application ("2022 renewal application") was due by April 1, 2022. Bally's submitted its 2022 renewal application on April 29, 2022, 29 days late. Again, the 2022 renewal application was accompanied by a letter from Bally's legal counsel, in which he acknowledged the application's untimely submission.

## LAW

7. Section 313.805, RSMo, states, in pertinent part, as follows:

The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

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<sup>1</sup> GIR 20220513002

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(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645;

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(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

8. Section 313.812, RSMo, states, in pertinent part, as follows:

14. A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by such person or such person's agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline.

(1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;

(2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming[.]

9. 11 CSR 45-4.190, states, in pertinent part, as follows:

(1) At least ninety (90) days before the first and second anniversary of its license and one hundred eighty (180) days before the anniversary date for each subsequent four (4) years thereafter, each Class A and Class B licensee shall file for license renewal on forms available on the commission's website.

**VIOLATIONS**

10. Bally's actions in failing to timely submit its 2021 and 2022 Class A License renewal applications is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri and discredits the Missouri gaming industry and the State of Missouri, in that Bally's acts violate 11 CSR 45-4.190.

11. Bally's is therefore subject to discipline for such violations pursuant to Sections 313.805 and 313.812.14(1) and (2), RSMo.

**PENALTY PROPOSED**

12. Under Section 313.805, RSMo, the Commission has the power to assess any appropriate administrative penalty against Bally's as the holder of a Class A license.

13. THEREFORE, it is proposed that the Commission fine Bally's Corporation the amount of \$5,000 for the violations set forth herein.

  
Mike Leara  
Chairman  
Missouri Gaming Commission

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused a true and correct copy of the foregoing to be mailed, postage prepaid, this 1<sup>st</sup> day of September, 2022, to:

Craig Eaton  
Bally's Corporation  
100 Twin River Road  
Lincoln, R.I. 02865

  
Mike Leara  
Chairman  
Missouri Gaming Commission