MISSOURI GAMING COMMISSION

OPEN MEETING

April 25, 2018
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Open Meeting
Missouri Gaming Commission
3417 Knipp Drive
Jefferson City, Missouri
April 25, 2018

BEFORE: Herbert M. Kohn, Chairman
Brian Jamison, Vice Chairman
Thomas Neer, Commissioner
Richard F. Lombardo

REPORTED BY:
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WHEREUPON, the open meeting began at 9:00 a.m.)

CHAIRMAN KOHN: Morning, everybody. We'll call the meeting of the Missouri Gaming Commission of April 25th to order.

Angie, please call the roll.

MS. FRANKS: Commissioner Finney.

(No response.)

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Present.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Present.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Present.

MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Present.

We have a quorum. We're ready to proceed with the meeting. We have some presentations this morning.

Captain Plunkett.

MS. FRANKS: No, we don't.

CHAIRMAN KOHN: We don't? Okay. And we're missing one commissioner too. So we'll going ahead without him.

Let's consider the minutes of the March 28
meeting. Is there a motion to approve?

COMMISSIONER NEER: Motion to approve.

COMMISSIONER LOMBARDO: Second.

CHAIRMAN KOHN: Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Approved.

MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Approved.

MS. FRANKS: By your vote you've adopted the
minutes of the March 28, 2018 meeting.

CHAIRMAN KOHN: Okay. We're ready to begin
business.

Mr. Seibert.

MR. SEIBERT: First order of business this
morning, Mr. Chairman, is consideration of a happy
birthday to you that was yesterday.

COMMISSIONER JAMISON: So there is a
presentation.

COMMISSIONER LOMBARDO: I wonder where he
heard that.

CHAIRMAN KOHN: You're out of order.
MR. SEIBERT: I do wish you a happy birthday.

The first order of business is consideration of hearing officer recommendations. Mr. Brian Wolford will present.

CHAIRMAN KOHN: Mr. Wolford.

MR. WOLFORD: Thank you, Mr. Director, Commissioners, Mr. Chairman.

For your consideration, Resolution Number 18-020, the matter of Geneen Harper. Ms. Harper was a level 2 license holder, employed as a table games dealer at the Lumiere Place Casino. However, the relevant events took place at River City Casino.

On June 22nd, 2012 Ms. Harper voluntarily enrolled in the Disassociated Persons, or DAP, Program. That's where she reports to the Commission that she wants to be on the Disassociated Persons, DAP, list. Once she's on that list, the rules state that she cannot be on the gaming floor of any facility to gamble, to play games. She can still work through her level 2 license, but she cannot conduct any sort of gaming or gambling activity. If she does, she will be -- she could be arrested for trespass.

Now, once you're on the DAP list, it's a lifetime appointment to that list. However, after a period of five years from the date of your enrollment,
you could petition to be voluntarily removed from the list. So, again, she was approved to be on the list on June 25th, 2012. Now, the date's somewhat important here.

The date of the incident is May 12th, 2017. While she was still a DAP, Ms. Harper was gambling on a slot machine at the River City Casino using someone else's player's card. She had taken her fiance's player's card, put it in the machine, and she was gambling on the slots.

Surveillance contacted the Gaming Commission's boat agent on duty and notified them that Ms. Harper was a possible Disassociated Person. The Commission's boat agent went to check her ID, and at first she denied who she was; she didn't admit she was Geneen Harper. Later she did produce a valid ID that the boat officer used to cross-check with the DAP list and determined that she was, indeed, on that Disassociated Persons list. So she was arrested for first-degree trespass. It's not entirely relevant, but she later pled guilty to an amended charge. It was amended down to a loitering rather than a trespass.

At hearing Ms. Harper testified that she thought that she was no longer on the DAP list and that she voluntarily-- then that it expired after five years.
Two problems with that. First of all, in the letter that she received after she signed up to be a DAP, it said, in quite conspicuous bold type, you are on this list for life; you can petition to be off this list after five years. Her five-year date would have been June 25th, 2017, and date of the incident was May 12th, 2017. She had not taken any affirmative action on her part to have herself removed from the DAP list. Through her denial of her identity at first, it went to the credibility of her testimony at hearing.

Under the Code of State Regulations at 11 CSR 45-17.010, it does state quite clearly that anyone who's on the DAP list can be arrested for criminal trespass; and she was, in fact, arrested for trespass.

Based on the evidence presented at hearing, the hearing officer recommends that the Commission approve revocation as just and appropriate discipline in this action.

I'd be happy to answer any questions.

CHAIRMAN KOHN: Any questions of Mr. Wolford?

Is Ms. Harper here or a representative of Ms. Harper?

Okay. Do we have a motion with respect to Resolution Number 18-020?
COMMISSIONER JAMISON: Move for adoption.

COMMISSIONER NEER: Second.

CHAIRMAN KOHN: Discussion on the motion? Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Approved.

MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Approved.

MS. FRANKS: By your vote you've adopted Resolution Number 18-020.

CHAIRMAN KOHN: Mr. Wolford.

MR. WOLFORD: Thank you, Mr. Chairman.

For your consideration, Resolution Number 18-021, the matter of Mary Laborada. Ms. Laborada was employed as a dealer at Harrah's North Kansas City. On or about November 14th, 2012 the Platte County Prosecutor filed an information against her alleging that she committed the Class A misdemeanor of stealing.

The facts regarding this was on February 4th that she allegedly stole money from her employer, Walmart, at the time. On April 18th, 2017 she
subsequently pled guilty to the Class A misdemeanor of theft/stealing. The Court gave her a suspended imposition of sentence and placed some other requirements on that.

The Commission became aware of this process. And to her credit, Ms. Laborada did keep the Commission aware of the court proceeding as it -- as it stretched out, and all the way through disposition.

At hearing she testified that she was not well-informed by her attorney during the criminal court proceedings in Platte County. She claims her attorney told her that she either had to plead guilty or go to jail. She acknowledges that she pled guilty, but said she didn't understand what she was doing at the time.

The Code of State Regulations at 11 CSR 45-42.60 states that a person is not suitable to hold an occupational gaming license if they have pleaded guilty to a misdemeanor where an essential element of that crime is theft, fraud, and dishonesty. It's a mandatory; it's a shall. And clearly theft is an essential element of the offense of theft/stealing that she entered a guilty plea to.

Because she is prohibited from holding an occupational gaming license by the state regulation, the hearing officer recommends revocation as appropriate.
punishment in this case.

I'd be happy to answer any questions.

CHAIRMAN KOHN: Any questions of Mr. Wolford?

COMMISSIONER LOMBARDO: I have one. Go ahead, you want to go first.

CHAIRMAN KOHN: No, go ahead.

COMMISSIONER LOMBARDO: Just for clarification, what type of a crime disqualifies somebody from being suitable to hold an occupational license? A felony of any sort is an automatic disqualifier; is that correct?

MR. WOLFORD: That's correct. And that's by state statute --

COMMISSIONER LOMBARDO: All right.

MR. WOLFORD: -- felony.

COMMISSIONER LOMBARDO: And then if we look at misdemeanors, basically it's misdemeanors that involve dishonesty?

MR. WOLFORD: It's misdemeanors where an essential element of the crime is theft, fraud, or dishonesty, correct.

COMMISSIONER LOMBARDO: Okay. And those are the two categories of crimes that would disqualify somebody?
MR. WOLFORD: Correct.

COMMISSIONER LOMBARDO: All right.

CHAIRMAN KOHN: I have a question for you, but I want to know if Ms. Laborada is here.

MR. WOLFORD: She is present, Mr. Chair.

CHAIRMAN KOHN: We'll get to you in a minute. I got kind of lost in reading the transcript with respect to the number of continuances she had and the advice she was getting from her lawyer. I'm just wondering how we're determining that she failed to report it in a timely manner, when I'm not sure I would have known when to report it.

MR. WOLFORD: That was not part of my findings that I made in the case. I didn't find that she was untimely, and I didn't even address the issue.

CHAIRMAN KOHN: So the finding is only that she -- she has a misdemeanor, she pled guilty to a misdemeanor, and that's enough?

MR. WOLFORD: Correct. That she is prohibited by state regulation from holding a license.

CHAIRMAN KOHN: And reporting it or not has nothing to do with your finding?

MR. WOLFORD: That is correct.

CHAIRMAN KOHN: Okay. Any other questions?

Ms. Laborada, are you here alone or do you
have a representative?

MS. LABORADA: No, I'm here alone, sir.

CHAIRMAN KOHN: Okay. Would you please identify yourself for the record?

MS. LABORADA: Mary Laborada.

CHAIRMAN KOHN: And do you have a statement for us?

MS. LABORADA: Thank you for giving me chance to explain myself. I appreciate for that. I work in a Walmart for two years. Nothing happened. As a supervisor, near supervisor at a higher over there, and he take advantage of me. And when I went back to the work, they just handcuff me and take me down to the downtown. And I didn't know what he was taking me for. And they told me they taking me for 24 hours of observation.

I asked next day the people over there, I said do I have to notify my job, because I work for 22 years in Harrah's. And they told me they don't even know what is the case going to happen. And then when the Gaming called me up to the office, I told them about it, the whole situation. And they said to me -- they're the one help me, actually. They gave me -- Missouri Gaming helped me to find my case to -- pending. They're the one suggested me to get a lawyer, because I didn't have no
idea what is happening to me.

And when I get the lawyer, lawyer told me the best thing to do pled guilty to this part. And I didn't do it. I have 22 years. I work with dignity. I work for two years right now working for the Dollar Tree, and nothing happen. And all this has happen, please, just consider 22 years. Please don't take my license. This is my bread. Don't take it away from me.

CHAIRMAN KOHN: I'm a little confused about the experience in Walmart. When you say you didn't do it, you did not steal anything?

MS. LABORADA: It was a supervisor. He told me he would come to my -- he just told me, take the money, you overcharge, put it on any desk/dresser, and he was gone. I come back later to get it. He got fired for the stealing, too, later. It was -- I don't know how long later. But I find out from the people that was coming to the Dollar Tree that told me. He got fired for the stealing.

CHAIRMAN KOHN: So the money that you were accused of taking, you didn't take?

MR. WOLFORD: No, sir. He told me what to do, and I put it -- I listened to him. But on the camera they see me taking the money and I put it underneath the drawer.
CHAIRMAN KOHN: Any other questions?

COMMISSIONER LOMBARDO: Not right now.

CHAIRMAN KOHN: Thank you very much for being here and for telling us the story.

MS. LABORADA: Thank you very much giving me that opportunity.

CHAIRMAN KOHN: Is there a motion with respect to Resolution 18-021 or some modified form of it?

COMMISSIONER LOMBARDO: Could we discuss this in closed session?

CHAIRMAN KOHN: Yeah, I think we should.

We're --

COMMISSIONER LOMBARDO: Ed.

MR. GREWACH: We do have a brief statement to make, Mr. Chairman --

CHAIRMAN KOHN: Oh, I'm sorry, go ahead.

MR. GREWACH: -- in light of Licensee's statement.

MS. KERR: Thank you. Good morning. As the hearing officer has stated, the regulation is clear. It says a licensee's unsuitable to hold an occupational license if while she's licensed she pleads guilty to a misdemeanor crime involving theft. MGC staff has consistently recommended revocation in these cases. As he said, in this case Ms. Laborada voluntarily pled
guilty to a misdemeanor stealing based on the allegation
that she stole over a thousand dollars from a register
while working at Walmart.

Based on the facts, staff recommends and
supports the hearing officer's recommendation for
revocation of Ms. Laborada's occupational gaming license.

CHAIRMAN KOHN: Thank you.

Any questions of Ms. Kerr?

All right. If it's okay with commissioners, 
we'll take a ten-minute break, going into closed session
and come back right out, Brian, please.

MR. WOLFORD: Yes.

COMMISSIONER JAMISON: I move for a closed
meeting under Sections 313.847 and 313.945 Revised
Missouri Statutes, investigatory, proprietary, and
application records. And that would be the extent of it;
correct, Ed?

MR. GREWACH: Yes, that's correct.

COMMISSIONER LOMBARDO: Second.

CHAIRMAN KOHN: Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.

MS. FRANKS: Commissioner Jamison.
COMMISSIONER JAMISON: Approved.

MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Approved.

We're going to go into closed session. It shouldn't be more than -- I hope not more than ten minutes at the most. We realize we have a lot of other items on the agenda that a lot of you are involved in, and we'll try to do it in a timely manner. But we think this is important, so we'll be back.

(Off the record.)

CHAIRMAN KOHN: Angie, do we need to take roll?

MS. FRANKS: Yeah, let's do that.

Commissioner Lombardo.

COMMISSIONER LOMBARDO: Present.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Present.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Present.

MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Present.

We're ready to finish up on the Mary Laborada matter. And Commissioner Lombardo has a motion. And after we vote on that motion, I will tell you how we arrived at what we're doing.
COMMISSIONER LOMBARDO: I move that the resolution be modified to a 45-day suspension.

CHAIRMAN KOHN: Is there a second to that motion?

COMMISSIONER NEER: I'll second.

CHAIRMAN KOHN: Discussion on the motion? Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: No.

MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Approved.

MS. FRANKS: By your vote you've adopted Resolution Number 18-021 amended to change the discipline to 45 days.

CHAIRMAN KOHN: So as you can tell just from the vote, we had -- Ms. Laborada, you may be seated. You don't have to stand.

MS. LABORADA: Okay.

CHAIRMAN KOHN: The ruling of the Commission is that you will have a 45-day suspension and your license will not be revoked.
MS. LABORADA: Thank you so much.

CHAIRMAN KOHN: I started to say, as you can tell from the vote, that we had a difficult time with this. And the reason is that the regulations and the law are clear, if this had been a felony, there would be no question but that we would have to vote to revoke your license. Because it wasn't, that gives us some discretion.

But yet she did plead guilty, and that's something that we had a difficult time dealing with. But because of the circumstances and whatever happened in Walmart and whatever happened with the attorney that she had at the time who recommended she plead guilty, we don't know what all those facts are. I think the hearing officer did a good job in sorting through all that. But because we do have discretion, because this is a misdemeanor not a felony, we're electing to invoke a suspension but not a revocation.

Any other comments from any of the commissioners?

COMMISSIONER NEER: No.

COMMISSIONER JAMISON: No.

CHAIRMAN KOHN: Okay. I think, Mr. Wolford, you're still up.

MR. WOLFORD: Thank you, Mr. Chairman.
For your consideration, Resolution 18-022, the matter of Ryan Day.

Mr. Day made an application to the Commission for an occupational gaming license. On the application there's a question that asks him to disclose any arrests or convictions in the past, which he did. He disclosed a prior arrest in May of 2000 for a felony marijuana possession out of Boone County, Missouri and that he subsequently pled guilty and received a suspended imposition of sentence, five years probation. He successfully completed his probation and had no further issues with the law since then.

The Commission, when they began their investigation of his license, they couldn't find a record of his felony conviction. They talked to Mr. Day about it; and he went to Boone County, went to the Court, got the sealed records, and presented them to the Commission's investigator.

At hearing Mr. Day testified that he served his probation without incident -- the conviction was sealed and didn't show up on background checks -- and that he holds a secret security clearance with the United States Government due to his service with the United States Navy for 13 years.

It kind of ties into the last case. As
you're aware, Section 313.812 of the Revised Statutes of Missouri states that a license shall not be granted if the applicant has pled guilty to a felony. The evidence presented at hearing indicates that but for this felony plea in 2000, Mr. Day has led a responsible and law-abiding life. However, due to the felony plea, he is unsuitable to hold a license, and the hearing officer recommends that the Commission affirm the denial of his license.

Happy to answer any questions.

CHAIRMAN KOHN: Okay.

COMMISSIONER JAMISON: I've got a question.

MR. WOLFORD: And Mr. Day is present.

CHAIRMAN KOHN: All right. Thank you.

COMMISSIONER JAMISON: My question has to do with the discussion that occurred within the hearing. That -- it was my understanding that at some point he withdrew his application; is that correct?

MR. WOLFORD: That is correct, Commissioner Jamison.

COMMISSIONER JAMISON: So did he reapply to be able to have the hearing or -- I guess I'm trying to figure out why we'd be denying a license if a request to withdraw the application was accepted.

COMMISSIONER LOMBARDO: I had exactly the
same question.

MR. WOLFORD: That's a great question --

CHAIRMAN KOHN: So did I.

MR. WOLFORD: -- and I'll defer to Ms. Kerr on that.

COMMISSIONER NEER: We all read the same material.

CHAIRMAN KOHN: Ms. Kerr.

MS. KERR: You want me to --

CHAIRMAN KOHN: Sure.

Mr. Wolford, we may have more questions of you too.

MS. KERR: Thank you. Morning again. Well, the disposition of occupational license, gaming license application that he received, on it it has the fact -- it said please check all that apply. It was checked because he pled guilty to or was convicted of a felony. And then also it does point out that the applicant voluntarily withdrew.

But then Mr. Day -- that was October 2017.

And then about a week later we received the request for a hearing from Mr. Day to, quote, attempt to prove his suitability to the Commission.

CHAIRMAN KOHN: To do what?

MS. KERR: He requested a hearing to, quote,
attempt to approve suitability to the Commission. So I think what we were -- he asked for a hearing. We provided him a hearing.

COMMISSIONER LOMBARDO: Could you have said you don't get a hearing because you withdrew your application?

MS. KERR: Probably, yes.

CHAIRMAN KOHN: Okay.

COMMISSIONER JAMISON: A couple of questions of Mr. Day.

CHAIRMAN KOHN: Well, let's finish up with Mr. Wolford and Ms. Kerr.

COMMISSIONER JAMISON: So is -- so I guess my question is are you just taking the fact that he asked for a hearing as a reinstatement of his application? Because, I mean, he did not make -- I mean, if he -- I mean, I think there's a miscommunication here, and we're taking -- we're taking the stance of, if he asked for a hearing, he must still want to do the application process. But did we ask him that question or did we discuss that?

MS. KERR: We didn't ask him that.

MR. GREWACH: If I could address that. I mean, internally --

COMMISSIONER JAMISON: It would be great.
COMMISSIONER LOMBARDO: Please.

MR. GREWACH: -- we did look at that. You know, over -- out of an abundance of caution, we felt that the hearing was appropriate, given the fact that he's a pro se licensee and, in addition, the fact that he's statutorily disqualified from having a license. So it was more, instead of asking the hearing officer to dismiss it on a procedural point, we gave the benefit of the doubt, due process considerations, to just go forward, considering his appeal of the denial, which also shows up on the same form. The same form shows the denial, and it shows withdrawal vote. So...

COMMISSIONER JAMISON: I get that. Let me ask this question then: Does it still have a negative ramification to Mr. Day if he's denied a license in Missouri?

MR. GREWACH: Yes. That would be -- the negative ramifications would be that if he would apply somewhere else, he would have to list this denial on that application.

COMMISSIONER JAMISON: So I guess my next question is then can we take the step of now saying his application has been withdrawn and we don't have to act on it?

MR. GREWACH: Absolutely. You could make a
motion to modify the hearing officer's recommendation to
find that, in light of the fact that he withdrew his
application, that he's not entitled to a hearing or
appeal.

COMMISSIONER NEER: So there's not currently
an application?

MR. GREWACH: Well, there was an application,
and then there was a denial form filled out. But at --

COMMISSIONER NEER: Today, right now --

MR. GREWACH: Right now.

COMMISSIONER NEER: -- is there an
application for a license?

MR. GREWACH: Well, there's one in the file.

It was either denied or withdrawn, depending on, as you
look at that document, which conclusion you reach, you
know, from looking at the denial, the DOLA, the
disposition of occupational license form.

CHAIRMAN KOHN: Ed, I'm sorry, I'm not clear
either. I'm not sure what we're going to be voting on.

Is it to revoke the license? Is it not to grant the
license? What are we doing?

MR. GREWACH: It's to affirm the denial of
his license.

CHAIRMAN KOHN: Denial of his gaming license?

MR. GREWACH: Correct. His application for a
COMMISSIONER LOMBARDO: Well --

COMMISSIONER NEER: Denial of the application?

MR. GREWACH: Correct. Because if you look at the DOLA, the first box that's checked is that his application is denied because he pled guilty to a felony. And that's the denial. Now, later on, the note there that he withdrew. So the -- the question becomes, you know, do we consider that a denial, pursuant to the first box checked, or a withdrawal. So, again, out of overabundance of caution, we proceeded with the hearing.

COMMISSIONER LOMBARDO: I'll just say it. My feeling is that if this is a situation where there's no discretion, where because of the felony we could not grant him a license and it seems like he's been absolutely honest through the entire process and he did withdraw his application, I would much prefer that we just say the application's withdrawn than if we were going -- than make some finding denying something that's withdrawn that could hurt him.

MR. GREWACH: That's certainly within the discretion of the commissioners, pursuant to the rule, to modify the recommendation to make that finding. And we could draft the appropriate resolution --
COMMISSIONER LOMBARDO: I think we probably need to hear from --
CHAIRMAN KOHN: Yeah, we may have more questions for the three of you, but let's hear from Mr. Day first.

Please identify yourself for the record.

MR. DAY: Brian Day.
CHAIRMAN KOHN: Can you shed any light on where we are at this point? You withdrew your application, but you're seeking an application? Can you clarify what it is you're trying to do?

MR. DAY: Yes, sir. I didn't know if there was any -- if the commissioners had any leeway as far as granting me a license. And the original officer that did the investigation, he's the one that made the recommendation that I withdraw my application, because if I was officially denied an application, then in other jurisdictions, Kansas mainly, I wouldn't be able to get a license there either. Because they don't have the statute that if you have ever pled guilty to a felony that you can't -- that you can't hold a license.

And so I voluntarily withdrew and then requested a hearing, not knowing if you have any leeway to grant a license based on circumstances.

CHAIRMAN KOHN: So you withdrew voluntarily.
And then did you reapply?

MR. DAY: I have not reapplied, because I don't want an official denial. But if there -- if --

COMMISSIONER JAMISON: Well, let me help here just a little bit. And I know probably the case before you probably confuses you a little bit. Her -- the adjoining misdemeanors that were, you know, talked about in the previous case, that's a rule, not a statute. The felony is a statutory requirement that's been passed by the Legislature, and we have to abide by that. The rule that puts the accompanying misdemeanors for theft or fraud in a same category as a rule that we have ruled upon, we have the ability to waive that rule. We don't have the same ability to waive the statute. We can't waive the statute that is imposed on us by the Legislature.

So knowing the difference between the two, I guess my question for you today is do you prefer to have an application in front of the Board or do you want to not have an application in front of the Board?

MR. DAY: I would prefer not to. You know, I don't know the steps behind that. I feel like that's something that maybe should be taken up with the Legislature, because this is something that happened 18 years ago.
COMMISSIONER JAMISON: Completely understand.

But it's a legis-- you know, it's a body of the Senate and the House that would have to change their statutes.

MR. DAY: Understood.

CHAIRMAN KOHN: And we have to live with what the law is today. So if I understood what you just said correctly, your position is that you would like to remain with the status of having withdrawn your application for license and not show that you have reapplied?

MR. DAY: Correct.

CHAIRMAN KOHN: Okay. Mr. Wolford, can we -- are you okay with that? In other words, we just won't act?

MR. WOLFORD: Yes, I think that's an acceptable outcome.

CHAIRMAN KOHN: Ed?

MR. GREWACH: I think what would probably be in order, to file a motion to modify so we close the file. Modify the hearing officer's recommendation to find that the applicant had withdrawn his license; and, therefore, his request for hearing is --

CHAIRMAN KOHN: Moot.

MR. GREWACH: Moot, right. And we could -- if someone could make that motion, we can cure that. And that way, when we look back on the file, we'll
understand, you know, how we got to the point that we did.

CHAIRMAN KOHN: Mr. Wolford, I was confused enough by this case, but now I got even more confused when I read your final order that says the burden of proof to show that she is on -- that she is suitable instead of he. I thought maybe I was back on the other case again. That's a typo, I understand.

MR. WOLFORD: Typo, yes. And found its way in.

CHAIRMAN KOHN: Is there a motion?

COMMISSIONER LOMBARDO: Yeah. Motion to modify the resolution to find that the application has been voluntarily withdrawn and that the file should be closed and no action's necessary.

COMMISSIONER NEER: Second.

CHAIRMAN KOHN: Discussion on the motion? Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Approved.

MS. FRANKS: Chairman Kohn.
CHAIRMAN KOHN: Approved.

MS. FRANKS: By your vote you have amended the hearing officer -- hearing officer's resolution so that Mr. Day's license will be voluntarily withdrawn.

COMMISSIONER LOMBARDO: His application.

MS. FRANKS: His application, right, and no action will be taken.

CHAIRMAN KOHN: Mr. Seibert.

MR. SEIBERT: The next order of business is consideration of relicensure of Class A licensee.

Mr. Barron Fuller and Jeff Hendricks will present the presentation and any other introduction.

CHAIRMAN KOHN: Mr. Fuller, Mr. Hendricks.

MR. HENDRICKS: Good morning.

CHAIRMAN KOHN: Good morning.

COMMISSIONER LOMBARDO: Good morning.

MR. HENDRICKS: Chairman, Commissioners, Deputy Director, and Staff, it's a pleasure to be here today. My name is Jeff Hendricks. I'm the vice president of compliance of Eldorado Resorts, Inc. With me as well is Barron Fuller, our senior vice president of regional operations.

This morning I'm going to give a brief overview of the status of the company since we were here a year ago. I think I will give a rundown what's going
on in the corporate organization, and then later turn
things over to Barron for a discussion of the exciting
events going on at our Missouri properties.

Before I do that, however, I want to, on
behalf of Eldorado Resorts, express our appreciation for
the hard work of the Commission staff during this license
review. We have nothing but excellent things to say
about all the staff members and investigators with whom
we've worked. So we want to pass on that appreciation
here this morning.

So about a year ago this month, Eldorado
Resorts introduced itself to the Commission and applied
for its initial Class A gaming license and approval for
its acquisition of Isle of Capri Casinos, Incorporated.
During that meeting Eldorado introduced itself by
describing the properties within the enterprise, the
history of the organization, and then focusing on its
corporate culture. And that corporate culture includes a
focus on customer service, commitment to corporate
citizenship and regulatory compliance and providing a
top-tier regional gaming product.

During the initial deal between Eldorado and
Isle, I think Eldorado found those values to be present.
But then Isle was very excited about the deal, based on
that shared value set. And we could say that a year
forward from the deal those values are very much still in place and present in the combined company.

So I put on the screen a timeline of the history of Eldorado Resorts and kind of how we got to this meeting here today. So Eldorado was founded as a Nevada-based, family-owned gaming company with one property in the Reno, Nevada area. It continued along that timeline for several years and, as you can see from the chart, within the last five or so years has gone through a pretty incredible period of growth. It's a very exciting time to be with the company.

Looking at the last item there, the acquisition of Isle of Capri Casinos, I want to give an update on how that acquisition has performed and the status of the company today. We think that the acquisition has been transformative for the combined company. It has outperformed even the most optimistic expectations of how the deal could have gone. So I can tell you culturally it has been a great fit between those two organizations, and over the past year the company has really focused on integrating Isle of Capri with the corporate and property levels into the combined company.

So a brief note on that integration. So for those of you I have not met, I'm a Mizzou grad. I started at the Isle of Capri Boonville property, and I
worked in the St. Louis market for a number of years before joining the corporate office of Isle of Capri Casinos. So I can tell you that geographically the move from St. Louis to Reno has been pretty striking, and that's quite the difference. But culturally I think the combined company absolutely understands what it means to work in Missouri and understands that it's a privilege to operate here. We take that privilege very seriously, and we're very proud and happy to be working in this jurisdiction.

So at the current point the combined company sits as 20 properties in 10 different jurisdictions. Financial performance has been very strong in the past year with a great balance sheet. And we think that the future of the company looks very strong.

So today and going forward what we intend to do as a company is to continue to focus on the value that got us here today. So continue to focus on customer service, on regulatory compliance, and providing an excellent gaming product for our customers, and then continuing to integrate both Isle of Capri properties and all of our properties into the new parent company.

Additionally, there have been some very exciting announcements made by the company over the past several weeks. We've been working with Commission staff
on those announcements. We're excited to continue the
dialogue and present on that topic. The staff has been
gracious with their time already, and we're meeting later
this week to continue with this conversation. So we very
much appreciate all the staff's hard work on that and
look forward to discuss the growth and success of the
company.

So, with that, I'm certainly open to
questions, both now and in the presentation. And I'll
turn things over to Barron Fuller to discuss what's going
on with the Missouri properties.

MR. FULLER: Good morning, everyone. As Jeff
said, my name is Barron Fuller. I'm the senior vice
president of operations of Eldorado Resorts, Midwest
Division, which entails our two properties up in Iowa and
our four down here in Missouri. I'm proud to call
Missouri my home for the last ten years. And I live in
Columbia, calling that my home too. So...

Today I'd like to present to you, just kind
of touch on the execution of the strategy that we laid
out during our original license presentation last year
and what that impact would be on our four Class B
licenses in the state of Missouri.

Before I get going with the presentation, I'd
like to recognize one person in the audience today, Jamie
Ellingboe. Jamie is our risk compliance and facility manager in Boonville, and she's been very instrumental with me over the last six to seven years, keeping me guided as it relates to compliance.

Jeff talked a little bit about culturally the balance of compliance as it related to Isle coming into Eldorado. As the Isle we always held our teams to a high level of accountability as it related to regulatory compliance. We wanted to ensure this culture continued through the Eldorado transition. We think we've done an excellent job with that with the help of Tim and Bill and staff.

A little bit about MBE and MBE strategy. Several years ago under Isle ownership we created a supplier diversity strategic plan with our third-party consultant, Marks & Associates. Eldorado's philosophy has been to hold true to that plan and operate with a high level of accountability as it relates to MBE and WBE spend and better development. We work closely with Rick and Cheryl Bonner through our audit, and we've done an outstanding job with that.

Capital reinvestment into our facilities continues to be a top priority. Unfortunately, things like roof repairs, hull replacements in our barges, in our coffers you can't -- can't be seen by the public eye
but costs a lot of money as it relates to our capital spend. Fortunately, we're coming off a quarter where we've had our highest capital spend on slot — new slot product onto our floor. We've done a nice job in the outside of our facility in the Kansas City market freshening that. We'll put more money into that — in that facility as it relates to parking garage enhancement and new signage.

We also believe we've done a nice job in raising the bar on operational excellence. After the close of the deal last year, the Carano family made an immediate commitment to visit every Isle property, spending time with every team member, communicating their vision as it related to family-style service and financial expectations.

Gary and Anthony continue to meet face to face with the property leadership teams on a quarterly basis. Most recently last week we met in Cape Girardeau, brought the four Missouri properties together and the two Iowa properties came down. We got to spend some time in Cape. Introduced Gary and Anthony to some things that went on in Cape Girardeau. But, more importantly, we talked about the vision; what's going on with service, what's going on with food, and what's going on with financial performance.
This has been a big commitment on their behalf. We feel it's paying off tremendously though, as we've seen increases in our internal shopping service scores, increases in our team member engagement, and then overall increases in our EBITDA performance.

And then last but not least, we've stayed fully committed to the communities we operate in. Eldorado's culture is always to stay fully committed, as the Goldstein family was with Isle of Capri. Over the past year we volunteered over 10,000 hours at our four properties in the state of Missouri. And most notably, we fell true to the Missouri Veterans History Project, which remains near and dear to our hearts, where we've compiled over a hundred interviews since the inception of that program, and 40 just in the last year. So...

CHAIRMAN KOHN: What is that program for?

MR. FULLER: Missouri Veterans History Program?

CHAIRMAN KOHN: Yeah, what's the...

MR. FULLER: So we entail about a one-hour interview with veterans. So we started with World War II veterans, and we went on the Korean War and Vietnam veterans. We sit down, ask a series of questions, document it, somebody scripts it; then it goes into the Library of Congress. So 20 years from now, if somebody
wants to look up what their grandfather did in a war, that's out there in the Library of Congress that you can have access to.

CHAIRMAN KOHN: So is that being done in other states or just here?

MR. FULLER: I'm not aware of it being done in other states. It's kind of something we helped spearhead. And I think it's true, you have to have a person on your property, at one of the properties. So there's an individual in Boonville that does an outstanding job of it, and another individual in Cape Girardeau that does an outstanding job of it.

CHAIRMAN KOHN: Great.

MR. FULLER: So you can see we've done a good job over the past year of meeting expectations of what we laid out at that meeting about a year ago now. I'd be happy to answer any questions.

CHAIRMAN KOHN: Does that conclude your presentation?

MR. HENDRICKS: That does, yes.

MR. FULLER: It does, yes.

CHAIRMAN KOHN: Any questions of either of them?

COMMISSIONER JAMISON: No sir.

CHAIRMAN KOHN: Okay. Mr. Seibert.
MR. FULLER: Thank you.

MR. SEIBERT: Next we have the investigative summary, which will be presented by Sergeant Gary Davidson.

CHAIRMAN KOHN: Morning, Sergeant.

SERGEANT DAVIDSON: Good morning, Chairman, Commissioners. Eldorado Resorts, Incorporated is being presented for relicensure in the state of Missouri. Eldorado Resorts is a Class A licensee which owns and operates the following four casinos in Missouri: IOC Kansas City, Incorporated; IOC Boonville, Incorporated; IOC Caruthersville, LLC, doing business as Lady Luck Casino Caruthersville; and IOC Cape Girardeau, LLC, doing business as Isle Casino Cape Girardeau. Eldorado Resorts was initially licensed by the Commission on April 26, 2017, and is being presented today for its one year anniversary renewal.

Highway patrol investigators, along with Missouri Gaming Commission financial investigators, conducted a relicensing investigation which consisted of additional inquiries, an examination of disciplinary actions, litigation and business credit profiles, as well as a review of key persons associated with the company.

The investigative summary was presented to the Missouri Gaming Commission financial -- excuse me,
Missouri Gaming Commission staff for their review, and
investigators are present to answer any questions you
might have.

CHAIRMAN KOHN: Questions of Sergeant Davidson?

COMMISSIONER LOMBARDO: No.

COMMISSIONER NEER: No.

CHAIRMAN KOHN: Okay. Mr. Seibert, staff recommendation?

MR. SEIBERT: Staff does recommend approval.

CHAIRMAN KOHN: Okay. Before we vote, I want to thank Mr. Fuller and Mr. Hendricks for your presentations. We appreciate your being here.

Is there a motion with respect to Resolution 18-023?

COMMISSIONER JAMISON: Move for adoption.

COMMISSIONER NEER: Second.

CHAIRMAN KOHN: Discussion on the motion?

Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Approved.
MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Approved.

MS. FRANKS: By your vote you've adopted Resolution Number 18-023.

CHAIRMAN KOHN: Mr. Seibert.

MR. SEIBERT: Next order of business is consideration of relicensure of certain suppliers. Corporal John Masters will present.

CHAIRMAN KOHN: Good morning, Corporal.

CORPORAL MASTERS: Morning. Missouri State Highway Patrol and MGC investigators conducted the relicensing investigations of two supplier companies. These investigations consisted of jurisdictional inquiries, feedback from affected gaming clients, a review of disciplinary actions, litigation and business credit profiles, as well as a review of key persons associated with each company.

The following two companies are being presented for your consideration: Ainsworth Game Technologies, Limited; Everi Games, Incorporated.

The result of these investigations were provided to the MGC staff for their review, and the investigators are present to answer any questions.

CHAIRMAN KOHN: Any questions of Corporal? Angie, our vote for these, we have two
resolutions, don't we?

MS. FRANKS: Yes.

CHAIRMAN KOHN: One for each supplier?

MS. FRANKS: Yes.

CHAIRMAN KOHN: Is there a motion with

respect to 18-024, which is...

MS. FRANKS: Ainsworth.

CHAIRMAN KOHN: Huh? Which one is this?

MS. FRANKS: Ainsworth Game Technologies.

CHAIRMAN KOHN: Ainsworth, yeah.

COMMISSIONER LOMBARDO: Motion to approve.

CHAIRMAN KOHN: Is there a second?

COMMISSIONER JAMISON: Second.

CHAIRMAN KOHN: Discussion on the motion?

Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Approved.

MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Approved.

MS. FRANKS: By your vote you've adopted

Resolution Number 18-024.
CHAIRMAN KOHN: Is there a motion with respect to Resolution 18-025, which is Everi Games, Inc.?

COMMISSIONER NEER: Motion to approve.

COMMISSIONER LOMBARDO: Second.

CHAIRMAN KOHN: Discussion of the motion? Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Approved.

MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Approved.

MS. FRANKS: By your vote you've adopted Resolution Number 18-025.

CHAIRMAN KOHN: Mr. Seibert.

MR. SEIBERT: Next order of business is consideration of the licensure of certain suppliers. And that also will be presented by Corporal John Masters.

CORPORAL MASTERS: Missouri State Highway Patrol and MGC investigators also conducted a comprehensive investigation of Ainsworth Game Technology, Incorporated, a subsidiary of Ainsworth Game Technologies, Limited, for its initial supplier's
license.

The result of that investigation was also provided to the MGC staff for their review, and the investigators are available to entertain any questions you might have.

Thank you.

CHAIRMAN KOHN: Any questions?

Is there a motion with respect to Resolution 18-026, which is Ainsworth Game Technology, Inc.?

COMMISSIONER JAMISON: I move for approval.

COMMISSIONER NEER: Second.

CHAIRMAN KOHN: Discussion on the motion?

Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Approved.

MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Approved.

MS. FRANKS: By your vote you've adopted Resolution Number 18-026.

CHAIRMAN KOHN: Mr. Seibert.

MR. SEIBERT: Next order of business is
Mr. Ed Grewach will present.

MR. GREWACH: Thank you, Mr. Seibert.

Chairman, Commissioners, under Tab I we have a preliminary order of discipline directed to Lumiere Place Casino for failing to conduct table games according to the rules and for failing to promptly report violations to the Commission.

On June 21st, 2017 the Commission was notified by casino surveillance that table game staff was allowing a patron to circumvent the rules of a game. Our investigation disclosed three separate incidents, which involved a VIP patron who was playing Black Jack.

The first incident two cards came out of the shoe at the same time face down. The dealer called the supervisor over. The supervisor correctly instructed the dealer to go ahead and deal the top card to the player and the next card to the dealer. So it had no -- that fact that the two cards came out the same time had no impact on the outcome of the game.

Once the cards were dealt, the result was that the patron lost his $500 wager. The patron complained about the -- about the fact the two cards came out. At that point in time the supervisor then allowed the patron to take back his $500 wager, resulting in a
$500 lost adjusted gross revenue for gaming tax purposes.

As you know, the rules of the game have to list any irregularities and how irregularities are handled, and two cards coming out of the shoe at the same time face down was not one of the irregularities that were specifically listed in the rule.

In the second incident the patron placed a $100 wager on a bet that carried 9 to 1 odds. The cards then -- in fact, the hand he won, which would have meant he won $900. After he had won the game, he then asked for permission to place a second $100 bet on that same betting line. The dealer allowed him to do that, which in turn resulted in him being paid an extra $900. And technically that process of placing a wager after the outcome's been determined is termed in the industry as capping a bet, which is of course illegal under Missouri law. In addition, their rules indicate that all -- that this particular wager had to be placed prior to any cards being dealt.

The third incident involved an overpayment of $225 by a player, and there was a dispute as to whether or not the player requested a hit or to split the cards. And this review of surveillance clearly showed that he requested a hit and should have -- should not have been allowed to split those cards.
Now, the events occurred on June 18th and 19th, and the Commission was not notified -- and that notice came, in fact, from surveillance -- until June the 21st. The staff recommended a $10,000 fine and $509.25 in a tax adjustment based on $2,425 of wagers that were improperly either refunded or paid to the patron.

Now, you'll see in your packet the property's response to our staff's recommendation, and you'll also see in there our reply to that response. You'll see there that we did, when looking at their response, actually reduced the tax assessment to $425.25, based on an overpayment of $2,025, but recommended to keep the $10,000 fine.

Without going into detail of their response and our reply, I do want to highlight the regulatory structure here. And you can see that Rule 5.050 requires properties to submit rules of games before they're placed into play. It further requires that any changes in those rules must be submitted and approved by the Commission prior to their implementation.

Then when you look at the minimum internal control standards under Section C-101, it requires what has -- it states what has to be in those rules; and most specifically in the section cited, require that the rules
list any irregularities and how those irregularities are to be handled.

And, finally, 9.060(4) indicates that if the game's conducted in violation of the rules, it is a violation and subjects the property to an administrative penalty. Now, that requirement of the rules has some significance in that when something happens at a table, it's very important to know, from the Commission agent's point of view, from the patron's point of view, that we can look at the rules and determine exactly what should happen at that point in time.

So it is the Commission's recommendation to continue with the $10,000 fine recommendation, as well as the tax assessment.

CHAIRMAN KOHN: Questions of Ed?

I have a curiosity question. What's the purpose of telling us it's a VIP customer? Do we have different rules for VIP customers?

MR. GREWACH: I think the significance of that in this case, when you look at particularly the property's response on the -- on their Roman Numeral 4, indicates that the patron in question was abusive and intimidated the players. When we looked at the statements of certain of the dealers and supervisors as to why they did what they did, they indicated, well, you
know, if we didn't do what this patron asked, he'd report it up the chain to our boss and -- which goes into their statement that the dealers and supervisors were intimidated by this patron.

And I think what they tender in their response as a defense, I think by the same token explains why these dealers and supervisors circumvented the rules of the game. And I think that's the significance of the player being a VIP player.

CHAIRMAN KOHN: Other questions?

COMMISSIONER LOMBARDO: Is there anybody here who wants to speak on behalf of --

COMMISSIONER JAMISON: No, we don't do that now.

MR. GREWACH: There are times they ask for a hearing, if they have -- and that's the recent -- we have -- and this is a recent incorporation at their request; that we are now providing you their written response, and then we're responding -- replying to that response in detail. And if they want to have a hearing, because as we get into facts -- you know, this is basically at the point in time where a charge is being filed, and then after that there could be hearing.

COMMISSIONER LOMBARDO: Yeah, this is really one of the first ones I can remember where I've seen
their response in the packet.

MR. GREWACH: Yes, that is a new practice we will be adopting from here forward.

COMMISSIONER LOMBARDO: Okay. That's why I asked a stupid question.

CHAIRMAN KOHN: Any other questions of Ed? Do we have a motion with respect to DC-18-032?

COMMISSIONER LOMBARDO: Motion to approve.

COMMISSIONER JAMISON: Second.

CHAIRMAN KOHN: Discussion of the motion?

Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Approved.

MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Approved.

MS. FRANKS: By your vote you've adopted DC-18-032.

CHAIRMAN KOHN: Ed.

MR. GREWACH: Yes. Under Tab J we have a preliminary order of discipline directed at Lumiere Place
Casino for failing to notify the Commission of an employee termination within the time frame required by the rule. The -- Rule 4.410 requires the casino to notify the Commission within ten days of an employee's termination. In this case a surveillance agent was terminated on July the 30th, 2017, but the Commission was not notified until August 28, 2017.

It's also important, I think, to note, in light of the fact that we're requesting a fine in this case, that there were six violations since 2009; two of those occurring in the calendar year 2016; two of those occurring in the calendar year 2017. And, therefore, the recommendation of the staff is a $2,500 fine.

CHAIRMAN KOHN: Any questions of Ed?

COMMISSIONER JAMISON: No, sir.

COMMISSIONER LOMBARDO: No.

CHAIRMAN KOHN: Is there a motion with respect to DC-18-023?

COMMISSIONER JAMISON: Move to adoption.

COMMISSIONER LOMBARDO: Second.

CHAIRMAN KOHN: Discussion on the motion?

Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.
COMMISSIONER NEER: (Out of the room.)

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Approved.

MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Approved.

MS. FRANKS: By your vote you've adopted DC-18-033.

MR. GREWACH: Thank you.

CHAIRMAN KOHN: Thank you, Ed.

Mr. Seibert.

MR. SEIBERT: Next order of business is consideration of waiver of licensure for institutional investor.

Ms. Maggie White will present.

CHAIRMAN KOHN: Good morning, Ms. White.

MS. WHITE: Good morning. Mr. Chairman, Commissioners, behind Tab K is a resolution regarding waiver of licensure for an institutional investor holding and/or requesting to hold publicly-traded interest of up to 20 percent in a gaming licensee.

CHAIRMAN KOHN: Would you move that mic --

MS. WHITE: Oh, yes.

CHAIRMAN KOHN: Would you move that mic down?

MS. WHITE: This investor has submitted a request for waiver to hold interest in this licensee, in
compliance with 11 CSR 45-4. The submitted waiver request certifies the holding is for institutional investment purposes only, with no intent to be involved in the management or operation of the licensee.

Because the holdings made exceed the 10 percent threshold for which the executive director may grant a waiver, this resolution is before the Commission today.

Resolution Number 18-027 is for Canyon Capital Advisors, LLC.

I'd be happy to answer any questions.

CHAIRMAN KOHN: Any questions of Ms. White? Is there a motion with respect to Resolution 18-027?

COMMISSIONER JAMISON: Move for adoption.

COMMISSIONER LOMBARDO: Second.

CHAIRMAN KOHN: Discussion on the motion?

Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Approved.

MS. FRANKS: Chairman Kohn.
CHAIRMAN KOHN: Approved.

MS. FRANKS: By your vote you've adopted Resolution Number 18-027.

CHAIRMAN KOHN: Mr. Seibert.

MR. SEIBERT: Next order of business is consideration of rules and regulations. Mr. Ed Grewach will present.

CHAIRMAN KOHN: Have you set a new record?

MR. GREWACH: A new record in?

CHAIRMAN KOHN: Time.

MR. GREWACH: Time? We're trying to. I'm a little bit taller than Maggie too, so I had to raise the microphone.

Under Tabs L and M we have proposed amendments either rescinding a portion of a rule or modifying rules. This -- these are rules that were identified in the process of our continuing review in compliance with the Governor's Executive Order 17-03 and the review of -- required by the Legislature under Section 536.175 RSMo.

For all these rules, if the -- if the Commission approves them, there will be a public comment period followed by a public hearing on July the 10th, 2018. If we receive comments, those comments and the final orders themselves will be presented to the
Commission at the August 29th, 2018 meeting. If approved by the Commission at that meeting, these rule changes will become effective on December the 30th, 2018.

I have again grouped these rules corresponding to the categories in either the Governor's Executive Order or the statute. And the first group under Tab L are proposed amendments rescinding or modifying rules, regulations that overlap, duplicate, or conflict with a statute or another rule.

And I would be happy to answer any questions.

CHAIRMAN KOHN: Any questions of Ed?

Is there a motion to approve the amendment and rescinding under -- of those rules and regulations listed under Tab L?

COMMISSIONER LOMBARDO: So moved.

CHAIRMAN KOHN: Is there a second?

COMMISSIONER NEER: Second.

CHAIRMAN KOHN: Discussion on the motion?

Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Approved.
MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Approved.


CHAIRMAN KOHN: Thank you.

Ed, Tab M.

MR. GREWACH: Under Tab M we have rules that have been identified by the staff for either rescission or modification that the staff has found to be unnecessary or not essential to the health, safety, or welfare of Missouri residents or obsolete.

And I would be happy to answer any questions.

CHAIRMAN KOHN: Questions of Ed?

Is there a motion to approve the amendment rescinding or modifying those rules and regulations listed under Tab M?

COMMISSIONER NEER: Motion to approve.

COMMISSIONER LOMBARDO: Second.

CHAIRMAN KOHN: Discussion of the motion?

Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.
MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Approved.

MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Approved.

MS. FRANKS: By your vote you've adopted 11 CSR 45-5.181, 5.184, 5.260, 6.010, 6.020, 6.025, 7.160, 8.050, 8.060, 8.090, 8.130, 8.150, 9.101, and 9.120.

MR. GREWACH: Thank you.

CHAIRMAN KOHN: Ed, thank you. And, you know, we always -- we're always thanking people. We always forget to thank you for the outstanding work you do in getting through these. You know, we do it very quickly, but we know how much time you spend on reviewing these rules and regulations. So we appreciate it.

MR. GREWACH: Well, thank you. Appreciate it.

CHAIRMAN KOHN: That concludes the items of business for our open session.

Is there a motion to go into closed?

COMMISSIONER JAMISON: I move to go into closed meeting under Section 313.847 and 313.945 Revised Missouri Statutes, investigatory, proprietary, and application records; and 610.021, Subparagraph 1 Revised Missouri Statutes, legal actions; Subparagraph 3,
Subparagraph 13, personnel; and subparagraph 14, records protected from disclosure by law.

COMMISSIONER LOMBARDO: Second.

CHAIRMAN KOHN: Angie.

MS. FRANKS: Commissioner Lombardo.

COMMISSIONER LOMBARDO: Approved.

MS. FRANKS: Commissioner Neer.

COMMISSIONER NEER: Approved.

MS. FRANKS: Commissioner Jamison.

COMMISSIONER JAMISON: Approved.

MS. FRANKS: Chairman Kohn.

CHAIRMAN KOHN: Approved.

That ends our open session. We reserve the right to come back into open session after our closed session, but it's unlikely that we will.

This may have set a new record. Made it possible for us to get to Central Dairy before the school buses.

So thank you all, and we'll see you next month.

(Off the record.)

(Adjourned at 10:12 a.m.)
CERTIFICATE OF REPORTER

I, Angie D. Threlkeld, a Certified Court Reporter, CCR No. 1382, the officer before whom the foregoing hearing was taken, do hereby certify that the foregoing hearing was taken by me to the best of my ability and thereafter reduced to typewriting under my direction; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this hearing was taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties thereto, nor financially or otherwise interested in the outcome of the action.

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Angie D. Threlkeld, CCR
The Missouri Gaming Commission (the “Commission”) went into open session at approximately 11:03 a.m. on April 25, 2018, at the Jefferson City office of the Missouri Gaming Commission.

Commissioner Jamison moved to adjourn the open session meeting. Commissioner Lombardo seconded the motion. After a roll call vote was taken, Lombardo – yes, Neer – yes, Jamison – yes, and Kohn – yes, the motion was unanimously approved.

The meeting ended at 11:05 a.m.