

MISSOURI GAMING COMMISSION
COMMISSION RESOLUTION NO. 14-064

LOUISE EDWARDS
September 17, 2014

WHEREAS, Louise Edward ("Edwards"), requested a hearing to contest the proposed disciplinary action initiated against her on March 10, 2014, by the Commission's issuance of a Disposition of Occupational Gaming License Application; and

WHEREAS, pursuant to 11 CSR 45-13.010, et. seq., an administrative hearing has been held on Edwards' request and the Hearing Officer has submitted the proposed Findings of Fact, Conclusions of Law and Final Order attached hereto (collectively the "Final Order") for approval by the Commission; and

NOW, THEREFORE, BE IT RESOLVED, that the Commission has reviewed the Final Order and hereby approves and adopts the attached Final Order in the matter of Case No. 14-164; and

BE IT FURTHER RESOLVED, that this shall be considered a final decision of the Missouri Gaming Commission.

BEFORE THE MISSOURI GAMING COMMISSION

In Re:

LOUISE EDWARDS

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Case No. DC 14-164

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

The above-captioned matter comes before the Missouri Gaming Commission (hereinafter referred to as "Commission") upon a request for hearing dated April 13, 2014, submitted by Louise Edwards (hereinafter referred to as "Applicant"). Said request for hearing was in response to the Commission's Disposition of Occupational Gaming License Application dated March 10, 2014. The designated Hearing Officer, Mr. Chas. H. Steib, conducted a hearing on July 8, 2014, where the Applicant and the Commission's attorney, Ms. Carolyn H. Kerr, appeared to present evidence and arguments of law.

FINDINGS OF FACT

1. On January 9, 2014, Applicant submitted an Occupational Gaming Application (Commission Exhibit 3) at the Lumiere Place Casino in the State of Missouri.
2. Said Application was denied for failing to disclose an arrest on August 3, 1992, Granite City, Illinois, for retail theft (Commission Exhibit 1).
3. On April 3, 2014, Applicant filed a Request for a Hearing on said denial (Commission Exhibit 2).
4. Applicant was properly notified of the date and time of a Hearing.
5. Commission Exhibit 1; Exhibit 2; Exhibit 3; and Exhibit 4 were admitted into evidence.
6. Applicant Exhibit A; Exhibit B; and Exhibit C were submitted and admitted into evidence.
7. Carolanne M. Edwards appeared and testified as a character witness for Applicant.
8. Carolyn Tuft Wilson appeared and testified as a character witness for Applicant.
9. Admitted into evidence was Applicant's Exhibit A (correspondence of Melissa Kalaher, M.D.).
10. Admitted into evidence was Applicant's Exhibit B (Commendation Letter of Lumiere Place Casino).
11. Applicant was initially granted a temporary license.

CONCLUSIONS OF LAW

1. "The Commission shall have the full jurisdiction over and shall supervise all gaming operations governed by Section 313.800 to 313.850." Section 313.805, MO. REV. STAT. 2000.

2. "The State has a legitimate concern in strictly regulating and monitoring riverboat gaming operations. As such, any doubt as to the legislative objective or intent as to the Commission's power to regulate riverboat gaming operations in this State must be resolved in favor of strict regulation." *Pen-Yan Investment, Inc. v. Boyd Kansas City, Inc.*, 952 S.W.2d 299, 307 (Mo. App. 1997).

DISCUSSION

Although Applicant failed to disclose an arrest for retail theft in Granite City, Illinois, in 1992, and the commendable work of the Investigator and Staff of the Missouri Gaming Commission, notwithstanding, the credible testimony adduced July 8, 2104, not previously available to the Missouri Gaming Commission Investigator and Staff, including the medical testimony of Melissa on Kalaher, M.D., regarding Applicant's medical condition concerning "confusion/forgetfulness"; the passage of time since the incident in question (22 years); the receipt by Applicant of a Commendation from the Lumiere Place Casino during the period of Temporary Licensure; and the credible testimony of the character witnesses which was not available to the Missouri Gaming Commission Investigator and Staff, warrant a Finding of Fact that the Applicant did meet her burden of proof that she should receive an Occupational Gaming License.

FINAL ORDER

WHEREFORE, IT IS ORDERED AND ADJUDGED that Applicant did meet her burden of proof to show clearly and convincingly that she should receive an Occupational Gaming License. The Disposition of Occupational Gaming License Application denying Applicant an Occupational Gaming License is reversed and Applicant should be issued an Occupational Gaming License.

Dated: August 18, 2014

Chas H. Steib
Chas. H. Steib, Hearing Officer