

or receipts. Instead, she verified the total on the calculator tape printed out by the Cage Cashier matched the total recorded on the ticket report.

8. Subsequently, Commission auditors performed an audit of the Casino for the period of March 1, 2019 through September 30, 2021, which resulted in MGC Audit Report No. 21-14 being issued on December 29, 2021.

9. Per MGC Audit Report No. 21-14, Commission auditors found the following:

The Main Bank Cashier did not total tickets received from a frontline window to verify that the dollar amount matched the amount on the Cashier's report or the total amount of the validation receipts, nor did she compare the tickets to the report or receipts to ensure all tickets were present prior to reimbursing the Cashier. (Violation of MICS, Chapter H § 3.06) (Prior MGC Audit Finding, Report No. 19-14) Physical observations on March 30, 2021, May 3, 2021, and May 4, 2021, revealed that the Cage Shift Supervisor, who was working in the main bank, did not total the tickets received from a frontline window to verify that the dollar amount matched the amount on the Cashier's report or the total amount of the validation receipts, or compare the tickets to the report or receipts to ensure all tickets are present prior to reimbursing the Cashier. Instead, she totaled the number of tickets and compared the total number of tickets to the cashier's report.

LAW

10. 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:

* * *

(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;

* * *

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

11. 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) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.

12. Title 11 CSR 45-9.060 states, in pertinent part, as follows:

(3) Violations of the minimum internal control standards [{"MICS"}] by a Class A or Class B licensee or an agent or employee of a Class A or Class B licensee are deemed to be unsuitable conduct for which the Class A or Class B licensee and/or its agent or employee is subject to administrative penalty pursuant to section 313.805(6), RSMo and 11 CSR 45-1 et seq., as amended from time-to-time. Any agent or employee of a Class A or Class B licensee that is involved in a violation of the minimum internal control standards may be subject to fine, discipline, or license revocation.

(4) Violations of the Class B licensee's internal control system [{"ICS"}] by the Class A or Class B licensee or an agent or employee of the Class A or Class B licensee shall be *prima facie* evidence of unsuitable conduct for which the Class A or Class B licensee and/or its agents or employees may be subject to discipline

pursuant to section 313.805(6), RSMo and 11 CSR 45-1 et seq., as amended from time-to-time.

13. The Commission's MICS, Chapter H, Section 3.06, states:

Before redeemed tickets are transferred from a cage window to the Main Bank, the Cashier shall compare the physical tickets being transferred to a printed automated system report of the total number and value of the tickets redeemed at that window, an adding machine tape of the value of all tickets redeemed, or the validation receipts to ensure they match. The Main Bank Cashier shall total the tickets received to verify the dollar amount matches the amount on the Cashier's report or the total amount of the validation receipts, or compare the tickets to the report or receipts to ensure all tickets are present prior to reimbursing the Cashier.

14. The Casino's ICS, Chapter H, Section 3.06, states:

Before redeemed tickets are transferred from a cage window to the main bank, the cashier shall compare the physical tickets being transferred to a printed automated system report of the total number and value of the tickets redeemed at that window, an adding machine tape of the value of all tickets redeemed, or validation receipts to ensure they match. The Main Bank Cashier shall total the tickets received to verify the dollar amount matches the amount on the cashier's report or the total amount of the validation receipts, or compare the tickets to the report or receipts to ensure all tickets are present prior to reimbursing the cashier.

VIOLATIONS

15. The Company's actions in permitting its personnel to transfer redeemed tickets to the main bank without properly verifying the total amount of the redeemed tickets by either comparing the physical tickets to a printed automated system report or generating an adding machine tape of the value of the tickets to ensure the total matches the total on the system report, 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 the Company's acts violate the Commission's MICS and the Casino's ICS, Chapter H, Section 3.06.

16. The Company is therefore subject to discipline for such violations pursuant to Sections 313.805 and 313.812.14(1), (2), and (9), RSMo, and 11 CSR 45-9.060(3) and (4).

PENALTY PROPOSED

17. Under Section 313.805, RSMo, the Commission has the power to assess any appropriate administrative penalty against the Company as the holder of a Class B license.

18. THEREFORE, it is proposed that the Commission fine The Missouri Gaming Company, LLC the amount of \$2,500 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 8th day of December, 2022, to:

Luke Keller
Mark Twain Casino
104 Peirce Street
LaGrange, MO 63448


Mike Leara
Chairman
Missouri Gaming Commission