

MISSOURI GAMING COMMISSION
COMMISSION RESOLUTION NO. 26-034

NICHOLAS A. FUNK
June 24, 2026

WHEREAS, Nicholas A. Funk ("Funk"), requested a hearing to contest the proposed disciplinary action initiated against him on January 8, 2026, by the Commission's issuance of a Preliminary Order for Disciplinary Action, DC-25-111; and

WHEREAS, pursuant to 11 CSR 45-13.010, et. seq., an administrative hearing was held on Funk's request and the Hearing Officer submitted the proposed Findings of Fact, Conclusions of Law and Recommendation for Final Order attached hereto (collectively the "Final Order") for review by the Commission; and

NOW, THEREFORE, BE IT RESOLVED, that the Commission has reviewed the Final Order and hereby issues to Funk a revocation of his occupational license in the above-referenced case in the matter of DC-25-111; and

BE IT FURTHER RESOLVED, that this shall be considered a final decision of the Missouri Gaming Commission.


Jan Zimmerman
Chairman
Missouri Gaming Commission

IN THE MISSOURI GAMING COMMISSION

In Re: Nicholas Andrew Funk	)	
	)	DC 25-0111
License Number MGC339548	)	

FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

On February 26, 2026, a hearing was conducted on a request for a hearing to review proposed disciplinary action against the Level II Occupational License of Nicholas Andrew Funk, License Number MGC339548. After consideration of the testimony, exhibits, arguments of counsel and the licensee, the undersigned contracted hearing officer submits the following findings of fact, conclusions of law and recommendation:

PROCEDURAL HISTORY

On or about January 8, 2026, the Executive Director notified the licensee of proposed discipline against the licensee's Level II Occupational License. The licensee timely requested a hearing on the proposed disciplinary action. A hearing was held at the Missouri Gaming Commission's ("MGC") offices in Jefferson City, Missouri, on February 26, 2026. The hearing was attended by the MGC's Deputy Legal Counsel, Thomas Venneman, the licensee, this hearing officer, and a witness, Corporal Z.S. Wang, Missouri State Highway Patrol. Evidence was adduced and the record was closed.

FINDINGS OF FACT

It is undisputed that on May 22, 2025, a bag, later determined to contain an illegal Schedule II controlled substance, was found on the floor of a banquet room at the Horseshoe St.

Louis Casino, in St. Louis, Missouri. The bag was found during a company meeting held by the casino. The bag was secured by Security Shift Manager Jeffrey Springmeyer who placed the bag into a cardboard tissue box and presented it to Corporal Wang who was assigned to the Gaming Division that day.

Video surveillance was later obtained. The video surveillance shows the Licensee walking through the meeting wearing his employee badge that was clipped to his belt near his right front pant pocket. The video shows the bag fall to the floor directly from on top of the badge where it appeared to be balancing. The video then shows the bag was discovered on the floor by Shift Supervisor Floyd Howard who picked it up and handed it to Security Shift Manager Springer. It appears from the video that the Licensee was not aware the bag was resting on his badge as he walked through the meeting nor was he aware the bag fell from his badge to the floor. The Licensee later denied knowledge of what the substance was and that it came from his person when confronted by Corporal Wang. The Licensee later acknowledged the bag fell to the floor from his badge.

CONCLUSIONS OF LAW

The Missouri General Assembly delegated the MGC the authority to supervise gambling operations governed by sections 313.800 to 313.850, RSMo. Section 313.805, RSMo, states, "The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850." The statute also authorized the MGC to "promulgate rules and regulations to implement sections 313.800 to 313.850." As the holder of an occupational license, the licensee is subject to the provisions of Sections 313.800 to 313.850, RSMo, and the regulations promulgated thereunder by the MGC.

The Executive Director cites 11 CSR 45-4.260(4)(M) as the basis upon which the Licensee's license should be disciplined. That regulation states in part that the MGC may refuse, revoke or suspend an occupational license of any person "Who is not of good moral character...and would adversely affect public confidence and trust in gambling[.]"

ANALYSIS

A person of good moral character does not transport or carry illegal controlled substances. Public confidence and trust in gambling would be eroded if licensees working in casinos were known to transport or carry illegal controlled substances while on casino property. If it has been established that the Licensee in this case most likely knew and was aware that he was transporting an illegal controlled substance on his person while on casino property, then discipline of the Licensee's license is appropriate and warranted. On the other hand, if it is established that the Licensee most likely did not know and was not aware that he was transporting an illegal controlled substance while on casino property, then discipline of the Licensee's license would not be appropriate or warranted. So, here, the question is whether, by a preponderance of the evidence, it has been sufficiently established that the Licensee "more likely than not" knew and was aware that he was transporting the illegal controlled substance while on casino property.

Referring to basic knowledge, experiences and impressions of life, it would be extremely rare for a person at a company meeting to have a bag containing an illegal controlled substance balancing on his employee badge hanging just at or below his right pant pocket and not know that the bag was at least present somewhere on his person somewhere. Clearly, the Licensee did not know the bag was balancing on his badge in clear view to anyone who might look, but it is reasonable to conclude that the Licensee knew or believed that the bag was on his person,

somewhere, perhaps likely in his right pant pocket, where it mistakenly or accidentally ended up balancing on the badge unbeknownst to the Licensee. The odds of the bag ending up where it ended up without the Licensee having any idea whatsoever that the bag was somewhere on his person are unascertainable, but nevertheless highly unlikely. The Licensee offered no reasonable explanation as to where he had been, what he had been doing, or who he had been with that might suggest another way the bag might have ended up balancing on the Licensee's badge without the Licensee's knowledge. The most likely scenario here is that the Licensee knew he was carrying the bag containing the substance in his right pant pocket and that it accidentally or mistakenly ended up on the badge (and later the floor) unbeknownst to the Licensee.

RECOMMENDATION

For all of the above reasons, the hearing officer recommends that the Executive Director's proposed discipline of revocation be accepted, approved and imposed by the MGC.

Dated: May 27, 2026

/s/ Thomas B. Snider _____

Thomas B. Snider, MO Bar # 49971
MGC Contracted Hearing Officer