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BEFORE THE MISSOURI GAMING COMMISSION
3417 KNIPP DRIVE
JEFFERSON CITY, MISSOURI 65109

TRANSCRIPT OF HEARING
February 21, 2024
9:30 A.M.

JAN ZIMMERMAN, Commission Chairman
DAVID W. HANE, Commissioner
PAT CONWAY, Commissioner (Appearing by Zoom)
KEVIN SPAULDING, Commissioner
PEGGY D. RICHARDSON, Executive Director

P R O C E E D I N G S

1
2 CHAIRMAN ZIMMERMAN: Good morning, everyone, and
3 welcome to the February 21 meeting of the Missouri Gaming
4 Commission.

5 I'd like to just take a moment before we get started, a
6 moment of silence for the victims of the mass shooting at the
7 Super Bowl Parade, just a moment. Thank you so much.

8 I'll call the February 21, 2024 Missouri Gaming
9 Commission to order. Angie, would you please call the roll?

10 MS. FRANKS: Chairman Zimmerman?

11 COMMISSIONER ZIMMERMAN: Present.

12 MS. FRANKS: Commissioner Conway?

13 COMMISSIONER CONWAY: Hello.

14 MS. FRANKS: Are you present?

15 COMMISSIONER CONWAY: I'm trying to answer.

16 MS. FRANKS: Pat, are you present?

17 COMMISSIONER CONWAY: Angie, can you hear me?

18 MS. FRANKS: We can.

19 COMMISSIONER CONWAY: Go ahead.

20 MS. FRANKS: Are you present?

21 COMMISSIONER CONWAY: Present.

22 MS. FRANKS: Commissioner Hane?

23 COMMISSIONER HANE: Present.

24 MS. FRANKS: Commissioner Spaulding?

25 COMMISSIONER SPAULDING: Present.

1 CHAIRMAN ZIMMERMAN: We have a quorum, so let's get
2 started.

3 The first item on today's agenda is adoption of that
4 agenda. I move we adopt today's agenda. Is there a second?

5 COMMISSIONER HANE: Second.

6 CHAIRMAN ZIMMERMAN: Any discussion? Seeing none,
7 Angie, would you call the roll?

8 MS. FRANKS: Chairman Zimmerman?

9 CHAIRMAN ZIMMERMAN: Approved.

10 MS. FRANKS: Commissioner Conway?

11 COMMISSIONER CONWAY: Approved.

12 MS. FRANKS: Commissioner Hane?

13 COMMISSIONER HANE: Approved.

14 MS. FRANKS: Commissioner Spaulding?

15 COMMISSIONER SPAULDING: Approved.

16 MS. FRANKS: By your vote, you've adopted the agenda.

17 CHAIRMAN ZIMMERMAN: Thank you. The next item of
18 business is Consideration of Minutes from the January 17, 2024
19 meeting. I move that the minutes of the January 17 meeting be
20 approved. Is there a second?

21 COMMISSIONER SPAULDING: Second.

22 CHAIRMAN ZIMMERMAN: Any discussion? Seeing none,
23 Angie, will you call the roll?

24 MS. FRANKS: Chairman Zimmerman?

25 CHAIRMAN ZIMMERMAN: Approved.

1 MS. FRANKS: Commissioner Conway?

2 COMMISSIONER CONWAY: Approved.

3 MS. FRANKS: Commissioner Hane?

4 COMMISSIONER HANE: Approved.

5 MS. FRANKS: Commissioner Spaulding?

6 COMMISSIONER SPAULDING: Approved.

7 MS. FRANKS: By your vote, you've adopted the minutes
8 of the January 17, 2024 meeting.

9 CHAIRMAN ZIMMERMAN: Next we have Consideration of
10 Resolution 24-007, Licensure of Level I Key Applicants.
11 Sergeant Brian Holcomb will be making the presentation.
12 Sergeant, you have the floor.

13 SERGEANT HOLCOMB: Thank you. Thank you, Chairman
14 Zimmerman, good morning, Commissioners.

15 Missouri State Highway Patrol Investigators and
16 Missouri Gaming Commission Financial Analysts conducted
17 comprehensive background investigations on level I applicants.
18 The investigations included, but were not limited to, civil,
19 criminal, financial, and general character inquiries that were
20 made in the jurisdictions where the applicants have lived,
21 worked and frequented.

22 The following applicants are being presented for your
23 consideration:

24 Jacinda Eileen Runyan, Surveillance Manager at
25 Hollywood Casino St. Louis.

1 Joshua Nathaniel Whitaker, Director of IT at Ameristar
2 Casino Kansas City.

3 Investigative findings were provided to the Missouri
4 Gaming Commission staff for their review, and investigators
5 will be glad to answer any questions you might have.

6 CHAIRMAN ZIMMERMAN: Does anyone have any questions for
7 Sergeant Holcomb? No questions? Thank you, Sergeant.

8 SERGEANT HOLCOMB: Thank you.

9 CHAIRMAN ZIMMERMAN: I move to approve Resolution
10 24-007. Is there a second?

11 COMMISSIONER HANE: Second.

12 CHAIRMAN ZIMMERMAN: Any further discussion? Angie,
13 would you call the roll?

14 MS. FRANKS: Chairman Zimmerman?

15 CHAIRMAN ZIMMERMAN: Approved.

16 MS. FRANKS: Commissioner Conway?

17 COMMISSIONER CONWAY: Approved.

18 MS. FRANKS: Commissioner Hane?

19 COMMISSIONER HANE: Approved.

20 MS. FRANKS: Commissioner Spaulding?

21 COMMISSIONER SPAULDING: Approved.

22 MS. FRANKS: By your vote, you've adopted Resolution
23 Number 24-007.

24 CHAIRMAN ZIMMERMAN: Our next item of business is
25 Consideration of Resolution 24-008, Relicensure of Key

1 Persons. Corporal Don Doza will be making the presentation.

2 CORPORAL DOZA: Good morning, Ms. Chairman and
3 Commissioners.

4 Missouri State Highway Patrol Investigators conducted
5 background investigation updates on key person license
6 renewals. The investigations included an application review
7 as well as civil, criminal, and general character inquiries
8 made in the jurisdictions where the applicants currently
9 reside.

10 The following renewals are being presented for your
11 consideration:

12 John Robert Bailey, Independent Director, Boyd Gaming
13 Corporation.

14 Theodore Allen Bogich, Executive Vice President,
15 Operations, Boyd Gaming Corporation.

16 Neil Gregory Chatfield, Chairman and Non-Executive
17 Director, Aristocrat Leisure Limited.

18 Monica Howard Douglas, Independent Member of the Board
19 of Directors, VICI Properties, Incorporated.

20 Norihito Nakatani, Director, Senior Operating Officer,
21 Japan Cash Machine Company, Ltd.

22 Howard William Shaw III, Executive Vice President of
23 Operations, Boyd Gaming Corporation.

24 Jay Anthony Snowden, President, Chief Executive Officer
25 and Director, PENN Entertainment, Incorporated.

1 There are no pending requests for these investigations.
2 Investigative findings were provided to the Missouri Gaming
3 Commission Staff for their review, and I would be glad to
4 answer any questions you might have. Thank you.

5 CHAIRMAN ZIMMERMAN: Any questions for Corporal Doza?
6 All right, seeing none, thank you, Corporal.

7 I move to approve Resolution 24-008. Is there a
8 second?

9 COMMISSIONER SPAULDING: Second.

10 CHAIRMAN ZIMMERMAN: Any further discussion? Angie,
11 would you call the roll?

12 MS. FRANKS: Chairman Zimmerman?

13 CHAIRMAN ZIMMERMAN: Approved.

14 MS. FRANKS: Commissioner Conway?

15 COMMISSIONER CONWAY: Approved.

16 MS. FRANKS: Commissioner Hane?

17 COMMISSIONER HANE: Approved.

18 MS. FRANKS: Commissioner Spaulding?

19 COMMISSIONER SPAULDING: Approved.

20 MS. FRANKS: By your vote, you've adopted Resolution
21 Number 24-008.

22 CHAIRMAN ZIMMERMAN: Thank you. Our next item of
23 business is Consideration of Resolution 24-009, Relicensure of
24 certain Suppliers. Sergeant Jason McTheeney will be making
25 the presentation.

1 SERGEANT MCTHEENEY: Good morning, Chairman Zimmerman,
2 and Commissioners.

3 Acres Manufacturing Company submitted an application to
4 the Missouri Gaming Commission for the renewal of its
5 supplier's license. The current license is scheduled to
6 expire on February 27, 2024.

7 Missouri State Highway Patrol Investigators and
8 Missouri Gaming Commission Financial Analysts conducted
9 relicensing investigations which consisted of a financial
10 review, jurisdictional inquiries, a review of disciplinary
11 actions, litigation, and key people associated with the
12 company.

13 The findings of this investigation were provided to the
14 Missouri Gaming Commission Staff, and I would be glad to
15 answer any questions you might have. Thank you.

16 CHAIRMAN ZIMMERMAN: Any questions for Sergeant
17 McTheeney? Okay, thank you, Sergeant. I think you might as
18 well stay up for the next one.

19 I move to approve Resolution 24-009. Is there a
20 second?

21 COMMISSIONER SPAULDING: Second.

22 CHAIRMAN ZIMMERMAN: Any further discussion? Angie,
23 would you call the roll?

24 MS. FRANKS: Chairman Zimmerman?

25 CHAIRMAN ZIMMERMAN: Approved.

1 MS. FRANKS: Commissioner Conway?

2 COMMISSIONER CONWAY: Approved.

3 MS. FRANKS: Commissioner Hane?

4 COMMISSIONER HANE: Approved.

5 MS. FRANKS: Commissioner Spaulding?

6 COMMISSIONER SPAULDING: Approved.

7 MS. FRANKS: By your vote, you've adopted Resolution
8 Number 24-009.

9 CHAIRMAN ZIMMERMAN: Our next item of business is
10 Consideration of Resolution 24-010, Relicensure of Key
11 Business Entities. Sergeant McTheeney, you still have the
12 floor.

13 SERGEANT MCTHEENEY: Thank you. SM International
14 Investment LLC and BMM International LLC submitted
15 applications to the Missouri Gaming Commission for renewal of
16 their key business entity licenses, which are scheduled to
17 expire on February 28, 2024.

18 Missouri State Highway Patrol Investigators and
19 Missouri Gaming Commission Financial Analysts conducted
20 comprehensive investigations of both companies. The
21 investigations included, but were not limited to, a financial
22 analysis, jurisdictional inquiries, and a review of
23 disciplinary actions.

24 Investigative findings were provided to the Missouri
25 Gaming Commission Staff for their review, and investigators

1 are available to answer any questions you might have.

2 CHAIRMAN ZIMMERMAN: Thank you. Any questions for
3 Sergeant McTheeney? Seen none, thank you, Sergeant.

4 I move to approve Resolution Number 24-010. Is there a
5 second?

6 COMMISSIONER HANE: Second.

7 CHAIRMAN ZIMMERMAN: Any further discussion? Angie,
8 would you call the roll?

9 MS. FRANKS: Chairman Zimmerman?

10 CHAIRMAN ZIMMERMAN: Approved.

11 MS. FRANKS: Commissioner Conway?

12 COMMISSIONER CONWAY: Approved.

13 MS. FRANKS: Commissioner Hane?

14 COMMISSIONER HANE: Approved.

15 MS. FRANKS: Commissioner Spaulding?

16 COMMISSIONER SPAULDING: Approved.

17 MS. FRANKS: By your vote, you've adopted Resolution
18 Number 24-010.

19 CHAIRMAN ZIMMERMAN: Our next item of business is
20 Consideration of Resolution 24-011, Hearing Officer
21 Recommendation, and Deputy General Counsel Nikki Evans will
22 make that presentation. You have the floor.

23 MS. EVANS: Thank you. Good morning, Chairman and
24 Commissioners. Under Tab F, we have Consideration of the
25 Hearing Officer's Recommendation in the matter of Isle of

1 Capri Boonville.

2 In this matter, on August 31, 2023, the Commission
3 issued a Preliminary Order of Discipline to Isle of Capri
4 Boonville by Commission Resolution DC 23-042 for violations of
5 the Commission's Minimum Internal Control Standards, or MICS,
6 or the Casino's Internal Controls, or ICS, Chapter J, Section
7 1.04 pertaining to manual readings of the turnstiles for
8 purposes of admission tax collections.

9 The Commission's preliminary order levied a \$10,000
10 fine against Isle of Capri Boonville for ten instances in
11 which casino personnel failed to manually record the turnstile
12 readings between September 2022 and January 2023.

13 On September 20, 2023, Isle of Capri Boonville timely
14 filed a written petition with the Commission requesting a
15 hearing to reconsider the penalty in this matter. In its
16 request, Isle of Capri Boonville did not contest that the
17 violations occurred, but rather requested reconsideration of
18 the amount of the fine.

19 In advance of the hearing, the parties submitted a
20 joint statement of material facts in which the parties
21 acknowledged and stipulated to the ten violations at issue.
22 On December 14, 2023, an administrative hearing was held on
23 the request of Isle of Capri Boonville, and the hearing
24 officer submitted his proposed Findings of Fact, Conclusions
25 of Law, and Final Order for approval by the Commission on

1 January 5, 2024.

2 You have been provided a copy of the hearing officer's
3 findings. The Commission will see that the hearing officer
4 concluded that the Commission's authority to supervise
5 gambling operations is governed by Sections 313.800 to 313.850
6 of the Revised Statutes of Missouri. He noted that Section
7 313.805(6) specifically authorized the Commission to assess
8 any appropriate administrative penalty against a licensee,
9 including but not limited to, suspension, revocation, and
10 penalties of an amount as determined by the Commission up to
11 three times the highest daily amount of gross receipts derived
12 from wagering on the gambling games in the previous 12 months.

13 The hearing officer found that this section essentially
14 imposed a, quote, cap on the amount of the monetary
15 administrative penalty imposed by the Commission against a
16 licensee. He further noted that the only other statutory
17 limitation imposed is that the administrative penalty must be
18 appropriate.

19 He determined that with these provisions, the General
20 Assembly left it to the Commission to determine the
21 appropriateness of the monetary administrative penalty for a
22 given violation, subject to the statutory maximum. The
23 hearing officer further stated that beyond any statutory
24 provisions, relevant case law also dictated that a monetary
25 administrative penalty imposed by the Commission simply must

1 not be arbitrary, capricious or unreasonable, nor can it
2 involve an abuse of discretion.

3 In his decision, the hearing officer found that
4 although the record did not establish a 12-month average of
5 daily gross receipts, the record did contain evidence of the
6 daily gross receipts on the dates in which the stipulated
7 violations occurred.

8 Based on this evidence, the hearing officer found that
9 the \$10,000 penalty imposed for the ten violations at issue
10 came nowhere close to the statutory maximum and therefore was
11 not in violation of section 313.805(6) of the Revised
12 Statutes.

13 Next, the hearing officer determined that the \$10,000
14 penalty was appropriate and that it was not arbitrary,
15 capricious or unreasonable, nor did the Commission abuse its
16 discretion in levying the monetary penalty.

17 The hearing officer noted that the Commission did not
18 levy penalties against Isle of Capri Boonville after one, two,
19 three or even nine violations over the period at issue. He
20 stated that while Isle of Capri Boonville did make efforts to
21 correct the problem and mitigate the violations, eventually
22 accountability is required and there was nothing inappropriate
23 about the Commission's action in issuing a \$10,000 fine in
24 this matter.

25 He concluded that the combined monetary administrative

1 penalty for the ten violations at issue was appropriate and
2 should be upheld.

3 Both parties are here and would be happy to answer any
4 questions the Commission may have in this matter.

5 CHAIRMAN ZIMMERMAN: I don't have a question,
6 Ms. Evans, other than the fact -- and you've already spoken to
7 this issue -- that the point that the hearing officer made,
8 that basically the fine equated to \$1,000 per violation for
9 the ten violations, and the hearing officer pointed out, which
10 has not come anywhere near the cap of three times the gross
11 receipts.

12 And basically, I think he called out for one particular
13 day it was less than one-half of one percent for the violation
14 that took place on September 9; and so I felt like the hearing
15 officer did a good job in, you know, showing that the fine
16 amount was not arbitrary; not a question so much, it's just a
17 point.

18 COMMISSIONER HANE: Counselor, you may not be able to
19 answer this question, but I had -- was just kind of curious.
20 When did -- okay, these violations occurred, the first one
21 that we noted was September 9 of '22 and the last one was
22 January 22 of '23. So do we have any idea -- when did we know
23 of the first violation?

24 MS. EVANS: It's my understanding, Commissioner, that a
25 number of these violations were reported by the casino, some

1 we learned through daily tax audit transmittals that were
2 received. As far as detailed accounting of when we learned of
3 these violations, I would have to defer to our Tax Audit
4 Manager, Jennifer Bruins, if you had any additional questions
5 about that.

6 COMMISSIONER HANE: Okay, so they self-reported, and
7 then after three violations in September, a couple of
8 violations in October, then we let them try and self-correct
9 would be a fair statement?

10 MS. EVANS: I believe that would be fair, and if you
11 have specific questions with regard to the mitigating factors
12 or efforts that were made by the casino, as indicated, the
13 parties for the casino are here to answer any question you
14 might have about that as well.

15 COMMISSIONER HANE: Well, yeah, I've read the whole
16 thing and, yeah, I mean, Tara and Harley were dismissed and
17 Isaiah resigned and we wrote letters to Todd and -- well,
18 Isaiah and Courtney and Denise; but so then we drew the line
19 at ten?

20 MS. EVANS: I think at that point it was the view of
21 the Commission or MGC Staff that it was an institutional issue
22 and kind of a casino-wide problem and not just related to
23 specific employees at that point.

24 COMMISSIONER HANE: Okay. That's all I have.

25 COMMISSIONER SPAULDING: Nothing.

1 CHAIRMAN ZIMMERMAN: No other questions for Ms. Evans?

2 COMMISSIONER HANE: No, thank you.

3 CHAIRMAN ZIMMERMAN: Thank you, Ms. Evans. You might
4 want to stay up since you have the next item as well.

5 I move to approve Resolution 24-011. Is there a
6 second?

7 COMMISSIONER HANE: Second.

8 CHAIRMAN ZIMMERMAN: Any further discussion?

9 DIRECTOR RICHARDSON: Chairman, I believe on the one at
10 issue, the consideration of the hearing officer
11 recommendation, should the casino want to present to the
12 Commission, I think it's an appropriate time to allow them to
13 do so prior to making a decision.

14 CHAIRMAN ZIMMERMAN: Absolutely.

15 DIRECTOR RICHARDSON: I don't know if they want to or
16 not, but they are here, so we should give them the
17 opportunity.

18 CHAIRMAN ZIMMERMAN: Absolutely. Well, as Commissioner
19 Hane said, you know, I read their documentation, but happy to
20 hear from Ms. Schuster.

21 MS. SCHUSTER: I'm Kathryn Schuster, Senior Vice
22 President and General Manager for Isle of Capri Casino
23 Boonville.

24 Good morning, Chairman and Commissioners. I appreciate
25 the opportunity to provide additional explanation on remedial

1 efforts related to the recommended discipline. The primary
2 goal is to ensure that the Missouri Gaming Commission and MGC
3 staff recognize that we have taken this matter with the utmost
4 seriousness and reflection.

5 The incidents that occurred in relation to our
6 turnstile readings occurred shortly after we transitioned the
7 turnstile reading duties to include our Players Club Staff.
8 At the time and due to the close proximity of the Players Club
9 to the turnstiles, this transition was viewed as the only
10 solution to issues with staffing within the Security
11 Department. Including the Players Club Staff in turnstile
12 readings seemed to be a solution that would allow optimization
13 of security presence throughout the facility.

14 Despite several measures taken to try to prevent human
15 error resulting in these turnstile readings, it is evident now
16 that better solutions are available to us through the use of
17 technology. We are purchasing and installing a process almost
18 immediately after the hearing and that we are awaiting the
19 arrival and installation of that technology.

20 Despite further violations, all of which occurred prior
21 to the hearing date and discovery of the acceptable
22 alternatives, we believe the implementation of the technology
23 in conjunction with the increased diligence of our team
24 members will resolve the issues that have occurred in relation
25 to this procedure on the property moving forward.

1 To conclude, I would like to note that all admission
2 fees were correctly paid based on reviews of patron counts by
3 surveillance; however, since that is not an approved backup
4 method, we purchased the technology to satisfy the regulation.
5 Thank you.

6 CHAIRMAN ZIMMERMAN: I have a question, Ms. Schuster.
7 So the technology that's going to allow you to maybe mitigate
8 the issue that you've had hasn't been installed but may be
9 coming soon?

10 MS. SCHUSTER: Correct. We have the purchase order cut
11 already and have been working with the company on an
12 installation date.

13 CHAIRMAN ZIMMERMAN: And then after these ten incidents
14 then, other incidents prior to the installation of the
15 technology then, I mean continued issues despite --

16 MS. SCHUSTER: There were some continued issues after
17 this particular time frame; however, they all occurred prior
18 to our hearing date.

19 CHAIRMAN ZIMMERMAN: Okay. And then problem employees,
20 as Commissioner Hane indicated, have been either released or
21 resigned or --

22 MS. SCHUSTER: Primarily all of them. There may be one
23 or two we still have.

24 CHAIRMAN ZIMMERMAN: Any other questions for
25 Ms. Schuster?

1 COMMISSIONER SPAULDING: I don't think so.
2 CHAIRMAN ZIMMERMAN: Do you have any questions?
3 COMMISSIONER HANE: No, I do not.
4 CHAIRMAN ZIMMERMAN: Thank you.
5 MS. SCHUSTER: Thank you.
6 COMMISSIONER ZIMMERMAN. I think I have a motion on the
7 floor. Did I get a second?
8 MS. FRANKS: Yes.
9 CHAIRMAN ZIMMERMAN: I did get a second?
10 MS. FRANKS: Yes.
11 CHAIRMAN ZIMMERMAN: Is there any further discussion?
12 Angie, would you call the roll?
13 MS. FRANKS: Chairman Zimmerman?
14 CHAIRMAN ZIMMERMAN: Approved.
15 MS. FRANKS: Commissioner Conway?
16 COMMISSIONER CONWAY: Approved.
17 MS. FRANKS: Commissioner Hane?
18 COMMISSIONER HANE: Approved.
19 MS. FRANKS: Commissioner Spaulding?
20 COMMISSIONER SPAULDING: Approved.
21 MS. FRANKS: By your vote, you've adopted Resolution
22 Number 24-011.
23 CHAIRMAN ZIMMERMAN: The next item on our agenda is
24 Consideration of Disciplinary Action DC 24-010. Ms. Evans,
25 once again, you have the floor.

1 MS. EVANS: Thank you, Chairman. Under Tab G, we have
2 Preliminary Order of Discipline directed at Isle of Capri
3 Boonville for alleged violations of the Commission's Minimum
4 Internal Control Standards, or MICS, and the Casino's Internal
5 Controls, or ICS, Chapter B, Section 1.01 which defines
6 sensitive keys as keys that the Commission or casino
7 management determines are sensitive to the Class B licensee's
8 operations.

9 The regulation further states that strict control over
10 the storage, duplication, custody, issuance, and return of the
11 sensitive keys must be exercised by all licensees. It also
12 states that sensitive keys shall not be removed from the
13 premises and if lost, missing or taken from the premises, all
14 locks the key fits must immediately be changed unless
15 determined otherwise by the Commission in its sole discretion.

16 In this matter, on each of the following dates, casino
17 employees left the properties with sensitive keys: January 1,
18 February 23, July 16, September 6, October 16 and December 27,
19 2022, as well as February 3, February 4, February 24 and
20 May 17, 2023.

21 The Disciplinary Review Board recommended a \$5,000 fine
22 for the violations in this matter, which the casino did not
23 contest. And I'd be happy to answer any questions that you
24 may have.

25 CHAIRMAN ZIMMERMAN: I actually do have a question.

1 I'm not sure, Ms. Evans, if this question is for you. As
2 concerned as I am about the keys leaving the casino, leaving
3 the premises, I'm wondering why the alarm didn't sound. I
4 noticed in a lot of the documentation that the keys were going
5 out through an employee entrance that's alarmed and it's
6 supposed to sound to remind people that they have a sensitive
7 key.

8 Was there any information provided, because I couldn't
9 find anything that indicated maybe there was a problem with
10 the alarm system as well?

11 MS. EVANS: That, I am not aware of. I do understand
12 that the alarm system is not always as reliable as the
13 properties would like it to be. That's my understanding in
14 general. As to the specifics of this particular property and
15 why the alarm did not sound, I don't have information
16 regarding that, but I can certainly find out if you would like
17 to know.

18 CHAIRMAN ZIMMERMAN: Yeah, I -- I know I think at least
19 on one or two instances an employee left through like a main
20 entrance which is not alarmed, but in the majority of the
21 instances, you know, I noticed that they were leaving through
22 doors that should have been alarmed and should have provided
23 that notification and did not, so just curious about that and
24 noticed that IOC had not had a violation of this type
25 previously or to this volume, I guess, or to this extent.

1 Are there any other questions for counsel?

2 COMMISSIONER HANE: Yes. Counselor -- and again, I
3 don't know that you can answer this, but we had -- or the --
4 in Boonville, had nine employees that walked out of the
5 premise ten times with sensitive keys and yet they were not
6 required to rekey the boxes and there were these keys, and is
7 that because -- why? They weren't gone very long or I -- I
8 don't understand why they weren't asked to rekey.

9 MS. EVANS: With regard to that and the process in the
10 various determinations regarding the rekey, I would like to
11 defer to our Compliance Audit Manager Leshia Kempker here to
12 help with that.

13 MS. KEMPKER: Leisha Kempker, Compliance Audit Manager.
14 In six of the instances they did rekey, and in two of the
15 instances they were approved to not rekey at all; and it just
16 depends on the request and the circumstances surrounding that
17 instance. So depending on what key it is as well, how long
18 it's off property, if the employee is like a ten-year
19 employee; it's just based on the circumstances and the risk
20 involved with that specific key.

21 So, for example, a couple of them were slot keys, slot
22 key rings that left the property, and they got approval to do
23 partial rekeys on those, so they had to rekey the EGD main
24 door and like the slot pouch, so the slot wallet that the
25 employee had. Those keys allow access to either assets or the

1 inside of the slot machines, so we made them rekey; but as far
2 as the other keys on the ring, you had to have another key in
3 order to access that area, so we saw that as lower risk so we
4 approved to not rekey those.

5 so it's just based -- it's based on what the key is,
6 the risk involved and the circumstances around the instance of
7 a key leaving the property.

8 COMMISSIONER HANE: But we did ask that they rekey in
9 six of these instances?

10 MS. KEMPKER: Correct.

11 COMMISSIONER HANE: Okay, thank you.

12 CHAIRMAN ZIMMERMAN: Any other questions for Ms. Evans
13 or anybody else?

14 COMMISSIONER HANE: Well, we had -- we had six
15 instances in one year and then four from February to May in
16 '23. I was just wondering what do we know about the measures
17 that were taken by management to try and correct?

18 MS. KEMPKER: They did replace the key alarm for the
19 door, so whenever the employees leave now, it's more reliable
20 that the alarm will sound.

21 CHAIRMAN ZIMMERMAN: That was the answer to my
22 question. Thank you.

23 COMMISSIONER HANE: Okay.

24 CHAIRMAN ZIMMERMAN: Anything else? Go ahead.

25 COMMISSIONER HANE: No. We're good.

1 CHAIRMAN ZIMMERMAN: Okay. Commissioner Spaulding?

2 COMMISSIONER SPAULDING: I'm good, thank you.

3 CHAIRMAN ZIMMERMAN: All right, no other questions.

4 Thank you, Ms. Evans.

5 I move to approve DC-24-010. Is there a second?

6 COMMISSIONER SPAULDING: Second.

7 CHAIRMAN ZIMMERMAN: Any further discussion? Angie,
8 would you call the roll?

9 MS. FRANKS: Chairman Zimmerman?

10 CHAIRMAN ZIMMERMAN: Approved.

11 MS. FRANKS: Commissioner Conway?

12 COMMISSIONER CONWAY: Approved.

13 MS. FRANKS: Commissioner Hane?

14 COMMISSIONER HANE: Approved.

15 MS. FRANKS: Commissioner Spaulding?

16 COMMISSIONER SPAULDING: Approved.

17 MS. FRANKS: By your vote, you've adopted DC-24-010.

18 CHAIRMAN ZIMMERMAN: The next two items on our agenda
19 are also consideration of Disciplinary Actions, DC-24-011 and
20 DC-24-012. General Counsel Heather Richenberger will be
21 making the presentation, and we'll vote on each one of those
22 items separately.

23 MS. RICHENBERGER: Thank you Chairman, Commissioners.
24 Good morning.

25 Under Tab H is the Preliminary Order of Discipline

1 directed at AGL Investments Godo Kaisha. AGL is a key
2 business entity of Gaming Partners International known as GPI.
3 GPI is a supplier licensee.

4 This discipline involves AGL Investments' activities
5 and licensing its key person, Yasushi Shigeta. The
6 Preliminary Order of Discipline alleges violations of the Code
7 of State Regulations, specifically Chapter 45, Section 4.390,
8 which requires the key persons file for licensure renewal at
9 least 60 days before the first day of the month of its
10 expiration.

11 Mr. Shigeta originally received a temporary key person
12 license from the Commission in 2019. Due to difficulty in
13 obtaining Mr. Shigeta's initial complete application materials
14 from AGL, Mr. Shigeta retained a temporary license for an
15 extended period of time until his application for licensure
16 was approved by the Commission on October 27 of 2021. His
17 license was set to expire on April 30, 2023.

18 Pursuant to MGC regulations, Mr. Shigeta's renewal
19 application for key person license was due before February 1
20 of 2023. On March 9 of 2023, MGC sent correspondence to AGL
21 compliance staff advising that Mr. Shigeta's renewal
22 application was due and had not been received. MGC received
23 no response back.

24 On March 30 of 2023, MGC Licensing Manager LeAnn
25 McCarthy contacted the Compliance Manager, Jenny Sholer,

1 regarding the impending expiration of Mr. Shigeta's gaming
2 license on April 30, 2023. Ms. Sholer was responsible for
3 Mr. Shigeta's renewal license application.

4 Between March 30 and April 26 of 2023, MGC's licensing
5 manager exchanged multiple emails with Ms. Sholer in attempt
6 to obtain the renewal application and documentation before
7 Mr. Shigeta's license expired on April 30 of 2023. These
8 emails included correspondence on April 11 of 2023 in which
9 MGC advised Ms. Sholer that if the documentation was not
10 received prior to Mr. Shigeta's license expiring -- if the
11 documentation was not received prior to Mr. Shigeta's license
12 expiring, Mr. Shigeta would have to begin the licensing
13 process anew and would be unable to conduct any work in
14 Missouri or for Missouri properties until he was relicensed.

15 On April 26 of 2023, with Mr. Shigeta's license set to
16 expire on April 30 of 2023 and his application still being
17 incomplete, the Commission issued an extension of his license
18 until May 24 of 2023. The extension was granted to ensure
19 that Shigeta could continue working without interruption as a
20 key person for AGL in Missouri.

21 AGL Compliance submitted Mr. Shigeta's complete
22 application to MGC on May 12 of 2023. On May 24, 2023,
23 Mr. Shigeta's key persons license was renewed by the
24 Commission.

25 When AGL was notified of this pending disciplinary

1 action, they responded with a statement indicating that the
2 March 9, 2023 email sent from Missouri Gaming Commission to
3 their compliance team was not received because the compliance
4 staff member to whom it was directed was no longer employed.
5 AGL compliance staff advised that the first notification they
6 received on the license expiration of Key Person Yasushi
7 Shigeta was on March 30 of 2023.

8 In summary, the application for license renewal of Key
9 Person Yasushi Shigeta was due on February 1, 2023. AGL's
10 failure to submit the application for license renewal by that
11 date violated Chapter 45, Section 4.390. Accordingly, the
12 Disciplinary Review Board is recommending a fine in the amount
13 of \$10,000 against AGL.

14 I am happy to answer any questions the Commission might
15 have.

16 CHAIRMAN ZIMMERMAN: I do have one question that -- is
17 the recommendation of the DRB for 10,000 based on a previous
18 incident I think they had in 2022 of similar failure to renew
19 a license that resulted in a \$5,000 fine?

20 MS. RICHENBERGER: I'm not specifically aware of a
21 prior incident being relevant to this particular discipline.
22 As indicated, Mr. Shigeta had some difficulty originally
23 getting his initial licensure, and he was granted the
24 temporary license for an extended period of time due to
25 difficulty getting his application materials. I believe that

1 was back in 2021.

2 CHAIRMAN ZIMMERMAN: I know there was -- part of the
3 file showed a similar case on an individual from there, a
4 Joseph Cody, so just thinking that maybe this was sort of a
5 pattern of behavior for those folks.

6 MS. RICHENBERGER: I do have Licensing Manager LeAnn
7 McCarthy here if you'd like to ask any specific details.

8 MS. MCCARTHY: LeAnn McCarthy, Licensing Manager.
9 Yeah, we did consider his delinquency in other times with that
10 discipline, but the discipline was still alone on the \$10,000
11 fine.

12 CHAIRMAN ZIMMERMAN: Thank you, LeAnn. Are there any
13 other questions for counsel? All right, seeing none, thank
14 you, Ms. Richenberger.

15 COMMISSIONER CONWAY: Chairperson?

16 CHAIRMAN ZIMMERMAN: Yes, Mr. Conway?

17 COMMISSIONER CONWAY: I agree with the penalty
18 assessed. I would recommend that the attorneys, when they
19 inform Mr. Shigeta of the fine, that they use the language
20 that would let them know that if this happens again, the
21 proverbial hammer should drop.

22 MS. RICHENBERGER: Understood, Commissioner Conway.

23 CHAIRMAN ZIMMERMAN: And our attorneys would be happy
24 to do that, Commissioner. Thank you so much. All right, so
25 seeing no other questions, thank you, Ms. Richenberger.

1 I move to approve DC-24-011. Is there a second?

2 COMMISSIONER CONWAY: Second.

3 CHAIRMAN ZIMMERMAN: Any further discussion? Angie,
4 would you call the roll?

5 MS. FRANKS: Chairman Zimmerman?

6 CHAIRMAN ZIMMERMAN: Approved.

7 MS. FRANKS: Commissioner Conway?

8 COMMISSIONER CONWAY: Approved.

9 MS. FRANKS: Commissioner Hane?

10 COMMISSIONER HANE: Approved.

11 MS. FRANKS: Commissioner Spaulding?

12 COMMISSIONER SPAULDING: Approved.

13 MS. FRANKS: By your vote, you've adopted DC-24-011.

14 CHAIRMAN ZIMMERMAN: Now for the presentation on
15 Disciplinary Action DC-24-012. Ms. Richenberger, you still
16 have the floor.

17 MS. RICHENBERGER: Thank you. Chairman, Commissioners,
18 under Tab I is the Preliminary Order of Discipline directed at
19 Tropicana St. Louis doing business as Horseshoe Casino.

20 This discipline in this case involves Horseshoe
21 Casino's activities and failure to timely rekey after an
22 employee took a sensitive key from the property.

23 On November 15 of 2022 an investigation was initiated
24 related to a violation of the Commission's Minimum Control
25 standards, known as the MICS, and Horseshoe's Casino's

1 Internal Control Standards, known as the ICS, Chapter B,
2 Section 1.01 and 7.01.

3 These rules designate that the casino's bill validator
4 contents key, which also is known as the casino's cash box
5 key, are sensitive keys that shall not be taken off the
6 property. The rules state that if the key is taken off the
7 casino property, all locks the key fits must be immediately
8 changed unless the Missouri Gaming Commission at its sole
9 discretion determines it unnecessary.

10 On November 15 of 2022, a member of the Horseshoe
11 Casino's count team left casino property with a sensitive key
12 ring 110. This ring had one key on it which was identified as
13 the cash box contents key which opens the cash boxes for the
14 casino's slot machines. The employee was off the property of
15 the casino with the key for approximately ten and a half
16 hours.

17 Of particular concern in this case was the manner in
18 which this sensitive key 110 left the casino property. At the
19 completion of the bill validator count, also know as the BV
20 count, the count team employee returned the count room key at
21 11:05 AM. Approximately ten seconds later, the employee
22 checked out the key 110 which was used to open the cash box
23 for slot machines. The employee left the casino with key 110
24 approximately 27 minutes later.

25 The employee's statement as to why he left the casino

1 property with the key did not match the casino's surveillance
2 coverage or the key log. On November 18, 2022 following this
3 incident, MGC directed the casino to rekey all locks which key
4 110 fit. This directive was communicated to the casino's
5 compliance and senior staff. Casino staff responded that they
6 would begin the process as soon as they completed the first
7 rekey.

8 That first rekey had been directed in July of 2022
9 after the same team member left the property with the same
10 sensitive key to the cash boxes for the casino's slot
11 machines. In that instance the employee was off the property
12 for 17 hours.

13 As set forth in more detail in the Preliminary Order of
14 Discipline, beginning on February 18 of 2023, MGC began making
15 inquiry with Horseshoe Casino on the status of the rekey for
16 sensitive key 110. Over the next several months, MGC reached
17 out to the casino six additional times seeking the status and
18 timeline for the rekey. It was not until May 17 of 2023 that
19 the rekey was complete.

20 During a review of the delays with the casino's rekey
21 process, it was determined that the new locks and keys for
22 sensitive key 110 were not ordered until December 21, 2022,
23 more than a month after the December 18, 2022 rekey directive
24 by MGC. In total, from the date the rekey was directed by MGC
25 and the date the casino reported the rekey finally complete

1 was a span of five months and 27 days.

2 In summary, Horseshoe Casino's delay in rekeying was a
3 violation of MGC's Minimum Control Standards as well as the
4 casino's Internal Control Standards. The Disciplinary Review
5 Board is recommending a \$25,000 fine for these violations.

6 Horseshoe Casino has submitted a response to the
7 proposed disciplinary action and is not contesting these
8 findings. The casino has stated an apology for its actions
9 and indicated that going forward it intends to insure its
10 employees appreciate the urgency of a rekey and that measures
11 are being taken to develop processes to ensure timeliness
12 related to key matters.

13 Thank you, and if there's any questions on this matter,
14 I would be happy to answer them.

15 CHAIRMAN ZIMMERMAN: I don't have any questions other
16 than, you know, I appreciate Mr. Marsh's letter and
17 explanation of what needs to happen going forward.

18 MR. MARSH: Thank you.

19 CHAIRMAN ZIMMERMAN: Any questions for
20 Ms. Richenberger? All right, seeing none, thank you.

21 I move to approve DC-24-012. Is there a second?

22 COMMISSIONER SPAULDING: Second.

23 COMMISSIONER CONWAY: Second.

24 CHAIRMAN ZIMMERMAN: Any further discussion? Angie,
25 would you call the roll?

1 MS. FRANKS: Chairman Zimmerman?
2 CHAIRMAN ZIMMERMAN: Approved.
3 MS. FRANKS: Commissioner Conway?
4 COMMISSIONER CONWAY: Approved.
5 MS. FRANKS: Commissioner Hane?
6 COMMISSIONER HANE: Approved.
7 MS. FRANKS: Commissioner Spaulding?
8 COMMISSIONER SPAULDING: Approved.
9 MS. FRANKS: By your vote, you've adopted DC-24-012.
10 CHAIRMAN ZIMMERMAN: Our next item of business is
11 Consideration of Resolution 24-010, Relicensure of Key
12 Business Entities. Sergeant McTheeney, you have the floor.
13 DIRECTOR RICHARDSON: You need to turn your page.
14 COMMISSIONER ZIMMERMAN: Oh, I'm on the wrong page.
15 Sorry about that.
16 Our next item of business is Consideration of
17 Rescission of Institutional waiver, Resolution 24-012.
18 Executive Director Peggy Richardson will be making the
19 presentation this morning.
20 DIRECTOR RICHARDSON: Chairman and Commissioners, under
21 Tab J is Staff's recommendation to rescind the institutional
22 waiver of licensure for HG Vora, Capital Management, LLC as it
23 relates to PENN Entertainment, Incorporated.
24 On January 3, 2023, HG Vora filed a request for waiver
25 of licensure as an institutional investor. At the time, HG

1 Vora held investments in three of our licensees, Bally's
2 Corporation, Play AGS, Incorporated, and PENN Entertainment,
3 Incorporated.

4 On January 18, 2023, by Resolution Number 23-007, the
5 Commission granted that request for waiver, allowing HG Vora
6 to acquire up to 20 percent ownership in multiple licensees.
7 The proceedings today relate only to their investment in PENN.

8 In the request for a waiver of licensure, HG Vora
9 affirmed that it may acquire those interests for investment
10 purposes only and not for the purposes of causing, directly or
11 indirectly, changes in the management, policies, or operations
12 of said licensees and that HG Vora had no involvement in the
13 business activities of any licensee in which it holds or may
14 acquire interest or any intention of influencing or affecting
15 the affairs of any licensee with the stock that it now owns or
16 may in the future acquire.

17 HG Vora also affirmed that in the event they developed
18 an intention of controlling or participating in the management
19 of any licensee, they would notify the Commission of those
20 changes and refrain from participating in management or
21 exercising such control until approved by the Commission.
22 Further, HG Vora affirmed its willingness to conform to all
23 disclosures and notices required by 11 CSR 45-4.

24 In December of 2023, the Missouri Gaming Commission
25 became aware of HG Vora's intention and interest in becoming

1 involved in the business activities of PENN Entertainment,
2 Incorporated by seeking the right to board seats and other
3 changes to PENN's board to allow HG Vora further influence
4 over PENN's company activities.

5 On December 28, 2023, HG Vora filed a Schedule D with
6 the Securities and Exchange Commission which included
7 disclosures of an economic equivalent of 18.5 percent
8 ownership in PENN's common stock and a request for the right
9 to designate board members.

10 This involvement by HG Vora in the activities of PENN,
11 as stated above, are not passive investment activities
12 pursuant to 11 CSR 45-4.020(3).

13 On January 4, 2024, I sent a letter to HG Vora that
14 these activities were inconsistent with passive-only investing
15 and that this matter would be placed on your agenda today for
16 the rescission of the institutional investor waiver as it
17 relates to their interest in PENN.

18 Through discussions with Rob Cantwell, attorney for HG
19 Vora, it was agreed that the waiver of licensure granted by
20 the Commission on January 18, 2023, would be rescinded today
21 as it relates to HG Vora's investment interests in PENN and
22 that HG Vora be given 30 days to file a completed application
23 for licensure with the Missouri Gaming Commission as a key
24 business entity of PENN Entertainment, Incorporated.

25 I'll be happy to try to answer any questions you may

1 have.

2 CHAIRMAN ZIMMERMAN: I just have a couple. Judge, you
3 said that the MGC became aware. How did we find out that they
4 were looking at board seats?

5 DIRECTOR RICHARDSON: There were multiple ways. I can
6 only actually recall how I personally found out. It was in
7 the gaming newspapers, if you will; also, the Schedule D that
8 was filed with the Securities and Exchange Commission. I
9 don't recall all of the ways we found out, but it wasn't -- it
10 wasn't a quiet thing, so it was -- it was known, their
11 activities.

12 CHAIRMAN ZIMMERMAN: And do they seem -- I mean they're
13 filing the key business entity applications as they are
14 supposed to?

15 DIRECTOR RICHARDSON: I believe that, through
16 conversations with Mr. Cantwell, that they've already begun
17 the process of accumulating all the documents and working on
18 the application. As you know, our application process is very
19 detailed and involved, and so the need for some time to get
20 that on file; but they do understand that the rescission would
21 be effective today --

22 CHAIRMAN ZIMMERMAN: All right, thank you.

23 DIRECTOR RICHARDSON: -- should you approve that.

24 CHAIRMAN ZIMMERMAN: Other questions? No? No other
25 questions, all right. Seeing none, thank you.

1 I move to approve Resolution Number 24-012. Is there a
2 second?

3 COMMISSIONER HANE: Second.

4 CHAIRMAN ZIMMERMAN: Any further discussion? Angie,
5 would you call the roll?

6 MS. FRANKS: Chairman Zimmerman?

7 CHAIRMAN ZIMMERMAN: Approved.

8 MS. FRANKS: Commissioner Conway? He had to leave the
9 meeting. Commissioner Hane?

10 COMMISSIONER HANE: Approved.

11 MS. FRANKS: Commissioner Spaulding?

12 COMMISSIONER SPAULDING: Approved.

13 MS. FRANKS: By your vote, you've adopted Resolution
14 Number 24-012.

15 CHAIRMAN ZIMMERMAN: The next two items on today's
16 agenda are Consideration of Resolution 24-013, Waiver of
17 Licensure for Institutional Investors, Nokomis Capital, L.L.C.
18 Financial Manager Kylee Wieberg will make that presentation.

19 MS. WIEBERG: Good morning, Chairman and Commissioners.
20 Under Tab K, we have Request for a Waiver for Institutional
21 Investor for up to 20 percent ownership from Nokomis Capital,
22 L.L.C.

23 Nokomis is a privately owned investment services firm
24 that specializes in investment management for hedge funds and
25 separately managed accounts. Nokomis has approximately 530

1 million assets under management. Nokomis currently holds 5.5
2 percent of Century Casinos, Inc.

3 I'd be happy to answer any questions you may have.

4 CHAIRMAN ZIMMERMAN: I probably made Ms. Wieberg
5 nervous when I said two items. There's only one there. Any
6 questions for Ms. Wieberg? All right, thank you.

7 I move to approve Resolution 24-013. Is there a
8 second?

9 COMMISSIONER SPAULDING: Second.

10 CHAIRMAN ZIMMERMAN: Any further discussion? Angie,
11 would you call the roll?

12 MS. FRANKS: Chairman Zimmerman?

13 CHAIRMAN ZIMMERMAN: Approved.

14 MS. FRANKS: Commissioner Hane?

15 COMMISSIONER HANE: Approved.

16 MS. FRANKS: Commissioner Spaulding?

17 COMMISSIONER SPAULDING: Approved.

18 MS. FRANKS: By your vote, you've adopted Resolution
19 Number 24-013.

20 CHAIRMAN ZIMMERMAN: We're now ready to close our first
21 open session. I move for closed meeting under Section
22 313.847, RSMo., Investigatory, Proprietary and Application
23 Records and 610.021(1), RSMo., Legal Actions and Matters
24 Subject to Attorney Client Privilege and Legal Work Product,
25 (3) and (13) Personnel, (12) Contracts and (14) Records

1 Protected from Disclosure by Law. Is there a second?

2 COMMISSIONER HANE: Second.

3 CHAIRMAN ZIMMERMAN: Any further discussion? Angie,
4 would you call the roll?

5 MS. FRANKS: Chairman Zimmerman?

6 CHAIRMAN ZIMMERMAN: Approved.

7 MS. FRANKS: Commissioner Hane?

8 COMMISSIONER HANE: Approved.

9 MS. FRANKS: Commissioner Spaulding?

10 COMMISSIONER SPAULDING: Approved.

11 MS. FRANKS: We are in closed.

12 CHAIRMAN ZIMMERMAN: All right. Thank you all for
13 coming.

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REPORTER'S CERTIFICATE

I, Susanne E. Moon, Registered Professional Reporter, Certified Real-time Reporter, and Certified Court Reporter, certify that on February 21, 2024, I was present and reported the proceedings held before the Missouri Gaming Commission, and I further certify that the foregoing 39 pages contain a true and accurate transcription of the proceedings.

Susanne Moon
Susanne E. Moon, RPR, CRR, CCR #473

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MISSOURI GAMING COMMISSION
Second Open Session Minutes
February 21, 2024

The Missouri Gaming Commission (the “Commission”) went into the second open session at approximately 11:45 a.m. on February 21, 2024, at the Missouri Gaming Commission, 3417 Knipp Drive, Jefferson City, Missouri.

Chairman Zimmerman moved to adjourn the second open session. Commissioner Spaulding seconded the motion, and after a roll call vote was taken, Zimmerman – yes, Hane – yes, and Spaulding – yes.

The meeting ended at 11:46 a.m.