

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-14-341
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 2000,¹ 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. is the parent organization or controlling entity of PNK (River City), LLC, ("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 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, and the regulations promulgated thereunder by the Commission.

STATEMENT OF FACTS²

6. A patron placed himself on the List of Disassociated Persons ("DAP List") on August 6, 2013.
7. That patron was a Casino Players' Club Member prior to placing himself on the DAP List.
8. The Casino had two accounts for that patron in their computer system. That patron's account # 3360756 was flagged in the casino's ACSC tracking system and in the VIP patron tracking system, SalesForce, as being on the DAP List, but Jones' duplicate account, # 3722165, was not similarly flagged.
9. On August 13, 2013, that patron was assigned to VIP Host Kevin Eckert ("Eckert").

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

² 20131020005

10. On September 24, 2013, Eckert sent that patron a letter introducing himself as his “personal Casino Host at River City Casino & Hotel” and providing Jones with his contact information for “the next time you plan on visiting us.” Eckert’s letter also offered that patron a complimentary dinner and hotel stay at the Casino.
11. Jones contacted Eckert on or about October 5, 2013, and advised Eckert that he was on the DAP List and asked not to be contacted again.

LAW

12. 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.
13. 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[.]
14. Title 11 CSR 45-9.060 states, in pertinent part, as follows:
 - (3) Violations of the minimum internal control standards [(“MICS”)] by a Class A licensee or an agent or employee of a Class A licensee are deemed to be unsuitable conduct for which the Class A licensee and/or its agents or employees may be subject to discipline pursuant to Section 313.805(6), RSMo, and 11 CSR 45-1 et seq.
 - (4) Violations of the Class A licensee’s internal control system [(“ICS”)] by the 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 agents or employees may be subject to discipline pursuant to Section 313.805(6), RSMo, and 11 CSR 45-1 et seq.

15. Title 11 CSR 45-15.010 prohibits the Casino from “contact of any kind” with the DAP.
16. MICS, Chapter Q, § 1.01 and the Casino’s ICS, Chapter Q, § 1.01 both define a DAP as “an individual who has self-reported as a problem gambler, completed and filed a formal application requesting to be excluded from the gaming floor of all Class B Licensees and who has been designated as a Disassociated Person upon approval of the application by the Missouri Gaming Commission.”
17. MICS Chapter Q, § 2.01(C) and the Casino’s ICS, Chapter Q, § 2.01(C) both require the Casino to “remove DAPs from all VIP or club member programs, within five (5) calendar days of the download of new or updated information.”
18. MICS Chapter Q, § 2.01(D) and the Casino’s ICS, Chapter Q, § 2.01(D) both also require the Casino to “remove DAPs from all mailing lists (including but not limited to electronic mail, marketing offers, slot club programs, coupon promotions, and other marketing promotions) within 5 calendar days of the download of new or updated information.”

VIOLATIONS

19. The actions or omissions of employees or agents of the Company as described above constitute contacting a Disassociate Person, thereby violating 11 CSR 45-15.010, MICS Chapter Q, § 2.01(C) and (D), and the Casino’s ICS, Chapter Q, § 2.01(C) and (D).
20. 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 45-9.060(3) and (4).

PENALTY PROPOSED

21. 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.
22. THEREFORE, it is proposed that the Commission fine PNK (River City), LLC, the amount of \$7,500 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:

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

Darryl T. Jones
Vice-Chairman
Missouri Gaming Commission