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4 BEFORE THE MISSOURI GAMING COMMISSION

5 STATE OF MISSOURI

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10 Meeting

11 December 4, 2013

12 10:00 a.m.

13 Central Office

14 3417 Knipp Drive

15 Jefferson City, Missouri

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17 (Meeting start time: 10:00 a.m.)

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BEFORE THE MISSOURI GAMING COMMISSION
STATE OF MISSOURI

Meeting
December 4, 2013
10:00 a.m.
Central Office
3417 Knipp Drive
Jefferson City, Missouri

COMMISSIONERS PRESENT:

Dr. Barrett Hatches, Chairman
Suzanne Bocell Bradley
Darryl T. Jones
Diane C. Howard

REPORTED BY:

Patricia A. Stewart
RMR, RPR, CCR 401
3432 West Truman Boulevard, Suite 207
Jefferson City, Missouri 65109
573-636-7551

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1 P R O C E E D I N G S

2 CHAIRMAN HATCHES: Good morning. We're going
3 to go ahead and get started today.

4 EXECUTIVE DIRECTOR STOTTLEMYRE:

5 Mr. Chairman, I believe the first thing we would like to
6 do is to make a presentation to Mr. Chris Hinckley.

7 CHAIRMAN HATCHES: Is he here?

8 Well, I did this last month and it was a lot
9 of fun and I guess because I didn't mess up they let me
10 do it again.

11 But this time it's Chris.

12 Chris has been with the organization for a
13 long time and served on our legal team and been very
14 helpful. Certainly given the nature of the work that we
15 do, having good lawyers means a lot to us.

16 This is one of the places where, you know,
17 you can't really make a lawyer joke, because we have
18 really appreciated Chris and everything he's done for
19 us.

20 So, Chris, good luck to you in moving
21 forward, and we want you to know from the Commission
22 standpoint we really appreciated working with you.

23 Chris Hinckley.

24 MR. HINCKLEY: Thank you.

25 CHAIRMAN HATCHES: All right.

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1 Mr. Stottlemyre.

2 EXECUTIVE DIRECTOR STOTTLEMYRE: The first
3 item on the agenda would be the consideration -- I guess
4 you want to get a roll call first.

5 MS. FRANKS: Commissioner Howard.

6 COMMISSIONER HOWARD: Present.

7 MS. FRANKS: Commissioner Jones.

8 COMMISSIONER JONES: Present.

9 MS. FRANKS: Commissioner Bradley.

10 COMMISSIONER BRADLEY: Present.

11 MS. FRANKS: Chairman Hatches.

12 CHAIRMAN HATCHES: Present.

13 EXECUTIVE DIRECTOR STOTTLEMYRE:

14 Consideration of Minutes for October 30th, 2013.

15 CHAIRMAN HATCHES: Any questions about the
16 minutes?

17 Chair would entertain a motion.

18 COMMISSIONER BRADLEY: Motion to approve.

19 COMMISSIONER JONES: Second.

20 CHAIRMAN HATCHES: Moved and seconded.

21 Any further discussion?

22 Angie, would you call the roll, please.

23 MS. FRANKS: Commissioner Howard.

24 COMMISSIONER HOWARD: Approve.

25 MS. FRANKS: Commissioner Jones.

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1 COMMISSIONER JONES: Approve.

2 MS. FRANKS: Commissioner Bradley.

3 COMMISSIONER BRADLEY: Approve.

4 MS. FRANKS: Chairman Hatches.

5 CHAIRMAN HATCHES: Approve.

6 MS. FRANKS: By your vote you've adopted the
7 minutes of the October 30, 2013 meeting.

8 CHAIRMAN HATCHES: Thank you.

9 EXECUTIVE DIRECTOR STOTTLEMYRE:

10 Mr. Chairman, the next item on the agenda is
11 Consideration of Hearing Officer Recommendations, and
12 Mr. Bryan Wolford will present.

13 CHAIRMAN HATCHES: Thank you.

14 MR. WOLFORD: Good morning, Mr. Chairman,
15 Commissioners.

16 CHAIRMAN/COMMISSIONERS: Good morning.

17 MR. WOLFORD: The first item is the matter of
18 Bryan Duffy. It is Resolution No. 13-094.

19 In 1988 Mr. Duffy pled guilty to the felony
20 offenses of involuntary manslaughter and assault second
21 degree.

22 On March 14, 1995 he applied for an
23 occupational gaming license with the Commission and in
24 August of 1996 that license was granted. In his
25 application he did disclose his prior felony plea and

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1 conviction.

2 On July 23rd of 2012 Mr. Duffy applied for a
3 transfer to another casino. In his application he again
4 disclosed his criminal history. He neither failed to
5 disclose his previous felonies, nor did he attempt to
6 conceal his previous felonies.

7 His license had also been subject to annual
8 renewal and review since his initial licensure in 1996,
9 and his prior felony convictions did not prevent the
10 renewal or relicensure.

11 Now, the statute, 313-8128, states that a
12 license shall not be granted if the applicant has not
13 established his good repute and moral character or if he
14 has pled guilty to or been convicted of a felony.

15 The felony conviction prohibits Mr. Duffy
16 from holding an occupational gaming license, and as
17 such, it is the hearing officer's recommendation that
18 his license be revoked.

19 CHAIRMAN HATCHES: Any questions from the
20 Commissioners?

21 Is Mr. Duffy here?

22 COMMISSIONER JONES: I have a question.

23 In reviewing this case, so I am to understand
24 that he did disclose all of this information but since
25 '95 or '98, whenever, we've been approving his license

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1 on renewal, and when he moved to transfer to another
2 venue, that's when we did the full search and we said,
3 well, hey, you can't, so it was a denial?

4 So, like, for 15 years or so we've been
5 giving this guy a license and all of a sudden we're
6 going to take his livelihood from him?

7 MR. WOLFORD: That is correct,
8 Commissioner Jones. The statute does provide a clear
9 prohibition to him holding an occupational gaming
10 license for there.

11 COMMISSIONER JONES: So why wasn't this
12 thing -- I mean, what is the process for the annual
13 reviews? Are we not looking at that or what?

14 I just have a problem with that, because you
15 do this for 15 years, over a decade, and nothing happens
16 and now all of a sudden you want to revoke his license.

17 MR. WOLFORD: I do understand completely.

18 COMMISSIONER JONES: And I understand the
19 statute, but now all of a sudden we're going to revoke
20 his license.

21 MR. WOLFORD: I understand completely, and I
22 can sympathize with Mr. Duffy and his situation.
23 However, based on the statute I do not believe that the
24 hearing officer has the authority to allow him to keep
25 his license. The prohibition is the prohibition.

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1 COMMISSIONER BRADLEY: I have a question
2 also.

3 It sounds like we don't have that discretion
4 either, because the way the statute reads, if you've
5 been convicted of a felony or have pled guilty to a
6 felony, you cannot, period, have the discretion.

7 We had this discussion before I think many
8 times.

9 MR. GREWACH: I think that's correct.

10 And I think Mr. Hinckley can probably address
11 that if the Commission would like.

12 COMMISSIONER BRADLEY: Sure.

13 MR. HINCKLEY: The statute that created the
14 Commission provides for certain powers, prohibitive as
15 well as, you know, mandatory powers.

16 One of the prohibitive powers is that you
17 cannot license a person who has pled guilty to or been
18 convicted of a felony.

19 Thus, the regulations don't really comment
20 upon that because there is no discretion beyond there.
21 There is regulations that provide discretion in other
22 areas where the statute does not speak definitively.
23 Thus, there is no power to act outside of the statute.

24 Now, with regard to your question earlier,
25 Commissioner Jones, there must have been -- or there

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1 clearly was a mistake made early on in the licensing of
2 this individual, and I think we've seen that sometimes
3 that's happened in the past.

4 COMMISSIONER JONES: Fifteen times?

5 MR. HINCKLEY: Correct.

6 The relicensings, however, sometimes do not
7 go back to review the original criminal history unless
8 there has been an update to that criminal history. And
9 those procedures, my understanding, have changed.

10 Thus, every time this person applied they
11 would check his file for any updates to the criminal
12 history, and if there were none, he would be relicensed.

13 COMMISSIONER BRADLEY: Which is why when he
14 changed the venue, when he changed to work somewhere
15 else, at another casino, is what triggered that --

16 MR. HINCKLEY: Correct. He went through
17 processing with original applicants, and when original
18 applicants are processed, they run a criminal history.
19 Because he transferred jobs and was a new employee at a
20 new casino and went through with new applicants, he went
21 through those procedures, which require that his
22 criminal history be rerun.

23 As a result of that, probably the first time
24 that criminal history was rerun since its original time,
25 it showed up.

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1 COMMISSIONER JONES: No. I don't think we
2 have.

3 EXECUTIVE DIRECTOR STOTTLEMYRE: I'm not sure
4 on the times.

5 COMMISSIONER HOWARD: Well, I think everybody
6 appreciates that it seems unfair. I mean, it does look
7 on its face to be unfair. Unfair, but in reality the
8 situation is that someone was licensed and was employed
9 when they never should have been.

10 Whether that's unfair or not or -- I guess
11 that's a slim consolation to someone to say they were
12 employed in a capacity for many years, that they were
13 never lawfully employed, and we don't have the
14 discretion to continue that unlawful employment. And
15 that's the bottom line. His employment was not lawful.

16 And once this Commission learns of that, that
17 has to be discontinued. You can't continue unlawful
18 employment, you know, no matter how long it continued,
19 whether it's a day or whether it's a week, whether it's
20 a year or whether it's 15 years.

21 I don't -- I don't think that we -- our
22 lawyer is telling us we don't have this discretion and I
23 can read and be told that we don't have that discretion.
24 It's a hard pill to swallow but it's the law.

25 COMMISSIONER BRADLEY: Right. Well, I also

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1 think, Commissioner Jones, I think what your point is,
2 let's not let this happen again. Let's have a better
3 process so that these -- you know, it's bad on them but
4 we have to follow the law. We have no choice.

5 COMMISSIONER JONES: That's true.

6 COMMISSIONER BRADLEY: But I think your point
7 is, you know, it's too bad it took this long to find out
8 that there was a legal problem.

9 I have no more questions.

10 CHAIRMAN HATCHES: I just have a comment.

11 This one really bothers me and I know we've
12 had similar cases, but one question.

13 So if a person has been licensed for two
14 years, how do we know that between the original
15 approving of his license and two years later that he's
16 not been convicted or he's not had a reason to be
17 unsuitable?

18 MR. HINCKLEY: I should refer back to what I
19 mentioned earlier, that the processes have changed.

20 My understanding is that in order to avoid
21 that situation, that there have been instituted policies
22 to rerun -- periodically rerun the criminal history as
23 opposed to relying upon the original criminal history
24 and allowing the progression.

25 We do, however, have a regulation that

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1 mandates self-reporting. So understanding that
2 sometimes self-reporting is again self-interest, we run
3 the criminal history.

4 CHAIRMAN HATCHES: Can we say -- maybe this
5 question is to you Roger, counsel.

6 Is the change in the policy one that would
7 say that we would know, for example, every three years
8 we do a complete check on everybody or is that something
9 you couldn't do?

10 And the reason I'm asking this question is,
11 you know, how many more people out there could be in
12 this position, do we know, or only when it comes to our
13 attention?

14 EXECUTIVE DIRECTOR STOTTLEMYRE: Really we
15 only know when it does come to our attention, although
16 we have changed the policy to where we are checking
17 closer, but to say that we wouldn't have another one
18 that could turn up, I can't say that.

19 CHAIRMAN HATCHES: And I, you know, am
20 certainly not going to argue against the law, but I
21 don't want it to sound as though, you know, we're just
22 falling back on the law in this case, because I think we
23 all have expressed enough concern about the process that
24 allowed this to occur that ultimately -- because we have
25 no authority to do anything other than accept counsel's

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1 recommendation. We're doing it, I think, primarily for
2 that reason, but not that we support the reason we're
3 here in this case.

4 I shouldn't say we. That's what I feel.

5 COMMISSIONER BRADLEY: I agree.

6 COMMISSIONER JONES: I agree.

7 COMMISSIONER HOWARD: I don't see an option.

8 CHAIRMAN HATCHES: Then we are in agreement.

9 Okay. So where are we with this?

10 Any further discussion?

11 Then the Chair would entertain a motion.

12 COMMISSIONER BRADLEY: Motion to approve

13 Resolution No. 13-094.

14 COMMISSIONER JONES: Second.

15 CHAIRMAN HATCHES: Moved and seconded.

16 Any further discussion?

17 Angie, would you call the roll, please.

18 MS. FRANKS: Commissioner Howard.

19 COMMISSIONER HOWARD: Approve.

20 MS. FRANKS: Commissioner Jones.

21 COMMISSIONER JONES: Approve.

22 MS. FRANKS: Commissioner Bradley.

23 COMMISSIONER BRADLEY: Approve.

24 MS. FRANKS: Chairman Hatches.

25 CHAIRMAN HATCHES: Approve.

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1 MS. FRANKS: By your vote you've adopted
2 Resolution No. 13-094.

3 MR. WOLFORD: Mr. Chairman, the next item is
4 the matter of Jaime Musignac, Resolution No. 13-107.

5 On August 26 of 2012 Mr. Musignac was on duty
6 as the table game supervisor, which included all of the
7 table games and the craps pit at the casino.

8 He left the craps pit unsupervised for a
9 period of 26 minutes while he was on break and he did
10 not ensure that another table game supervisor was there
11 covering the floor. He admitted at hearing to leaving
12 the floor unsupervised for that period of time.

13 The Minimum Internal Control Standards state
14 that other than a casino shift manager acting as a table
15 games manager, the table games managers shall be
16 physically present in the pit for at least 90 percent of
17 their shift and be solely dedicated to supervising the
18 activities at open table games and activities within the
19 pits. Absences of a longer duration require a
20 replacement.

21 In this case there was no replacement.
22 Violation of this Minimum Internal Control Standard is
23 prima facia evidence of unsuitable conduct that subjects
24 Mr. Musignac to discipline. The hearing officer
25 recommends a two-calendar-day suspension.

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1 CHAIRMAN HATCHES: Is Mr. Musignac here?

2 Any questions from the Commissioners?

3 Chair would entertain a motion.

4 COMMISSIONER JONES: Move for the acceptance
5 of Resolution No. 13-107.

6 COMMISSIONER BRADLEY: Second.

7 CHAIRMAN HATCHES: Moved and seconded.

8 Any further discussion?

9 Angie, would you call the roll, please.

10 MS. FRANKS: Commissioner Howard.

11 COMMISSIONER HOWARD: Approve.

12 MS. FRANKS: Commissioner Jones.

13 COMMISSIONER JONES: Approve.

14 MS. FRANKS: Commissioner Bradley.

15 COMMISSIONER BRADLEY: Approve.

16 MS. FRANKS: Chairman Hatches.

17 CHAIRMAN HATCHES: Approve.

18 MS. FRANKS: By your vote you've adopted
19 Resolution No. 13-107.

20 MR. WOLFORD: Mr. Chairman, the next item is
21 the matter of Dawn Baumhoff, Resolution No. 13-108.

22 Now, these events arise out of the same
23 events involving Mr. Musignac. Ms. Baumhoff was on duty
24 during October 26, 2012 when she noticed that the craps
25 pit was unsupervised and that Mr. Musignac should have

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1 been on duty supervising at that time.

2 She did not, however, report this violation
3 until the next day, almost 26 hours later, when she did
4 so in an e-mail to the casino manager. She did admit at
5 hearing that she failed to promptly report that
6 Mr. Musignac left the floor unsupervised for the 26-
7 minute period of time.

8 The regulations state that licensees must
9 promptly notify to the Commission any facts which they
10 have reasonable ground to believe indicate a violation
11 of law, the Minimum Internal Control Standards or rules
12 or regulations by any licensees or their employees.

13 In this instance she failed to do so
14 promptly, and the hearing officer recommends a one-
15 calendar-day suspension.

16 CHAIRMAN HATCHES: Is Ms. Baumhoff here?

17 Any questions from the Commissioners?

18 Chair will entertain a motion.

19 COMMISSIONER HOWARD: I'll move for the
20 approval of Resolution No. 13-108.

21 COMMISSIONER BRADLEY: Second.

22 CHAIRMAN HATCHES: Moved and seconded.

23 Any further discussion?

24 Angie, call the roll, please.

25 MS. FRANKS: Commissioner Howard.

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1 COMMISSIONER HOWARD: Approve.

2 MS. FRANKS: Commissioner Jones.

3 COMMISSIONER JONES: Approve.

4 MS. FRANKS: Commissioner Bradley.

5 COMMISSIONER BRADLEY: Approve.

6 MS. FRANKS: Chairman Hatches.

7 CHAIRMAN HATCHES: Approve.

8 MS. FRANKS: By your vote you've adopted

9 Resolution No. 13-108.

10 MR. WOLFORD: Mr. Chairman, the next item on

11 the agenda is the matter of Michael Merritt. It's

12 Resolution No. 13-109.

13 And I will say that this does involve dates
14 and times, a timeline. If for any reason you need me to
15 stop and repeat something as I'm giving the facts,
16 please notify me and I'll do so.

17 CHAIRMAN HATCHES: Thank you.

18 MR. WOLFORD: On the 29th of September 2012
19 the Petitioner was employed at Harrah's Casino as their
20 security risk and safety manager.

21 That evening at 10:15 p.m. Security Officer
22 Jones was in a position at one of the gates there. A
23 patron approached him and they conversed, and the patron
24 ended up giving him two St. Louis Rams tickets, which
25 the security officer accepted.

1 The security officer later contacted his
2 grave shift security supervisor, Mr. Hancock, told him
3 that a guest gave him the tickets and that he accepted.

4 Mr. Hancock told the security officer that he
5 should not have done so because security employees are
6 not allowed to accept gifts or tips or anything from
7 patrons.

8 At 11:18 that evening, still on the 29th of
9 September, Jones and Hancock met with Swing Shift
10 Security Supervisor James Walsh at his office and told
11 him about the incident.

12 On September 30th, at the beginning of his
13 shift the next day, Mr. Walsh sent an e-mail to his
14 direct supervisor, Security Shift Manager Ken McConnell,
15 informing him of the incident between Jones and the
16 patron.

17 McConnell didn't get the e-mail until
18 October 2nd when he returned to work. He had been on
19 his regular leave days during the 30th and the 1st of
20 October.

21 He got the e-mail, and then McConnell
22 forwarded the e-mail to the Petitioner, Mr. Merritt, on
23 October 2nd.

24 The Petitioner received and read Walsh's
25 original e-mail on that same day, on October 2nd,

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1 notifying him of the security officer accepting the gift
2 from the patron.

3 On October 3rd Mr. Merritt contacted the
4 Human Resources Department to review Security Officer
5 Jones' file and did note that he received, read and
6 acknowledged the company's policy prohibiting receiving
7 gifts from patrons.

8 On October 4th at about 3:30 p.m. Mr. Merritt
9 met with Security Officer Jones and terminated his
10 employment. Shortly after that meeting Mr. Merritt
11 contacted the regulatory compliance manager and informed
12 him of the termination and then he told the compliance
13 manager that we need to report this to Missouri Gaming.

14 After that the regulatory compliance manager
15 sent an e-mail to the on-boat Highway Patrol Gaming
16 Division officer letting him know of the termination and
17 the reason for the termination.

18 At hearing Mr. Merritt did admit that the
19 boat agent was not promptly notified in the
20 circumstance. As a result of failing to promptly notify
21 the Commission of a suspected violation of the law, the
22 rules or Minimum Internal Control Standards, the hearing
23 officer recommends a three-calendar-day suspension.

24 CHAIRMAN HATCHES: Is Mr. Merritt here?

25 Questions?

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1 I guess one of the questions, what happened
2 to the tickets in this case?

3 MR. WOLFORD: Well, in this case --

4 CHAIRMAN HATCHES: Did he go to the game?

5 MR. WOLFORD: In this case, Mr. Chairman --

6 CHAIRMAN HATCHES: I'm sure everybody wants
7 to know.

8 MR. WOLFORD: If you recall, this was last
9 year when the Rams weren't doing so well.

10 The supervisor put them --

11 CHAIRMAN HATCHES: Now, which year was that?

12 MR. WOLFORD: Every year since 2003.

13 The supervisor put them in the employee
14 donation box, but then later, once the regulatory
15 compliance manager was informed of it, they did remove
16 the tickets and kept them indefinitely in storage there.
17 So nobody went to the game.

18 COMMISSIONER JONES: That's a blessing.

19 CHAIRMAN HATCHES: Didn't have to inflict any
20 additional pain.

21 Questions from the Commissioners?

22 COMMISSIONER BRADLEY: So Mr. Merritt was
23 terminated because of this. Correct?

24 MR. WOLFORD: No. Mr. Jones, the security
25 officer, was terminated. Mr. Merritt is still in his

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1 position. I'm just recommending the suspension.

2 COMMISSIONER BRADLEY: I was trying to figure
3 out who was terminated and the suspension. Okay.

4 CHAIRMAN HATCHES: Any other questions?

5 Then Chair will entertain a motion.

6 COMMISSIONER JONES: Move for the acceptance
7 of Resolution No. 13-109.

8 COMMISSIONER BRADLEY: Second.

9 CHAIRMAN HATCHES: Moved and seconded.

10 Any further discussion?

11 Angie, would you call the roll, please.

12 MS. FRANKS: Commissioner Howard.

13 COMMISSIONER HOWARD: Approve.

14 MS. FRANKS: Commissioner Jones.

15 COMMISSIONER JONES: Approve.

16 MS. FRANKS: Commissioner Bradley.

17 COMMISSIONER BRADLEY: Approve.

18 MS. FRANKS: Chairman Hatches.

19 CHAIRMAN HATCHES: Approve.

20 MS. FRANKS: By your vote you've adopted
21 Resolution No. 13-109.

22 MR. WOLFORD: Mr. Chairman, the next item on
23 the agenda is the matter of Robbie Reeder, Resolution
24 No. 13-110.

25 Again, I apologize. This is another date and

1 time sensitive matter.

2 On the evening of October 11th, 2012, food
3 and beverage manager Josh Trimue was contacted by a
4 cocktail waitress who informed him that some of her
5 prescription pain pills, Hydrocodone, was missing from
6 her purse and she believed they were taken while she was
7 at her shift at work. However, she didn't notice the
8 discrepancy until she returned home, so she wasn't for
9 sure on that.

10 The next day, October 12th, Trimue contacted
11 his supervisor, the Petitioner, Robbie Reeder, and told
12 him about the cocktail waitress's allegations and
13 belief.

14 On Saturday, October 13, the cocktail
15 waitress told Trimue that three pills were missing from
16 her work and that it did occur during the shift. She
17 had six pills at the beginning, three pills at the end.

18 Trimue again contacted the Petitioner, Robbie
19 Reeder, on October 13 and let him know.

20 On a third occasion the cocktail waitress
21 again notified Trimue of her missing medication. She
22 said one pill was missing from her purse on October 14th
23 and she had been checking periodically during the course
24 of her shift to see when the pill was going to go
25 missing.

1 Trimue again contacted his manager, Robbie
2 Reeder, in the early morning hours of October 14th, and
3 Mr. Reeder stated he instructed Mr. Trimue to notify
4 security supervisor and a gaming officer.

5 Later that same day, October 14 at 9:30 p.m.,
6 the security supervisor notified the Commission about
7 the allegations of the theft.

8 The Petitioner, Mr. Reeder, reported that he
9 didn't have a telephone conversation with Mr. Trimue
10 regarding the missing pills until Sunday in the
11 afternoon, October 14, 2012. He said Trimue contacted
12 him in the afternoon and told him of the missing pills.

13 Now, the telephone records presented at
14 hearing showed that Trimue had -- that a call was made
15 from Trimue's business cell phone to Mr. Reeder's
16 business cell phone on October the 13th.

17 It also indicated that a seven-minute call
18 was made from Trimue's business cell phone to
19 Mr. Reeder's business cell phone on the morning of
20 October 14 at about 6:30 a.m.

21 The evidence indicates that at a minimum
22 Mr. Reeder knew of the possible thefts during the early
23 morning of November 14.

24 Members of the Food and Beverage Department,
25 however, were aware of the reported thefts as early as

0028

1 the 12th of October. The incidents were not reported to
2 the Commission until 9:30 p.m. on October 14.

3 Mr. Reeder did admit at hearing that the boat
4 agent was not promptly notified. Due to the fact that
5 he was not notified of a violation of the criminal law
6 in this case, the hearing officer recommends a
7 three-calendar-day suspension.

8 CHAIRMAN HATCHES: Is Mr. Reeder here?

9 Questions from the Commissioners?

10 Chair would entertain a motion.

11 COMMISSIONER HOWARD: I'll move for the
12 approval of Resolution No. 13-110.

13 COMMISSIONER BRADLEY: Second.

14 CHAIRMAN HATCHES: Moved and seconded.

15 Any further discussion?

16 Angie, would you call the roll, please.

17 MS. FRANKS: Commissioner Howard.

18 COMMISSIONER HOWARD: Approve.

19 MS. FRANKS: Commissioner Jones.

20 COMMISSIONER JONES: Approve.

21 MS. FRANKS: Commissioner Bradley.

22 COMMISSIONER BRADLEY: Approve.

23 MS. FRANKS: Chairman Hatches.

24 CHAIRMAN HATCHES: Approve.

25 MS. FRANKS: By your vote you've adopted

0029

1 Resolution No. 13-110.

2 MR. WOLFORD: Finally, Mr. Chairman, the
3 matter of Pamela Person, Resolution No. 13-111.

4 On October 31st, 2012 at approximately
5 1:00 p.m., Ms. Person, in an effort to alleviate the
6 line at the casino's entrance turnstiles, let two
7 patrons pass that line through the employee's gate to
8 the other side onto the gaming floor without accessing
9 the turnstiles.

10 She did admit at hearing that she let these
11 two patrons onto the gaming floor without having them
12 pass the turnstiles. The Minimum Internal Control
13 Standards state that patrons will enter through one of
14 the two sets of turnstiles.

15 She admitted it and the violation of that
16 Minimum Internal Control standard is prima facia
17 evidence of her unsuitable conduct, subjecting her to
18 discipline, and the hearing officer recommends a
19 two-calendar-day suspension.

20 CHAIRMAN HATCHES: Is Ms. Person here?

21 Any questions from the Commissioners?

22 Chair would entertain a motion.

23 COMMISSIONER BRADLEY: Motion to approve

24 Resolution No. 13-111.

25 COMMISSIONER JONES: Second.

0030

1 CHAIRMAN HATCHES: Moved and seconded.

2 Any further discussion?

3 Angie, would you call the roll, please.

4 MS. FRANKS: Commissioner Howard.

5 COMMISSIONER HOWARD: Approve.

6 MS. FRANKS: Commissioner Jones.

7 COMMISSIONER JONES: Approve.

8 MS. FRANKS: Commissioner Bradley.

9 COMMISSIONER BRADLEY: Approve.

10 MS. FRANKS: Chairman Hatches.

11 CHAIRMAN HATCHES: Approve.

12 MS. FRANKS: By your vote you've adopted

13 Resolution No. 13-111.

14 MR. WOLFORD: Thank you, Mr. Chairman. Thank
15 you, Commissioners.

16 CHAIRMAN HATCHES: Thank you.

17 EXECUTIVE DIRECTOR STOTTLEMYRE:

18 Mr. Chairman, the next item on the agenda is the
19 Consideration of Disciplinary Actions and Mr. Ed Grewach
20 will present.

21 MR. GREWACH: Good morning.

22 CHAIRMAN/COMMISSIONERS: Good morning.

23 MR. GREWACH: The first item under Tab H is a
24 preliminary order of discipline directed to Lumiere
25 Place Casino. This is a followup to a prior

0031

1 disciplinary case and violation and it concerns a
2 compliance of the casino with their emergency operation
3 plan.

4 On April 26, 2012, in the prior case, the
5 boat sergeant inspected the fire extinguishers at the
6 facility and found several deficiencies relating to
7 those.

8 He found that in some cases there was no
9 chalk in the cabinet, that some fire extinguishers were
10 missing. Some were not serviced. Their maintenance was
11 not up to date and inspections. Some were obstructed
12 from view and others not in the location that they were
13 drawn on the plans.

14 So as a followup to this the troopers on the
15 boat on April the 14th, 2013 conducted the same
16 inspection and they found a number of the same problems
17 still present and that had not been corrected. You can
18 see those problems more specifically outlined in
19 paragraph 8 of the preliminary order of discipline.

20 In the prior discipline case the Commission
21 imposed the fine of \$5,000 and it is staff's
22 recommendation on this discipline case that the fine be
23 \$10,000.

24 CHAIRMAN HATCHES: Any questions from the
25 Commissioners?

0032

1 Chair would entertain a motion.

2 COMMISSIONER JONES: Move for the approval of

3 DC-13-692.

4 COMMISSIONER BRADLEY: Second.

5 CHAIRMAN HATCHES: Moved and seconded.

6 Any discussion?

7 Angie, would you call the roll, please.

8 MS. FRANKS: Commissioner Howard.

9 COMMISSIONER HOWARD: Approve.

10 MS. FRANKS: Commissioner Jones.

11 COMMISSIONER JONES: Approve.

12 MS. FRANKS: Commissioner Bradley.

13 COMMISSIONER BRADLEY: Approve.

14 MS. FRANKS: Chairman Hatches.

15 CHAIRMAN HATCHES: Approve.

16 MS. FRANKS: By your vote you've adopted

17 DC-13-692.

18 MR. GREWACH: Under Tab I we have a

19 preliminary order of discipline directed to Harrah's

20 Maryland Heights.

21 We have a rule, 12.090, that prohibits

22 providing alcoholic beverages free of charge to persons

23 on the gaming floor.

24 Harrah's at that time had a facility, the

25 Diamond Lounge. The Diamond Lounge was accessible only

0033

1 through the gaming floor, so both ingress and egress to
2 the lounge was through the gaming floor. Eligible
3 patrons received free drinks in the Diamond Lounge and
4 then were permitted to enter back on to the gaming floor
5 with those free drinks without having to go through the
6 turnstiles.

7 The DRB reviewed this and initially
8 recommended a fine of \$25,000 because there had been
9 discussions with Harrah's before this point in time by
10 the boat sergeant indicating that that practice was
11 unacceptable.

12 For some time period Harrah's then had
13 stationed security officers at the entrance from the
14 Diamond Lounge to the floor to make sure no one did
15 carry any drinks back on to the floor.

16 At the time that practice ceased and then we
17 got back into this set of facts which gave rise to this
18 disciplinary action.

19 Harrah's did respond to our 14-day letter.
20 First they argued that they were not providing free
21 drinks on the gaming floor because the Diamond Lounge
22 was actually off the gaming floor.

23 Our response to that was it was only
24 accessible through the gaming floor, so it really was,
25 you know, not any different than providing them on the

0034

1 floor, and it wasn't a situation where they'd have to
2 come through the turnstiles and then be checked before
3 they came back on to the floor.

4 Harrah's also expressed its belief that the
5 intent behind the rule was to prohibit the casinos from
6 providing free drinks to keep someone sitting at a
7 gaming position, you know, so they didn't leave the slot
8 machine or didn't leave the card table or whatever the
9 case may be.

10 Our response was, no, it's not what the rule
11 says. The rule says you just can't provide free drinks
12 on the floor.

13 However, in looking at the case in response
14 to the 14-day letter the DRB did reduce its recommended
15 fine to \$10,000 but it did so because this is the first
16 case where we have ever fined a casino for this
17 particular type of problem.

18 So that would be -- staff's recommendation
19 would be a fine of \$10,000.

20 CHAIRMAN HATCHES: Questions?

21 Chair will entertain a motion.

22 COMMISSIONER JONES: Move for the acceptance
23 of DC-13-693.

24 COMMISSIONER BRADLEY: Second.

25 CHAIRMAN HATCHES: Move and seconded.

0035

1 Any further discussion?

2 Angie, would you call the roll, please.

3 MS. FRANKS: Commissioner Howard.

4 COMMISSIONER HOWARD: Approve.

5 MS. FRANKS: Commissioner Jones.

6 COMMISSIONER JONES: Approve.

7 MS. FRANKS: Commissioner Bradley.

8 COMMISSIONER BRADLEY: Approve.

9 MS. FRANKS: Chairman Hatches.

10 CHAIRMAN HATCHES: Approve.

11 MS. FRANKS: By your vote you've adopted

12 DC-13-693.

13 MR. GREWACH: Under Tab J we have a

14 preliminary order of discipline directed to Penn

15 National Gaming, Incorporated.

16 In connection with the Hollywood Maryland

17 Heights opening, Penn National had shipped some

18 electronic gaming devices from Indiana to the Maryland

19 Heights facility.

20 A subsequent audit of those machines

21 indicated that 47 of those had printer software that was

22 unapproved in the state of Missouri, and the recommended

23 fine is \$2,500.

24 CHAIRMAN HATCHES: We've had this kind of

25 case before I'm sure. Right?

0036

1 MR. GREWACH: Well, we've had shipping of
2 unapproved software. I guess this one is a little
3 unique in that it was in connection with the opening of
4 a casino. I guess that is the one thing that would
5 differentiate that from the standard ones we look at.

6 More often the disciplines in these types of
7 cases are directed to suppliers who would ship a
8 purchased item to a casino with unapproved software.

9 CHAIRMAN HATCHES: So that's why the fine is
10 different than what we have done in the past?

11 MR. GREWACH: I would have to say yes.

12 CHAIRMAN HATCHES: Okay.

13 COMMISSIONER JONES: But we still get the
14 notification? I mean, they still send that notification
15 for unapproved software out in reasonable time, so if
16 you have it, to remove it?

17 MR. GREWACH: Correct. I think this is a
18 case where state by state we may have software that is
19 not approved but Indiana might. And I think that's what
20 happened here, is they had software approved in Indiana
21 but not here and they didn't -- they missed that. They
22 didn't check to see that that printer software was not
23 approved for use in Missouri.

24 COMMISSIONER JONES: Okay.

25 CHAIRMAN HATCHES: Other questions?

0037

1 Chair would entertain a motion.

2 COMMISSIONER BRADLEY: Motion to approve

3 DC-13-694.

4 COMMISSIONER JONES: Second.

5 CHAIRMAN HATCHES: Moved and seconded.

6 Any further discussion?

7 Angie, would you call the roll, please.

8 MS. FRANKS: Commissioner Howard.

9 COMMISSIONER HOWARD: Approve.

10 MS. FRANKS: Commissioner Jones.

11 COMMISSIONER JONES: Approve.

12 MS. FRANKS: Commissioner Bradley.

13 COMMISSIONER BRADLEY: Approve.

14 MS. FRANKS: Chairman Hatches.

15 CHAIRMAN HATCHES: Approve.

16 MS. FRANKS: By your vote you've adopted

17 DC-13-694.

18 MR. GREWACH: Under Tab K we have a

19 preliminary order of discipline directed to the Argosy

20 Riverside Casino.

21 This involves a 20-year-old patron entering

22 the casino. When he entered, the security officer did

23 not check his ID. The minor encountered five other

24 employees on the property who also did not check the

25 minor's ID. The minor was on the floor for 54 minutes,

0038

1 gambled but did not consume any alcohol, and the
2 recommended fine is \$5,000.

3 CHAIRMAN HATCHES: Any questions from the
4 Commissioners?

5 Chair would entertain a motion.

6 COMMISSIONER HOWARD: Move for the approval
7 of 13-695.

8 COMMISSIONER JONES: Second.

9 CHAIRMAN HATCHES: Moved and seconded.

10 Any further discussion?

11 Angie, would you call the roll, please.

12 MS. FRANKS: Commissioner Howard.

13 COMMISSIONER HOWARD: Approve.

14 MS. FRANKS: Commissioner Jones.

15 COMMISSIONER JONES: Approve.

16 MS. FRANKS: Commissioner Bradley.

17 COMMISSIONER BRADLEY: Approve.

18 MS. FRANKS: Chairman Hatches.

19 CHAIRMAN HATCHES: Approve.

20 MS. FRANKS: By your vote you've adopted
21 DC-13-695.

22 MR. GREWACH: Under Tab L it's a preliminary
23 order of discipline directed to Isle of Capri-
24 Cape Girardeau.

25 We have a rule that requires every employee

1 working on the boat to have a casino access badge, and
2 then the rule goes on to state that if an employee has
3 lost their casino access badge, that they have to be
4 issued a temporary casino badge and a log has to be kept
5 of those temporary badges that are entered.

6 That had been a violation on a prior
7 inspection. This happened shortly after the casino
8 opened. And that prior problem had occurred on
9 November 26th, 2012, in which the casino was issuing
10 vendor badges to -- or visitor badges to employees who
11 had lost their casino access badge.

12 So the trooper then went back to double-check
13 the situation on December the 2nd, 2012 and found in
14 reviewing the visitor log that in three separate
15 occasions employees had been issued visitor badges
16 instead of the temporary employee access badge and
17 obviously that no log was made of the issuance of the
18 temporary casino badge because none were issued.

19 On the prior event, on the November 26th
20 event, the fine was in the sum of \$15,000, so the DRB in
21 this case recommended a fine of \$20,000.

22 We did get a response to the 14-day letter.
23 In Isle's response it indicated that the problem was due
24 to equipment malfunctions and a delay in the supplier
25 delivering supplies.

0040

1 Now, contrary to that -- or inconsistent with
2 that, we had a statement from their chief of security on
3 the November 26th incident who indicated that when they
4 made their pre-opening timeline, that they had
5 inadvertently left off obtaining temporary casino access
6 badges from that timeline and that he would correct it,
7 and that's again the reason for the recheck then on
8 December the 2nd.

9 So it was the DRB's position after reviewing
10 the response to the 14-day letter that it is still a
11 recommendation that the fine be \$20,000.

12 CHAIRMAN HATCHES: Any questions?

13 Chair would entertain a motion.

14 COMMISSIONER JONES: Move for the approval of
15 DC-13-696.

16 COMMISSIONER BRADLEY: Second.

17 CHAIRMAN HATCHES: Moved and seconded.

18 Any further discussion?

19 I have a quick question.

20 MR. GREWACH: Sure.

21 CHAIRMAN HATCHES: So do we know whether or
22 not they've put processes in place so this does not
23 occur now a third time?

24 MR. GREWACH: It's my understanding that has
25 been corrected.

0041

1 CHAIRMAN HATCHES: Okay. Thank you.

2 Angie, would you call the roll, please.

3 MS. FRANKS: Commissioner Howard.

4 COMMISSIONER HOWARD: Approve.

5 MS. FRANKS: Commissioner Jones.

6 COMMISSIONER JONES: Approve.

7 MS. FRANKS: Commissioner Bradley.

8 COMMISSIONER BRADLEY: Approve.

9 MS. FRANKS: Chairman Hatches.

10 CHAIRMAN HATCHES: Approve.

11 MS. FRANKS: By your vote you've adopted

12 DC-13-696.

13 MR. GREWACH: Under Tab M we have a

14 preliminary order of discipline again directed to Argosy

15 Riverside.

16 There were 41 persons who had been added to
17 our disassociated person list and those persons were not
18 updated and added to the Argosy system. 33 of those
19 persons were mail promotional materials, 33 of those
20 DAPs, and 4 of them actually played at the casino, and
21 the recommendation is a \$5,000 fine.

22 CHAIRMAN HATCHES: The question is, is it a
23 violation to mail a DAP information?

24 MR. GREWACH: It is, yes. To mail any
25 promotional material to someone on the DAP list is a

0042

1 separate violation.

2 CHAIRMAN HATCHES: Okay.

3 Any questions?

4 Chair would entertain a motion.

5 COMMISSIONER BRADLEY: Motion to approve

6 DC-13-697.

7 COMMISSIONER JONES: Second.

8 CHAIRMAN HATCHES: Moved and seconded.

9 Any further discussion?

10 Angie, would you call the roll, please.

11 MS. FRANKS: Commissioner Howard.

12 COMMISSIONER HOWARD: Approve.

13 MS. FRANKS: Commissioner Jones.

14 COMMISSIONER JONES: Approve.

15 MS. FRANKS: Commissioner Bradley.

16 COMMISSIONER BRADLEY: Approve.

17 MS. FRANKS: Chairman Hatches.

18 CHAIRMAN HATCHES: Approve.

19 MS. FRANKS: By your vote you've adopted

20 DC-13-697.

21 MR. GREWACH: Under Tab N we have a

22 preliminary order of discipline directed to Ameristar

23 Casino Kansas City.

24 On December the 8th, 2012 a 19-year-old male

25 patron was served a beer by a bartender and by a

0043

1 waitress at a banquet there on the property. The
2 bartender did not ask for an ID and served the beer to
3 the 19-year-old patron. The waitress asked for an ID.
4 The 19-year-old indicated that he did not have one and
5 the waitress served the beer anyway. The recommendation
6 is a \$5,000 fine.

7 CHAIRMAN HATCHES: I have just a process
8 question. I don't know whether someone here can answer
9 this.

10 In this case where an employee served the
11 beer -- the first beer to the underage minor and then
12 the second person actually -- or second or third person,
13 whatever number, actually asked for an ID, checked him
14 and found out that they were a minor, is there something
15 that happens to the first and the second person who
16 talked to them or served them beers and didn't do
17 anything?

18 MR. GREWACH: The first person who didn't
19 check would be subject to then a discipline, some
20 suspension term, typically one or two days --

21 CHAIRMAN HATCHES: Okay.

22 MR. GREWACH: -- but the person who checked
23 would not because they're doing their job properly.

24 CHAIRMAN HATCHES: Okay.

25 Any other questions?

0044

1 Chair would entertain a motion.

2 COMMISSIONER HOWARD: Move for approval of

3 DC-13-698.

4 COMMISSIONER BRADLEY: Second.

5 CHAIRMAN HATCHES: Moved and seconded.

6 Any further discussion?

7 Angie, would you call the roll, please.

8 MS. FRANKS: Commissioner Howard.

9 COMMISSIONER HOWARD: Approve.

10 MS. FRANKS: Commissioner Jones.

11 COMMISSIONER JONES: Approve.

12 MS. FRANKS: Commissioner Bradley.

13 COMMISSIONER BRADLEY: Approve.

14 MS. FRANKS: Chairman Hatches.

15 CHAIRMAN HATCHES: Approve.

16 MS. FRANKS: By your vote you've adopted

17 DC-13-698.

18 MR. GREWACH: Under Tab O we have a

19 preliminary order of discipline directed to Isle of

20 Capri-Kansas City.

21 We received a patron complaint on

22 December 13th of 2012 that the patron was missing points

23 from their account.

24 Our investigation revealed that there were

25 seven fraudulent transactions that had been processed by

0045

1 three different cashiers, each of whom failed to check
2 the ID of the person who was using the card to redeem
3 their points.

4 What happened in this case is the patron had
5 lost the card, applied for a replacement. The person
6 then who was not the patron took the card, went to three
7 different cashiers and was able to cash them because of
8 those cashiers' failures to check the IDs.

9 We did get a response from Isle on the
10 14-day letter. The response was that they trained their
11 cashiers to check IDs, that in response to this they've
12 added this as one of the reminders to their pre-shift
13 meeting checklist that they go over.

14 They also claim that they have over
15 100,000 transactions a year, so when you look at these
16 three errors in connection with that, that they thought
17 the fine was too high, but the staff's position was to
18 still recommend a \$10,000 fine for the violation due to
19 the fact that it occurred over -- it wasn't just one
20 cashier's mistake. It was three separate cashiers,
21 which does -- in spite of their response to the 14-day
22 letter indicated absence of adequate -- or effective
23 training of those cashiers.

24 CHAIRMAN HATCHES: Questions from the
25 Commissioners?

0046

1 Chair would entertain a motion.

2 COMMISSIONER HOWARD: Move for the approval
3 of DC-13-699.

4 COMMISSIONER JONES: Second.

5 CHAIRMAN HATCHES: Moved and seconded.

6 Any further discussion?

7 Angie, would you call the roll, please.

8 MS. FRANKS: Commissioner Howard.

9 COMMISSIONER HOWARD: Approve.

10 MS. FRANKS: Commissioner Jones.

11 COMMISSIONER JONES: Approve.

12 MS. FRANKS: Commissioner Bradley.

13 COMMISSIONER BRADLEY: Approve.

14 MS. FRANKS: Chairman Hatches.

15 CHAIRMAN HATCHES: Approve.

16 MS. FRANKS: By your vote you've adopted
17 DC-13-699.

18 MR. GREWACH: Under Tab P we have a
19 preliminary order of discipline directed to Isle of
20 Capri-Kansas City.

21 We have a rule that requires that decks of
22 cards shall be collected by security at the end of each
23 gaming day and inspected by security within 48 hours of
24 being removed from play.

25 An audit discovered that on various dates

0047

1 between June the 20th and September the 4th five decks
2 of cards had been delivered to surveillance due to
3 either some sign of suspicious play that was noticed by
4 surveillance or an unusually high jackpot, and those
5 decks had not been delivered back to security by the end
6 of the gaming day and obviously by extension had not
7 been inspected by security within 48 hours of them being
8 taken out of play.

9 Isle responded to the 14-day letter,
10 indicated that they had no knowledge of the problem
11 until the audit exit was conducted, indicated that they
12 have implemented a remedy, e-mailing reminders to
13 surveillance to turn cards over to security by the end
14 of the gaming day if they are, in fact, delivered to
15 security due to one of these circumstances arising.

16 The recommendation of DRB is a \$5,000 fine.

17 CHAIRMAN HATCHES: Any questions?

18 Chair would entertain a motion.

19 COMMISSIONER BRADLEY: Motion to approve

20 DC-13-700.

21 COMMISSIONER HOWARD: Second.

22 CHAIRMAN HATCHES: Moved and seconded.

23 Any further discussion?

24 Angie, would you call the roll, please.

25 MS. FRANKS: Commissioner Howard.

0048

1 COMMISSIONER HOWARD: Approve.

2 MS. FRANKS: Commissioner Jones.

3 COMMISSIONER JONES: Approve.

4 MS. FRANKS: Commissioner Bradley.

5 COMMISSIONER BRADLEY: Approve.

6 MS. FRANKS: Chairman Hatches.

7 CHAIRMAN HATCHES: Approve.

8 MS. FRANKS: By your vote you've adopted

9 DC-13-700.

10 MR. GREWACH: Under Tab Q we have a

11 preliminary order of discipline directed to Ameristar

12 Casino in St. Charles.

13 This involves a 20-year-old minor entering
14 the casino using his 34-year-old brother's ID on two
15 different dates, on January the 12th and 16th of 2013.

16 Three different security officers checked the
17 ID and failed to see the difference between the two.
18 Four other employees encountered the minor and did not
19 check his ID.

20 Between the two days he was on the gaming
21 floor for a total of two and a half hours. He did
22 gamble and consume three beers, and the recommendation
23 is a \$5,000 fine.

24 CHAIRMAN HATCHES: Any questions?

25 Chair would entertain a motion.

0049

1 COMMISSIONER JONES: Move for the acceptance
2 of DC-13-701.

3 COMMISSIONER HOWARD: Second.

4 CHAIRMAN HATCHES: Moved and seconded.

5 Any further discussion?

6 Angie, would you call the roll, please.

7 MS. FRANKS: Commissioner Howard.

8 COMMISSIONER HOWARD: Approve.

9 MS. FRANKS: Commissioner Jones.

10 COMMISSIONER JONES: Approve.

11 MS. FRANKS: Commissioner Bradley.

12 COMMISSIONER BRADLEY: Approve.

13 MS. FRANKS: Chairman Hatches.

14 CHAIRMAN HATCHES: Approve.

15 MS. FRANKS: By your vote you've adopted
16 DC-13-701.

17 MR. GREWACH: Tab R is a preliminary order of
18 discipline directed to Penn National Gaming.

19 During the transition in the opening of the
20 Hollywood Maryland Heights Casino, Penn allowed
21 Aristocrat Technology remote access to their slot
22 accounting system at the property.

23 The rule requires that once the purpose for
24 that access, in this case the opening, has taken place,
25 the rule requires that that accessory -- remote access

0050

1 be disabled, but Penn failed to disable the access at
2 that point in time.

3 So during that time period from the opening
4 until the time this was discovered on January 28th, 2013
5 Aristocrat Technologies had remote access to the
6 Hollywood Maryland Heights system, slot accounting
7 system.

8 The local property didn't know that this
9 access was taking place because it didn't go through
10 them. It went through the corporate entity to them.

11 Because the rule also requires that for
12 anyone to have remote access to a slot accounting system
13 there has to be an authentication and permission granted
14 from the local property, so that we know and they know
15 who does have that remote access, and also for whatever
16 purpose it is, if it's for diagnostic or upgrades or
17 whatever the reason is, it again has to be discontinued
18 as soon as the purpose for the access has been
19 completed.

20 So that is why the fine is directed to Penn
21 National and the recommended fine is for \$5,000.

22 CHAIRMAN HATCHES: Any questions from the
23 Commissioners?

24 Chair will entertain a motion.

25 COMMISSIONER BRADLEY: Motion to approve

0051

1 DC-13-702.

2 COMMISSIONER JONES: Second.

3 CHAIRMAN HATCHES: Moved and seconded.

4 Any further discussion?

5 Angie, would you call the roll, please.

6 MS. FRANKS: Commissioner Howard.

7 COMMISSIONER HOWARD: Approve.

8 MS. FRANKS: Commissioner Jones.

9 COMMISSIONER JONES: Approve.

10 MS. FRANKS: Commissioner Bradley.

11 COMMISSIONER BRADLEY: Approve.

12 MS. FRANKS: Chairman Hatches.

13 CHAIRMAN HATCHES: Approve.

14 MS. FRANKS: By your vote you've adopted

15 DC-13-702.

16 MR. GREWACH: Tab S is a preliminary order of
17 discipline directed to Aristocrat Technologies.

18 On January the 28th we discovered that there
19 were four pieces of unapproved software in electronic
20 gaming devices that had been shipped by Aristocrat to
21 Lumiere and River City.

22 The recommended fine in this particular case
23 is \$20,000. They've had priors. This is the sixth case
24 since 2009 for this particular shipping of unapproved
25 software. Their most recent violation occurred on May

0052

1 the 4th, 2012 and the fine for that case was \$15,000,
2 which is the reason for the DRB's recommendation of a
3 \$20,000 fine in this case.

4 CHAIRMAN HATCHES: So we're going to continue
5 to go up on the fine every time there is a violation or
6 are we going to do something differently to stop this?

7 MR. GREWACH: Well, really I would anticipate
8 that the fines would increase, although, again, I can't
9 speak for the whole DRB, whatever the voting members of
10 the DRB would recommend, but certainly that's what I
11 would anticipate, and the obvious purpose of the fine is
12 to ensure compliance, be a deterrent from noncompliance,
13 put it another way. And so whatever the deterrent needs
14 to be, then I think that's the number for a fine we'll
15 be looking for in the future.

16 CHAIRMAN HATCHES: Okay. I think that
17 answers my question.

18 MR. GREWACH: As clear as a lawyer --

19 CHAIRMAN HATCHES: Now I can --

20 COMMISSIONER HOWARD: Whatever that number
21 is, apparently we're not there yet.

22 MR. GREWACH: I guess we'll find out if this
23 is the magic number or not. I don't know. Fifteen was
24 not.

25 COMMISSIONER HOWARD: Yes.

0053

1 CHAIRMAN HATCHES: Any other questions?

2 Chair would entertain a motion.

3 COMMISSIONER HOWARD: Move for the approval
4 of DC-13-703.

5 COMMISSIONER JONES: Second.

6 CHAIRMAN HATCHES: Moved and seconded.

7 Any further discussion?

8 Angie, would you call the roll, please.

9 MS. FRANKS: Commissioner Howard.

10 COMMISSIONER HOWARD: Approve.

11 MS. FRANKS: Commissioner Jones.

12 COMMISSIONER JONES: Approve.

13 MS. FRANKS: Commissioner Bradley.

14 COMMISSIONER BRADLEY: Approve.

15 MS. FRANKS: Chairman Hatches.

16 CHAIRMAN HATCHES: Approve.

17 MS. FRANKS: By your vote you've approved
18 DC-13-703.

19 MR. GREWACH: Tab T is a preliminary order of
20 discipline directed to Lumiere Place Casino.

21 It combines five separate incidents where
22 patrons entered through the exit turnstile. Those dates
23 you'll see are February 9th, March 2nd, 15th, 16th and
24 17th.

25 The one thing that was a common thread

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1 through all five of those cases is that the security
2 guard was assigned other duties which tended to distract
3 them from their assigned duty of monitoring the exit
4 turnstile to make sure nobody went in through the exit
5 turnstiles.

6 For example, in one case that you'll see
7 there set out the security officer was instructed that
8 if there was a line at the two turnstiles, that he
9 should, even though his duty was to monitor the exit
10 turnstile, open a third entry turnstile and was told to
11 monitor both, you know, and similar things in both -- in
12 all five cases.

13 So combining the five cases, the DRB's
14 recommendation is a fine of \$15,000.

15 CHAIRMAN HATCHES: Any questions?

16 Chair would entertain a motion.

17 COMMISSIONER BRADLEY: Motion to approve
18 DC-13-704.

19 COMMISSIONER JONES: Second.

20 CHAIRMAN HATCHES: Moved and seconded.

21 Any further discussion?

22 Angie, would you call the roll, please.

23 MS. FRANKS: Commissioner Howard.

24 COMMISSIONER HOWARD: Approve.

25 MS. FRANKS: Commissioner Jones.

0055

1 COMMISSIONER JONES: Approve.

2 MS. FRANKS: Commissioner Bradley.

3 COMMISSIONER BRADLEY: Approve.

4 MS. FRANKS: Chairman Hatches.

5 CHAIRMAN HATCHES: Approve.

6 MS. FRANKS: By your vote you've adopted

7 DC-13-704.

8 MR. GREWACH: Thank you.

9 CHAIRMAN HATCHES: Thank you.

10 EXECUTIVE DIRECTOR STOTTLEMYRE:

11 Mr. Chairman, the next item on the agenda is

12 Consideration of Licensure of Level I and Key

13 Applicants.

14 Lieutenant Mark Bielawski will present.

15 LIEUTENANT BIELAWSKI: Mr. Chairman and

16 Commissioners, Missouri State Highway Patrol

17 investigators, along with the Gaming Commission

18 financial investigators, conducted comprehensive

19 background investigations on multiple key and Level I

20 applicants.

21 The investigations included, but were not

22 limited to, criminal, financial and general character

23 inquiries which were made in the jurisdictions where the

24 applicants lived, worked and frequented.

25 The following individuals are being presented

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1 for your consideration: Gregory G. Personelli,
2 Vice-President of Casino Operations, Argosy Riverside
3 Casino; Lucretia Martin, Group Manager, BMM North
4 America, Incorporated; Francis M. Mendoza, Technical
5 Project Manager, BMM North America, Incorporated;
6 Peter J. Nikiper, Director of Technical Compliance,
7 BMM North America, Incorporated; Constantine R. Tisbe,
8 Group Manager, BMM North America, Incorporated; James M.
9 Langin, Director of Hospitality and Security, Isle of
10 Capri-Kansas City, Incorporated; Victor R. Scott, II,
11 Director of Government Relations, Pinnacle
12 Entertainment, Incorporated; and Gerald J. Ford,
13 Independent Director, Scientific Games Corporation.

14 The results of these investigations were
15 provided to the Gaming Commission staff for their review
16 and you have all related summary reports before you.

17 EXECUTIVE DIRECTOR STOTTLEMYRE:

18 Mr. Chairman, staff recommends approval of Resolution
19 No. 13-112.

20 CHAIRMAN HATCHES: Any questions from the
21 Commissioners?

22 Chair would entertain a motion.

23 COMMISSIONER JONES: Motion to approve
24 Resolution No. 13-112.

25 COMMISSIONER BRADLEY: Second.

0057

1 CHAIRMAN HATCHES: Moved and seconded.

2 Any further discussion?

3 Angie, would you call the roll, please.

4 MS. FRANKS: Commissioner Howard.

5 COMMISSIONER HOWARD: Approve.

6 MS. FRANKS: Commissioner Jones.

7 COMMISSIONER JONES: Approve.

8 MS. FRANKS: Commissioner Bradley.

9 COMMISSIONER BRADLEY: Approve.

10 MS. FRANKS: Chairman Hatches.

11 CHAIRMAN HATCHES: Approve.

12 MS. FRANKS: By your vote you've adopted

13 Resolution No. 13-112.

14 EXECUTIVE DIRECTOR STOTTLEMYRE:

15 Mr. Chairman, the next item on the agenda is

16 Consideration of Licensure of Suppliers, and Sergeant

17 Tan Davenport will present.

18 SERGEANT DAVENPORT: Mr. Chairman and

19 Commissioners, the applicant set for your consideration

20 today is Global Cash Access, Incorporated, hereafter

21 Global.

22 Global formerly held a Missouri key business

23 entity license as the parent company to Western Money

24 Systems. In July 2012 Global notified the MGC of their

25 intent to dissolve Western Money Systems effective

0058

1 January 1, 2013.

2 On that date the MGC issued Global a
3 temporary supplier license, allowing them to continue
4 operations until a suitability investigation could be
5 completed.

6 On February 15, 2013 Global submitted an
7 application for a supplier license, and upon receipt a
8 suitability investigation was initiated by the Missouri
9 State Highway Patrol's Gaming Division and Missouri
10 Gaming Commission financial investigators.

11 Highway Patrol investigators conducted civil
12 and criminal background checks on Global and its
13 associated key personnel. A financial analysis of the
14 company was conducted by MGC financial investigators.
15 No discrepancies or concerns have been noted.

16 The results of our investigation were
17 provided to the Gaming Commission staff for their review
18 and specific details related to those findings are
19 contained within the comprehensive summary report in
20 your possession.

21 Thank you.

22 CHAIRMAN HATCHES: Thank you.

23 Any questions?

24 EXECUTIVE DIRECTOR STOTTLEMYRE:

25 Mr. Chairman, staff recommends approval of Resolution

0059

1 No. 13-113.

2 CHAIRMAN HATCHES: Chair will entertain a
3 motion.

4 COMMISSIONER JONES: Motion to approve
5 Resolution No. 13-113.

6 COMMISSIONER BRADLEY: Second that motion.

7 CHAIRMAN HATCHES: Moved and seconded.

8 Any further discussion?

9 Angie, would you call the roll, please.

10 MS. FRANKS: Commissioner Howard.

11 COMMISSIONER HOWARD: Approve.

12 MS. FRANKS: Commissioner Jones.

13 COMMISSIONER JONES: Approve.

14 MS. FRANKS: Commissioner Bradley.

15 COMMISSIONER BRADLEY: Approve.

16 MS. FRANKS: Chairman Hatches.

17 CHAIRMAN HATCHES: Approve.

18 MS. FRANKS: By your vote you have adopted
19 Resolution No. 13-113.

20 EXECUTIVE DIRECTOR STOTTLEMYRE:

21 Mr. Chairman, the next item on the agenda is
22 Consideration of Rules and Regulations, and
23 Mr. Ed Grewach will present.

24 CHAIRMAN HATCHES: If you need to take a
25 break somewhere in here, we're okay.

0060

1 MR. GREWACH: This may take a little while.

2 CHAIRMAN HATCHES: That's why I thought I'd
3 give you a way out.

4 MR. GREWACH: It's completely up to the
5 Commission. I can continue or take a break, either,
6 whatever.

7 CHAIRMAN HATCHES: I'd like to continue now,
8 but if you need to take a break. You probably rehearsed
9 it, so you don't -- you probably have got the speed
10 down. Right?

11 MR. GREWACH: I got three minutes in between
12 my last set of items and these, so I think I'm good.

13 COMMISSIONER HOWARD: Because we're expecting
14 a thorough and detailed analysis of all 18 of these
15 proposed regulatory changes.

16 MR. GREWACH: And I would continue to expect
17 that.

18 No. 1 is a change to 4.010 -- give me a
19 second, Mr. Chairman.

20 CHAIRMAN HATCHES: Are you sure you don't
21 need that break?

22 MR. GREWACH: I'm pretty sure.

23 COMMISSIONER HOWARD: We're off to a great
24 start.

25 MR. GREWACH: We certainly are.

0061

1 CHAIRMAN HATCHES: I tried.

2 MR. GREWACH: I thank you for that.

3 COMMISSIONER HOWARD: Types of licenses.

4 Here is your first prompt.

5 MR. GREWACH: I tried to go to Tab 11 but it
6 took me to the wrong spot.

7 COMMISSIONER HOWARD: You may notice -- for
8 those of you out here, we're not having a good tech day.
9 Some of you may have noticed we're -- I don't -- we had
10 a little freeze here. I'm having some blank screens.

11 So in case you're wondering up here, we're
12 not having -- it's the joy of our paper-free agenda
13 materials. It's wonderful when it works and not as
14 wonderful when things are not working smoothly.

15 CHAIRMAN HATCHES: Did that give you enough
16 time?

17 MR. GREWACH: I'm still working on my
18 technical problem here.

19 COMMISSIONER HOWARD: When all else fails,
20 someone printed out the agenda material.

21 MR. GREWACH: Thank you.

22 4.010 was to list the types of licenses to
23 clarify a few things. The primary one you'll see there
24 is we had from the start -- we have key business
25 entities, which, of course, are substantial owners of

0062

1 the entities and then key persons. So you can obviously
2 have key persons of an entity, of our licensees, or you
3 can have key persons of a key business entity.

4 But we before had just one term for both of
5 those sets of licensees, a key person business entity,
6 and that created some confusion from time to time. So
7 one thing we're doing in this rule change is to separate
8 that out just so it's clear to everybody.

9 There is two different things we're looking
10 at here. One is a key business entity and then one is a
11 key person.

12 Now, as we go through the rule changes,
13 you'll see that a lot of the rule changes from here --
14 you know, once you make a change like that, that term
15 appears in a lot of different rules.

16 So although these 18 rule changes may look a
17 little daunting at the beginning, several of those are
18 just to go back in and we search for that term, clean up
19 that language and make the language consistent
20 throughout the rules.

21 And with Chairman's permission I'll just go
22 through all of them and entertain any questions at any
23 time as we go.

24 CHAIRMAN HATCHES: Okay.

25 MR. GREWACH: 4.020, again it clarifies and

0063

1 makes that language consistent as to the key person. In
2 paragraph 4 you'll see that we changed the definition of
3 who should be a Level I.

4 Now, the reason we went to this is because
5 different properties will use different names for
6 someone. It could be a director or, you know, like a
7 tape -- a surveillance director. It could be a
8 surveillance chief. It could be, you know, a security
9 chief, security director, security manager.

10 So to get around that confusion when we came
11 to look at who should and shouldn't be a Level I, we
12 just went to, okay, who is the highest ranking person in
13 your organizational chart in the table games department.
14 They have to be a Level I.

15 So that person at the top of all those key
16 departments, we then isolated and clarified that those
17 persons -- you'll see the highest ranking finance
18 department employee. Now, some people call them a
19 controller. Some people call them finance directors.
20 So we just wanted to get around all that confusion by
21 that change.

22 Now, what paragraph 5 says is that, you know,
23 we want at a minimum these persons to be Level I's who
24 are employees of the Class B and who are on site. So we
25 want -- for these six positions, you know, we want every

0064

1 organization to have that.

2 Because if you go back to four, we're just
3 saying, well, if you have that person, they have to be a
4 Level I, but we're saying at a very minimum here in five
5 that these are the persons that you need.

6 Now, we go on to say that if one of those six
7 person's job was terminated or they leave, then they
8 need to immediately appoint an interim person to take
9 that position and then they have to make a permanent
10 replacement of that position within 180 days, so we
11 don't lose track of, okay, we've lost our finance
12 department manager and, you know, so now we have a
13 timetable. We can calendar it.

14 Well, you need to place that person, find you
15 can fill it with the interim for that 188-day time
16 period, but it gives us some way to keep track of that.

17 You'll see a fiscal note attached to this.
18 In our review it appeared that there was just one
19 property that would need to apply for a Level I license
20 for one of its employees who currently was not a
21 Level I. So that's the way the calculation of the
22 fiscal note was done.

23 No. 3 -- actually, when you look at 3, 4, 5
24 and 6, which are the changes to 4.030, 4.055, 4.190 and
25 4.200, were all just to change that key person, key

0065

1 business entity language, to again keep that language
2 consistent throughout all those sections.

3 Item 7, 4.205, also does that but in addition
4 deletes reference to affiliate supplier, because we
5 don't have any affiliate supplier. That was a term that
6 from the start was in our regulations. We never had
7 one, never had any reason for one. You're either a
8 supplier or you're not and that's just -- so we have
9 taken that reference to affiliate supplier out
10 throughout the course of the Section 4, Chapter 4.

11 Item 8 is a change to Section 4.260. Now,
12 you'll see in paragraph 1 that we require any person
13 that is an occupational licensee to be a current
14 employee of a Class A or Class B or supplier.

15 Now, you'll see in 4.380, when we look at
16 that, that we had carved out an exception for Level I
17 employees in the existing rules to let them keep their
18 license and reapply one time after they lost their job.

19 But in spite of the language on 4.260 they
20 developed a system where people were keeping their
21 license after their jobs had been terminated at the
22 boats or the properties that they worked for.

23 And, first of all, we're going to make these
24 changes to clarify and make it consistent. We're only
25 going to license people who are employed in the casino

0066

1 industry. There didn't seem to be any logic to us to
2 keep people licensed and have them carrying around a
3 gaming license when they weren't working in the gaming
4 industry.

5 And there are a lot of practical effects,
6 too, that I really won't go into detail now but just,
7 you know, the fact that someone is carrying around a
8 gaming license and just created lot of practical
9 problems in the licensing system that we all as a
10 consensus thought this change was really good to keep
11 that intact.

12 The other practical effect is -- and you've
13 probably seen that from meeting to meeting, you know.
14 Often what will happen is there will be an event that
15 will occur.

16 We'll generate a gaming report to initiate
17 the disciplinary action. We'll do a preliminary order
18 of discipline. The person will get it and they'll ask
19 for a hearing. And it may be a one or a two-day
20 suspension. Then after some review the property
21 terminates them.

22 Well, then they don't show up for the
23 hearing. And this is a significant percentage of the
24 hearings that we have is that people just don't show up
25 because -- and it's logical. Why do they care? They're

0067

1 not even working there anymore. Why do they care about
2 a one or two-day suspension?

3 But we have an attorney and we have a hearing
4 officer and we have a court reporter and we have to make
5 a record of the fact that they didn't show up and we
6 have to come back and put it on the agenda and make an
7 agenda item and we have to pass a resolution and we have
8 to do all of that for people who aren't -- don't care
9 anymore. They don't want a hearing because they're no
10 longer in that setting, no longer working in the
11 industry.

12 So when you look at paragraph 6, which is
13 new, we looked at how other states address this problem.
14 And several other states, you know, have different
15 systems of dealing with this, where it's a condition of
16 your license that you remain employed and if you don't,
17 your license ends after a certain time period.

18 This paragraph 6 was modeled after Indiana's
19 regulation, which in comparing them to everyone else's
20 we liked, and it sets up a situation where if you're an
21 occupational licensee and you lose your job, then at
22 that point in time you keep your license for 60 days.

23 Now, that 60 days is a number that we looked
24 at other states, some are shorter, some are longer, but,
25 you know, just a date that everybody was comfortable

0068

1 with and certainly could be changed. I mean, there is
2 nothing magical about the 60-day number, but it's a
3 date.

4 Because if someone gets laid off at one
5 casino and then three weeks later gets a job at another,
6 it's not only a burden to that Level II to then have to
7 reapply. It's a burden to us to have to do the entire
8 licensing process. And that happens sometimes.

9 And sometimes they just are voluntarily
10 switching properties but there is a gap in between. So
11 they'll say, I'm going to leave you and I'm going to
12 give you my two-weeks notice but maybe there is another
13 two weeks before my job starts at this casino. So we
14 wanted to make sure that we carved that out of any kind
15 of problem.

16 But the effect of it will be is that if you
17 lose your job at one casino and then the 61st day rolls
18 around and you haven't found another job, your license
19 ends as of that date, and if you find another job, you
20 can just reapply and then the whole process starts over
21 again.

22 CHAIRMAN HATCHES: But you did say there is
23 nothing magic about the 60 days?

24 MR. GREWACH: No. As a matter of fact, there
25 was some discussion internally about should it be

0069

1 shorter, should it be longer. Other states -- I can
2 tell you what some other states do. Illinois is
3 immediate. Mississippi is 90 days. So somewhere
4 between 60 and 90 days we came up with 60.

5 But for all these rules -- and I probably
6 should have said that at the outset. Since these are
7 all proposed rules there will be a written comment
8 period that will begin on January the 15th of 2014, and
9 that brief written comment period will extend through
10 February 14th, 2014.

11 We will then have a public hearing on
12 February 19th, 2014 and then it will come back as a
13 final order to the Commission at some date.

14 Now, as comments come in, as we always do,
15 we'll incorporate those into the final order and there
16 certainly will be an opportunity for the Commission then
17 to look at it and make whatever changes it wants to,
18 whether it's the 60 days to some other number or
19 whatever changes that are necessary or deemed desirable
20 by the Commission at that point.

21 CHAIRMAN HATCHES: Thank you.

22 MR. GREWACH: The projected effective date of
23 all these rule changes, if they go through the entire
24 course, is July the 30th of 2014.

25 CHAIRMAN HATCHES: Thank you.

1 MR. GREWACH: Item 9 -- well, let me mention,
2 too, though, you'll see the fiscal note that is attached
3 to Item 8, 4.260.

4 We looked at this historically and we said,
5 okay, if this rule was in place today, how many -- how
6 often does this happen, that a person loses his job at
7 one casino and within 60 days finds -- or I mean outside
8 of 60 days finds another, you know, and this new rule
9 would kick in where they'd have to reapply.

10 And we found last year there was just 63 out
11 of 9,300, you know, Level II occupational licensees that
12 that applied to. So you're talking about a very small
13 number of circumstances where this change is going to
14 take effect as far as it being a burden on the licensee
15 to come back in and reapply.

16 But the benefit is going to be that once a
17 person's 61st day comes they're no longer going to be a
18 licensee of ours floating around there carrying a badge,
19 having hearings pending, you know, without really being
20 employed in the industry. So I wanted to touch back on
21 how that fiscal note was calculated.

22 Paragraph 9 is again clarifying the key
23 person, key business entity, but we also took out -- as
24 I indicated before, in the old rule, in the old system,
25 we had this one-time shot for a Level I employee to keep

0071

1 their license even after they lost their job and could
2 renew it one more time.

3 We've taken that out -- and that's in
4 paragraph 3, you'll see there in 4.380 -- to keep it all
5 consistent. So we're going to be consistent with all of
6 the occupational licensees, whether they be Level I or
7 Level IIs.

8 Now, the other aspect of this, again, when
9 you make a change like this, you have to go through and
10 make sure that we cover all of the scenarios, and 4.390,
11 which is Item 10 on your list, deals with what happens
12 if the person comes up for renewal and is not employed.

13 There arose out of this, even though the
14 regulations didn't provide for it, a self-pay option for
15 licensees, that even if they weren't employed, they
16 could just go ahead and renew their license.

17 I mean, as we looked at it we thought, well,
18 that's really not very logical. I mean, we wouldn't let
19 somebody just come in and apply for a gaming license.
20 If I don't have a job or I'm not -- I haven't been
21 offered a job but I'd just like to have a gaming
22 license, so maybe it would make me more employable or
23 look better on my resume, whatever. You know, we only
24 license people that are employed.

25 So this gets into a situation, okay, now

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1 you've lost your job and you've come up for renewal,
2 then this change says you can't get renewed. I mean,
3 you have to be an employee of an A, B or supplier to
4 renew your occupational license.

5 COMMISSIONER JONES: Ed, do we have a lot of
6 folks doing that? I didn't know that was a rule out
7 there but evidently it was. So did we have a lot of
8 people doing that?

9 MR. GREWACH: Not a lot. And that is
10 probably going to bounce next to the fiscal note.

11 You can see from the three fiscal years
12 cited, because the renewal fee is \$50 a year, and it's
13 gone down over those three-year time periods, so less
14 than 100 people out of the 9,300 occupational licensees
15 are in that self-pay status.

16 So it doesn't affect a large group of people
17 but it does stop us from doing something that is outside
18 the rule. I mean, it's something -- there wasn't
19 anything about self-pay other than the reference in 380
20 to a Level I being able to renew once, but there wasn't
21 anything that authorized the self-pay status on a
22 Level II. So this does away with that.

23 So now this fiscal note is talking about,
24 well, what were the fees that came in from these now --
25 \$4,900 let's say in the last fiscal year from those

1 90 some odd people that were self-pay that would have
2 paid \$50. Now, next year they won't be able to pay the
3 \$50. We won't get the \$50. And that is how that fiscal
4 note is calculated.

5 Now, the change in No. 11 to 4.400. There
6 was some definitions that we found as we reviewed the
7 chapter that were duplicates. They appeared in multiple
8 sections. This is one of them.

9 This is covered in one of the earlier
10 sections that we've looked at this morning. So we're
11 just deleting this rule, 4.400, as being a duplicate of
12 another rule and, therefore, unnecessary.

13 Now, the item on paragraph 12, Item 12 on
14 this list, 4.410, deals with this issue of casino access
15 badges. And this again is to be consistent with 4.260,
16 that people, you know, really are licensed to be
17 employed on a particular property and the -- so to get
18 on to a property to work the person needs both things.

19 They need to have their license, their
20 occupational license, and they need to have a casino
21 access badge, because obviously someone who works at
22 Harrah's, you know, can't work at Ameristar. I mean,
23 they have to be an employee of the property in which
24 they're working on.

25 So that's one thing we clarify in here, that

0074

1 those people who get the casino access badges have to be
2 employees of the boat that they get the casino access
3 badges from.

4 And there has been some confusion arising out
5 of that, although we thought that when you looked at
6 everything, 260 and 380, it was very clear that, you
7 know, the intent was from the start that people would
8 just work on the boat in which they were employed at.

9 And if you look at the history of the whole
10 rules, too, as you go through it, you know, when we
11 started, we didn't have two classes of licensees. There
12 was just a Class A, which was the boat.

13 So every boat was its own licensee. Every
14 boat was intended to be this self-sustaining, and
15 everybody that worked on a day-to-day basis at that
16 boat, you know, would be employed by that boat.

17 Then we split and made this Class A a
18 corporate entity, which is for systemwide, you know,
19 functions. And that's what the Class A employee should
20 be doing, and everyone who works day to day on this boat
21 should be a Class B employee.

22 So this is really to clarify and to get us
23 back into a situation where that is really going to be
24 the case.

25 Now, we did carve out, as you'll see later on

0075

1 in that, some people -- there seems be most -- not all
2 of the general managers are Class A employees.

3 So we said, okay. General managers can get
4 casino access badges. Key persons can get casino access
5 badges. And that would be maybe the CEO of the -- even
6 the corporate entity. I mean, all key persons, we're
7 not trying to keep them out, because someone in that
8 position would want to have access to every one of the
9 boats that was in his organization.

10 And then third is internal auditors, because
11 internal auditors are always corporate employees and
12 they do have functions they perform at the boat, if not
13 on a daily, on a very regular basis.

14 So we've carved out those three exceptions,
15 and we said everybody else that's an employee at the
16 corporate level must obtain a visitor badge while
17 they're performing the functions.

18 So they may be coming there for one meeting,
19 one event, one whatever, but they need to sign in, get a
20 visitor badge and be in a visitor log.

21 So that gets back to this concept that each
22 boat is self-sustaining, everybody there works for the
23 boat and we're only going to license people that are
24 employed by a boat, an A, B or supplier, and this is all
25 from the staff's review consistent with that concept.

1 Item No. 13 is again clarifying language, key
2 person and key business entity.

3 Paragraph 14 in the proposed Rule 7.170 is a
4 new rule. That's why you don't see any italics or
5 highlighted. This is a new rule.

6 The regulations regarding access to a secured
7 area were previously in Chapter 4 in 4.020, and they
8 seemed to us to be more logically placed in Chapter 7
9 which deals with security and surveillance.

10 And one change from that, in addition to
11 moving it, was that if a vendor is going to be on the
12 property and not in a secured area and he needs regular
13 access, he doesn't have to be escorted the entire time
14 on the property.

15 So it may be a vendor who is working on an
16 ATM or a soda machine or, you know, whatever the case
17 may be, an electrician coming in to do some work, you
18 know, it seemed to be not necessary from our point of
19 view to have him escorted the whole time, you know,
20 unless he was in a secured area. Now, if he's in a
21 secured area, he has to be escorted. Other than that it
22 didn't seem to be necessary to have that done.

23 We also -- you'll see the change that the --
24 when -- the exception in paragraph 2, where visitors or
25 vendors or other personnel need access to the management

0077

1 information system secured areas can be escorted by MIS
2 personnel instead of an area supervisor, security.
3 Again, it seemed less of a burden to the boat. In
4 addition, the MIS personnel would really know more about
5 what these people are looking at, why they're there, how
6 long they have to be there, what their functions are.

7 So those were the -- in addition to moving it
8 from 4 to 7 to make it flow a little more logically,
9 those are the main changes you'll see in that rule.

10 Item 15 is a change in Chapter M, which is
11 surveillance.

12 Now, one thing we did, you'll see in 1.02,
13 that the only language in 1.02 indicated that the
14 surveillance department would be part of the Class A's
15 organizational structure. There really is in practical
16 matter and reality not, so we deleted that and just made
17 it clear that they had to report to a level above the
18 general manager.

19 The reason for that is we want to keep the
20 surveillance personnel independent. We don't want them
21 to be subject to someone at the boat who could tell
22 them, hey, you know, erase that tape or give any various
23 motives to anybody that doesn't deserve them. It's just
24 a precaution.

25 It's just that, you know, they're not

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1 responsible to -- directly reportable to the general
2 manager. They're reportable to a level above that. But
3 we did make it clear that they still are part of the
4 Class B's organizational structure.

5 In paragraph 3.01 we're requiring a log of
6 persons who get access into the surveillance room, the
7 surveillance entry log, ingress and egress, log be
8 kept.

9 CHAIRMAN HATCHES: I'm sorry, Ed. I think I
10 lost you. Where are you?

11 MR. GREWACH: 3.01.

12 COMMISSIONER JONES: Oh, okay. Under
13 permits, making reference to permits.

14 CHAIRMAN HATCHES: Oh, okay. It's on the
15 first page of CSR 45-9.113.

16 COMMISSIONER HOWARD: Got it.

17 MR. GREWACH: And also we made a change to
18 paragraph 4.04.

19 The prior language indicated that only
20 persons above a frontline supervisor could have access
21 to review a surveillance tape.

22 This resulted in a large number of inquiries
23 of us because all these circumstances occur. It could
24 be a slip and fall. It could be an employee theft. It
25 could be, you know, some problem with an employee. It

0079

1 could be a number of things where maybe the HR
2 department or the boat's outside counsel defense --
3 insurance defense counsel wanted to view the tape in
4 order -- an adjuster wanted to view the tape in order to
5 make a decision.

6 If it's an employee dispute, maybe the
7 employee's attorney or maybe even the person injured's
8 attorney wants to look at it. And we were getting
9 these, and we really came to the conclusion that we
10 don't really have a real overriding regulatory reason to
11 control who looks at these things.

12 The log is kept of who does, so we can go
13 back in and see who does and doesn't look at these
14 tapes.

15 And so, therefore, we just deleted that
16 entire restriction, and that leaves it up to the casinos
17 themselves to decide who looks at their security footage
18 and then they just have to keep a log of who did that.

19 Because as a practical matter we get these
20 requests and there really are a lot, numerous, and we
21 would -- you know, we typically would be saying yes,
22 because -- you know, in terms of a variance because it
23 doesn't really harm us.

24 You know, it doesn't harm us that the
25 insurance defense looks at a certain copy of their

0080

1 surveillance tape. It didn't appear to be a regulatory
2 problem.

3 CHAIRMAN HATCHES: Okay.

4 MR. GREWACH: Item 16 is for forms.

5 Any time we make changes to any chapters it
6 always generates forms, and this one, for example,
7 specifically that surveillance ingress and egress log,
8 one of them, but those are just forms that go along with
9 the other rule changes that have been made.

10 Item 17 deals with the -- again, clearing up,
11 again, the term key person and key business entity
12 appear there. So that's just making that language
13 consistent again.

14 Now, when you look at then Item 18, which is
15 the last rule on this list, this is all again consistent
16 with. Okay. So we changed this process to where we say
17 you have to be employed by a casino, by an A, B or
18 supplier, to have an occupational license. And that's
19 really what 260 says from the start but we wanted to
20 clarify it there throughout.

21 Now we look at all of the things that might
22 affect, and one of them is a hearing. What do we do if
23 a hearing -- you know, if the person gets terminated and
24 the 61st day comes before we even start the disciplinary
25 process, what happens?

0081

1 What if we start the disciplinary process and
2 then the 61st day hits, what do we do in that case?

3 So looking at those two, what we're going to
4 do. And again, you have to remember for the most part
5 these are suspension -- these are -- these are all
6 suspensions we're talking about right now, and the vast
7 majority of them are one or two-day suspensions.

8 But in any event -- so if an event happens,
9 the person gets terminated and the 61st day arrives and
10 we haven't filed a preliminary order of discipline,
11 we're not going to.

12 There is -- no discipline process starts from
13 that and the person's license has ended. It's moot. We
14 just don't proceed with the discipline at that point.

15 In the other scenario where the incident
16 happens, we start the disciplinary action and then the
17 61st day comes and the person hasn't got a job, then
18 paragraph F says that in that event the preliminary
19 order of discipline will be rescinded and the person's
20 request for a hearing will be denied.

21 In other words, the entire discipline case
22 goes away as moot because the person is not licensed
23 anymore and there is no sense in going through the
24 hearing and litigation process over a term of suspension
25 for someone who is not working -- to suspend somebody

0082

1 who is not working.

2 Now, we've carved out, as you can see,
3 revocations for two reasons. One is, you know, if it's
4 a serious enough offense that we think revocation is the
5 proper remedy, then we want to litigate that issue at
6 that point in time.

7 We don't want to have DRB say, well, this is
8 serious. This is a theft. It's something really bad
9 and we want to revoke this person, and then they reapply
10 ten years later and we're saying, well, we really
11 don't -- we want to deny them but the reasons that we're
12 denying them, it's ten years old and we have to find
13 those witnesses and find those documents and dig that
14 all up. So if it's a revocation recommendation out of
15 DRB, we're going to proceed like we always did.

16 Also from the licensee's standpoint. I mean,
17 if they're looking at their license being revoked and
18 they don't get a chance to have a hearing on that,
19 obviously that may affect their ability then to become
20 employed in another jurisdiction or even some other job,
21 whatever the case may be.

22 So those are the changes to the last rule of
23 the 18 on the list.

24 CHAIRMAN HATCHES: Any questions?

25 The one about the property deciding on who

0083

1 views their surveillance tapes.

2 MR. GREWACH: That would be Item 15,
3 Chapter M, paragraph four point --

4 CHAIRMAN HATCHES: And I don't know that
5 ultimately I won't -- I'd be okay with that but right
6 now I just have a question about it, none that I could
7 ask.

8 MR. GREWACH: And, you know, we've had that
9 discussion internally. And certainly I think if we are
10 going to regulate that, we need to come up with
11 addressing all these situations that come up so often,
12 you know, employee disputes, slip and falls, you know,
13 patron complaints, you know, when are we going to lit--
14 someone may sue the casino saying that they, you know,
15 actually won this jackpot and, you know, there was a
16 malfunction and they didn't get their money or something
17 went wrong at a table game and I was cheated out of
18 money, and it's a dispute between the patron and the
19 casino. And then all these cases come up fairly
20 regularly.

21 So in my opinion if we're going to regulate
22 who sees them, we would have to really sit down and work
23 through those scenarios so we could say here are the
24 cases -- here are the people -- here is the group of
25 people in the scenarios where they can be viewed, and

0084

1 other than that, no.

2 You know, so we're not getting hit ad hoc
3 every week, sometimes several times a week with these
4 questions, can this person see it, can that person see
5 it, and run the risk of there being inconsistent
6 answers, say yes to one boat and the next boat gets
7 another employee here who might give another answer.

8 So I do -- but I think if we go that
9 direction, that's going to be my recommendation is that
10 we really sit down and then come up with a guideline as
11 to who can and can't see those tapes.

12 CHAIRMAN HATCHES: And certainly not
13 understanding the magnitude of the questions that you
14 get about viewing the surveillance may be just
15 information -- may be -- if I knew that, I'd be quicker
16 to say, yeah, I like that idea.

17 But, again, I don't want to ask any
18 questions. I just want to think -- eventually I want to
19 talk a little bit more about it.

20 MR. GREWACH: Sure. And once again, these
21 will all come up for final orders and can all be
22 changed, amended, modified, rejected at that point in
23 time by the Commission at their discretion.

24 CHAIRMAN HATCHES: So at least on that one,
25 you know, bring some additional information, come

0085

1 prepared to talk about that.

2 MR. GREWACH: We'll make sure we do.

3 CHAIRMAN HATCHES: Any other questions?

4 What do we do here?

5 EXECUTIVE DIRECTOR STOTTLEMYRE: Staff would
6 recommend approval of the proposed amendments, and we
7 can vote on these all at the same time.

8 Normally you read them twice. I guess
9 whoever wants to make the recommendation can go forward
10 with them, 11 CSR 4.010 and then 4.020 and 4.030 and on
11 down the list. We can then vote on them all at the same
12 time.

13 COMMISSIONER HOWARD: Understanding that what
14 we see later may be substantially changed after --

15 EXECUTIVE DIRECTOR STOTTLEMYRE: Yes. These
16 are just proposed, yes.

17 COMMISSIONER HOWARD: -- public comment.

18 CHAIRMAN HATCHES: Just one more time real
19 quickly talk about the process from here until the next
20 time we see them.

21 MR. GREWACH: Oh, sure.

22 There will be a public comment period that
23 will begin on January 15, 2014, which will close on
24 February 14, 2014. We'll have a public hearing here on
25 February 19th, 2014.

0086

1 Then in a final order of rulemaking our staff
2 will incorporate all those comments into the final
3 order. So you'll see the original proposed order and
4 comments that we receive, and then that will all be
5 presented to you at that point in time.

6 CHAIRMAN HATCHES: And will they all come
7 back together?

8 MR. GREWACH: They will all come back
9 together. We have to keep them under the same time
10 schedule because the State statute has a specific
11 timeframe that all this has to be done in and for us
12 when we publish, and if we miss a timeframe, we have to
13 go back to square one and start the whole process over
14 again. So we will keep it on schedule, and it will all
15 come back at the same time.

16 CHAIRMAN HATCHES: Any other questions?

17 So we'll entertain a motion to approve the
18 proposed Consideration of Rules and Regulations.

19 COMMISSIONER BRADLEY: I'd like to make
20 a motion to approve the proposed amendments,
21 11 CSR 45-4.010, and then continuing to 4.020, 4.030,
22 4.055, 4.190, 4.200, 4.205, 4.260, 4.380, 4.390, 4.400,
23 4.410, 4.420, 7.170, 9.113, 9.118, 10.020 and 13.030.

24 COMMISSIONER JONES: Second. I concur.

25 CHAIRMAN HATCHES: Any discussion?

0087

1 Angie, would you call the roll, please.

2 MS. FRANKS: Commissioner Howard.

3 COMMISSIONER HOWARD: Approve.

4 MS. FRANKS: Commissioner Jones.

5 COMMISSIONER JONES: Approve.

6 MS. FRANKS: Commissioner Bradley.

7 COMMISSIONER BRADLEY: Approve.

8 MS. FRANKS: Chairman Hatches.

9 CHAIRMAN HATCHES: Approve.

10 MS. FRANKS: By your vote you've adopted

11 Proposed Amendments 11 CSR 45-4.010, 4.020, 4.030,

12 4.055, 4.190, 4.200, 4.205, 4.260, 4.380, 4.390, 4.400,

13 4.410, 4.420, 7.170, 9.113, 9.118, 10.020 and 13.030.

14 CHAIRMAN HATCHES: Very good. Thank you.

15 EXECUTIVE DIRECTOR STOTTLEMYRE:

16 Mr. Chairman, the next item on the agenda is delegation

17 of authority for the Chairman.

18 MR. GREWACH: Section 1.020, paragraph 4,

19 allows the Commission to delegate to the Chairman the

20 authorization to extend any license for up to 60 days

21 past its expiration date.

22 That action then has to be ratified at the

23 next regular meeting of the Commission, and if not

24 ratified, then it's voided at that point in time.

25 The rule provides for the authority to extend

0088

1 this on a year-to-year basis. That's why every year we
2 have to bring this back up and do a new resolution to
3 extend it for the next year.

4 It is basically renewing the authorization
5 that was given to the Chairman at the last December
6 meeting.

7 CHAIRMAN HATCHES: Any questions or reasons
8 to be concerned?

9 Chair would entertain a motion.

10 COMMISSIONER HOWARD: Move to approve
11 Resolution No. 13-114.

12 COMMISSIONER JONES: Second.

13 CHAIRMAN HATCHES: Angie, would you call the
14 roll, please.

15 MS. FRANKS: Commissioner Howard.

16 COMMISSIONER HOWARD: Approve.

17 MS. FRANKS: Commissioner Jones.

18 COMMISSIONER JONES: Approve.

19 MS. FRANKS: Commissioner Bradley.

20 COMMISSIONER BRADLEY: Approve.

21 MS. FRANKS: Chairman Hatches.

22 CHAIRMAN HATCHES: Approve.

23 MS. FRANKS: By your vote you've adopted
24 Resolution No. 13-114.

25 MR. GREWACH: Thank you.

0089

1 CHAIRMAN HATCHES: Thank you. Good job.

2 EXECUTIVE DIRECTOR STOTTLEMYRE: The next
3 item on the agenda is Consideration of Relicensure of
4 Bingo Suppliers and Manufacturers, and Lieutenant Mark
5 Bielawski will present.

6 LIEUTENANT BIELAWSKI: Mr. Chairman and
7 Commissioners, today I'm presenting several companies
8 for relicensure as suppliers or manufacturers of bingo
9 products in the state of Missouri.

10 All bingo suppliers and manufacturer licenses
11 are issued for the calendar year and expire on
12 December 31st of each year.

13 The relicensure of both manufacturers and
14 suppliers includes, but is not limited to, a review of
15 Federal and State tax checks, customer and product
16 lists, corporate organization, gaming license checks, as
17 well as various criminal and financial background checks
18 on each company's key persons.

19 The following two companies have applied for
20 relicensure of their supplier's license: All American
21 Bingo, Incorporated and Bingo Supply Center.

22 EXECUTIVE DIRECTOR STOTTLEMYRE: And staff
23 recommends approval of Resolution No. 13-002-B.

24 CHAIRMAN HATCHES: Any questions?

25 Chair would entertain a motion.

0090

1 COMMISSIONER JONES: Move for the acceptance
2 of Resolution No. 13-002-B.

3 COMMISSIONER BRADLEY: Second.

4 CHAIRMAN HATCHES: Moved and seconded.

5 Any further discussion?

6 Angie, would you call the roll, please.

7 MS. FRANKS: Commissioner Howard.

8 COMMISSIONER HOWARD: Approve.

9 MS. FRANKS: Commissioner Jones.

10 COMMISSIONER JONES: Approve.

11 MS. FRANKS: Commissioner Bradley.

12 COMMISSIONER BRADLEY: Approve.

13 MS. FRANKS: Chairman Hatches.

14 CHAIRMAN HATCHES: Approve.

15 MS. FRANKS: By your vote you've adopted
16 Resolution No. 13-002-B.

17 LIEUTENANT BIELAWSKI: The following seven
18 companies have applied for relicensure of their
19 manufacturer's license: Douglas Press, Incorporated;
20 International Gamco, Incorporated; Arrow International,
21 Incorporated; Fortunet, Incorporated; Pollard Games,
22 Incorporated doing business as American Games; VKGS,
23 Incorporated and MMG, Incorporated.

24 EXECUTIVE DIRECTOR STOTTLEMYRE: And staff
25 recommends approval of Resolution No. 13-003-B.

0091

1 CHAIRMAN HATCHES: Any questions from the
2 Commissioners?

3 Angie -- no. I guess I need a motion.

4 COMMISSIONER HOWARD: I'll move for
5 acceptance of Resolution No. 13-003-B.

6 COMMISSIONER BRADLEY: Second.

7 CHAIRMAN HATCHES: Moved and seconded.
8 Any further discussion?

9 Angie, would you call the roll, please.

10 MS. FRANKS: Commissioner Howard.

11 COMMISSIONER HOWARD: Approve.

12 MS. FRANKS: Commissioner Jones.

13 COMMISSIONER JONES: Approve.

14 MS. FRANKS: Commissioner Bradley.

15 COMMISSIONER BRADLEY: Approve.

16 MS. FRANKS: Chairman Hatches.

17 CHAIRMAN HATCHES: Approve.

18 MS. FRANKS: By your vote you've adopted
19 Resolution No. 13-003-B.

20 CHAIRMAN HATCHES: Thank you.

21 EXECUTIVE DIRECTOR STOTTLEMYRE: The next
22 item would be the motion to go into closed meeting.

23 CHAIRMAN HATCHES: I don't have any problem
24 with it.

25 COMMISSIONER HOWARD: I guess I can do that.

0092

1 Entertain a motion that we go into closed
2 meeting under Sections 313.847 for the purpose of
3 investigatory, proprietary and application records, and
4 Section 610.021, Subsection 1, legal actions, and
5 Subsection 14, records protected from disclosure by law.

6 CHAIRMAN HATCHES: Thank you.

7 COMMISSIONER BRADLEY: Second.

8 CHAIRMAN HATCHES: Thank you.

9 Angie, would you call the roll, please.

10 MS. FRANKS: Commissioner Howard.

11 COMMISSIONER HOWARD: Approve.

12 MS. FRANKS: Commissioner Jones.

13 COMMISSIONER JONES: Approve.

14 MS. FRANKS: Commissioner Bradley.

15 COMMISSIONER BRADLEY: Approve.

16 MS. FRANKS: Chairman Hatches.

17 CHAIRMAN HATCHES: Approve.

18 We are going into closed. Thank you so much.

19 WHEREIN the meeting concluded at 11:45 a.m.

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CERTIFICATE OF REPORTER

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5

I, Patricia A. Stewart, RMR, RPR, CCR, a

6

Certified Court Reporter in the State of Missouri, do

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hereby certify that the testimony that appears in the

8

foregoing transcript was taken by me to the best of my

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ability and thereafter reduced to typewriting by me;

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that I am neither counsel for, related to, nor employed

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by any of the parties to the action in which this

12

hearing was taken, and further that I am not a relative

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or employee of any attorney or counsel employed by the

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parties thereto, nor financially or otherwise interested

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in the outcome of the action.

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Patricia A. Stewart

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CCR No. 401

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MISSOURI GAMING COMMISSION
Second Open Session Minutes
December 4, 2013

The Missouri Gaming Commission (the “Commission”) went back into open session at approximately 1:42 p.m. on December 4, 2013, at the Missouri Gaming Commission’s Jefferson City office.

Commissioner Jones moved to adjourn the open session meeting. Commissioner Bradley seconded the motion. After a roll call vote was taken, Howard – yes, Jones – yes, Bradley – yes and Hatches – yes, the motion passed unanimously.

The open session ended at 1:43 p.m.

Motion was made by Commissioner Howard to go into closed meeting under Section 610.021(13) Individually Identifiable Records Pertaining to Employees. Commissioner Bradley seconded the motion. After a roll call vote was taken, Howard – yes, Jones – yes, Bradley – yes and Hatches – yes, the motion passed unanimously.

MISSOURI GAMING COMMISSION
Third Open Session Minutes
December 4, 2013

The Missouri Gaming Commission (the “Commission”) went back into open session at approximately 2:32 p.m. on December 4, 2013, at the Missouri Gaming Commission’s Jefferson City office.

Commissioner Howard moved to adjourn the open session meeting. Commissioner Jones seconded the motion. After a roll call vote was taken, Howard – yes, Jones – yes, Bradley – yes and Hatches – yes, the motion passed unanimously.

The open session ended at 2:33 p.m.