

# IN THE MISSOURI GAMING COMMISSION

In Re: )  
IOC – Cape Girardeau, LLC ) DC-13-629  
)  
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## 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") is a state commission created under Chapter 313, RSMo (2000), with jurisdiction over gaming activities, including riverboat gambling activities, in the State of Missouri.
2. The Commission granted Isle of Capri Casinos, Inc. (Isle of Capri) a Class A riverboat gaming license to develop and operate Class B riverboat gaming licenses in the State of Missouri.
3. Isle of Capri is the parent organization or controlling entity of IOC – Cape Girardeau, LLC ("Company").
4. The Commission granted a Class B riverboat gaming license to the Company to maintain and conduct gambling games on and operate the excursion gambling boat or casino known as the *Isle of Capri Cape Girardeau Casino*.
5. As the holder of a Class B license, the Company is subject to the provisions of Sections 313.800 to 313.850, RSMo (2000), and the regulations promulgated thereunder by the Commission.

## STATEMENT OF FACTS<sup>1</sup>

6. On October 31, 2012, Sergeant Darryl C. Suhr and Corporal Terry James, members of the Missouri State Highway Patrol Gaming Division at the Isle of Capri Cape Girardeau Casino overheard traffic by Isle of Capri Security Supervisor Todd Cruts, who advised that an Isle of Capri employee had just directed two patrons around the turnstiles and allowed them to enter the gaming floor by the employee access gate.
7. At the turnstile area, Cruts stated that there were two uniformed security employees checking identifications at the turnstile entrances. He stated an Isle of Capri Casino Host William B. Suchman, reported he had observed a female employee lead two patrons from the line in front of the Fan Club, through the employee access gate and onto the gaming floor at approximately 1:30 p.m. Cruts advised he then directed the

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<sup>1</sup> 20121106001

two patrons to re-enter the casino through the casino turnstiles. Review of the surveillance revealed that a total of 6 patrons entered the gaming floor without going through the turnstiles.

### LAW

8. Section 313.805(6), RSMo, states the Commission may assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount determined by the Commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months.
9. Section 313.812.14, RSMo, states a holder of any license is subject to imposition of penalties, suspension or revocation of such license 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.
10. Section 313.812.14(1), RSMo, states that a licensee may be disciplined for failing to comply with or make provisions 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.
11. Section 313.812.14(2), RSMo, states that a licensee may be disciplined for failing to comply with any rule, order or ruling of the Commission or its agents pertaining to gaming.
12. Under 11 CSR 45-9.060(3), violations of the minimum internal control standards 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., as amended from time to time. Any agent or employee of a Class A licensee that is involved in a violation of the minimum internal control standards may be subject to fine, discipline or license revocation.
13. Under 11 CSR 45-9.060(4), violations of the Class A licensee's internal control system 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., as amended from time to time.
14. The Commission's MICS, Chapter J, § 1.12 states, A patron leaving the gaming area must do so by passing through an exit turnstile.

15. The Company's ICS, Chapter J, § 1.07 states, Patrons will enter through two sets of turnstiles.
16. The Company's ICS, Chapter J, § 1.12 states A patron leaving the gaming area must do so by passing through an exit turnstile.

**VIOLATIONS**

17. The actions or omissions of employees or agents of the Company in allowing patrons to enter and exit the casino floor without going through the turnstiles violated 11 CSR 45-9.060 (3), (4) and The Commission's MICS, Chapter J, § 1.12 and the Company's ICS, Chapter J, § 1.07, 1.12. The Company is subject to discipline for such violations under sections 313.805(6), 313.812.14, and 313.812.14(1) & (2), RSMo.
18. Under Section 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.

**PENALTY PROPOSED**

THEREFORE, it is proposed that the Commission fine Isle of Capri Cape Girardeau, LLC the amount of \$2,500 for the violations set forth herein.

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Dr. Barrett Hatches  
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 \_\_\_\_\_, 2013 to:

Mr. Baron Fuller, Vice President/General Manager  
IOC-Cape Girardeau, LLC  
777 N. Main  
Cape Girardeau, MO 63701

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Dr. Barrett Hatches  
Chairman  
Missouri Gaming Commission