

MISSOURI GAMING COMMISSION
COMMISSION RESOLUTION NO. 14-039

DeANDRE DAVIS
June 25, 2014

WHEREAS, DeAndre Davis ("Davis"), residing at 2526 Ada, St. Louis, Missouri, was found to be unsuitable for a Level II Occupational License on October 17, 2013; and

WHEREAS, pursuant to 11 CSR 45-13.050, O'Flynn has requested a hearing to contest the commission's finding of unsuitability for a Level II Occupational License; and

WHEREAS, pursuant to 11 CSR 45-13.010, et. seq., an administrative hearing has been held on Davis' application for a Level II Occupational License, and the Hearing Officer has submitted the Proposed Findings of Fact, Conclusions of Law and Final Order attached hereto (collectively, the "Order") for approval by the Commission;

NOW, THEREFORE, BE IT RESOLVED, that the Commission has reviewed the Order and the record of the hearing and hereby approves and adopts the attached Findings of Fact, Conclusions of Law and Final Order in the matter of Davis' request for a Level II Occupational License and by so doing, denies Davis a Level II Occupational License.

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

BEFORE THE MISSOURI GAMING COMMISSION

In Re:

DeANDRE DAVIS

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Case No. DC 13-707

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 dated November 7, 2013, submitted by Mr. DeAndre Davis (hereinafter referred to as "Applicant"). Said request for hearing was in response to the Commission's Disposition of Occupational Gaming License Application dated October 17, 2013. The designated Hearing Officer, Mr. Chas. H. Steib, conducted a hearing on April 9, 2014, where the Applicant and the Commission's attorney, Ms. Carolyn H. Kerr, appeared to present evidence and arguments of law. Applicant appeared not.

FINDINGS OF FACT

1. On September 16, 2013, Applicant submitted an Occupational Gaming Application (Commission Exhibit 4) at the River City Casino in the State of Missouri.
2. Said Application was denied for failing to disclose multiple arrests (Commission Exhibit 1).
3. On November 7, 2013, Applicant filed a Request for a Hearing on said denial (Commission Exhibit 2).
4. Applicant was properly notified of the date and time of a Hearing, but Applicant appeared not.
5. Commission Exhibit 1; Exhibit 2; Exhibit 3 (License Denial Checklist); and Exhibit 4 were admitted into evidence.
6. Applicant was initially granted a temporary license however, a fingerprint check revealed five (5) arrests Applicant did not disclose on his 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

Applicant failed to disclose on his Occupational Gaming License Application a record of five (5) arrests.

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 decision of the Commission dated October 17, 2013, is affirmed.

Dated:

May 28, 2014

Chas. H. Steib, Hearing Officer