

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-13-698
Ameristar Casino Kansas City, Inc.)

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") is a state commission created under Chapter 313, RSMo 2000, with jurisdiction over gaming activities, including riverboat gambling activities, in the State of Missouri.
2. The Commission issued Ameristar Casinos, Inc. a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Ameristar Casinos, Inc. is the parent organization or controlling entity of Ameristar Casino Kansas City, Inc.
4. The Commission issued a Class B riverboat gambling license to Ameristar Casino Kansas City, Inc. ("Company"), to conduct games on and operate the excursion gambling boat known as Ameristar Casino Kansas City ("Casino").
5. As the holder of a Class B license, the Company is subject to the provisions of Sections 313.800 to 313.850, RSMo 2000, and the regulations promulgated thereunder by the Commission.

STATEMENT OF FACTS¹

6. On December 8, 2012, at 9:20 p.m., Security Supervisor Thach arrived at the Missouri Gaming Commission (MGC) Office with two male patrons and two female patrons. Thach identified one of the underage male patrons with the birth of January 23, 1993 to the MGC office because he tried to gain access to the casino floor with false identification.
7. Upon entering the MGC office, Corporal J.E. McTheeney, member of the Missouri State Highway Patrol Gaming Division at the Ameristar Casino Kansas City noticed one male possessed a 12 ounce glass bottle of Corona beer and immediately placed the bottle behind his back. The male patron was identified as underage and intoxicated.

¹ 20121209006

8. The underage male patron was interviewed and stated that he was served two Coronas at a private party in the Plateau Room at Ameristar by the bartender and waitress.
9. Bartender Karen L. Shepherd and waitress Frehywot W. Kinfu were assigned to the Plateau Room for the banquet and each served the underage male patron one bottle of Corona beer. Shepherd did not ask for identification. The minor told Kinfu that he did not have any identification but Kinfu served him anyway.

LAW

10. Under Section 313.805(6), RSMo 2000, 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.
11. Under Section 313.812.14, RSMo 2000, a holder of any license is subject to imposition of penalties, suspension or revocation of such license 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.
12. Under Section 313.812.14(1), RSMo 2000, a licensee may be disciplined for failing to comply with or make provisions 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.
13. Under Section 313.812.14(2), RSMo 2000, a licensee may be disciplined for failing to comply with any rule, order or ruling of the Commission or its agents pertaining to gaming.
14. Under 11 CSR 45-12.090(3), Sale to Minors and Other Persons. An excursion liquor licensee shall not, through actions of his/her own or of an employee, sell, vend, give away its or otherwise supply any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, to any person intoxicated or appearing to be in the state of intoxication, or to a habitual drunkard. A licensee shall not permit any person under the age of twenty-one (21) years, any intoxicated person, or any habitual drunkard to consume intoxicating liquor on the licensed premises.

VIOLATIONS

15. The actions or omissions of the Company's employees as described above constitute a failure to uphold the prohibition against supplying any intoxicating liquor in any quantity whatsoever to any person under the age of twenty-one (21) years, which violates 11 CSR 45-12.090(3). The Company is subject to discipline for such violations under sections 313.805(6), 313.812.14 and 313.812.14(1) & (2) RSMo.

PENALTY PROPOSED

- 16. Under Section 313.805(6), RSMo 2000, the Commission has the power to assess any appropriate administrative penalty against the Company, as the holder of a Class B license.
- 17. THEREFORE, it is proposed that the Commission fine Ameristar Casino Kansas City, Inc. the amount of \$5,000 for the violations set forth herein.

Dr. Barrett Hatches
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 _____, 2013, to:

Mr. Sean Barnard, General Manager
Ameristar Casino Kansas City
P.O. Box 33480
Kansas City, Mo 64120

Dr. Barrett Hatches
Chairman
Missouri Gaming Commission