

**Title 11—DEPARTMENT OF PUBLIC SAFETY**  
**Division 45—Missouri Gaming Commission**  
**Chapter 13—Hearings**

**PROPOSED RULE**

**11 CSR 45-13.054 Fantasy Sports Contest Hearings**

*PURPOSE: This rule sets forth procedures for hearings related to Fantasy Sports Contest applicants and licensees.*

- (1) A person whose application for a fantasy sports contest operator license has been denied or against whom a disciplinary action has been initiated may request a hearing under this chapter. The rules in this chapter shall be read together with Chapter 536, RSMo.
- (2) The commission may authorize the director to investigate and make the initial finding of unsuitability or to issue a proposed order for disciplinary action with regard to any applicant for, or holder of, a license of the type that may be issued by the director pursuant to 11 CSR 45-40.
- (3) Whenever the commission finds an applicant unsuitable or ineligible for licensing, the commission shall notify the applicant in writing outlining the reasons for the finding. This notice shall be sent to the party's last known address by certified mail, return receipt requested, or by another means of personal service.
- (4) When notified of facts sufficient to support disciplinary action against a fantasy sports contest operator licensee under the applicable statutes or rules, the commission may propose disciplinary action against a licensee. If the commission proposes disciplinary action, it shall notify the licensee of the proposed disciplinary action, in writing, outlining the reasons for the proposed discipline. This notice shall be sent to the party's last known address by certified mail, return receipt requested, or by another means of personal service.
- (5) Any licensee who receives a notice of commission action shall respond to the commission within thirty (30) days of the date the notice is mailed from the commission.
  - (A) If the licensee does not respond to the commission within thirty (30) days of the date the notice is mailed, the commission may petition the Administrative Hearing Commission (AHC) for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.
  - (B) If the licensee responds to the commission within thirty (30) days of the date the notice is mailed, the commission may take any action it deems appropriate, including, but not limited to, dismissing the matter, initiating settlement negotiations pursuant to 11 CSR 45-13.065, or petitioning the AHC for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.
- (6) Hearings before the AHC shall be governed by Chapter 536, RSMo and the rules in 1 CSR 15-3. The AHC shall, after opportunity for hearing, issue findings of fact and conclusion of law and refer the matter back to the commission.
  - (A) If the AHC does not find a factual basis to support the notice of commission action, the matter will be dismissed and no action will be taken against the licensee.

(B) If the AHC issues its findings of fact and conclusions of law supporting cause to discipline, the case will be returned to the commission to convene a hearing to consider and determine the appropriate disciplinary action, and enter a final order.

(7) Upon receiving findings of fact and conclusions of law supporting cause to discipline from the AHC, the commission shall set the matter for a hearing pursuant to 11 CSR 45-13.030 before the commission's hearing officer in accordance with this chapter. The notice of hearing shall be in writing and shall notify the licensee of the time and place of the hearing, unless a waiver of hearing is filed by the licensee or the parties reach a settlement, negating the need for a hearing. Service of the hearing notice shall be sent by mail to the party's last known address. (Following the hearing the hearing officer shall make a recommendation of discipline or other action to the commission as authorized and set forth by 11 CSR 45-13.020.

*AUTHORITY: sections 313.920, 313.970, and 313.1010, RSMo (HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016). Emergency rule filed August 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*