

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC14-144
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. ("WMS" or "the Company") is a supplier of electronic gambling device ("EGD") equipment.
3. The Commission issued a Supplier license to WMS Gaming Inc. to supply EGD 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 5, 2013 Slot Technical Supervisor Jack West ("West") advised Trooper Don Doza, assigned to the Gaming Division at the Isle of Capri Casino in Boonville, Missouri that he received revoked software version SYF0-000-1020, labeled "The Wizard of Oz Haunted Forest" from WMS.
6. The WMS packing slip, obtained by West, indicated the date shipped as August 2, 2013. According to the WMS packing slip, the Isle of Capri Casino ordered the software on June 17, 2013.
7. In a report from Gaming Laboratories International (GLI) dated July 26, 2013, software version S7F0-000-1020 was revoked and replaced with software version S7F0-000-1030.

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LAW

8. Section 313.805, RSMo, states, in pertinent part, as follows:

The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850.

* * *

- (6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645.

9. Section 313.812.14, RSMo, states, in pertinent part, as follows:

A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, 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 unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline.

* * *

- (1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulations;
- (2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;
10. Title 11 CSR 45-5.237(2) requires critical program storage media to be approved for use in the state prior to shipment and must be shipped separately from EGDs unless otherwise approved in writing by the Commission.

VIOLATIONS

11. The actions or omissions of employees or agents of the Company as described above constitute shipping revoked critical program storage media into the state of Missouri, is in 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

12. 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.
13. 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 1st day of May, 2014, to:

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

Dr. Barrett Hatches
Chairman
Missouri Gaming Commission