

TITLE 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings

PROPOSED AMENDMENT

11 CSR 45-13.055 Emergency Order Suspending License Privileges—Expedited Hearing. The commission is amending sections (1)-(4), sections (6)-(7), and the authority section, adding a new section (2), and renumbering accordingly.

PURPOSE: This amendment updates the rule to address sports wagering per the recent amendment of the Missouri Constitution with the passage of Article III, Section 39(g) as presented as Amendment 2 on the November 5, 2024, general election ballot. This amendment also corrects grammatical and typographical errors.

(1) Upon a finding that sufficient facts exist to show that a licensee has violated a provision of **Article III, Section 39(g) of the Missouri Constitution**, sections 313.004 to 313.090, RSMo, sections 313.800 to 313.850, RSMo, or sections 313.900 to 313.955, RSMo, or any rule promulgated by the commission under *[11 CSR 30, et seq. or]11 CSR 45, et seq.* as may be amended from time-to-time and that such facts constitute an immediate threat to the public health, safety, or welfare, the **executive** director may issue an emergency order immediately suspending the privileges under the license that allow the licensee to—

- (A) Conduct gambling games on an excursion gambling boat; *[or]*
- (B) Serve as an officer, director, trustee, proprietor, managing agent, or general manager of a licensee or key person of a licensee; *[or]*
- (C) Work on an excursion gambling boat or have access to restricted areas on an excursion gambling boat; *[or]*
- (D) Sell gambling supplies; *[or]*
- (E) Operate a bingo game; *[or]*
- (F) Sell or manufacture bingo supplies; *[or]*
- (G) Conduct fantasy sports contests~~[.]~~;
- (H) Conduct sports wagering; or**
- (I) Provide any sports wagering equipment, systems, goods, services, or any other component necessary for the operation of sports wagering.**

(2) The **executive** director shall have notice of the emergency order personally served upon the licensee or, if the licensee is not available personally, it may be served by **electronic mail**, certified mail, or *[overnight]* express mail~~[, postage prepaid]~~.

~~[(2)]~~**(3)** Upon receipt of notice of an emergency suspension of license privileges as set forth in section (1) of this rule, the licensee may request an immediate informal hearing before the **executive** director. A request for informal hearing must be in writing and delivered to the **executive** director at the commission's office in Jefferson City via *[facsimile]***electronic mail**, personal delivery, **certified mail**, or express mail~~[, postage prepaid]~~. The **executive** director or *[his/her/his or her]* designee shall hold the informal hearing within forty-eight (48) hours of receipt of the request for hearing. The procedure for the hearing shall be as follows:

(A) The **executive** director or *[his/her/his or her]* designee shall call the hearing to order and present a statement of facts summarizing the violations *[of statute and regulation]* committed by the licensee and the reason(s) why the licensee's conduct constitutes an immediate threat to the public health, safety, or welfare such that it demands an emergency order;

(B) The licensee may respond by submitting evidence and *[/or]* witnesses, **if any**, supporting its position that the conduct does not constitute a violation of law or that it is not of such severity that it demands emergency action. The **executive** director or *[his/her/his or her]* designee may require that witnesses testify under oath. All relevant evidence is admissible. The **executive** director or *[his/her/his or her]* designee may question witnesses. At the conclusion of the licensee's presentation of evidence, the licensee may make a concluding argument as to why the emergency order should not stand; and

(C) Upon receiving all evidence presented by the licensee and hearing the licensee's final argument, the **executive** director or *[his/her/his or her]* designee shall render a decision as to whether or not the order will stand. If the **executive** director reaffirms the order, it shall be scheduled for a hearing before the full commission as provided in section *[(3)](4)* of this rule.

[(3)](4) Emergency orders issued pursuant to section (1) of this rule, except those that have been rescinded by the **executive** director after an informal hearing provided for in section *[(2)](3)*, shall be presented to the commission at its next meeting where a hearing will be conducted to determine the validity of the issuance of the order. The hearing shall be commenced within seven (7) days of the service of notice of the emergency order upon the licensee unless sufficient cause can be shown as to why a hearing cannot be commenced within that time. Under no circumstance shall such hearing be commenced more than fourteen (14) days after service of notice of the emergency order unless a delay is requested by the licensee. The commission shall preside over the hearing which shall be conducted in accordance with the procedures set forth in 11 CSR 45-13.060. The commission may designate a hearing officer to direct the hearing and rule on evidentiary matters. However, the hearing officer's rulings shall be advisory only and may be overruled by the commission. Upon conclusion of oral arguments and evidentiary presentations, the commission shall determine whether sufficient cause exists to uphold the proposed emergency order.

[(4)](5) If the commission finds there are *[facts sufficient]***sufficient facts** to support a finding that the alleged conduct occurred, that it poses an immediate threat to the public health, safety, or welfare and that the effective regulation of gaming demands the action, it shall adopt a resolution ratifying the emergency order. The commission may amend the language in the emergency order based upon the evidence presented at the hearing. The commission's resolution shall establish the length of term for the order by establishing an expiration date. The expiration date may be a specific date, dependent on the completion of specified remedial actions or dependent on the outcome of a proposed disciplinary action issued by the commission pursuant to 11 CSR 45-13*/.050*. If the expiration date is dependent upon specific remedial actions, the commission shall provide a detailed description of the remedies in the resolution and shall establish procedures whereby the licensee can demonstrate that it has complied with the required remedies. Any resolution adopted to ratify the emergency order is a final decision of the commission for purposes of appeal.

[(5)](6) If the commission finds that there is insufficient cause to support the order, it shall adopt a resolution rescinding the emergency order and the licensee's privileges shall be reinstated.

[(6)](7) Resolutions ratifying or rescinding emergency orders adopted pursuant to the provisions of this rule shall not prohibit the commission from instituting a proposed disciplinary action using the procedures set forth in 11 CSR 45-13[.050].

[(7)](8) Copies of the final commission order shall be served on the licensee by **electronic mail**, certified **mail**, [or overnight] express mail, [postage prepaid;] or by personal delivery.

AUTHORITY: section 39(g) of Article III, Mo. Const., sections 313.004, 313.052, 313.560, and 313.910, RSMo 2016, and sections 313.800, 313.805, [313.910,] 313.935, 313.950, and 313.955, RSMo Supp. [2016]2024. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Feb. 24, 2000. Emergency amendment filed Nov. 30, 2006, effective Dec. 10, 2006, expired June 7, 2007. Original rule filed Dec. 17, 1999, effective July 30, 2000. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expired March 6, 2017. Amended: Filed Aug. 29, 2016, effective March 30, 2017. Amended: Filed May 14, 2025.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment via email to MGCPolicy@mgc.dps.mo.gov, or by mail to the Missouri Gaming Commission, Policy Section, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for July 17, 2025, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, MO.*