

# IN THE MISSOURI GAMING COMMISSION

In Re: )  
 ) DC 25-097  
Bally's Kansas City, LLC )  
d/b/a Bally's Kansas City Casino )

## **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 Bally's Corporation to develop and operate Class B gaming licensees in the State of Missouri.
3. Bally's Corporation is the parent organization or controlling entity of Bally's Kansas City, LLC.
4. The Commission issued a Class B riverboat gambling license to Bally's Kansas City, LLC, to conduct games on and operate the excursion gambling boat known as Bally's Kansas City Casino (the "Casino").
5. As the holder of a Class B license, Bally's Kansas City, LLC d/b/a Bally's Kansas City Casino, is subject to the provisions of Sections 313.800 to 313.850, RSMo, and the regulations promulgated thereunder by the Commission.

## **STATEMENT OF FACTS<sup>1</sup>**

6. This discipline arises from violations discovered when Slot Technician Supervisor Jocelynn Cochran ("Cochran") contacted Missouri Gaming Commission Electronic Gaming Device ("EGD") Specialist II Dawn Leehy ("Leehy") regarding several EGD progressive funds not distributed within the 30-day requirement.
7. An investigation revealed seven (7) instances where EGD progressive funds were not distributed within the 30-day requirement.
8. Progressive EGD location 2BC05 (currently 7GJ02), asset 13797, was placed out of service on January 25, 2024, for button panel and backplane replacement. \$840.90 of progressive funds were removed from 2BC05 and added to the progressive jackpot at location 3CK04 on March 21, 2024. The transfer of the progressive funds exceeded the 30-day requirement by twenty-six (26) days.

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<sup>1</sup> GR 20241108001

9. Progressive EGD location 2BJ01, asset 13350, was placed out of service on June 19, 2024, due to a bad touchscreen. The EGD remained out of service until October 4, 2024, when it was repaired and placed back in service. \$6,386.74 of progressive funds were unavailable for patrons to win for 107 days exceeding the 30-day requirement by seventy-seven (77) days.
10. Progressive EGD location 1AA07, asset 14365, was placed out of service on June 28, 2024, as it needed a Random Access Memory (RAM) clear to make the EGD operational again. The progressive amount of \$837.96 was removed from 1AA07 and added to the progressive jackpot at location 3CK04 on October 2, 2024. The transfer of the progressive funds exceeded the 30-day requirement by sixty-six (66) days.
11. Progressive EGD location 2WC08, asset 13274, was placed out of service on July 30, 2024, for printer and button repairs. \$196.99 of progressive funds were removed from 2WC08 and added to the progressive jackpot at location 3CK04 on October 22, 2024. The transfer of the progressive funds exceeded the 30-day requirement by fifty-four (54) days.
12. EGD locations 4DE12, 4DE13, and 4DE14, (assets 13688, 13689, 13690) were part of a progressive link controlled by the EGD at location 4DE12. On August 2, 2024, the EGD at 4DE12 experienced reboot issues, so all three (3) EGDs were placed out of service until the EGD at location 4DE12 could be repaired. \$9,111.53 of progressive funds were removed from the link and added to the progressive jackpot on the EGD at location 3CK04 on October 22, 2024. The transfer of progressive funds exceeded the 30-day requirement by fifty-one (51) days.
13. Progressive EGD location 7GJ03, asset 14106, was placed out of service on August 12, 2024, for a broken button panel. The EGD remained out of service until October 21, 2024, when it was repaired and placed back in service. \$1,257.15 of progressive funds were unavailable for patrons to win for 70 days exceeding the 30-day requirement by forty (40) days.
14. Progressive EGD location 2BV04, asset 13119, was placed out of service on August 19, 2024, for Bill Validator (BV) and printer repairs. The EGD remained out of service until October 4, 2024, when it was repaired and placed back in service. \$46.03 of progressive funds were unavailable for patrons to win for 46 days exceeding the 30-day requirement by sixteen (16) days.
15. The failure to transfer progressive amounts from down games has been an ongoing issue for Bally's KC. In 2023, progressive amounts from six down progressive EGDs were not transferred within 30 days. MGC issued compliance directives to then Slot Technical Manager Erica Carpenter and Cochran. In response, a new process was implemented for tracking down games containing progressive amounts.
16. On March 18, 2025, an NOI was issued to the Casino for violations of 11 CSR 45-5.200(5)(D)(4). In response to the issued NOI, the Casino detailed a new progressive

tracker being implemented to address the issue and strengthen their controls to prevent future violations.

17. After implementing the tracker, progressive amounts on eight down games from January and February 2025 were found that exceeded the 30-day transfer requirement. On April 28, 2025, two more past due progressive amounts were reported by the Casino.

### LAW

18. 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.

19. 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 of 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 regulation;

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

20. Title 11 CSR 45-5.200<sup>2</sup> states, in pertinent part, as follows:

(5) A licensee shall not reduce the amount displayed on a progressive jackpot meter or otherwise reduce or eliminate a progressive jackpot unless—

\* \* \*

(D) The licensee distributes the incremental amount to another progressive jackpot as approved in writing by the commission and—

\* \* \*

4. The distribution is completed within thirty (30) days after the progressive jackpot is removed from play or within a longer period as the commission for good cause may approve;

### **VIOLATIONS**

21. As a result of this widespread failure, the Casino violated 11 CSR 45-5.200(5)(D)(4).

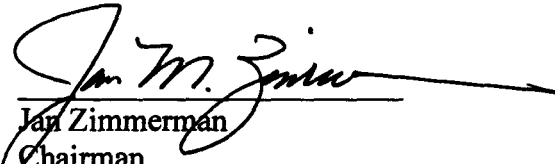
22. Bally's Kansas City, LLC d/b/a Bally's Kansas City Casino, is therefore subject to discipline for such violations pursuant to Sections 313.805 and 313.812.14(1) and (2), RSMo.

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<sup>2</sup> 11 CSR 45-5.200 was revised effective 7/30/25. The cited CSR was in effect at the time of the violation.

**PENALTY PROPOSED**

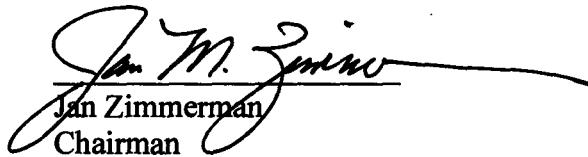
23. Under Section 313.805, RSMo, the Commission has the power to assess any appropriate administrative penalty against Bally's Kansas City, LLC, as the holder of a Class B license.
24. THEREFORE, it is proposed that the Commission fine Bally's Kansas City, LLC d/b/a Bally's Kansas City Casino the amount of ten thousand dollars (\$10,000.00) for the violations set forth herein.

  
Jan Zimmerman  
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 25<sup>th</sup> day of September, 2025, to:

Mark Wong  
General Manager  
Bally's Kansas City Casino  
1800 E. Front Street  
Kansas City, MO 64120

  
Jan Zimmerman  
Chairman  
Missouri Gaming Commission