

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC 25-096
Ameristar Casino Kansas 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, with jurisdiction over gaming activities, including riverboat gambling activities, in the state of Missouri.
2. The Commission issued a Class A gaming license to Boyd Gaming Corporation to develop and operate Class B gaming licensees in the State of Missouri.
3. Boyd Gaming Corporation is the parent organization or controlling entity of Ameristar Casino Kansas City, LLC.
4. The Commission issued a Class B gaming license to Ameristar Casino Kansas City, LLC to conduct games on and operate the excursion gambling boat known as Ameristar Casino Kansas City (the "Casino").
5. As the holder of a Class B license, Ameristar Casino Kansas City, LLC is subject to the provisions of Sections 313.800 to 313.850, RSMo, and the regulations promulgated thereunder by the Commission.

STATEMENT OF FACTS¹

6. On June 25, 2025, MGC Regulatory Investigator Linda Kerwin initiated an investigation after it was discovered that the Casino had failed to staff the required Level I surveillance manager/director position within one hundred eighty (180) days as required by 11 CSR 45-4.020(5) and (6).
7. Previously, on November 4, 2024, Casino Director of Regulatory Compliance Julie Allen ("Allen") notified MGC that Surveillance Manager Brooke Rich had resigned effective November 2, 2024, and the Casino was actively searching for a replacement.
8. On November 26, 2024, MGC Licensing Manager LeAnn McCarthy ("McCarthy") received notification via email that Level II licensee Morgan Caldwell ("Caldwell") had been promoted to Surveillance Manager and she was working on completing her Level I application.

¹ GR 20250626001

9. On May 2, 2025, McCarthy sent an email to Allen advising that MGC had not received Caldwell's Level I application. On May 19, 2025, MGC received Caldwell's Level I application, but it was incomplete and was missing several documents.
10. In relation to her Level I application, MGC staff and Caldwell exchanged numerous emails regarding missing attachments, missing documentation, and the incompleteness of the application through June 26, 2025. On August 25, 2025, MGC received Caldwell's complete Level I application and supporting documents.
11. The position of surveillance manager/director is a required Level I position according to 11 CSR 45-4.020(5). A Class B licensee has one hundred eighty (180) days to fill this position should it become vacant. The Casino was required to replace the Level I surveillance manager/director position by May 1, 2025; however, the hired replacement did not obtain the necessary Level I license until August 25, 2025. The Casino was out of compliance for 116 days.

LAW

12. Section 313.805, RSMo, states, in pertinent part, as follows:

The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

* * *

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645;

* * *

(19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

13. Section 313.812, RSMo, states, in pertinent part, as follows:

14. 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 such person or such person's 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:

* * *

(2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming[.]

14. Title 11 CSR 45-4.020 states, in pertinent part, as follows:

(5) Each Class B licensee at a minimum shall individually staff the following Level I positions with employees of the Class B licensee, which shall not be combined with any other required position:

- (A) General manager (may be a Class A employee);
- (B) Casino operations manager/director, or a table games department manager/director and a slot department manager/director;
- (C) Security department manager/director;
- (D) Finance department manager/director;
- (E) MIS department manager/director; and
- (F) Surveillance department manager/director:

(6) In the event that one of the positions, required by section (5) becomes vacant, an interim replacement licensee shall be immediately appointed to serve. 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.

VIOLATIONS

- 15. The acts or omissions of employees or agents of the Casino, as described above, involve a failure by the Casino to timely staff a required Level I position. This failure is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri and discredits the Missouri gaming industry and the State of Missouri in that the Casino's actions violate 11 CSR 45-4.020(6).
- 16. Ameristar Casino Kansas City, LLC is therefore subject to discipline for such violations pursuant to Sections 313.805 and 313.812.14(2), RSMo.

PENALTY PROPOSED

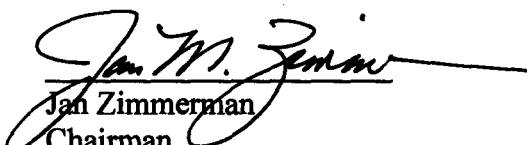
16. Under Section 313.805, RSMo, the Commission has the power to assess any appropriate administrative penalty against Ameristar Casino Kansas City, LLC as the holder of a Class B license.
17. THEREFORE, it is proposed that the Commission fine Ameristar Casino Kansas City, LLC the amount of five thousand dollars (\$5,000.00) for the violations set forth herein.


Jan Zimmerman
Chairman
Missouri Gaming Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she caused a true and correct copy of the foregoing to be mailed, postage prepaid, this 25th day of September, 2025, to:

Mr. Keith Henson
General Manager
Ameristar Casino Kansas City
3200 North Ameristar Drive
Kansas City, MO 64161


Jan Zimmerman
Chairman
Missouri Gaming Commission