

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-16-003
Casino One Corporation)

PRELIMINARY ORDER FOR DISCIPLINARY ACTION

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

1. The Missouri Gaming Commission (the "Commission" or "MGC") is a state commission created under Chapter 313, RSMo 2000,¹ with jurisdiction over gaming activities, including riverboat gambling activities, in the State of Missouri.
2. The Commission issued Tropicana Entertainment, Inc., a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Tropicana Entertainment, Inc., is the parent organization or controlling entity of Casino One Corporation ("Company").
4. The Commission issued a Class B riverboat gambling license to the Company to conduct games on and operate the excursion gambling boat known as *Lumiere Place Casino & Hotels* ("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. The rules of the Casino's "\$25K Host Drawing" promotion (the "Promotion") stated, in pertinent part, as follows:
 - a. Rule 7 stated, "There will be a total of forty-two (42) winners:
 - b. Rule 8 set out the prize matrix describing the breakdown of the 42 prizes each contestant would have an opportunity to win, specifically one, \$10,000 winner, 5, \$1,000 winners, and 36, \$100 free slot play winners; and
 - c. Rule 9 stated, "At approximately 10:30 p.m., all forty-two (42) winners will report back to the promotional area. Each winner will pull a pod out of the promotional drum."

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

² 20150823001

7. The following sequence of events occurred between approximately 9:11 p.m. and approximately 10:41 p.m. on August 22, 2015:
 - a. Marketing Specialist Brent Ita (“Ita”) arrived with 42 pods in a box and, after removing them from the box, placed them on the corner of the promotional desk;
 - b. Ita placed the pods from the counter back into the box and handed the box of pods to Special Events and Promotions Supervisor Tricia Allen (“Allen”), who placed the pods from the box into a drum for the drawing;
 - c. At 10:40 p.m., the 40th customer drew the final pod from the drum; and
 - d. The remaining two pods were later found behind the computer monitor on the promotional desk.
8. The final two pods, which were not initially drawn, contained \$100 in free slot play and \$1,000 in currency.
9. Allen failed to confirm that the necessary number of pods were placed in the drum for the final draw in accordance with the parameters and written rules of the Casino’s Promotion.
10. Ita failed to maintain custody of all of the pods to be placed in the drum for the final draw in accordance with the parameters and written rules of the Casino’s Promotion.

LAW

11. 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.
12. 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[.]

13. Title 11 CSR 45-5.181, states, in pertinent part as follows:

(2) Class B licensees may provide promotional activities such as promotional giveaways, promotional coupons, promotional games, player reward programs or similar activities for patrons without the prior approval of the commission, provided the promotional activity is not structured or conducted in a manner that reflects negatively on the licensee, the commission, or the integrity of gaming in Missouri and complies with the following:

* * *

(B) The promotional activity shall comply with all applicable laws and regulations...;

* * *

(D) All prizes offered in the promotional activity shall be awarded according to the Class B licensee's rules governing the event[.]

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

(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.

VIOLATIONS

15. The actions or omissions of employees or agents of the Company as described above constitute failure of the Casino to assure that its "\$25K Host Drawing" promotion was conducted in accordance with its written rules for its promotions, thereby violating 11 CSR 45-5.181(2), and 11 CSR 45.10.030(7).

16. 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

17. 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.

18. THEREFORE, it is proposed that the Commission fine Casino One Corporation, the amount of \$5,000 for the violations set forth herein.

Larry Hale
Vice Chairman Pro Tem
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, 2016, to:

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

Larry Hale
Vice Chairman Pro Tem
Missouri Gaming Commission