

# IN THE MISSOURI GAMING COMMISSION

In Re: )  
 ) DC-15-006  
Ameristar Casino St. Charles, 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,<sup>1</sup> with jurisdiction over gaming activities, including riverboat gambling activities, in the State of Missouri.
2. The Commission issued Pinnacle Entertainment, Inc., a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Pinnacle Entertainment Inc. is the parent organization or controlling entity of Ameristar Casino St. Charles, Inc. (the "Company").
4. The Commission issued a Class B riverboat gambling license to the Company to conduct games on and operate the excursion gambling boat known as the *Ameristar Casino St. Charles* (the "Casino").
5. As the holder of a Class B license, the Company is subject to the provisions of §§ 313.800 to 313.850, RSMo, and the regulations promulgated thereunder by the Commission.

## STATEMENT OF FACTS<sup>2</sup>

6. On May 20, 2014, at 12:00 a.m., the Casino closed for a slot accounting system upgrade and installation.
7. The Casino estimated the total time of closure to be 18 hours to allow the upgrade, and the Casino requested a variance to take the servers off-line preventing the ability of the surveillance department to detect door alarms.
8. On May 20, 2014, at 7:35 a.m., a patron gained access to the closed casino floor and was able to play two electronic gaming devices (EGDs) before being escorted off by security.
9. The patron gained access to the casino floor from the streetscape through the Elite entrance doors, which a vendor was using during the closure to work on the carpeting.

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<sup>1</sup> All statutory references are to RSMo 2000, unless otherwise specified

<sup>2</sup> 20140521005

10. No security personnel were stationed at the Elite entrance doors when the patron entered the casino floor to prevent people from entering the casino floor during the closure.

### LAW

11. Under § 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.

12. 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.

13. Section 313.817.6, RSMo, states that a “licensee shall only allow wagering and conduct gambling games at the times allowed by the commission.”

14. Title 11 CSR 45-5.220(1) states as follows:

The holder of a Class A license must have a computer connected to all electronic gaming devices in the riverboat to record and monitor the activities of these devices. Unless otherwise approved by the commission, electronic gaming devices shall be operated on-line and in communications with a computer monitoring system approved by the commission. This computer monitoring system shall provide on-line, real-time monitoring and data acquisition capability in the format and media approved by the commission.

15. Title 11 CSR 45-9.060 states, in pertinent part, as follows:

(3) Violations of the minimum internal control standards [“(MICS”)] by a Class A licensee or an agent or employee of a Class A licensee are deemed to be

unsuitable conduct for which the Class A licensee and/or its agent or employee is subject to administrative penalty pursuant to Section 313.805(6), RSMo, and 11 CSR 45-1 et seq.

(4) Violations of the Class A licensee's internal control system [{"ICS"}] by the Class A licensee or an agent or employee of the Class A licensee shall be *prima facie* evidence of unsuitable conduct for which the Class A licensee and/or its agents or employees may be subject to discipline pursuant to Section 313.805(6), RSMo, and 11 CSR 45-1 et seq."

16. The MICS and the Casino's ICS, Chapter E, § 1.05 states, in pertinent part, as follows:

All EGD main, belly glass, top boxes ..., bill validator access and any other doors specified by the MGC shall be alarmed and shall be locked when not opened for an authorized purpose. If configurable, the alarm shall be operational whether the EGD's power is on or off. .... The audible signal may be turned off only during the drop when the casino is closed. .... When an alarm is broken, malfunctioning, or disabled because the EGD is powered down, the EGD shall not contain any currency, tickets or coupons.

17. The MICS and the Casino's ICS, Chapter E, § 11.02 states as follows:

All access to a local progressive controller shall be documented in a MEAL book, which is kept inside the controller compartment at all times, or other access control system approved by MGC.... All controller compartments shall be alarmed.

18. The MICS and the Casino's ICS, Chapter E, § 13.02, states, in pertinent part, as follows:

Kiosk cash compartment access shall be controlled by dual locks, requiring separate keys,.... Kiosk main doors shall be locked when not opened for an authorized purpose and shall be monitored by door access sensors which shall detect and report all external door openings, both to the device by way of an error code and tower light and to an on-line system monitored by surveillance. ... The ... alarm shall be available with the power on and off. When an alarm is broken or malfunctioning the kiosk shall not contain any currency, tickets or coins.

### **VIOLATIONS**

19. The actions or omissions of employees or agents of the Company as described above constitute a failure by the Casino to prevent patrons from entering the casino floor and being able to play EGDs during a time the casino floor was closed, thereby violating § 313.817.6, RSMo, 11 CSR 45-5.220(1), the Commission's MICS, Chapter E, §§1.05, 11.02 and 13.02, and the Casino's ICS, Chapter E, §§1.05, 11.02 and 13.02.

20. The Company is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 314.812.14 (1) and (2), RSMo, and 11 CSR 45-9.060(3) and (4).

**PENALTY PROPOSED**

- 21. Under § 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.
- 22. THEREFORE, it is proposed that the Commission fine Ameristar Casino St. Charles, Inc., the amount of \$2,500 for the violations set forth herein.

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Leland M. Shurin  
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 January, 2015, to:

Howard Shaw  
Ameristar Casino St. Charles  
1 Ameristar Blvd.  
St. Charles, MO 63301

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Leland M. Shurin  
Chairman  
Missouri Gaming Commission