

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC 25-063
Ameristar Casino St. Charles, LLC)

PRELIMINARY ORDER FOR DISCIPLINARY ACTION

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

1. The Missouri Gaming Commission (the “Commission” or “MGC”) is a State commission created under Chapter 313, RSMo, with jurisdiction over gaming activities, including riverboat gambling activities, in the state of Missouri.
2. The Commission issued a Class A gaming license to Boyd Gaming Corporation to develop and operate Class B gaming licensees in the state of Missouri.
3. Boyd Gaming Corporation is the parent organization or controlling entity of Ameristar Casino St. Charles, LLC.
4. The Commission issued a Class B gaming license to Ameristar Casino St. Charles, LLC to conduct games on and operate the excursion gambling boat known as Ameristar Casino St. Charles (the “Casino”).
5. As the holder of a Class B license, Ameristar Casino St. Charles, LLC is subject to the provisions of Sections 313.800 to 313.850, RSMo, and the regulations promulgated thereunder by the Commission.

STATEMENT OF FACTS¹

6. On January 12, 2025, at approximately 11:37 p.m., Corporal B. C. Lawler (“Cpl. Lawler”), a member of the Missouri State Highway Patrol assigned to the Gaming Division, took a complaint from a patron about a poker player being able to add to his chip stack when not allowed, two patrons speaking a foreign language at the poker table, and a poker game being played where the dealer would run out of cards. The complaint initiated a regulatory investigation into violations of the Casino’s Internal Control System (ICS), Chapter C, C-1, Definitions, and Chapter C, C-1, General Rules, (24).
7. After responding to the poker room, Cpl. Lawler met with Poker Supervisor Jacob Turner (“Turner”) and requested to see the Rules of the Game for 5-5 PLO (Pot Limit Omaha) with Double Board Bomb Pot being played on Poker Table PK-1, which Turner could not produce. Cpl. Lawler checked the Casino’s ICS, Chapters C and F,

¹ GR 20250115001

but could not find the rules for this game. A total of twenty-two (22) Poker Dealers dealt hands of the unapproved game in violation of 11 CSR 45-5.050, 11 CSR 45-5.060, 11 CSR 45-10.030(6), MICS, Chapter C, § 1.01 and Chapter F, § 1.02, and the Casino's Internal Control System (ICS), Chapter A, § 1.06 and Chapter F, §1.02. Further, an unapproved game is considered illegal gambling and thus subjects the Casino to a potential criminal violation of promoting gambling in the first degree pursuant to Section 572.030, RSMo.

8. Cpl. Lawler further investigated the claim that players were being allowed to add to a chip stack when not allowed. Surveillance review showed on January 12, 2025, at 3:05 p.m., a female player moved her chip stack over to another player during a live hand. Poker Dealer Simon Lieber ("Lieber") told the player the chip transfer was not allowed but was ignored. Lieber did not report the incident to his supervisor and dealt three more hands afterwards. Lieber was then relieved from the table for his break where he reported the incident to Poker Supervisor David Clark ("Clark"). Clark stated he did not take action because multiple hands had been played and no one complained. This inaction was in violation of Chapter C, C-1, Definitions, of the Casino's ICS.
9. A comprehensive review of the timeframe in question revealed that starting at 12:23 a.m., Double Board Bomb Pot was played every half hour on the dealer swap. During this time, the game was dealt fifteen (15) times to more players than the deck had cards for. The dealer had to use the last card, which was the burn card, to complete the board. ICS Chapter C, C-1, General Rules, (24) states, the last card of a deck is never to be dealt in any game, under any circumstance. If for some reason the last card is dealt, the hand will be declared a misdeal and all monies will be refunded from the pot. Seven (7) Poker Dealers violated this rule during the reviewed timeframe.

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:

* * *

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

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

(2) Failure to comply with the provisions of this chapter is an unsuitable method of operation.

(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 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. Title 11 CSR 45-5.050 states, in pertinent part, as follows:

(1) No holder of a Class B license shall permit any game to be played other than those approved by the commission. For each game, the holder of a Class B license shall provide a set of game rules to the commission one hundred twenty (120) days in advance of the game's operation or within a time period as the commission may designate and these games must be approved by the commission. Changes in permissible rules must be submitted in writing and approved by the commission prior to implementation.

14. Title 11 CSR 45-5.060 states, in pertinent part, as follows:

(1) A holder of a Class B license shall provide in printed form, to all patrons who request one, the rules and accurate payoff schedules for each game in the area in which the game is played. The license holder(s) shall make payment in strict accordance with the published payoff schedules. Payoff schedules must accurately state actual payoffs applicable to a particular game or device and shall not be worded in a manner so as to mislead the public. Maintenance of any misleading or deceptive matter on any payoff schedule or failure on the part of a Class B licensee to make payment in strict accordance with the published payoff schedules may be deemed an unsuitable method of operation. This form shall be posted in a conspicuous position on the boat.

15. Title 11 CSR 45-10.030 states, in pertinent part, as follows:

(6) Class A, Class B, and supplier licensees shall ensure that all agents and occupational licensees employed by said licensees shall have a working knowledge of Missouri Gaming Statutes, Chapter 313.800, RSMo et seq., Code of State Regulations, Title 11 Division 45, the commission's published minimum internal control standards and the licensee's system of internal controls as they pertain to the responsibilities and limitations of their job.

16. The Commission's MICS, Chapter A, states, in pertinent part, as follows:

1.01 Detailed procedures for each game that the Class A licensee implements shall be included in the ICS as approved by the MGC. The following controls shall be addressed:

- (A) object of the game and method of play, including what constitutes win, loss or tie bets;
- (B) physical characteristics of the game, gaming equipment, and gaming table;
- (C) opening and closing of the gaming table, if not included in the Table Games section of the ICS;
- (D) wagers and payout odds for each type of available wager:
 - (1) describe the permissible wagers and payout odds;
 - (2) minimum and maximum wagers shall be posted on a sign at each table; and

(3) maximum table payouts, if any, shall be posted at each table and shall not be less than the maximum bet times the maximum odds.

(E) for each game that uses the following, describe inspection procedures for:

(1) cards (see 11 CSR 45-5.184);

(2) dice (see 11 CSR 45-5.265);

(3) wheels and balls; and

(4) manual and electronic devices used to operate, display the outcome or monitor live games.

(F) for each game that uses cards describe:

(1) shuffling procedures;

(2) card cutting procedures;

(3) procedures for dealing and taking cards; and

(4) burning cards.

(G) describe procedures for the collection of bets and payouts including requirements for IRS purposes;

(H) describe procedures for handling suspected cheating or irregularities and immediate notification of MGC boat agent on duty;

(I) describe procedures for dealers being relieved;

(J) provide procedures for immediate notification to the MGC boat agent on duty when equipment is defective or malfunctioning; and

(K) procedures to describe irregularities of the game, such as dice off the table, soiled cards, etc.

17. The Commission's MICS, Chapter F, states, in pertinent part, as follows:

1.02 The Class B Licensee shall have current approved rules of the games for poker in Chapter C of the Internal Control System. These rules shall be immediately available for review in the Poker Room for patrons, employees and MGC personnel. All revised or rescinded house rules shall be kept on file for five years and shall be immediately available for at least one year.

18. The Casino's ICS, Chapter A, states, in pertinent part, as follows:

1.06 ACSC shall provide all employees with training regarding the Missouri Riverboat Gambling Act, Missouri Gaming Commission Rules and Regulations, Missouri Gaming Commission Minimum Internal Control Standards, ACSC's Internal Control System and procedures in a brief outline or general description. Each employer shall ensure that employees, prior to performing the functions and duties of their jobs, are adequately trained as to the applicable statutes, regulations and internal controls that apply to their specific job functions. ACSC shall maintain a record of all mandatory training. A current copy of ACSC's entire Internal Control System shall be readily accessible to all employees.

19. The Casino's ICS, Chapter F, states, in pertinent part, as follows:

1.02 ACSC shall have current approved rules of the games for poker in Chapter C of the Internal Control System. These rules shall be immediately available for review in the Poker Room for patrons, employees and MGC personnel. All revised or rescinded house rules shall be kept on file for five years and shall be immediately available for at least one year.

20. The Casino's ICS, Chapter C-1, states, in pertinent part, as follows:

Definitions

The following words and terms, when used in this chapter, shall have the following meaning with respect to the game of Poker unless the context clearly indicates otherwise. The use of the words "he" or "she" throughout this document is not gender specific.

* * *

"Table Stakes" means the gaming chips on the table which are in play. A player may not add or subtract from his or her gaming chips at any time during a betting round of play.

* * *

General Rules

24. The last card of a deck is never to be dealt in any game, under any circumstance. If for some reason the last card is dealt, the hand will be declared a misdeal and all monies will be refunded from the pot.

21. 572.030 RSMo, states, in pertinent part, as follows:

Promoting gambling in the first degree — penalty. — 1. A person commits the offense of promoting gambling in the first degree if he or she knowingly advances or profits from unlawful gambling or lottery activity by:

* * *

- (3) Receiving in connection with a lottery or policy or enterprise:

* * *

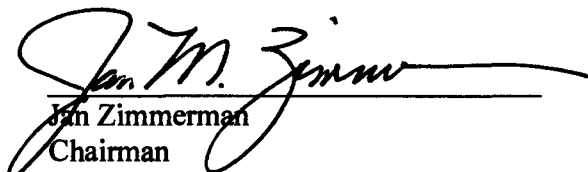
(b) More than one hundred dollars in any one day of money played in the scheme or enterprise;

VIOLATIONS

22. The acts or omissions of employees or agents of the Casino, as described above, involve at least twenty-two (22) Casino employees dealing unapproved games. Unapproved games are considered illegal gambling in Missouri. Further, while dealing these unapproved games, the dealers did not follow the Casino's own rules controlling poker. These failures are 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 Casino's actions violate 11 CSR 45-5.050, 11 CSR 45-5.060, 11 CSR 45-10.030(6), the Commission's MICS, Chapter C, Section 1.01 and Chapter F, Section 1.02, the Casino's ICS, Chapter A, Section 1.06, Chapter F, Section 1.02, and Chapter C-1, Definitions and General Rules (24).
23. Ameristar Casino St. Charles, LLC is therefore subject to discipline for such violations pursuant to Sections 313.805 and 313.812.14(2), RSMo, and 11 CSR 45-9.060(2) and (3).

PENALTY PROPOSED

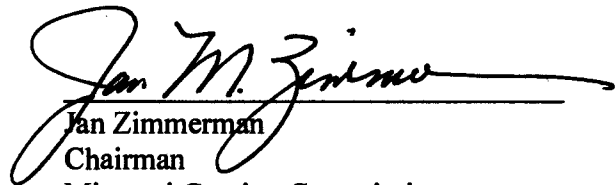
24. Under Section 313.805, RSMo, the Commission has the power to assess any appropriate administrative penalty against Ameristar Casino St. Charles, LLC as the holder of a Class B license.
25. THEREFORE, it is proposed that the Commission fine Ameristar Casino St. Charles, LLC the amount of fifteen thousand dollars (\$15,000.00) for the violations set forth herein.


Jan Zimmerman
Chairman
Missouri Gaming Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she caused a true and correct copy of the foregoing to be mailed, postage prepaid, this 28th day of August, 2025, to:

Mr. Douglas Lang
General Manager
Ameristar Casino St. Charles
1 Ameristar Blvd.
St. Charles, MO 63301


Jan Zimmerman
Chairman
Missouri Gaming Commission