

IN THE MISSOURI GAMING COMMISSION

In Re:)
IOC – Boonville, Inc.) DC-15-168

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 Isle of Capri Casinos, Inc., a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Isle of Capri Casinos, Inc., is the parent organization or controlling entity of the IOC – Boonville, 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 *Isle of Capri Casino, Boonville* (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 January 10, 2015, an underage patron, Ebony Anduze ("Anduze"), gained entry to the Casino floor at approximately 2:29 a.m., after she approached Security Officer Jesse Hodgson at the entrance turnstiles.
7. Anduze's identification ("ID"), her Oklahoma driver's license, was clearly marked in red "Under 21 Until 03/20/2015."
8. Hodgson checked Anduze's ID by running it through the TokenWorks ID Scanner, which displayed that Anduze was under 21 years old, before allowing her to enter the casino floor.

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

² 20150110004

9. At approximately 2:37 a.m., Anduze went to the Cage where she was waited on by Cage Supervisor Nancy Maupin, who allowed Anduze to cash out \$20 worth of casino checques. Maupin failed to check Anduze's ID to verify her age.
10. Anduze later exited the Casino floor at 2:42 a.m. At 2:47, Anduze again approached Hodgson to gain entry to the Casino. After speaking briefly to Anduze, Hodgson permitted Anduze to re-enter the Casino floor without checking her ID.
11. While on the Casino floor, at 2:54 a.m., Anduze sat down at Table TT-3 where Dealer Daryl LeNeave was dealing Blackjack. LaNeave talked to Anduze but failed to check her ID to verify her age.
12. When Dealer Eric Christopherson relieved LeNeave at 2:58 a.m., he allowed Anduze to continue to place wagers without checking her ID to verify that she was over 21 years of age.
13. At 3:33 a.m., Security Officer Aaron Shockley ("Shockley") observed Anduze exit the Casino floor. Later, at 4:04 a.m., Anduze returned to the Main Turnstiles, where Shockley was posted. As she entered, Shockley nodded to Anduze, but failed to check her identification, thereby allowing Anduze to enter the Casino floor.
14. Anduze was allowed to remain on the Casino floor for a total of approximately 1 hour, and she placed wagers, spending a total of \$180.65 while playing.

LAW

15. 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 in an amount determined by the Commission.
16. 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[.]

17. Section 313.817.4, RSMo, states, in pertinent part, as follows:

A person under twenty-one years of age shall not make a wager on an excursion gambling boat and shall not be allowed in the area of the excursion boat where gambling is being conducted.

18. Section 313.830.2(1), RSMo, makes it a “class B misdemeanor for the first offense and a class A misdemeanor for the second and subsequent offenses for ... permitting a person under the age of twenty-one to make a wager while on an excursion gambling boat.”

19. Title 11 CSR 45-5.053 states that “wagers may only be made ... by persons twenty-one (21) years of age or older.”

20. Title 11 CSR 45-9.060 states, in pertinent part, as follows:

- (3) Violations of the minimum internal control standards [(“MICS”)] by a Class A licensee or an agent or employee of a Class A licensee are deemed to be unsuitable conduct for which the Class A licensee and/or its agent or employee is subject to administrative penalty pursuant to Section 313.805(6), RSMo, and 11 CSR 45-1 et seq.

- (4) Violations of the Class A licensee’s internal control system [(“ICS”)] by the Class A licensee or an agent or employee of the Class A licensee shall be *prima facie* evidence of unsuitable conduct for which the Class A licensee and/or its agents or employees may be subject to discipline pursuant to Section 313.805(6), RSMo, and 11 CSR 45-1 et seq.

21. Title 11 CSR 45-10.030 states, in pertinent part, as follows:

- (1) Licensees shall promptly report to the commission any facts which the licensee has reasonable grounds to believe indicate a violation of law (other than minor traffic violations), minimum internal control standard requirements or commission rule committed by licensees, their employees or others, including, without limitation, the performance of licensed activities different from those permitted under their license.

* * *

- (3) In the event that a licensee or employees of the licensee knows or should have known that an illegal or violent act has been committed on or about the licensed premises, they shall immediately report the occurrence to law enforcement authorities and shall cooperate with law enforcement authorities and agents of the commission during the course of any investigation into an occurrence.

* * *

- (7) All occupational licensees shall have a working knowledge of Chapter 313.800, RSMo et seq., *Code of State Regulations*, Title 11 Division 45, and the internal controls of the Class A or B licensees for whom they are currently employed by as they pertain to the responsibilities and limitations of their job
22. Both the MICS and the Casino's ICS, Chapter J, § 2.05 require the Casino to "post security personnel at each patron entrance to the gaming floor who shall ensure no one under the age of 21 is permitted to enter the gaming floor."
23. Both the MICS, Chapter, N § 4.01, and the Casino's ICS, Chapter N § 4.01, forbid anyone under 21 years of age from gaining access to the casino floor or being allowed to place a wager.
24. Both the MICS and the Casino's ICS, Chapter N, § 4.04 state that "The enforcement of admission and gambling restrictions for persons under 21 years of age shall include, at a minimum, checking their government-issued photo identification."

VIOLATIONS

25. The acts or omissions of employees or agents of the Company, as described above, constitute a failure of the Company to prevent an underage patron from entering the Casino floor and placing wagers, thereby violating §§ 313.817.4 and 313.830, RSMo, 11 CSR 45-5.053, 11 CSR 45-10.030(1), (3), and (7), and MICS, Chapter J, § 2.05 and Chapter N §§ 4.01 and 4.04, and the Casino's ICS, Chapter J, § 2.05 and Chapter N §§ 4.01 and 4.04.
26. The Company is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 313.812.14 (1) and (2), RSMo, and 11 CSR 45-9.060(3) and (4).

PENALTY PROPOSED

27. 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.
28. THEREFORE, it is proposed that the Commission fine IOC – Boonville, 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 _____, 2015, to:

Barron Fuller
Isle of Capri – Boonville
100 Isle of Capri Blvd.
Boonville, MO 65233

Leland M. Shurin
Chairman
Missouri Gaming Commission