

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-15-004
Ameristar Casino Kansas City, Inc.)

PRELIMINARY ORDER FOR DISCIPLINARY ACTION

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

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

STATEMENT OF FACTS²

6. On April 28, 2014, poker table PK-18, which was being used by the Casino for the Heartland Poker Tournament, was not in its marked position to provide for proper surveillance coverage of that table.
7. Poker table PK-18 had been moved from its approved position during tournament play.
8. At no time on April 28, 2014, did any of the dealers nor any of the supervisors check the poker table's position to ensure it was on its marked positions on the floor for appropriate surveillance coverage.
9. When the players at spots two and three were dealt cards, their cards were not visible to the surveillance camera directly overhead which provided the table shot.

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

² 20140429002

10. The surveillance camera positioned above Poker Table PK-18 could not see the far left card for the flop.
11. Poker Room Manager Kenneth Long admitted that the positions of the tournament tables were not checked at all on April 28, 2014.
12. Poker table PK-18 was open for seven hours and 35 minutes with insufficient surveillance coverage.

LAW

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

A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline.

- (1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulations;
 - (2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming.
15. Title 11 CSR 45-7.040(1)(B) requires surveillance, allowing “clear, unobstructed views” to be conducted at “all gaming or card table surfaces, including table bank trays, with sufficient clarity to permit identification of all chips, cash, and card values, and the outcome of the game. Each gaming table shall have the capability of being viewed by no less than two cameras, and must be continuously viewed by at least one camera.”
16. Title 11 CSR 45-7.150(3) states that “the failure of a licensee to comply with the rules of this chapter or any approved variation ... is an unsuitable method of operation.”

VIOLATIONS

- 17. The actions or omissions of employees or agents of the Company as described above constitute a failure by the Casino to maintain sufficient surveillance coverage on a poker table, thereby violating 11 CSR 45-7.040(1)(B) and 11 CSR 45-7.150(3).
- 18. The Company is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 314.812.14 (1) and (2), RSMo.

PENALTY PROPOSED

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

Leland M. Shurin
Chairman
Missouri Gaming Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a true and correct copy of the foregoing to be mailed, postage prepaid, this ____ day of January, 2015, to:

Rodney Centers
Ameristar Casino Kansas City
P.O. Box 33480
Kansas City, MO 64120-3480

Leland M. Shurin
Chairman
Missouri Gaming Commission