

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

PROPOSED AMENDMENT

11 CSR 45-13.051 Bingo Hearings. The commission is amending sections (1)–(7).

PURPOSE: This amendment changes the procedures for notifying persons of ineligibility for licensing and adding them to the List of Ineligible Persons. This amendment also changes procedures for the commission’s notifications of discipline of licensees and licensees’ responsibility to respond and procedures involving the Administrative Hearing Commission.

(1) A person whose application for a bingo license has not been granted for failing to establish suitability to hold a license or against whom a disciplinary action has been initiated, **including action to place the person’s name on the List of Ineligible Persons (List)**, may request a hearing under this chapter. **The rules in this chapter shall be read together with Chapter 536, RSMo.**

(2) The commission may authorize the director to investigate and make the initial finding of unsuitability or to issue a proposed order for disciplinary action with regard to any applicant for or holder of a license of the type that may be issued by the director pursuant to 11 CSR 45-30.065(3). **The commission may also authorize the director to investigate and make the initial finding of ineligibility and to initiate proceedings to place a person on the List pursuant to 11 CSR 45-30.580.**

(3) Whenever the commission finds an applicant unsuitable **or ineligible** for licensing, the commission shall *[send a written letter to the applicant]* **notify the licensee or applicant in writing** outlining the reasons for the finding. This *[letter]* **notice** shall be sent **to the party’s last known address** by certified mail, return receipt requested or by **another means of personal [delivery] service.**

(4) When notified of facts sufficient to support disciplinary action against a bingo licensee under the applicable statutes or rules, the commission may propose disciplinary action against a licensee. If the commission proposes disciplinary action, it shall notify the licensee of the **proposed** disciplinary action, *[proposed]* **in writing, outlining the reasons for the proposed discipline. This notice shall be sent to the party’s last known address** by certified mail, **return receipt requested, or by another means of personal service.**

(5) Any licensee who receives a notice of commission action *[may request a hearing on the proposed action before the Missouri Administrative Hearing Commission (AHC) as set forth in Chapter 621, RSMo.]* **shall respond to the commission within thirty (30) days of the date the notice is mailed from the commission. If the licensee does not respond to the commission within thirty (30) days of the date the notice is mailed, the commission may petition the Administrative Hearing Commission (AHC) for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline. The hearings before the AHC shall be governed by Chapter 536, RSMo and the rules in 1 CSR 15-3. The AHC shall, after**

opportunity for hearing, issue findings of fact and conclusion of law and refer the matter back to the commission.

[(6)] (A) If the AHC does not find a factual basis to support the notice of commission action, the matter will be dismissed and no action will be taken against the licensee.

[(7)] (B) If the AHC [*finds a factual basis to support the notice of commission action or accepts a waiver of hearing from the licensee,*] **issues its findings of fact and conclusions of law supporting cause to discipline**, the case will be returned to the commission to **convene a hearing to consider and** determine [*and impose*] the appropriate [*discipline or other*] **disciplinary action, and enter a final order.**

(6) [(A)] Upon receiving the case from the AHC, the commission [*will send information in writing by certified mail to the licensee stating that the proposed notice of commission action will be imposed against*] **shall set the matter for a hearing in accordance with 11 CSR 45-13.030. The notice of hearing shall be in writing and shall notify** the licensee[. *The letter will provide the licensee thirty (30) days to file a request for hearing with the commission concerning the amount or severity of the discipline or other action.*] **of the time and place of the hearing, unless a waiver of hearing is filed by the licensee or the parties reach a settlement, negating the need for a hearing. Service of the hearing notice shall be sent by mail to the party's last known address.**

[(B) *If the licensee does not file a request for hearing within thirty (30) days, the notice of commission action will be submitted to the commission for approval.*]

(7) [(C) *If the licensee requests*] **Following** a hearing, [*will be conducted before a commission hearing officer regarding the appropriateness of the penalty to be assessed. The*] **before the commission's hearing officer in accordance with this chapter, the** hearing officer shall make a recommendation of discipline or other action to the commission **as authorized and set forth by 11 CSR 45-13.020.**

AUTHORITY: sections 313.004, 313.052 and 313.065, RSMo 2000 and sections 313.015, 621.045, and 621.110, RSMo, Supp. 2014. Original rule filed June 30, 2003, effective Feb. 29, 2004. Amended: Filed June 25, 2015.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Wednesday, September 9, 2015, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*