

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

PROPOSED RULE

11 CSR 45-13.052 Sports Wagering Hearings

PURPOSE: This rule sets forth procedures for disciplinary actions, license denials, and hearings related to sports wagering applicants and licensees.

(1) A person whose application for a license issued under 11 CSR 45-20 has been denied, against whom a disciplinary action has been initiated, or who disagrees with a written determination of the commission 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 executive 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 commission pursuant to 11 CSR 45-20.

(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 or by another means of personal service.

(4) When notified of facts sufficient to support disciplinary action against a licensee under Article III, Section 39(g), of the *Missouri Constitution* or 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 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 by certified mail or by another means of personal service. 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.

(8) The commission shall review the recommendation of the hearing officer and issue findings of fact, conclusions of law, and enter a final order. The final order of the commission may be appealed to the circuit court.

AUTHORITY: section 39(g) of Article III, Mo. Const., section 313.004, RSMo 2016, and sections 313.800–313.850, RSMo 2016 and Supp. 2024. Original rule filed May 14, 2025.