

IN THE MISSOURI GAMING COMMISSION

In Re:)
IOC – Cape Girardeau, LLC) DC-15-043

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 Isle of Capri Casinos, Inc., a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Isle of Capri Casinos, Inc., is the parent organization or controlling entity of the IOC – Cape Girardeau LLC (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 *IOC – Cape Girardeau LLC* (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 FACTS²

6. On August 29, 2014, the Casino's Compliance Officer sent an email to the MGC Tax Section which included a copy of the Casino's \$10,000 Labor Day Slot Tournament rules scheduled to be held on Monday, September 1, 2014, and a copy of its Pigskin Payout Slot Tournament rules scheduled to be held on Tuesday, September 2, 2014.
7. The Casino's Compliance Officer failed to give timely notice of its tournament and failed to timely submit the tournament rules to the MGC for the aforementioned upcoming slot tournaments.

LAW

8. 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 in an amount determined by the Commission.

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

² 20140925004

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- 5.180 states, in pertinent part, as follows:

- (3) Class A licensees may conduct tournaments provided:
 - (A) The licensee shall notify the gaming agent in charge at that property and the commission tax section of the planned tournament at least ten (10) calendar days before the first day of the event;
 - (B) A copy of the tournament rules shall be submitted to the gaming agent in charge at that property and the commission tax section at least ten (10) calendar days before the first day of the event[.]

11. Title 11 CSR 45-10.030 states, in pertinent part, as follows:

- (7) All occupational licensees shall have a working knowledge of Chapter 313.800, RSMo et seq., *Code of State Regulations*, Title 11 Division 45, and the internal controls of the Class A or B licensees for whom they are currently employed by as they pertain to the responsibilities and limitations of their job.

VIOLATIONS

12. The acts or omissions of employees or agents of the Company, as described above, constitute a failure of the Company to timely give notice and submit its tournament rules to the MGC as required by law, thereby violating 11 CSR 45-5.180(3)(A) and (B) and 11 CSR 45-10.030(7).

13. The Company is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 313.812.14 (1) and (2), RSMo.

PENALTY PROPOSED

14. 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.

15. THEREFORE, it is proposed that the Commission fine IOC – Cape Girardeau LLC, the amount of \$2,500 for the violations set forth herein.

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 February, 2015, to:

Lyle Randolph
IOC-Cape Girardeau LLC
777 N. Main
Cape Girardeau, MO 63701

Leland M. Shurin
Chairman
Missouri Gaming Commission