

IN THE MISSOURI GAMING COMMISSION

In Re:)
IOC – Cape Girardeau, LLC) DC-13-632
)
)

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 FACTS¹

6. On Wednesday, November 7, 2012, Trooper Jarrod S. Thomas of the Missouri State Highway Patrol at the Missouri Gaming Commission at the Isle of Capri Casino, Cape Girardeau was advised by Sergeant Timothy J. Hourihan that the Security Department was failing to supply him with the Security Incident Reports and Incident Logs. Sergeant Hourihan advised he had not received any of the logs or reports since the opening of the casino on October 30, 2012.

¹ 20121107005

LAW

7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. The Commission's MICS, Chapter N, § 2.02 states, the MGC boat agent on duty shall be provided, on a daily basis, a copy of the Security Incident Log of all Security Incident Reports generated during the gaming day.
14. The Company's ICS, Chapter N, § 2.02 states, the MGC boat agent on duty shall be provided, on a daily basis, a copy of the Security Incident Log (N4) of all Security Incident Reports generated during the gaming day.

VIOLATIONS

- 15. The actions or omissions of employees or agents of the Company in failing to provide the MGC with daily Security Incident Logs and Incident Reports violated 11 CSR 45-9.060 (3), (4) and The Commission’s MICS, Chapter N, § 2.02 and the Company’s ICS, Chapter N, § 2.02. The Company is subject to discipline for such violations under sections 313.805(6), 313.812.14, and 313.812.14(1) & (2), RSMo.
- 16. 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 \$5,000 for the violations set forth herein.

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

Dr. Barrett Hatches
Chairman
Missouri Gaming Commission