MISSOURI GAMING COMMISSION
COMMISSION RESOLUTION NO. 16-057

TEANNA T. GLASS
December 7, 2016

WHEREAS, TeAnna T. Glass ("Glass"), requested a hearing to contest the proposed disciplinary action initiated against her on Aril 4, 2016, by the Commission's issuance of a Disposition of Occupational Gaming License Application; and

WHEREAS, pursuant to 11 CSR 45-13.010, et. seq., an administrative hearing has been held on Jason's request and the Hearing Officer has submitted the proposed Findings of Fact, Conclusions of Law and Final Order attached hereto (collectively the "Final Order") for approval by the Commission; and

NOW, THEREFORE, BE IT RESOLVED, that the Commission has reviewed the Final Order and hereby approves and adopts the attached Final Order in the matter of Case No. 16-110; and

BE IT FURTHER RESOLVED, that this shall be considered a final decision of the Missouri Gaming Commission.

BEFORE THE MISSOURI GAMING COMMISSION

In Re: TeAnna Glass	)	
	)	
	)	Case No. 16-110
Applicant.	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

The above-captioned matter comes before the Missouri Gaming Commission (hereinafter referred to as "Commission") upon receipt of an undated letter received April 7, 2016 making a request for a hearing by TeAnna Glass (hereinafter referred to as "Petitioner"). Said request for hearing was in response to the Commission's Disposition of Occupational Gaming License dated April 4, 2016. The designated Hearing Officer, Bryan W. Wolford, conducted a hearing on September 20, 2016. Although duly notified of the time and place for the hearing, Petitioner did not appear and no one on her behalf appeared. The Commission's attorney, Ms. Carolyn Kerr, appeared to present evidence and arguments of law.

FINDINGS OF FACT

1. On August 9, 2016, the Commission sent a letter to Petitioner by certified mail, return receipt requested, to her address at 18 Yorkshire Lane, Apartment 1, Belleville, Illinois 62221. The United States Post Office returned the letter to the Commission as unclaimed and unable to forward. The letter notified the Petitioner that his hearing before the Commission's hearing officer was scheduled for Tuesday, September 20, 20166 at 9:00 a.m. at the Commission's office located at 9900 Page Avenue, Suite 107, St. Louis, Missouri 63132. The Letter also provided the Commission's telephone number at its principal office at (573) 526-4080 and the Commission's telephone number at its St. Louis office at (314) 877-4370.

2. Hearing Officer Wolford waited until 09:40 a.m. on Tuesday, September 20, 2016 to start the hearing after first calling the halls of the Commission's St. Louis office and central office to determine if Petitioner was present or had telephoned.

3. On March 10, 2016, Petitioner made an application with the Commission in order to obtain a Level II Occupational License for employment in the gaming industry.

4. In response to Petitioner's application, the Commission conducted an investigation in order to determine Petitioner's suitability for employment in the gaming industry.

5. The application for a Level II Occupational License contained the following question numbered 14(a): "Have you ever been arrested, detained, charged, indicted, convicted, pleaded guilty or nolo contendere (no contest), or forfeited bail concerning any crime or offense, in any federal, state, or local jurisdiction, including any findings or pleas in a suspended imposition of sentence? If yes, complete the following chart." The chart asked for details.

6. Petitioner initially wrote "N/A" in the box on question 14(a), indicating that she did not have an affirmative response to the question. She subsequently marked that she was arrested for Driving While Suspended in "2014" in Fairview Heights, and that she subsequently pled guilty to that charge. Petitioner did not provide any further answer on the chart in question 14(a).

7. The question 14(a) at the end of the chart asks for applicant's signature on a line following the statement "I have nothing else to declare on this question." Petitioner's signature appeared on this line in response to this statement.

8. The Commission's investigation revealed that Petitioner failed to disclose in her application that she had been arrested on April 5, 2010 in Fairview Heights, Illinois for a violation of a bail bond; on September 4, 2010 in Shiloh, Illinois for Driving on a Suspended or Revoked License; and on August 28, 2011 in Alton, Illinois for Driving with a Revoked or Suspended License.

CONCLUSIONS OF LAW

1. "The Commission shall have full jurisdiction over and shall supervise all gaming operations governed by Section 313.800 to 313.850." Section 313.805 MO. REV. STAT. 2010.

2. "A holder of any license shall be subject to the 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 of the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action . . . the following acts 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 regulation." Section 313.812.14 MO. REV. STAT. 2010.

3. "The burden of proof is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing the facts of his/her case by clear and convincing evidence . . ." Regulation 11 CSR 45-13.060(2).

4. "Clear and convincing evidence" is evidence that "instantly tilts the scales in the affirmative when weighed against the opposing evidence, leaving the fact finder with an abiding conviction that the evidence is true." ***State ex. rel. Department of Social Services v. Stone***, 71 S.W.3d 643, 646 (Mo. App. 2002).

5. "The state has a legitimate concern in strictly regulating and monitoring riverboat gaming operations. As such, any doubt as to the legislative objective or intent as to the Commission's power to regulate riverboat gaming operations in the state must be resolved in favor of strict regulation." ***Pen-Yan Investment, Inc. v. Boyd Kansas City, Inc.***, 952 S.W.2d 299, 307 (Mo. App. 1997).

6. "The commission may refuse an occupational license to any person ... who fails to disclose or states falsely information called for in the application process." Regulation 11 CSR 45-4.260(4)(D).

DISCUSSION

The law provides broad authority to the Commission regarding the regulation of the gaming industry in order to assure that the public health, safety, morals, and good order are maintained and protected. Petitioner had the burden to show by clear and convincing evidence that the Commission should grant her a license. Petitioner failed to disclose three prior arrests at the time of her application. Such lack of disclosure does not show by clear and convincing evidence that Petitioner has proven her suitability to be licensed.

The application process by written documents and by a personal interview provided clear instruction of the duty to disclose and to correctly state information called for in the application process. Petitioner's testimony did not overcome the legal authority that rests with the Commission to deny Petitioner her license based upon her failure to disclose and to correctly state information needed for the application process, and based upon her subsequent violation of Missouri law. The law grants discretion to the Commission to deny a license for such failures. Petitioner did not meet her burden of proof by clear and convincing evidence that would necessitate a reversal of the Commission's decision to find Petitioner unsuitable for licensure.

FINAL ORDER

WHEREFORE, IT IS ORDERED AND ADJUDGED that Petitioner did not meet her burden of proof to show that she is suitable for a Level II Occupational license in that Petitioner

failed to provide the information needed on her application for a Level II Occupational License. The decision of the Commission dated April 4, 2016 is affirmed as a proper denial of a license for Petitioner.

DATED: November 3, 2016

BRYAN W. WOLFORD
Hearing Officer