

MISSOURI GAMING COMMISSION
COMMISSION RESOLUTION NO. 14-017

KRISTA ROSE
April 30, 2014

WHEREAS, Krista Rose ("Rose"), requested a hearing to contest the proposed disciplinary action initiated against her on June 5, 2013, by the Commission's issuance of a Preliminary Order for Disciplinary Action, DC-13-116; and

WHEREAS, pursuant to 11 CSR 45-13.010, et. seq., an administrative hearing has been held on Rose'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 Rose a two (2) calendar day suspension of her occupational license in the above-referenced case in the matter of DC-13-116; and

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

- c) In an effort to hide her true identity and in response to Pitts' inquiry, Maureen E. told Pitts that she didn't have any identification in her possession.
- d) Pitts escorted Maureen E. to the Jackpot Hopper located on the Rodeo side of the casino where she falsely identified herself using her daughter's full name (Melissa Schaeffer) and her social security number (xxx-xx-7227). Maureen E. did, however, provide an accurate date of birth (01/10/1956). When asked to present identification, Maureen E. told Pitts that she didn't have any identification in her possession.
- e) Planning to place the jackpot in safekeeping, Pitts prepared the necessary paperwork and Maureen E. signed the Hollywood Casino St. Louis W2-G Slot Receipt and Hollywood Casino Customer Safekeeping Receipt as "M. Schaffer." Maureen E. then stated she left her identification in the car and would go retrieve it.
- f) The Licensee then checked Pitts' paperwork and entered the money into safekeeping. The female patron then left the Casino to allegedly retrieve her identification and the Licensee went on her break.
- g) At approximately 8:14 p.m., Maureen E.'s daughter, the actual M. Schaeffer, arrived at the Casino to claim the jackpot won by her mother. Schaeffer approached the cashier at window #5 and presented her identification and the safekeeping receipt given to her mother after winning the jackpot. Schaeffer presented the cashier with her actual Missouri Driver's License, which reflected her name - M. Schaeffer and date of birth - September 18, 1980. Cashier Lisa Shelton retrieved the jackpot and jackpot paperwork, recorded Schaeffer's identifying information, verified the information, and instructed the cashier to pay Schaeffer the jackpot.
- h) Shelton verified the information on the safekeeping receipt to be accurate but did not obtain a copy of Schaeffer's identification. No surveillance photograph was requested to verify the identity and MGC agents were not contacted.
- i) When the Licensee returned from her break, Shelton informed her about the jackpot payout to Schaeffer. After describing Schaeffer to the Licensee, both Shelton and the Licensee realized that Shelton had paid the jackpot to someone other than the patron who won the jackpot. At approximately 10:40 p.m., Shelton and the Licensee notified surveillance and security departments of the situation.

At 11:00 p.m. the security department notified the Commission about the situation.

5. Petitioner admitted to failing to secure a surveillance photograph of Maureen E. and to failing to create a file for the \$1,600 jackpot. Petitioner further admitted that she was unaware that she needed to notify the Commission when Maureen E. failed to present adequate identification upon deposit of the jackpot into safekeeping and when the Petitioner became aware of the jackpot payout to Ms. Schaeffer.
6. Petitioner's actions and inactions in learning of an abandoned jackpot and failing to report the matter to the Commission, failing to secure a surveillance photograph of Maureen E., and for failing to create a file for the \$1,600 jackpot deposit discredits the Missouri gaming industry and the State of Missouri, and violates Section 313.812.14 RSMo. (2012), Section 313.812.14(1), (2), & (9), RSMo. (2012), 11 CSR 45-4.260(4)(E), (F) & (Q); 11 CSR 45-10.030(1), the Commission's Minimum Internal Control Standards ("MICS") Chapter H, §§ 10.05, 10.06, & 10.11; and the Company's internal control system ("ICS") Chapter H, §§ 10.05, 10.06, & 10.11.

CONCLUSIONS OF LAW

1. "The Commission shall have full jurisdiction over and shall supervise all gaming operations governed by Section 313.800 to 313.850." Section 313.805 MO. REV. STAT. 2010.
2. "A holder of any license shall be subject to the 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 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 MO. REV. STAT. 2012.
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 . . ." Regulation 11 CSR 45-13.060(2).

4. "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).
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. Under 11 CSR 45-9.060(3), violations of the Commission's Minimum Internal Control Standards ("MICS") by a Class A licensee or an agent or employee of the 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. (2012) and 11 CSR 45-1 *et. seq.*; as amended from time to time.
7. Under 11 CSR 45-9.060(4), violations of the Class A licensee's internal control system ("ICS") by a 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 agent or employee is subject to discipline pursuant to Section 313.805(6) RSMo. (2012) and 11 CSR 45-1 *et. seq.*; as amended from time to time.
8. 11 CSR 45-10.030(1) states, "Licensees shall promptly report to the Commission any facts which the licensee has reasonable grounds to believe indicate a violation . . . minimum internal control standard requirements . . . by licensees, their employees, or others. . ."
9. The Commission's MICS, Chapter H, § 10.05 states, "If the patron is unable to provide adequate identification the Cashier will be allowed to accept a safekeeping deposit without verifying the patron's identity. . . The MGC agent on duty shall be notified when there is inadequate identification."
10. The Commission's MICS, Chapter H, § 10.06 states, "At the time of deposit a clear copy of the patron's photo ID shall be obtained. If a clear copy of the patron's photo ID is not available, a clear surveillance photo of the person making the deposit shall be obtained."
11. The Commission's MICS, Chapter H, § 10.11 states, "The patron, a Cashier and a Cage Supervisor shall sign the Safekeeping Deposit/Withdrawal form attesting to the accuracy of the information on the form upon both deposit and withdrawal."

12. "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." Regulation 11 CSR 45-4.260(4)(E).

DISCUSSION

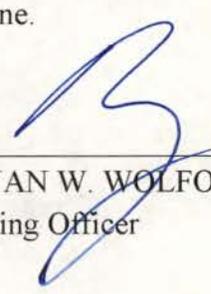
The law provides broad authority to the Commission regarding the regulation of the gaming industry in order to assure that the public health, safety, morals, and good order are maintained and protected. In this case, Petitioner completed the safekeeping receipt for Maureen E. In doing so, she failed to obtain a surveillance photograph of Maureen E., and she failed to create the proper file for the safekeeping by depositing the safekeeping into the bank. Petitioner also did not notify the MGC agent on duty when Maureen E. did not provide adequate identification upon deposit of the jackpot into safekeeping. Finally, Petitioner did not notify the MGC agent on duty immediately after she became aware that a different patron other than Maureen E. claimed the safekeeping.

Petitioner's actions and inactions in learning of an abandoned jackpot and failing to report the matter to the Commission, failing to secure a surveillance photograph of Maureen E., and for failing to create a file for the \$1,600 jackpot deposit discredits the Missouri gaming industry. Petitioner did not meet her high burden of proof of clear and convincing evidence in showing that no violation occurred.

FINAL ORDER

WHEREFORE, IT IS ORDERED AND ADJUDGED that Petitioner is found to have violated Missouri law and is subject to discipline at the discretion of the Commission. The decision of the Commission dated June 5, 2013 to impose a two (2) calendar day suspension against Petitioner is affirmed as a proper and appropriate discipline.

DATED: March 3, 2014



BRYAN W. WOLFORD
Hearing Officer