

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-14-013
WMS Gaming 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. WMS Gaming Inc. ("The Company") is a supplier of electronic gambling device equipment.
3. The Commission issued a Supplier license to WMS Gaming Inc. to supply electronic gambling device equipment or supplies directed by the Commission to a Class B licensee.
4. As the holder of a Supplier 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

5. On August 3, 2012, an incident occurred at the Odawa Casino in Michigan, involving an incorrect symbol display on a WMS Gaming Inc., Napoleon and Josephine EGD machine. This incorrect symbol display led to a customer dispute. The Missouri Gaming Commission was not notified of this incident involving the Napoleon and Josephine EGD machine until December 21, 2012
6. On December 13, 2012 WMS Gaming, Inc. was notified by the Alcohol and Gaming Commission of Ontario, of an issue regarding the WMS Gaming Inc. Lord of the Rings titled EGD machines. The notification alleged that the games were using an uncertified Random Number Generator (RNG). The Missouri Gaming Commission was not notified of the issue until January 8, 2013.

¹ 20130122002 & 20130128004

LAW

7. 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.
8. 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.
9. 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.
10. 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.
11. Under 11 CSR 45-5.210(2) Any electronic gaming device manufacturer holding a supplier license under the provisions of 11 CSR 45-4 et seq. shall notify the commission of any malfunction or anomaly affecting the integrity or operation of devices or systems provided under the scope of such license regardless of the gaming jurisdiction in which the malfunction or anomaly occurred or was discovered. The notification shall occur within forty eight (48) hours of the supplier licensee being apprised of the malfunction or anomaly and shall be in a format approved by the commission.

VIOLATIONS

12. The actions or omissions of employees or agents of the Company as described above constitute a failure on two separate occasions to notify the Commission of an EGD malfunction within the required time of forty eight (48) hours is in violation of 11 CSR 45-5.210(2). The Company is subject to discipline for such violations under Sections 313.805(6), 313.812.14, 313.812.14(1) & (2), RSMo.

PENALTY PROPOSED

- 13. 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 Supplier license.
- 14. THEREFORE, it is proposed that the Commission fine WMS Gaming 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 _____, 2014, to:

Ms. Lisa DeJesus
WMS Gaming Inc.
800 S. Northpoint Blvd.
Waukegan, IL 60085

Dr. Barrett Hatches
Chairman
Missouri Gaming Commission