

MISSOURI GAMING COMMISSION  
COMMISSION RESOLUTION NO. 21-051

BOB J. YOUNG  
October 27, 2021

WHEREAS, the Missouri Gaming Commission (hereafter, "Commission") placed Bob J. Young ("Young") on the Exclusion List by Commission Resolution No. 17-005, dated January 11, 2017, excluding him from Excursion Gambling Boats and Facilities in Missouri; and

WHEREAS, on May 21, 2021, Young filed a Request with the Commission for a hearing to have his name be removed from Exclusion List pursuant to 11 CSR 45-15.040 and 11 CSR 45-15.050; and

WHEREAS, on August 26, 2021, an administrative hearing was held, pursuant to 11 CSR 45-13.010, et seq., and 11 CSR 45-15.010, et seq., on Young's 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 adopts the attached Final Order in the matter of DC-21-0035, retaining Bob J. Young's name on the Exclusion List; and

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

SO ADOPTED.

  
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Mike Leara, Chairman  
Missouri Gaming Commission

**BEFORE THE MISSOURI GAMING COMMISSION**

In Re: )  
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BOB J. YOUNG ) CASE NO. DC 21-0035  
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**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER**

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This matter comes before the Missouri Gaming Commission (the “Commission”) upon receipt of a letter from Bob J. Young (the “Petitioner”) dated May 21, 2021, requesting a hearing in response to Commission’s Resolution of Exclusion dated January 11, 2017. The designated Hearing Officer, Fawzy T. Simon, conducted a hearing on 8/26/2021 where Petitioner and Ms. Carolyn Kerr, Counsel for Commission, appeared and presented evidence and arguments of law.

**FINDINGS OF FACT**

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1. On October 5, 2016, Petitioner was convicted of the class A misdemeanor of theft under \$500.00 for events occurring on or about October 4, 2015, wherein Petitioner made a false representation to game dealers at Lumiere Place Casino in St. Louis by attempting to withdraw a losing wager while playing EZ Mini-Baccarat.
2. During the course of the October 4, 2015 incident, Petitioner resisted attempts by Corporal Buchheit of the Missouri State Highway Patrol (MSHP) Gaming Division to lawfully arrest him by attempting to flee and physically resisting efforts to place him in restraints.
3. On January 11, 2017, The Commission issued Commission Resolution 17-005, placing Petitioner on the Exclusion List based on the above-described conduct. Notice of this resolution was sent to Petitioner via certified mail on that date and received by Petitioner on January 14, 2017.
4. On October 28, 2020, (now promoted) Sgt. Buchheit arrested Petitioner for 13 counts of trespass in the first degree and one count of resisting arrest when Petitioner was found on the gaming floor of River City Casino in St. Louis.
5. During the course of the October 28, 2020 incident, Trooper J. Sauer, who was attempting to assist Sgt. Buchheit, was injured during Petitioner’s attempt to resist arrest. That injury required a visit to the hospital and two days off of work for Trooper Sauer.

6. On May 21, 2021, Petitioner requested to be removed from the Exclusion List.
7. On July 30, 2021, Petitioner was charged in the St. Charles County Associate Circuit Court with Resisting Arrest and Trespass in the First degree for an incident which is alleged to have occurred on May 28, 2021 at the Ameristar Casino in St. Charles. Those charges remain pending as of today's date.

### **CONCLUSIONS OF LAW**

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1. "The Commission shall have full jurisdiction over and shall supervise all gaming operations governed by Section 313.800 to Section 313.850." **RSMo.**
2. "The burden of proof is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing the facts of his/her case by clear and convincing evidence..." **11 CSR 45-13.060(2).**
3. "Clear and convincing evidence...instantly tilts the scales in the affirmative when weighed against the opposing evidence, leaving the fact finder with an abiding conviction that the evidence is true." *State ex rel Dept. of Social Services v. Stone*, **71 S.W.3d 643, 646 (Mo. App. 2002).**
4. "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 the 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).**
5. The Commission may place a person on the exclusion list or eject that person from a riverboat gaming operation pending a hearing if the person has:
  - a. Been convicted of a felony in any jurisdiction of any crime of moral turpitude or of a crime involving gaming;
  - b. Violated either the Act or these rules;
  - c. Performed any act or had a notorious or unsavory reputation which would adversely affect public confidence and trust in gaming; or
  - d. His/her name on any valid and current exclusion list from another jurisdiction in the United States.

**11 CSR 45-15.030.**

6. Any person who has been placed on the exclusion list may petition the Commission in writing and request his/her name be removed from this list. **11 CSR 45-15.050.**
7. The theft offense for which Petitioner was convicted on October 5, 2016 was a crime involving gaming.
8. Resisting arrest by use of physical force (October 4, 2015) and resisting arrest by use of physical force resulting in injury to a law enforcement officer are both acts which adversely affect public confidence and trust in gaming.

### **DISCUSSION**

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The law provides broad authority to the Commission regarding the regulation of the gaming industry in order to assure that the public health, safety, morals, and good order are maintained and protected.

In this case, Petitioner was initially placed on the Exclusion List for being convicted of a crime involving gaming. After being notified that he was to be excluded from all riverboat gaming operations in the State of Missouri, Petitioner has been arrested on at least two subsequent occasions for unlawful entry into a riverboat gaming operation, each time with an accompanying charge of resisting arrest. The most recent of these arrests occurred seven days after Petitioner filed his request to be removed from the Exclusion List.

In response to Ms. Kerr's cross-examination questions, Petitioner testified that he has taken some gambling classes relating to counselling for gambling addiction. Nothing in Petitioner's testimony, either on his own direct or under cross-examination, indicated that Petitioner had addressed the primary cause of his placement on the Exclusion List, specifically being convicted of gaming-related criminal offenses and resisting arrest.

### **CONCLUSION**

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Petitioner testified on direct that he respects the casinos in general. In his cross-examination of Sgt. Buchheit, Petitioner noted that he respects the Commission and law enforcement assigned to protect Missouri Gaming Operations. However, Petitioner's actions conflict with these statements. To the contrary, Petitioner refuses to abide by the Commission's resolution that he be excluded from Missouri riverboat gaming operations, continuing to frequent Missouri casinos. When attempts are made to apprehend him, he resists arrests and causes injuries to the officers responsible for the safety and security of Missouri casinos and their patrons.

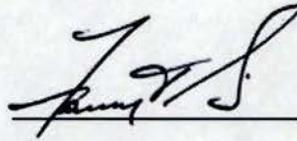
The removal of Petitioner's name from the Exclusion List is patently inconsistent with the Commission's responsibility to assure that the public health, safety, morals, and good order are maintained and protected. Petitioner did not meet his burden of proof of showing by clear and convincing evidence that s/he should be removed from the Exclusion List.

**FINAL ORDER**

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**WHEREFORE, IT IS ORDERED AND ADJUDGED** that Petitioner is found to be properly placed on the Exclusion List. His Petition for Removal is DENIED.

Dated: September 16, 2021

A handwritten signature in black ink, appearing to read 'Fawzy Simon', written over a horizontal line.

Fawzy Simon