

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-14-309
Casino One Corporation)

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 2000,¹ with jurisdiction over gaming activities, including riverboat gambling activities, in the State of Missouri.
2. The Commission issued Pinnacle Entertainment, Inc., a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Pinnacle Entertainment, Inc., was, at the time of this occurrence, the parent organization or controlling entity of Casino One Corporation.
4. The Commission issued a Class B riverboat gambling license to Casino One Corporation ("Company"), to conduct games on and operate the excursion gambling boat known as *Lumiere Place Casino* ("Casino").
5. As the holder of a Class B license, the Company is subject to the provisions of §§ 313.800 to 313.850, RSMo, and the regulations promulgated thereunder by the Commission.

STATEMENT OF FACTS²

6. On February 9, 2013, a patron entered the Casino's gaming floor through an exit turnstile and exited the gaming floor through the emergency exit doors.
7. Each of the three entrance turnstiles were opened and staffed by one security officer each.
8. No security officers were posted or assigned to the exit turnstiles.
9. The security officers assigned and posted to the entrance turnstiles were unable to monitor the exit turnstiles due to the number of patrons in attendance that night for the Casino's Mardi Gras festivities.

¹ All statutory references are to RSMo 2000, unless otherwise specified

² 20130213004

LAW

10. Under § 313.805(6), RSMo, 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.

11. Section 313.812.14, RSMo, states, in pertinent part, as follows:

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 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 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 regulations;
- (2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming; and

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

- (3) Violations of the minimum internal control [“(MICS”)”] standards 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 agents or employees may be subject to discipline pursuant to Section 313.805(6), RSMo, and 11 CSR 45-1 et seq.
- (4) Violations of the Class A licensee’s internal control system [“(ICS”)”] by the Class A licensee or an agent or employee of the Class A licensee shall be *prima facie* evidence of unsuitable conduct for which the Class A 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.

13. At the time of the incident, both the MICS and the Casino’s ICS, Chapter J, § 1.04 allowed patrons to “board and exit at any time during an excursion in accordance with a procedure approved by the Commission.”

14. At the time of the incident, MICS, Chapter J, § 1.12 required “a patron leaving the gaming area [to] do so by passing through an exit turnstile.”
15. At the time of the incident, the Casino’s ICS, Chapter J, § 1.12 required “a patron leaving the gaming area [to] do so by passing through any turnstile, which is able to count exits.”
16. At the time of the incident, both the MICS and the Casino’s ICS, Chapter N, § 4.04 stated that “the enforcement of admission and gambling restrictions for persons under 21 years of age shall include, at a minimum, checking their government-issued photo identification.”

VIOLATIONS

17. The actions or omissions of employees or agents of the Company as described above constitute failure to adequately staff and monitor the Casino exit turnstiles to prevent patrons from entering through the exit turnstiles, thereby violating MICS, Chapter J, §§ 1.04 and 1.12, and Chapter N, § 4.04, and the Casino’s ICS, Chapter J, §§ 1.04 and 1.12, and Chapter N, § 4.04.
18. The Company is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 314.812.14 (1) and (2), RSMo.

PENALTY PROPOSED

19. Under § 313.805(6), RSMo, the Commission has the power to assess any appropriate administrative penalty against the Company, as the holder of a Class B license.
20. THEREFORE, it is proposed that the Commission fine Casino One Corporation, the amount of \$2,500 for the violations set forth herein.

Darryl T. Jones
Vice-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 August, 2014, to:

Jeffrey A. Babinski
Vice President & General Manager
Lumière Place Casino
999 North Second
St. Louis, MO 63102

Darryl T. Jones
Vice-Chairman
Missouri Gaming Commission