

MISSOURI GAMING COMMISSION  
COMMISSION RESOLUTION NO. 14-075

CHARLES MARTIN  
October 29, 2014

WHEREAS, Charles Martin ("Martin"), requested a hearing to contest the proposed disciplinary action initiated against him on March 5, 2014, by the Commission's issuance of a Disposition of Occupational Gaming License Application; and

WHEREAS, pursuant to 11 CSR 45-13.010, et. seq., an administrative hearing has been held on Martin'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-14-163; 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:

CHARLES MARTIN

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Case No. DC 14-163

**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 a hearing dated July 17, 2014, submitted by Mr. Charles Martin (hereinafter referred to as "Applicant"). Said request for hearing was in response to the Commission's Disposition of Occupational Gaming License Application dated March 5, 2014. The designated Hearing Officer, Mr. Chas. H. Steib, conducted a hearing on August 20, 2014, where the Commission's attorney, Ms. Carolyn H. Kerr, appeared to present evidence and arguments of law.

**FINDINGS OF FACT**

1. On January 31, 2014, Applicant submitted a Level II Occupational License Application.
2. Said Application was denied because of a failure to disclose arrest/conviction [11 CSR 45-4.260 (4)], as follows: fingerprints revealed he failed to disclose two arrests; 12-19-02 Theft/Coin machine, Fairview Heights, IL, and 4-25-07 Contributing to the delinquency of a minor, Edwardsville, IL.
3. An Interview was held February 12, 2014, at which testimony was received from Applicant by David Leitman, Commission Investigator.
4. On March 18, 2014, Applicant filed a request for a Hearing regarding said denial (Commission Exhibit 2).
5. A Commission Hearing was scheduled for July 8, 2014, at which Applicant did not appear. It was learned thereafter that Applicant had not received Notice of the Hearing scheduled for July 8, 2014, and Applicant subsequent to July 8, 2014, requested the Hearing set for August 20, 2014.
6. At a Commission Hearing on August 20, 2014, Applicant was not represented by Legal Counsel although having been advised of his rights to be represented thereat.
7. At said Commission Hearing Commission Exhibit 1 (Deposition of Occupational Gaming License; Exhibit 2 (Letter from Applicant); Exhibit 3 (License Denial Checklist); and Exhibit 4 (Missouri Gaming Commission Applicant Interview Form); were all admitted into evidence without objection.
8. Throughout the aforesaid application process, Applicant failed to disclose the information set out in paragraph 2, *supra*, although the Commission Investigator questioned the Applicant, at the time,

whether he had ever been arrested, detained, charged, indicted, convicted, pled guilty to any crime or offense in Federal, State or local jurisdictions (Tr.p.25).

9. Following a fingerprint check, the information set out in paragraph 2, *supra*, was ascertained by the Commission Investigator.

10. Prior to the fingerprint check results being received, Applicant was issued a Temporary Gaming License.

11. An arrest of Applicant for Theft/coin machine in Fairview Heights, Illinois, on 12/19/02; and an arrest for contributing to the delinquency of a minor in Edwardsville, Illinois, on 4/25/07 occurred, all of which Applicant failed to disclose in his Occupational Gaming License Application.

### 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. "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).

### DISCUSSION

At the Hearing August 20, 2014, the fingerprint and public arrest information database was recognized as part of the Applicant's file. That database revealed the arrest record of Applicant set out in paragraph 2 hereof all of which Applicant failed to disclose on his Occupational License Application.

### FINAL ORDER

WHEREFORE, IT IS ORDERED AND ADJUDGED that Applicant did not meet his burden of proof to show clearly and convincingly that he should receive an Occupational Gaming License. The Disposition of the Occupational Gaming License Application denying said License dated March 5, 2014, is affirmed.

Dated: September 12, 2014

Chas H Steib  
Chas. H. Steib, Hearing Officer