

MISSOURI GAMING COMMISSION  
COMMISSION RESOLUTION NO. 21-052

JODI D. BENNETT  
October 27, 2021

WHEREAS, Jodi D. Bennett ("Bennett"), requested a hearing to contest the proposed disciplinary action initiated against her on April 6, 2021, by the Commission's issuance of a Preliminary Order for Disciplinary Action, DC-21-501; and

WHEREAS, pursuant to 11 CSR 45-13.010, et. seq., an administrative hearing has been held on Bennett'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 has reviewed the Final Order and hereby approves and adopts the attached Final Order in the matter of DC-21-501 and orders Jodi D. Bennett's occupational license to be suspended for thirty (30) consecutive calendar days; and

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

SO ADOPTED.

  
\_\_\_\_\_  
Mike Leara, Chairman  
Missouri Gaming Commission

**BEFORE THE MISSOURI GAMING COMMISSION**

In Re: )  
 )  
JODI DENISE BENNETT ) CASE NO. DC 21-0501  
 )

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER**

---

This matter comes before the Missouri Gaming Commission (the “Commission”) upon receipt of a letter from Jodi Denise Bennett (the “Licensee”) dated April 23, 2021, requesting a hearing in response to Commission’s Preliminary Order for Disciplinary Action dated April 6, 2021. The designated Hearing Officer, Fawzy T. Simon, conducted a hearing on 8/31/2021 where Licensee and Ms. Carolyn Kerr, Counsel for Commission, appeared and presented evidence and arguments of law.

**FINDINGS OF FACT**

---

1. On February 11, 2021, and all times relevant to this proceeding, Licensee was employed by Hgi-St. Jo, LLC (the “Company”) as a Table Games Supervisor/Pit Manager aboard *St. Jo Frontier Casino* (the “Casino”).
2. The Executive Director issued Licensee a Level II Occupational License for employment on an excursion gambling boat licensed by the Commission (License #MGC108698).
3. On March 1, 2006, Licensee signed a “Notice of Duty to Disclose Arrests and Convictions” in which Licensee “freely acknowledges that (s)he has read this form and fully understands his or her duty to disclose all arrests and convictions to the Commission.”
4. Rhonda Graham, administrative support assistant for Commission, located at Casino, testified that Licensee has previously completed twenty-two (22) gaming employee personnel change notices and updates.
5. On February 3, 2021, Licensee was fingerprinted as part of a routine collection of fingerprints from all licensees into a new fingerprint system.
6. A criminal history based upon Licensee’s fingerprints indicated that, on January 2, 2018, Licensee was charged with the class A misdemeanor of passing a bad check for events occurring on August 24, 2017. Licensee pled guilty to that offense on February 5, 2018.

7. In a written statement provided to the Commission on February 10, 2021, Licensee indicated that she “forgot to report this to gaming and to be truthful I thought I had reported this incident.” Licensee made remarks consistent with her written statement during the hearing on August 31, 2021.
8. The Hearing Officer finds that Licensee has failed to meet her burden to demonstrate by clear and convincing evidence that she reported this offense to Commission.

---

### CONCLUSIONS OF LAW

---

1. “The Commission shall have full jurisdiction over and shall supervise all gaming operations governed by Section 313.800 to Section 313.850.” **Section 313.805 RSMo.**
2. “A holder of any license shall be subject to the imposition of penalties, suspension, or revocation of such licensee, 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 of the State of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action...the following acts 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 regulation.” **Section 313.812.14 RSMo.**
3. “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).**
4. “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).**
5. “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).**

6. Section 570.120 RSMo. states, in pertinent part, that:
  - a. A person commits the offense of passing a bad check when he or she, with the purpose to defraud...passes a check knowing that there are insufficient funds in or on deposit with that account for the payment of such check.
  - b. Where the amount of the check in question is less than \$750.00, passing a bad check is a class A misdemeanor.
7. While holding an occupational license, a conviction, plea of guilty or nolo contendere, or the entering of an Alford plea in any jurisdiction for any offense, the essential element of which is theft, fraud, or dishonesty, shall make the licensee unsuitable to hold an occupational license. **11 CSR 45-4.260(5).**
8. All Level II occupational licensees shall have a continuing duty to disclose in writing within ten (10) calendar days, any material change in the information provided in the application forms and requested material submitted to the Commission. **11 CSR 45-10.020.**
9. The duty to disclose changes in information shall continue throughout any application period or period of licensure granted by the Commission. This duty shall be in addition to any other reporting requirements. *Id.*
10. For the purpose of this rule, "material change" shall mean any change in personal identification, residence information, or other information that might affect an applicant's or licensee's suitability to hold a gaming license, including, but not limited to, arrests, convictions, and guilty pleas. *Id.*
11. The Commission may revoke or suspend an occupational license of any person who has failed to comply with or make provision for complying with Chapter 313 RSMo., the rules of this Commission, or any federal, state, or local law or regulation. **11 CSR 45-4.260(4)(E).**

---

## DISCUSSION

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, Licensee was charged, pled guilty to, and was convicted of a financial crime. Financial mismanagement, even on a small scale, poses a serious concern as to public confidence in Missouri's gaming industry, particularly by those licensees who are responsible for maintaining the integrity of the games themselves.

Additionally, the check was passed on August 24, 2017, and no charges were filed until January 2, 2018. This indicates to the Hearing Officer that Licensee had four months to pay the check and did not do so.

Finally, the concern of the financial crime is compounded by Licensee's failure to report the arrest, charge, and conviction as required by the terms of her license. This failure to act, especially when viewed in light of Licensee having made twenty-two previous updates, constitutes a lapse in judgment which cannot be overlooked.

Licensee's action in receiving a conviction for passing a bad check and then failing to report that conviction as required is injurious to the public health, safety, morals, good order, and general welfare of the people of the State of Missouri and discredits the Missouri gaming industry. Licensee did not meet her burden to show by clear and convincing evidence that no violation occurred.

---

#### FINAL ORDER

---

**WHEREFORE, IT IS ORDERED AND ADJUDGED** that because Licensee did not meet her burden of proof to show by clear and convincing evidence that s/he should not be subject to discipline for being convicted of passing a bad check and failing to report the same, the decision of the Commission dated April 6, 2021 to impose a suspension of thirty (30) consecutive days is a proper and appropriate discipline and is hereby **AFFIRMED**.

Dated: September 16, 2021

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

Fawzy Simon