

MISSOURI GAMING COMMISSION
COMMISSION RESOLUTION NO. 14-074

JENNIFER LANDFRIED
October 29, 2014

WHEREAS, Jennifer Landfried ("Landfried"), requested a hearing to contest the proposed disciplinary action initiated against her on April 2, 2014, by the Commission's issuance of a Preliminary Order for Disciplinary Action, DC-14-085; and

WHEREAS, pursuant to 11 CSR 45-13.010, et. seq., an administrative hearing has been held on Landfried'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 issues to Landfried a two (2) calendar day suspension of her occupational license in the above-referenced case in the matter of DC-14-085; and

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

BEFORE THE MISSOURI GAMING COMMISSION

In Re:

JENNIFER LANDFRIED

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Case No. DC 14-085

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

The above-captioned matter comes before the Missouri Gaming Commission (hereinafter referred to as "Commission") upon a request for hearing submitted by Miss Jennifer Landfried (hereinafter referred to as "Petitioner"). Said request for hearing was in response to the Commission's Preliminary Order for Disciplinary Action dated April 2, 2014. The designated Hearing Officer, Mr. Chas. H. Steib, conducted a hearing on August 20, 2014, where the Petitioner and the Commission's attorney, Mrs. Carolyn H. Kerr, appeared to represent evidence and arguments of law.

FINDINGS OF FACT

1. Petitioner holds a Level II Occupational Gaming License granted by the Commission for employment on an excursion gambling boat licensed by the Commission.
2. On August 5, 2013; August 7, 2013; August 26, 2013; September 6, 2013; October 9, 2013; January 2, 2014; January 9, 2014; and August 13, 2014, Petitioner was employed as the Revenue Audit Manager at the River City Casino.
3. On August 5, 2013; August 7, 2013; August 26, 2013; September 6, 2013; October 9, 2013; January 2, 2014; January 9, 2014; and August 13, 2014, Petitioner failed to submit the River City Casino's daily tax information, via the BETTERS SYSTEM to the Commission.
4. At the Hearing conducted August 20, 2014, Commission Exhibit 1 (Disposition of Occupational Gaming License; Exhibit 2 (Letter from Ms. Jennifer Landfried); and Exhibit 3 (Gaming Incident/Investigation Report Details) were all admitted into evidence without obligation.
5. Petitioner stated at the August 20, 2104, the following: "So I am not disputing the allegations of the untimely payments" (Tr.p.19); "Half the occurrences were a fault of my own, where it was my responsibility that day to submit the BETTERS page" (Tr.p.20).
6. At all times herein, Petitioner had the supervisory responsibility for submitting the information set out in paragraph 1, *supra* (Tr.p.21).

CONCLUSIONS OF LAW

1. "The Commission shall have the full jurisdiction over and shall supervise all gaming operations governed by Section 313.800 to 313.850." Section 313.805, MO. REV. STAT. 2000.
2. "A holder of any license shall be the 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 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 regulation; . . . "Section 313.812.14, MO. REV. STAT. 2000.

3. "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 this 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).

4. 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 . . ." Regulation 11 CSR 45-13.060(2).

5. "Clear and convincing evidence" is evidence that "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. Department of Social Services v. Stone*, 71 S.W.3d 643,646 (Mo. App. 2002).

6. "The Commission shall have the following powers . . . to access any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission . . ." Section 313.805(6), MO. REV. STAT. 2000.

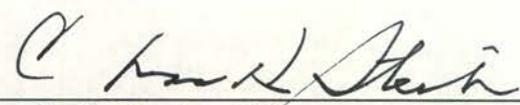
DISCUSSION

A computer system, called the BETTERS SYSTEM is used by casinos in Missouri to submit their tax return which contains the information needed to calculate the admission and gaming taxes from each casino. That information is to be related to the Commission on a daily basis, except for weekends when the information is to be submitted on the following Monday. The record herein reflects and Petitioner admits that Petitioner at all relevant times herein failed to cause the River City Casino's daily tax returns to the Commission.

FINAL ORDER

WHEREFORE, IT IS ORDERED AND ADJUDGED that Petitioner did not meet her burden of proof to show clearly and convincingly that she should not be subject to discipline for not submitting the River City Casino's tax information to the Commission on a daily basis. The decision of the Commission dated April 2, 2014, is affirmed as a proper form of discipline to be imposed upon Petitioner, being a two (2) calendar day suspension of her Level II Occupational License.

Dated: September 12, 2014


Chas. H. Steib, Hearing Officer