

MISSOURI GAMING COMMISSION

COMMISSION RESOLUTION NO. 26-001-B
REGARDING SETTLEMENT OF BINGO DISCIPLINE
WEST PLAINS ELKS LODGE #2418

January 29, 2026

WHEREAS, the Missouri Gaming Commission issued proposed discipline against West Plains Elks Lodge #2418 (“Licensee”); and

WHEREAS, Licensee and the Commission have come to a settlement concerning the issues presented in the proposed discipline and the terms of the settlement provide that Licensee shall pay a \$1,000 fine to be paid out of non-bingo funds (a copy of the Settlement Agreement is attached hereto);

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby approves the Settlement Agreement concerning West Plains Elks Lodge #2418; and

BE IT FURTHER RESOLVED that this Settlement Agreement shall become effective upon the date of this resolution and be considered a final decision of the Missouri Gaming Commission.


Jan Zimmerman
Chairman
Missouri Gaming Commission

5. Through several posts to their social media account, Licensee advertised the event as “Casino night.” One post from April 22, 2024, exclaimed that Saturday, April 27 is “gambling time” and noted that “gambling will be from 6:00 to 8:30 and auction starts at 9:00.”

6. Licensee acknowledges and understands that it has the right to consult counsel at its own expense and affirms that it has retained legal counsel in this matter.

7. Licensee neither admits nor denies the facts alleged by the MGC and outlined in this Settlement Agreement, but acknowledges that this agreement resolves the outstanding issues in this disciplinary action.

8. Licensee acknowledges that the Missouri Gaming Commission has jurisdiction to discipline its bingo license.

9. On or about November 18, 2024, counsel for the Commission sent documentation to Licensee, which described the specific conduct for which discipline was sought and citation to the law allegedly violated, along with documents which were the basis thereof.

10. Licensee has been advised that it has 60 days to review the documentation provided and consider the proposed settlement offer.

11. Licensee acknowledges and understands that it may, either at the time the settlement agreement is signed by all parties, or within 15 days thereafter, submit the agreement to the Administrative Hearing Commission for determination that the facts alleged as outlined in this settlement constitute grounds for disciplining Licensee’s bingo license.

12. Except as provided in paragraph 11, Licensee stipulates and agrees to waive any rights it may have to a hearing before the Administrative Hearing Commission or the Commission and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Settlement Agreement and forever releases and holds harmless the Commission, and the

Executive Director and his agents from all liability and claims arising out of, **pertaining** to, or **relating** to this matter.

13. The Missouri Gaming Commission stipulates and agrees to waive any rights it may have to a hearing before the **Administrative Hearing** Commission or the Commission and any rights to seek judicial review or other challenge or contest of the terms and conditions of this Settlement Agreement and forever releases and holds harmless Licensee from all liability and claims arising out of, pertaining to, or relating to this matter. Such stipulation does not prevent investigation into future allegations against Licensee should they arise.

14. Each signatory to this Settlement Agreement certifies by signing that he or she is fully authorized, in his or her own capacity, or by the named party he or she **represents**, to accept the terms and provisions of this Settlement Agreement in their entirety, and **agrees**, in his or her personal or representational capacity, to be bound by the terms of this Settlement Agreement.

15. The Commission is authorized to settle this matter and enter into this Consent Order in the public interest pursuant to §§ 313.004, 536.060, 621.045, RSMo.

Relevant Law

16. Section 313.052, RSMo, provides, in relevant part, as follows:

A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or other action for any act or failure to act by **himself** or his agents or employees, that is injurious to the public health, safety, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit charitable bingo operations in Missouri or the state of Missouri unless the licensee proves by clear and convincing evidence that he 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 sections 313.005 to 313.085, the following acts or omissions may be grounds for such discipline:

- (1) Failing to comply with or make provision for compliance with the provisions of sections 313.005 to 313.085, 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 bingo;

* * *

- (8) Incompetence, misconduct, **gross negligence**, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by the provisions of sections 313.005 to 313.085.

17. Section 313.070, RSMo, provides that “any license issued under sections 313.005 to 313.080 shall be suspended or revoked by the commission if it is found that the licensee or any person connected therewith has violated any provision of sections 313.005 to 313.080 or any rule or regulation of the commission adopted pursuant to sections 313.005 to 313.080.”

18. Section 313.080 states that “Any person who violates any provision of sections 313.005 to 313.080 shall be guilty of a class A misdemeanor.”

19. Section 572.010, RSMo contains the following definitions:

- (1) “**Advance gambling activity**”, a person advances gambling activity if, **acting other than as a player**, he or she engages in conduct that materially aids any form of gambling activity. Conduct of this nature includes but is not limited to conduct directed toward the creation or establishment of the particular **game**, lottery, contest, scheme, device or activity involved, toward the acquisition or maintenance of premises, **paraphernalia**, equipment or apparatus therefor, toward the solicitation or inducement of persons to participate therein, toward the actual conduct of the playing phases thereof, toward the arrangement or communication of any of its financial or recording phases, or toward any other phase of its operation. A person advances gambling activity if, having substantial proprietary control or other authoritative control over premises being used with his or her knowledge for purposes of gambling activity, he or she permits that activity to occur or continue or makes no effort to prevent its occurrence or continuation.;

* * *

- (4) “**Gambling**”, a person engages in “gambling” when he or she stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his or her control or influence, upon an agreement or understanding that he or she will receive something of value in the event of a certain outcome. Gambling does not include bona fide business transactions

valid under the law of contracts, ... Gambling does not include any licensed activity, or persons **participating in such games** which are covered by sections 313.800 to 313.840;

- (5) "Gambling device" means any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any **gambling** activity, whether that activity consists of gambling between persons or gambling by a person with a machine. ...;
- (6) "Gambling record", any article, instrument, record, receipt, ticket, certificate, token, slip or notation used or intended to be used in connection with **unlawful gambling activity**;

* * *

- (8) "Player" means a person who engages in any form of gambling solely as a contestant or bettor, without receiving or becoming entitled to receive any profit **therefrom** other than personal gambling winnings, and without otherwise rendering any material assistance to the establishment, conduct or operation of the particular gambling activity. A person who gambles at a social game of chance on equal terms with the other participants therein does not **otherwise** render material assistance to the **establishment, conduct or operation thereof by performing**, without fee or remuneration, acts directed toward the **arrangement or facilitation of the game**, such as inviting persons to play, permitting the use of premises therefor and supplying cards or other equipment used therein. A person who engages in "bookmaking" as defined in subdivision (2) of this section is not a "player";

* * *

- (10) "Profit from gambling activity", a person "profits from gambling activity" if, other than as a player, he accepts or **receives** money or other property pursuant to an **agreement or understanding** with any person whereby he participates or is to participate in the proceeds of gambling activity;

* * *

- (12) "Something of value" means any money or property, any token, object or article exchangeable for money or property, or any form of credit or **promise** directly or indirectly contemplating transfer of money or property or of **any interest** therein or involving extension of a service, entertainment or a **privilege** of playing at a game or scheme without charge;
- (13) "Unlawful" means not specifically authorized by law.

20. Under § 572.020, RSMo, "A person commits the crime of **gambling** if he knowingly engages in gambling."

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

1. A person commits the crime of **promoting gambling in the first degree** if he knowingly advances or profits from unlawful gambling or lottery activity by:

- (1) Setting up and operating a gambling device to the extent that more than one hundred dollars of money is gambled upon or by means of the device in any one day, or setting up and operating any slot machine;
- (2) Engaging in **bookmaking** to the extent that he receives or accepts in any one day more than one bet and a total of more than one hundred dollars in bets[.]

22. Under § 572.040.1, RSMo, "A person commits the offense of promoting gambling in the second degree if he knowingly advances or profits from unlawful gambling or lottery activity."

23. Section 572.070, RSMo, states as follows:

1. A person commits the offense of possession of a **gambling device** if, with knowledge of the character thereof, he or she manufactures, sells, transports, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of:

(1) A slot machine; or

(2) Any other gambling device, knowing or having reason to believe that it is to be used in the State of Missouri in the advancement of unlawful gambling activity.

2. The offense of possession of a **gambling device** is a class A misdemeanor.

24. Under § 572.090.1, RSMo, "Any room, building or other structure regularly used for any unlawful **gambling** activity prohibited by this chapter is a public nuisance."

25. Section 513.660, RSMo, states as follows:

Any gambling device or gambling record, or any money used as bets or stakes in unlawful **gambling** activity, possessed or used in violation of this chapter may be seized by any peace officer and is forfeited to the state. Forfeiture procedures shall be conducted as provided by rule of court. Forfeited money and the proceeds from the sale of forfeited property shall be paid into the school fund of the county. Any forfeited gambling device or record not needed in connection with any **proceedings** under this chapter and which has no **legitimate** use shall be ordered publicly destroyed.

26. Title 11 CSR 45-30.270 states as follows:

- (1) The word premises, as used in sections 313.005 to 313.085, RSMo, means an entire permanently affixed structure. The division of a structure by floors, rooms, or areas to create multiple premises for the conduct of **bingo** is prohibited. A bingo licensee must **receive** approval from the commission prior to using any structure in which it intends to play bingo.
- (2) The premises where any game of bingo is being conducted, or where any game of bingo is intended to be conducted, shall be open for inspection by the commission or its appointed representatives. The licensed hall provider or the licensed bingo organization/operator, or any entity determined by the commission or the courts required to have a license pursuant to Chapter 313, RSMo, shall permit access to said premises during any reasonable time as requested by the commission or its representative.
- (3) Pursuant to section 313.035, RSMo, no unauthorized gambling or gambling devices, as defined by Chapter 572, RSMo, shall be permitted on the **premises** used by a bingo licensee. The bingo licensee, its officers and agents shall be **responsible** for any violations that may occur.
- (4) The **presence** of gambling devices such as, but not limited to, slot machines, roulette wheels, or other **gambling** games shall be *prima facie* evidence of violations of those provisions of Chapter 572, RSMo relating to **gambling** and **gambling** promoters.
- (5) The commission shall have the right to impose penalties and suspend, revoke, or deny any license issued under Chapter 313, RSMo for any other violations related to illegal **gaming** and/or **gambling** under Missouri law.

27. Title 11 CSR 45-30.535(6), allows the Commission to suspend “any existing license required by the bingo statutes.”

28. Title 11 CSR 45-30.550 requires the following:

(1) Licensees, workers, members, partners, agents, and employees of a licensee shall promptly report to the commission any facts which the licensee has reasonable grounds to believe indicate a violation of law (other than a traffic violation) or commission rule committed by any licensed bingo manufacturer, supplier, or organization, its workers or employees, including, without limitation, the performance of licensed activities different from those permitted under its license.

* * *

(3) In the event that a licensee's worker, agent, partner, member, or employee knows or should have known that an illegal or violent act has been committed in association with bingo activities, the individual shall immediately report the occurrence to the commission and local law enforcement officials, if applicable, and shall cooperate with law enforcement authorities and agents of the commission during the course of any investigation of the occurrence.

29. Licensee acknowledges and understands that under §§ 313.052(1), (2), and (8), and 313.070, RSMo, the Commission can discipline Licensee's bingo license for such actions that violate §§ 313.005 to 313.085 and chapter 572, RSMo, the rules and regulations of the commission, and/or order or ruling of the Commission or its agents pertaining to bingo, by possessing illegal gambling devices on its premises.

ORDER

IT IS AGREED AND STIPULATED THAT as follows:

1. West Plains Elks Lodge #2418 will pay a fine of \$1,000.00, to be paid out of non-bingo funds and made payable to the Howell County Treasurer, within 30 days of the Missouri Gaming Commission's approval of this Settlement Agreement; and
2. West Plains Elks Lodge #2418 will agree to obey all laws, including, but not limited to those concerning the operation requirements for Bingo licensees, and will cooperate fully with the MGC in all investigations and inquiries into its bingo operations and license.

Dated: 12/02/2025



Michael A. Leara
Executive Director
Missouri Gaming Commission

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that West Plains Elks Lodge #2418 has the right to a hearing, but that West Plains Elks Lodge #2418 has waived the hearing and consented to the issuance of this Consent Order.



West Plains Elks Lodge #2418
By: Nathan Callahan
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11/03/2025
Date



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11/17/25
Date



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12/2/2025
Date



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12/02/2025
Date