

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-14-067
HGI - Mark Twain Casino, 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. Affinity Gaming, LLC, is the parent organization or controlling entity of HGI - Mark Twain Casino, Inc.
3. The Commission issued a Class B riverboat gambling license to HGI – Mark Twain Casino, Inc. ("Company"), to conduct games on and operate the excursion gambling boat known as Mark Twain Casino ("Casino").
4. 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

5. On June 20, 2013 Todd Prewitt, the Mark Twain Casino's Management Information Systems Manager contacted Trooper Mark W. Hicks, a member of the Missouri State Highway Patrol assigned to the Gaming Division about promotional points that were not credited to patron's accounts after midnight on June 3, June 10, June 17, June 24, and July 1, 2013.
6. The Casino's 5X promotion began at 6:00 p.m. every Sunday in June 2013 and ended at 2:00 a.m. the following Monday. Prewitt became aware of the problem from a casino employee who received a complaint from a patron.
7. Bally Technologies, Inc. ("Bally") had determined the start time and end time within a single gaming day which runs through midnight for causing the program not to post points to customer accounts.

¹ 20130630008

LAW

8. 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.
9. 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.
10. 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.
11. 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.
12. Title 11 CSR 45-5.181(2) states, "The Class B licensee shall create dated, written rules governing the promotional activity, provided the promotional activity is not structured or conducted in a manner that reflects negatively on the licensee, the commission, or the integrity of gaming in Missouri." Subsection (D) of that rule requires all prizes offered in the promotional activity to "be awarded according to the Class B licensee's rules governing the event."

VIOLATIONS

13. The actions or omissions of employees or agents of the Company as described above constitute a failure to conduct a promotional giveaway with integrity due to the failure of the licensee to award points to customer's accounts in accordance with the rules governing the promotional activity. The conduct alleged above violates 11 CSR 45-5.181(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

14. 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 Class B license.

15. THEREFORE, it is proposed that the Commission fine HGI - Mark Twain Casino, Inc. the amount of \$2,500 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:

Gerry Smriga, General Manager
Mark Twain Casino
104 Pierce Street
LaGrange, MO 63448

Dr. Barrett Hatches
Chairman
Missouri Gaming Commission