

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

PROPOSED AMENDMENT

11 CSR 45-4.020 Licenses, Restrictions on Licenses, Licensing Authority of the Executive Director, and Other Definitions. The commission is amending section (6).

PURPOSE: The purpose of this amendment is to eliminate potential conflicts with 11 CSR 45-9.020(1)(B)5.C.

(6) In the event that one of the positions[, *other than the surveillance manager/director,*] required by section (5) becomes vacant, an interim replacement licensee shall be immediately appointed to serve. [*The*] **Except for the surveillance manager/director position, the** interim appointee may be one of the current Level I licensees required by section (5). The permanent position shall be staffed within one hundred eighty (180) days, unless otherwise approved by the commission.

AUTHORITY: section 313.004, RSMo Supp. 2014, and section 313.807, RSMo Supp. 2013. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed September 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, December 6, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

Title 11--DEPARTMENT OF PUBLIC SAFETY
Division 45--Missouri Gaming Commission
Chapter 5—Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.053 Policies. The commission is deleting section (3)(E) and renumbering section (3) thereafter.

PURPOSE: The purpose of this amendment is to eliminate a conflict with 313.812(8) RSMo.

(3) The holder of a Class A or B license is expressly prohibited from the following activities:

[(E) Catering to, assisting, employing or associating with, either socially or in business affairs, persons of notorious or unsavory reputation or who have felony police records, or the employing either directly through a contract or other means, of any firm or individual in any capacity where the repute of the state of Missouri or the gaming industry is liable to be damaged because of the unsuitability of the firm or the individual;]

[(F)](F) Permitting to remain in, or upon any licensed premises, any associated gambling equipment (primarily, but not limited to, cards or dice), which may have in any manner been marked, tampered with or otherwise placed in a condition or operated in a manner which might affect the game and its payouts;

[(G)](F) Permitting, if the licensee was aware or should have been aware of, any cheating whatsoever;

[(H)](G) Permitting to remain in or upon any licensed premises, any cheating device whatsoever; or conducting, carrying on, operating or dealing any cheating or thieving game or device on the premises;

[(I)](H) Permitting to remain in or upon any licensed premises, if the licensee was aware, or should have been aware of, any gambling device which tends to alter the normal random selection of criteria which determines the results of the game or deceives the public in any way;

[(J)](I) Failing to conduct gaming operations in accordance with proper standards of custom, decorum and decency; or to permit any type of conduct on the riverboat which reflects negatively on the repute of the state of Missouri or acts as a detriment to the gaming industry;

[(K)](J) Denying a commissioner or commission agent, access to, for inspection purposes, any portion or aspect of the riverboat or attendant shore facilities;

[(L)](K) Denying a commissioner or commission agent, information concerning any aspect of the riverboat operation; and

[(M)](L) Failing to report to the commission known or suspected violations of commission rules and applicable law.

AUTHORITY: section 313.004, RSMo 2000, and sections 313.800, 313.805, 313.807, 313.812, 313.817, and 313.830, RSMo Supp. 2014. Original rule filed Feb. 19, 1998, effective Aug. 30,

1998. For intervening history, please consult the **Code of State Regulations**. Amended: Filed September 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, December 6, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System**

PROPOSED AMENDMENT

11 CSR 45-9.120 Minimum Internal Control Standards (MICS)—Chapter T. The commission is amending section (1)

PURPOSE: This amendment changes the minimum internal control standards for tips.

(1) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in *Minimum Internal Control Standards (MICS) Chapter T—Tips*, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter T does not incorporate any subsequent amendments or additions as adopted by the commission on [October 24, 2012] **September 28, 2016**.

AUTHORITY: section 313.004, RSMo 2000, and section[s] 313.800, RSMo Supp. 2014 and 313.805, RSMo Supp. [2012] 2013. Original rule filed Jan. 26, 2012, effective Aug. 30, 2012. Amended: Filed Oct. 25, 2012, effective June 30, 2013. Amended: Filed September 29, 2016

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Tuesday, December 6, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

MISSOURI GAMING COMMISSION
MINIMUM INTERNAL CONTROL STANDARDS
CHAPTER T - TIPS

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Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class A licensees must comply. Class A licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Added this Chapter October 30, 2005. Revised Oct. 30, 2007. Revised August 30, 2012. Revised June 30, 2013. Revised September 28, 2016 (revised sections 1.03-1.06, 2.03, 4.03, and 4.04).

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§ 1 Tips, Gifts and Gratuities

- 1.01 Tips shall be accounted for separately and shall not be considered casino funds. Tips shall be counted separately and the funds shall be logged on a Tips and Gratuity Deposit Form for each department.
- 1.02 Surveillance and Security employees are prohibited from accepting tips, gratuities or gifts in any form.
- 1.03 Level II occupational licensees who are non-supervisory casino housekeeping/ environmental services employees may accept tips from patrons in the form of cash or value chips, but not tickets.
- 1.04 Occupational licensees may accept gifts from vendors but not from players or patrons. Any gift with a fair market value of \$25 or more shall be documented on a Vendor Gift Log. It shall be the Class B Licensee’s responsibility to maintain this log. The log shall include:
- (A) name of the gift recipient;
 - (B) name and business name of the gift donor;
 - (C) description and value of the gift; and
 - (D) the date the gift was received.

A copy of this log shall be submitted on a monthly basis to the MGC Audit Manager.

- 1.05 Except for individually assigned Poker Dealer tip boxes, all tip boxes and tip tubes shall be permanently attached to the gaming table, wall or other object, as approved by the MGC boat supervisor.
- 1.06 Employees may return smaller denomination chips as change for a larger denomination chip given as a gratuity; however, chips may not be given as change when the gratuity offered is currency.

§ 2 Transportation of Tips

- 2.01 Contents of tip boxes shall be collected, transported, stored, counted and distributed to the appropriate employees in a secure manner on a regular basis pursuant to a schedule approved by the Commission.
- 2.02 Prior to any tip box collection, the assigned Security Officer shall notify surveillance that the tip box collection process is about to begin. The Security Officer and the randomly selected pool member shall collect all of the tips and transport them to the designated craps or poker table. Once the accounting representative is present, the assets shall be sorted and

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class A licensees must comply. Class A licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Added this Chapter October 30, 2005. Revised Oct. 30, 2007. Revised August 30, 2012. Revised June 30, 2013. Revised September 28, 2016 (revised sections 1.03-1.06, 2.03, 4.03, and 4.04).

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counted. The count shall be documented on the Tips and Gratuity Deposit slip. At the completion of the count, the assets shall be transferred to either the Main Bank or the Floating Employee Window as specified in the internal controls.

- 2.03 In the event a tip box used for pooled tips becomes full and requires an unscheduled drop, a Security Officer and an employee from the applicable department shall notify Surveillance, empty the full tip box into a secure bag or other Commission-approved container for the applicable department, and lock the bag/container. This bag/container shall be stored in the Main Bank or the Floating Employee Window until the next scheduled tip count for that pool.

§ 3 Table Game Tips

- 3.01 “Coloring Up” of Dealer Tips:

For “coloring up” of dealer tips to a higher denomination prior to insertion into the tip box, the following procedures shall be in place:

- (A) a transparent cylinder/tube shall be attached to the table to maintain the chips until “colored up.” The cylinder/tube shall have a capacity of no more than twenty-five (25) chips; and
 - (B) prior to chips being colored up, the dealer shall make the announcement in a voice that can be heard by the Table Games Supervisor that chips are being colored up. The dealer will then deposit an equal value of higher denomination chip(s) into the tip box and place the lower denomination chips into the chip tray.
- 3.02 Bets that are placed by a patron for the dealer as a tip and that are won by the house will be immediately placed in the chip tray. In the event of a push, the bet may be allowed to remain in action as a patron option. Tip bets that are lost by the house shall be placed immediately in the transparent tip box or transparent tip tube by the dealer. Any tax liability for gambling winnings from tip wagers shall be the responsibility of the wagering patron and may be withheld prior to placing the winnings in the tip box.

§ 4 Individual Poker Dealer Tips

- 4.01 If the Class B Licensee chooses to allow Poker Dealers to receive individual tips, the following restrictions shall be in place:

- (A) Dealers shall not make decisions which affect the outcome of the game;
- (B) Dealers shall not be eligible to receive winnings from the game as an agent of the house, other than normal house rake or commission;

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class A licensees must comply. Class A licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Added this Chapter October 30, 2005. Revised Oct. 30, 2007. Revised August 30, 2012. Revised June 30, 2013. Revised September 28, 2016 (revised sections 1.03-1.06, 2.03, 4.03, and 4.04).

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- (C) Dealers shall use an approved shuffling machine during the course of the poker game;
 - (D) Tips shall be immediately deposited in a locked, individually assigned tip box, the key to which is a sensitive key only accessible to a Main Bank Cashier or Floating Employee Window Cashier;
 - (E) The tip box shall be locked and turned in at the end of the Dealer's shift for counting, tax withholding, and subsequent payment during the normal payroll process;
 - (F) Poker Dealers shall only receive individual tips. Tips shall not revert to pooled tip collections for tournaments or any other reason; and
 - (G) Surveillance shall conduct an audit of each Poker Dealer at least monthly to verify chip flow between the table tray, pots, rake, bad beat collection, and tips dropped.
- 4.02 Individual tip containers shall be used for the collection of dealer tips in the poker room. Each transparent container shall be individually numbered and secured with a lock to prevent the removal of contents. The tip containers shall be stored in a locked storage area, e.g., cabinet, drawer, or podium, which is under constant surveillance coverage in the poker room. The key to the storage area shall be maintained in a sensitive key box and authorized to the Poker Supervisor.
- 4.03 At the beginning of each shift, the Poker Supervisor shall assign one of the numbered tip containers to each oncoming Poker Dealer. The Tip Container Log shall be updated when the tip container is issued at the beginning of the shift and when it is returned at the end of the shift to the locked storage area.
- (A) The Poker Dealer shall attach the tip container to the poker table. A Poker Dealer going on break shall return the container to the Poker Supervisor, who shall place the tip container in the locked storage area. The log entry shall be completed and signed by the Poker Dealer and Poker Supervisor. When the Poker Dealer returns from break, the Poker Supervisor shall re-issue the same tip container to that Poker Dealer and complete a new entry on the Tip Container Log.
 - (B) At the end of the dealer's shift or if a tip container becomes full during a shift, the Poker Supervisor shall notify surveillance and the Poker Dealer shall take the tip container to the Main Bank or Floating Employee Window in the Cage. The Cashier shall count out the tips in front of the Poker Dealer, fill out a three-part Tips and Gratuity Deposit Form and sign the form. The Poker Dealer shall verify the count and sign the form. One copy of the form shall go to the Poker Dealer. The other two copies of the form shall be retained with the cashier's paperwork. This paperwork shall be sent to accounting on a daily basis where it shall be separated and one copy shall be provided to payroll for tax reporting purposes. If the Main Bank or Floating Employee Window is closed when the Poker Dealer's shift ends, the tip box may be secured in the locked storage area by the Poker Supervisor until

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class A licensees must comply. Class A licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Added this Chapter October 30, 2005. Revised Oct. 30, 2007. Revised August 30, 2012. Revised June 30, 2013. Revised September 28, 2016 (revised sections 1.03-1.06, 2.03, 4.03, and 4.04).

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the Poker Dealer's next shift when the Poker Dealer shall then deposit the tips at the appropriate cashiering location.

- (C) At the end of the Poker Dealer's shift, after the tips have been counted and verified, the Poker Dealer shall return the empty tip container to the Poker Supervisor who shall secure it in the locked storage area and complete the log entry. In case of an emergency when the Poker Dealer is unable to take the tip container to the Main Bank or Floating Employee Window in the Cage and complete the verification of the tip count, the Poker Supervisor shall perform these duties.

- 4.04 As an alternative to issuing numbered tip containers to Poker Dealers and maintaining a Tip Container Log, a tip container may be permanently assigned to each Poker Dealer. The tip container shall be permanently labeled with the Poker Dealer's name or shall have the Poker Dealer's name on a card locked within the tip container in a manner which allows the name to be readily visible from the outside of the container. Any time the dealer leaves the poker room, his assigned tip box shall be locked in the poker podium. At the end of the Poker Dealer's shift, after the tips have been counted and verified as described above, the Poker Dealer shall return the empty tip container to the Poker Supervisor who shall secure it in the locked storage area. In case of an emergency when the Poker Dealer is unable to take the tip container to the Main Bank or Floating Employee Window in the Cage and complete the verification of the tip count, the Poker Supervisor shall secure the tip container in the locked storage area. The funds shall be counted when the Poker Dealer returns to work. If the Poker Dealer does not return to work prior to the close of the payroll accounting cycle, a Poker Supervisor with Security escort may transport the Poker Dealer's tips to the Main Bank or Floating Employee Window. Once the tips are counted, the supervisor shall immediately deliver the dealer's tip receipt to Human Resources. In the event the tip container becomes full during play, the Poker Dealer shall take a break from the table and shall follow the procedures for a regular end of shift tip drop.

Note: Sections 313.800 through 313.850, RSMo, et seq., and Title 11, Division 45 of the Code of State Regulations establish standards to which Class A licensees must comply. Class A licensees should review these statutes and rules to ensure their ICS includes compliance with the requirements set forth. Added this Chapter October 30, 2005. Revised Oct. 30, 2007. Revised August 30, 2012. Revised June 30, 2013. Revised September 28, 2016 (revised sections 1.03-1.06, 2.03, 4.03, and 4.04).