

MISSOURI GAMING COMMISSION
COMMISSION RESOLUTION NO. 14-019

ANGELA GRIFFITH
April 30, 2014

WHEREAS, Angela Griffith ("Griffith"), requested a hearing to contest the proposed disciplinary action initiated against her on July 18, 2013, by the Commission's issuance of a Preliminary Order for Disciplinary Action, DC-13-220; and

WHEREAS, pursuant to 11 CSR 45-13.010, et. seq., an administrative hearing has been held on Griffith'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 Griffith a one calendar day suspension of her occupational license in the above-referenced case in the matter of DC-13-220; and

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

5. On January 4, 2013, Cpl. Leonard was assigned to the Gaming Division of the Missouri Highway Patrol as an agent of the Commission.
6. Cpl. Leonard's investigation and review of surveillance video recordings revealed the following:
 - a) On January 4, 2013 the Licensee was working in the cage at window #4. At 12:47 p.m., a female patron approached the Licensee at her window and presented a \$100 check asking for cash in exchange. The Licensee provided the patron five \$20 bills in exchange. One of the \$20 bills that the Licensee gave to the patron was counterfeit. The fake bill was lacking an inscribed security thread, a watermark, and color shifting ink.
 - b) Unaware that she received a counterfeit \$20 bill, the patron returned to the gaming floor and continued gambling. At 1:01 p.m. the patron inserted the counterfeit \$20 bill into a slot machine and it was returned. The patron took the counterfeit bill back to the cage and spoke with Cage Supervisor McCoy at window #3. McCoy inspected the problem bill and realized immediately that the \$20 bill provided to her by the patron was counterfeit. She immediately contacted the Commission.
7. Petitioner's actions in failing to detect a counterfeit \$20 bill and providing the bill to a patron in exchange for a check 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); and 11 CSR 45-10.030(4).

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. 2010.

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. 11 CSR 45-10.030(4) states "Licensees shall take reasonable actions to safeguard from loss all tokens, tickets, chips, checks, funds, and other gaming assets."
7. "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).
8. "Failure of the petitioner to appear at the hearing shall constitute an admission of all matters and facts alleged by the commission in its notice of commission action and a waiver of the petitioner's rights to a hearing . . ." Regulation 11 CSR 45-13.060.

DISCUSSION

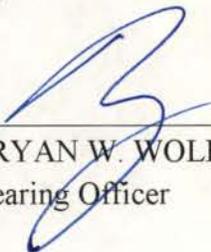
The law provides broad authority to the Commission regarding the regulation of the gaming industry in order to assure that the public health, safety, morals, and good order are maintained and protected. In this case, Petitioner received a \$100 check from a patron and counted out five \$20 bills to exchange for the check. Petitioner handled and counted each bill. Petitioner failed to properly check the bills to ensure that each one was genuine United States currency by failing to ensure that each bill had the proper security features such as an inscribed security thread, a watermark, and color shifting ink.

Petitioner's actions in failing to detect a counterfeit \$20 bill and providing the bill to a patron in exchange for a check discredits the Missouri gaming industry and the State of Missouri. 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 July 18, 2013 to impose a one (1) calendar day suspension against Petitioner is affirmed as a proper and appropriate discipline.

DATED: March 3, 2014



BRYAN W. WOLFORD
Hearing Officer