

# IN THE MISSOURI GAMING COMMISSION

In Re: )  
 ) DC-14-064  
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" or "MGC") 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" or "WMS"), is a supplier of electronic gambling device equipment.
3. The Commission issued a Supplier license to the Company 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 FACTS**<sup>1</sup>

5. On May 22, 2013 Argosy Riverside Casino ("Argosy") Slot Repair Shift Manager Bryan Mock MGC Electronic Gaming Device (EGD) Specialist Dawn Leehy of a shipment of revoked software, version D67C-000-1040C9 Argosy received from WMS Gaming on May 6, 2013. Mock discovered the software was revoked while planning the software install for the following week.
6. Leehy was able to verify this revocation through the Gaming Laboratories International Incorporated (GLI) letter MO-38-WMS-13-08 dated April 26, 2013. After reviewing the shipping notice, Leehy discovered the revoked software was shipped on May 2, 2013, by WMS Gaming to Argosy.

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<sup>1</sup> 20130531006

## LAW

7. Under Section 313.805(6), RSMo, 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, 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, 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, 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. Title 11 CSR 45-5.237(2) requires that critical program storage media be approved for use in the state prior to shipment and be shipped separately from EGDs unless otherwise approved in writing by the Commission.

## VIOLATIONS

12. The actions or omissions of WMS Gaming employees or agents, as described above, constitute shipping revoked critical program storage media into the state of Missouri, which is violation of 11 CSR 45-5.237(2). The Company is therefore subject to discipline for such violations under Sections 313.805(6), and, 313.812.14(1) and (2), RSMo.

**PENALTY PROPOSED**

13. Under Section 313.805(6), RSMo, 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 \$2,500 for the violations set forth herein.

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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:

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

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Dr. Barrett Hatches  
Chairman  
Missouri Gaming Commission