

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-14-333
Ameristar Casino Kansas City, Inc.)

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. is the parent organization or controlling entity of Ameristar Casino Kansas City, Inc. (the "Company").
4. The Commission issued a Class B riverboat gambling license to the Company to conduct games on and operate the excursion gambling boat known as the *Ameristar Casino Kansas City* (the "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. At all relevant times as alleged herein, the Casino conducted 24-hour gaming operations.
7. At all relevant times as alleged herein, play does not stop when the table drop is conducted. A table that is in play during the drop is "rolled over" and an Opener and Closer slip is prepared.
8. Four Card Poker Table FC-211 ("Table FC-211") was rolled over at approximately 5:06 a.m. on October 13, 2013, initiated by Table Games Supervisors Emmanuel Monzon ("Monzon") and Steven Van Der Werve ("Van Der Werve"), who prepared the Opener and Closer slip for that table.

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

² 20131014003

9. The October 13, 2013 Opener and Closer slip for Table FC-211 indicated that there was \$15,000 in orange chips; however, the table actually had \$25,000 in orange chips.
10. Floor Supervisor Amanda Devers (“Devers”) signed the Opener and Closer slip for Table FC-211 on October 13, 2013, showing that the table had \$25,000 instead of \$15,000 without verifying the count.
11. Devers pre-signed in the “Incoming Table Games Supervisor” section of the Opener and Closer slip for Table FC-211 on October 13, 2013, without verifying the number of chips at the table and gave that slip to Monzon.
12. Monzon then visually counted the chips at Table FC-211, signed in the “Outgoing Table Games Supervisor” section of the slip, and gave it to Van Der Werve, who reviewed it, examined the table, and signed in the “Outgoing Dealer/Box Supervisor” section of the slip.

LAW

13. 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.

14. 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

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

- (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.

- (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.
16. MICS, Chapter D, § 3.02 states, "The dealer/boxperson and Table Games Supervisor or Table Games Manager shall each independently count the chips by denomination and verify the count to the 'opener'."
17. The Casino's ICS, Chapter D, § 3.02 states, "Either a Dealer and a Table Games Supervisor or two (2) Table Games Supervisors shall each independently count the chips by denomination and verify the count to the opening portion of the Opener & Closer."
18. MICS, Chapter D, § 3.03 states, "Signatures attesting to the accuracy of the information are recorded on the 'opener' by the dealer/boxperson and the Table Games Supervisor or Table Games Manager."
19. The Casino's ICS, Chapter D, § 3.03 states, "Signatures attesting to the accuracy of the information are recorded on the opening portion of the Opener & Closer by the Dealer and the Table Games Supervisor or two (2) Table Games Supervisors."
20. MICS, Chapter D, § 4.01 states, "When a gaming table is closed, chips remaining at the table shall be independently counted and verified by either two Table Games Supervisors or a Table Games Supervisor and a dealer/boxperson, who shall prepare a Table Inventory Slip."
21. The Casino's ICS, Chapter D, § 4.01 also requires that "when a gaming table is closed, chips remaining at the table are independently counted and verified by either two Table Games Supervisors or a Table Games Supervisor and a Dealer, who prepares an Opener & Closer."
22. MICS, Chapter D, § 5.01 states, "During 24-hour gaming, a table game closer will be prepared to coincide with the table drop for that gaming day."
23. The Casino's ICS, Chapter D, § 5.01 also requires that during 24-hour gaming, an Opener and Closer slip be "prepared to coincide with the table drop for that gaming day."

VIOLATIONS

24. The actions or omissions of employees or agents of the Casino, as described above, constitute failure to conduct a proper and accurate count and verification of the chip count at a Four Card Poker table during the roll over on October 13, 2013, thereby violating Commission's MICS, Chapter D, §§ 3.02, 3.03, 4.01, and 5.01, and the Casino's ICS, Chapter D, §§ 3.02, 3.03, 4.01 and 5.01.

25. The Company is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 314.812.14 (1) and (2), RSMo, and 11 CSR 45-9.060(3) and (4).

PENALTY PROPOSED

26. 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.

27. THEREFORE, it is proposed that the Commission fine Ameristar Casino Kansas City, Inc., 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 18th day of September, 2014, to:

Rodney Centers
Ameristar Casino Kansas City
P.O. Box 33480
Kansas City, MO 64120-3480

Darryl T. Jones
Vice-Chairman
Missouri Gaming Commission