

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC 26-135
HGI – Mark Twain, LLC)
d/b/a Mark Twain 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 Affinity Interactive to develop and operate Class B gaming licensees in the state of Missouri.
3. Affinity Interactive is the parent organization or controlling entity of HGI – Mark Twain, LLC.
4. The Commission issued a Class B riverboat gambling license to HGI – Mark Twain, LLC, to conduct games on and operate the excursion gambling boat known as Mark Twain Casino (the “Casino”).
5. As the holder of a Class B license, HGI – Mark Twain, LLC, d/b/a Mark Twain Casino, 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 February 5, 2026, Marketing Director Darcy Buckwalter (“Buckwalter”) contacted Trooper Dominick Walker (“Tpr. Walker”) at the MGC office in reference to an issue with a Scratch & Win promotion. For this promotion, Mark Twain Casino used a printing company to produce and deploy mailers to invite patrons to receive free slot play. To participate in the promotion, invited patrons were required to present their mailers in person at the A-Play Club from 12:00 p.m. to 7:00 p.m. on February 6th, 13th, 20th, and 27th, 2026. Three segments of mailers (1-8, 9-14, and 15-17) were supposed to be deployed to invite patrons before the promotion start date of February 6, 2026. A scratcher promotion was included in the mailer for segments 1-14. The scratcher, when scratched, would reveal free slot play amounts the patron would receive when they presented the scratcher during the set times and dates of the promotion. Buckwalter stated the printer did not deploy segments 9-14. Since the mailers were delayed in delivery for segments 9-14, patrons listed in those segments would not have

¹ GR 20260221002

been aware of the free slot play offer by February 6, 2026, which was the first day of the promotion, and possibly February 13, 2026. Buckwalter also stated to correct this issue, affected patrons who did not receive the mailer would be given the base (minimum amount) free slot play if they were present and inquired about it on February 6, 2026, or February 13, 2026, not taking into account what their scratcher could reveal.

7. On February 18, 2026, Tpr. Walker requested information to determine out of the patrons in segments 9-14, how many received free slot play versus how many did not. Tpr. Walker received documentation from Buckwalter that segments 9-14 included 6,222 patrons. 119 patrons were issued free slot play because they were present on February 6, 2026, and February 13, 2026, and inquired directly about it. Since the promotional mailers were not delivered prior to the promotion starting, 6,222 patrons were unaware of a reward being offered to them.
8. In a written statement, Buckwalter stated the mailer was sent First Class by the printer on February 10, 2026, with approximately 95% delivered to mailboxes by February 12, 2026. This indicated the negatively affected patrons would have no way of knowing of one, or in some cases, two (February 6, 2026, and February 13, 2026) of the applicable four dates to redeem their offers as the mailers did not reach all patrons by February 13, 2026.
9. Mark Twain Casino made no attempts to contact the affected patrons, nor did they proactively add any free slot play into the affected accounts, unless the patrons both showed up on the correct day and proactively inquired about the promotion.

LAW

10. 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.

11. 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:

(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[.]

12. 11 CSR 45-5.181 states, in pertinent part, as follows:

(2) Class B licensees may provide promotional activities such as promotional giveaways, promotional coupons, promotional games, player reward programs, or similar activities for patrons without the prior approval of the commission, provided the promotional activity is not structured or conducted in a manner that reflects negatively on the licensee, the commission, or the integrity of gaming in Missouri and complies with the following:

(A) No false or misleading statements, written or oral, shall be made by a licensee or its employees or agents regarding any aspect of any promotional activity.

* * *

(D) All prizes offered in the promotional activity shall be awarded according to the Class B licensee's rules governing the event;

14. 11 CSR 45-5.053 states, in pertinent part, as follows:

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

* * *

(C) Failing to conduct advertising and public relations activities in accordance with decency, dignity, good taste, and honest and fair representation;

15. The Commission's Minimum Internal Control Standards ("MICS"), Chapter U, states, in pertinent part, as follows:

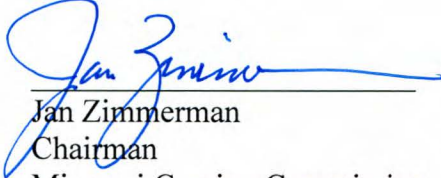
5.01 Promotional giveaway credits established in the promotional system shall comply with 11 CSR 45-5.181.

VIOLATIONS

16. The acts or omissions of employees or agents of the Casino, as described above, constitute a failure of the Casino to follow its own rules for a promotional giveaway, thereby violating 11 CSR 45-5.181(2)(A) and (D), 11 CSR 45-5.053(3)(C), and the Commission's MICS, Chapter U, section 5.01.
17. HGI – Mark Twain, LLC, d/b/a Mark Twain Casino, is therefore subject to discipline for such violations pursuant to sections 313.805 and 313.812.14(1) and (2), RSMo.

PENALTY PROPOSED

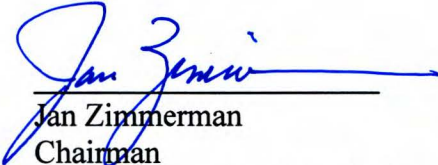
18. Under section 313.805, RSMo, the Commission has the power to assess any appropriate administrative penalty against HGI – Mark Twain, LLC, as the holder of a Class B license.
19. THEREFORE, it is proposed that the Commission fine HGI – Mark Twain, LLC, d/b/a Mark Twain Casino, the amount of two thousand five hundred dollars (\$2,500.00) 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 29th day of October, 2026, to:

Mr. Ryan Lounsbury
General Manager
Mark Twain Casino
104 Pierce Street
LaGrange, MO 63448


Jan Zimmerman
Chairman
Missouri Gaming Commission