

IN THE MISSOURI GAMING COMMISSION

In Re:)
IOC - Caruthersville, LLC) DC-14-018

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 2000, with jurisdiction over gaming activities, including riverboat gambling activities, in the State of Missouri.
2. The Commission issued Isle of Capri Casinos, Inc. a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Isle of Capri Casinos, Inc. is the parent organization or controlling entity of IOC - Caruthersville, LLC.
4. The Commission issued a Class B riverboat gambling license to IOC - Caruthersville, LLC ("Company"), to conduct games on and operate the excursion gambling boat known as Isle of Lady Luck Casino – Caruthersville ("Casino").
5. As the holder of a Class B license, the Company is subject to the provisions of Sections 313.800 to 313.850, RSMo 2000, and the regulations promulgated thereunder by the Commission.

STATEMENT OF FACTS¹

6. On April 16, 2013, Trooper Deborah Miller and Sergeant C.L. Goins assisted the Lady Luck Casino with the annual verification of the secondary chip reserve per regulatory requirements. During the count process, which was conducted in the vault, Security Lead / Emergency Medical Technician (EMT) Lillie E. Roberts was assigned as the escort for a sensitive key, Key 113, requiring dual access to the secondary chip reserve.
7. During the count process, the security officer posted at turnstiles requested the assistance of the designated Emergency Medical Services (EMS) First Responder Lillie E. Roberts. A short time later, Security Dispatcher David McCain inquired via radio if Roberts was available to take an emergency medical call concerning a patron.

¹ 20130417007

Security Lead (EMT) Lillie Roberts indicated she was still in the vault on a key escort and inquired about the nature of the call and did not immediately respond to the emergency call on the gaming floor.

LAW

8. Under Section 313.805(6), RSMo 2000, the Commission may assess any appropriate administrative penalty against a licensee, including but not limited to, suspension, revocation or penalties of an amount determined by the Commission.
9. Under Section 313.812.14, RSMo 2000, a holder of any license is subject to imposition of penalties, suspension or revocation of such license for any act or failure to act by himself or his 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.
10. Under Section 313.812.14(1), RSMo 2000, a licensee may be disciplined for failing to comply with or make provisions 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.
11. Under Section 313.812.14(2), RSMo 2000, a licensee may be disciplined for failing to comply with any rule, order or ruling of the Commission or its agents pertaining to gaming.
12. Under 11 CSR 45-4.020(10) rules adopted prior to May 30, 2008 which previously referred to a Class A licensee shall refer to both a Class A and B licensee unless specifically identified otherwise.
13. Under 11CSR 4-9.060(3), violations of the minimum internal control standards (“MICS”) by a Class A licensee or an agent or employee of a Class A licensee are deemed to be unsuitable conduct for which the Class A 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 licensee that is involved in a violation of the minimum internal control standards may be subject to fine, discipline or license revocation.
14. Under 11 CSR 45-7.160 (1) An emergency medical services (EMS) first responder is required to be on board an excursion gambling boat at all times when gaming is being conducted or when passengers are present. (2) The Class B licensee is responsible for the full cost of hiring EMS first responders, who shall be considered gaming employees for the purpose of licensure. (3) Each Class B licensee shall ensure all designated EMS first responders shall-(A) Be, at a minimum, trained according to national standards by a state-certified training agency pursuant to Chapter 190, RSMo, 19 CSR 30-40.331, and the National EMS Scope of Practice Model for emergency medical responder; (B) Maintain a current nationally-recognized

registration as an emergency medical responder or current emergency medical technician license pursuant to Chapter 190, RSMo; and (C) Have their emergency medical activities monitored by a medical director per 19 CSR 30-40.303.

15. The Commission's MICS, Chapter N, § 3.03 states, Designated Emergency Medical Services (EMS) First Responders primary duties are to respond immediately to medical emergencies. Designated Emergency Medical Services (EMS) First Responders shall not be assigned duties that would prevent them from immediately responding to a medical emergency. A designated EMS First Responder shall maintain control as primary care provider unless physically incapable of continuing care, the patient refuses further care, or the patient is transferred to a higher level of care.

VIOLATIONS

16. The actions or omissions of employees or agents of the Company as described above prevented the designated Emergency Medical Service First Responder from immediately responding to a medical emergency on the gaming floor. The conduct alleged above violates the Commission's regulations 11 CSR 45-7.160 and the Commission's MICS Chapter N, § 303. The Company is subject to discipline for such violations under 11 CSR 45-9.060(3), sections 313.805(6), 313.812.14, 313.812.14 (1) & (2), RSMo.

PENALTY PROPOSED

17. Under Section 313.805(6), RSMo 2000, 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 IOC - Caruthersville, LLC the amount of \$5,000 for the violations set forth herein.

Dr. Barrett Hatches
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 ____ day of _____, 2014, to:

Todd Connelly, General Manager
IOC – Caruthersville, LLC
P.O. Box 1135
Caruthersville, MO 63830

Dr. Barrett Hatches
Chairman
Missouri Gaming Commission