

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-14-337
Casino One Corporation)

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 2000,¹ 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., was, at the time of the incident described below, the parent organization or controlling entity of Casino One Corporation ("Company").
4. The Commission issued a Class B riverboat gambling license to the Company to conduct games on and operate the excursion gambling boat known as *Lumiere Place 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, and the regulations promulgated thereunder by the Commission.

STATEMENT OF FACTS²

6. On February 3, 2013, a bartender at the Aqua Bar and a server at the Stadium Sports Bar and Grill each served an underage person alcoholic beverages without checking the individual's identification to verify that she was at least 21 years of age.

LAW

7. Under § 313.805(6), RSMo, 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.
8. Section 313.812.14, RSMo, states, in pertinent part, as follows:

¹ All statutory references are to RSMo 2000, unless otherwise specified

² 20130407003

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[.]

9. Title 11 CSR 45-12.010 states, in pertinent part, as follows:

- (2) The commission shall have the authority to discipline for cause the Excursion Liquor licensee, any facility named on the excursion liquor license, or the Class A or Class B licensee for any violation of Missouri Law or these rules.
- (3) Responsibility for Acts of Employees. Licensees at all times are responsible for the conduct of their business and at all times are directly responsible for any act or conduct of any employee on the premises which is in violation of the Missouri Gaming Law or the rules of the Missouri Gaming Commission.

10. Title 11 CSR 45-12.090(3) states, in pertinent part, as follows:

.... An excursion liquor licensee shall not, through actions of his/her own or of an employee, sell, vend, give away its or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years A licensee shall not permit any person under the age of twenty-one (21) years ... to consume intoxicating liquor on the licensed premises.

VIOLATIONS

11. The actions or omissions of employees or agents of the Company as described above constitute failure to prevent an underage person from being served alcoholic beverages, thereby violating 11 CSR 45-12.090(3).
12. The Company is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 314.812.14 (1) and (2), RSMo, and 11 CSR 45-12.010(2) and (3).

PENALTY PROPOSED

13. Under § 313.805(6), RSMo, the Commission has the power to assess any appropriate administrative penalty against the Company, as the holder of a Class B license.
14. THEREFORE, it is proposed that the Commission fine Casino One Corporation, the amount of \$5,000 for the violations set forth herein.

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 18th day of September, 2014, to:

Jeffrey A. Babinski
Vice President & General Manager
Lumière Place Casino
999 North Second
St. Louis, MO 63102

Darryl T. Jones
Vice-Chairman
Missouri Gaming Commission