

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-15-321
PNK (River City), LLC)

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 2000,¹ 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 PNK (River City), LLC, ("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 *River City Casino* ("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 FACTS²

6. On May 18, 2015, it was discovered that the Casino failed to timely notify the Commission of an employee's termination and the revocation of his identification badge.
7. Prior to that date, the MGC had not received any paperwork concerning Count Team Member Kenton Caldwell's termination.
8. The Casino failed to inform the MGC of the change to his employment status.
9. Caldwell's Personnel Action Form, obtained upon request by the MGC on May 18, 2015, showed that the Casino terminated his employment on May 3, 2015.

¹ All statutory references are to RSMo 2000, unless otherwise specified

² 20150522003

LAW

10. 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.

11. 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[.]

12. Title 11 CSR 45-4.410(1) states, in pertinent part, as follows:

All employees and occupational licensees shall at all times while performing the functions of their positions display on their person in a clearly visible manner a valid, riverboat-issued, casino access badge, unless a waiver has been granted in writing for a particular job function. No casino access badge granting access to any riverboat gaming operation may be held by any person unless that person is an employee of the Class B licensee and has been authorized for such access by the Class B applicant or licensee of the riverboat gaming operation for which the badge is to be issued. ... Each Class B applicant or licensee must notify the commission within ten (10) days if any such authorization has been revoked.

VIOLATIONS

13. The actions or omissions of employees or agents of the Company as described above constitute a failure to abide by the licensing, renewal, and notification regulations pertaining to employees no longer employed by them, thereby violating 11 CSR 45-4.410.

14. The Company is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 314.812.14 (1) and (2), RSMo.

PENALTY PROPOSED

15. 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.

16. THEREFORE, it is proposed that the Commission fine PNK (River City), LLC, the amount of \$5,000 for the violations set forth herein.

Brian Jamison
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 November, 2015, to:

Chris Plant, General Manager
River City Casino
777 River City Casino Boulevard
St. Louis, MO 63125

Brian Jamison
Chairman
Missouri Gaming Commission