

LAW

9. 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 in an amount determined by the Commission.

10. 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[.]

11. Title 11 CSR 45-5.053 states, in pertinent part, as follows:

(3) The holder of a Class A or B license is expressly prohibited from the following activities:

* * *

(C) Failing to conduct advertising and public relations activities in accordance with decency, dignity, good taste and honest and fair representation[.]

12. Title 11 CSR 45-5.181 states, in pertinent part, as follows:

(1) For the purposes of this rule, the following words are defined as:

(A) Promotional giveaway—a promotional gift or item given by a licensee to any person meeting the licensee’s promotional criteria, where the person provides no consideration and there is no chance or skill involved in the awarding of the promotional gift or item, and all persons meeting the criteria receive the same promotional gift or item;

(B) Patron—any person present on the premises of a Class B licensee that is not employed by such Class B licensee or the commission and is not on the premises as a vendor of the Class B licensee;

* * *

(E) Player reward program—a promotional activity that provides redeemable player reward points to patrons as a result of wagering regardless of game outcome and based on predetermined formulas[.]

* * *

(2) Class B licensees may provide promotional activities such as promotional giveaways, promotional coupons, promotional games, player reward programs or similar activities for patrons without the prior approval of the commission, provided the promotional activity is not structured or conducted in a manner that reflects negatively on the licensee, the commission, or the integrity of gaming in Missouri and complies with the following:

(A) No false or misleading statements, written or oral, shall be made by a licensee or its employees or agents regarding any aspect of any promotional activity;

* * *

(D) All prizes offered in the promotional activity shall be awarded according to the Class B licensee’s rules governing the event[.]

VIOLATIONS

13. The acts or omissions of employees or agents of the Company, as described above, caused the promotion to be conducted in a manner that reflects negatively on the licensee and constituted the failure of the Casino to conduct its promotions according to the licensee’s rules governing the event, thereby violating 11 CSR 45-5.053 and 11 CSR 45-5.181.
14. The Company is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 313.812.14 (1) and (2), RSMo.

PENALTY PROPOSED

15. 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.

16. THEREFORE, it is proposed that the Commission fine HGI – Mark Twain, LLC, the amount of \$2,500 for the violations set forth herein.

Herbert M. Kohn
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 _____, 2016, to:

Gerry Smriga
HGI – Mark Twain, Inc., d/b/a Mark Twain Casino
104 Peirce Street
LaGrange, MO 63448

Herbert M. Kohn
Chairman
Missouri Gaming Commission