

# IN THE MISSOURI GAMING COMMISSION

In Re: )  
 ) DC-14-256  
PNK (River City), LLC )

## PRELIMINARY ORDER FOR DISCIPLINARY ACTION

Comes now the Missouri Gaming Commission acting in its official capacity pursuant to 11 CSR 45-13.050, and states as follows:

1. The Missouri Gaming Commission (the "Commission") or ("MGC") is a state commission created under Chapter 313, RSMo 2000, with jurisdiction over gaming activities, including riverboat gambling activities, in the State of Missouri.
2. The Commission issued Pinnacle Entertainment, Inc., a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Pinnacle Entertainment Inc. is the parent organization or controlling entity of PNK (River City), LLC.
4. The Commission issued a Class B riverboat gambling license to PNK (River City), LLC ("Company"), to conduct games on and operate the excursion gambling boat known as River City Casino ("Casino").
5. As the holder of a Class B license, the Company is subject to the provisions of §§ 313.800 to 313.850, RSMo 2000, and the regulations promulgated thereunder by the Commission.

## STATEMENT OF FACTS<sup>1</sup>

6. On August 15, 2012, Trooper R. A. Metteer, a member of the Missouri State Highway Patrol assigned to the MGC, initiated an investigation of Stealing (greater than \$25,000), a Class B Felony under § 570.030 RSMo.
7. Director of Surveillance Brian Maloney came to the MGC office and informed Tpr. Metteer that he was looking into a theft of 1,708 Schnuck's gift cards valued at \$25 each (total value \$42,700), which were found missing after an inventory had been conducted.<sup>2</sup>
8. Tpr. Metteer's investigation found that Revenue Audit Manager Lorene Spencer, Revenue Auditor Chaka Howard, Revenue Auditor Evelynmaryeka Howard, and Revenue Auditor Tonja Brooks were in possession of the Schuck's gift cards after the theft was discovered.

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<sup>1</sup> 20120906003

<sup>2</sup> The Casino ran a promotion in April 2011 for a giveaway of Schnuck's gift cards, during which approximately 742 gift cards were given away to patrons.

## LAW

9. Under § 313.805(6), RSMo 2000, the Commission may assess any appropriate administrative penalty against a licensee, including but not limited to, suspension, revocation or penalties of an amount determined by the Commission.
10. Section 313.812.14, RSMo, states, in pertinent part, as follows:

A holder of any license shall be 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 commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, 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 or regulations;
  - (2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming; and
11. Title 11 CSR 45-10.030(4) requires licensees to “take reasonable actions to safeguard from loss all tokens, tickets, chips, checks, funds, and other gaming assets.”

## VIOLATIONS

12. The actions or omissions of employees or agents of the Company as described above constitute failure to comply with state and local law and a failure to safeguard casino assets and funds, thereby violating 11 CSR 45-10.030(4).
13. The Company is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 314.812.14 (1) and (2), RSMo.

## PENALTY PROPOSED

14. Under § 313.805(6), RSMo 2000, the Commission has the power to assess any appropriate administrative penalty against the Company, as the holder of a Class B license.

15. THEREFORE, it is proposed that the Commission fine PNK (River City), LLC, the amount of \$5,000 for the violations set forth herein.

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Darryl T. Jones  
Vice-Chairman  
Missouri Gaming Commission

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that he caused a true and correct copy of the foregoing to be mailed, postage prepaid, this \_\_\_\_ day of \_\_\_\_\_, 2014, to:

Chris Plant, General Manager  
River City Casino  
777 River City Casino Boulevard  
St. Louis, MO 63125

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Darryl T. Jones  
Vice-Chairman  
Missouri Gaming Commission