

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC-14-059
PNK (River City), LLC)

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 2000, with jurisdiction over gaming activities, including riverboat gambling activities, in the State of Missouri.
2. The Commission issued Pinnacle Entertainment, Inc., a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Pinnacle Entertainment Inc. is the parent organization or controlling entity of PNK (River City), LLC.
4. The Commission issued a Class B riverboat gambling license to PNK (River City), LLC ("Company"), to conduct games on and operate the excursion gambling boat known as River City Casino ("Casino").
5. As the holder of a Class B license, the Company is subject to the provisions of Sections 313.800 to 313.850, RSMo 2000, and the regulations promulgated thereunder by the Commission.

STATEMENT OF FACTS¹

6. On April 29, 2013, the final day of the Heartland Poker Tour ("HPT") at River City Casino, seven occupational licensees who were in positions that made them ineligible to receive tips under 11 CSR 45-8.130 received \$100 tips from one of the patrons playing in the HPT.

¹ 20130501008

LAW

7. Under Section 313.805(6), RSMo, the Commission may assess any appropriate administrative penalty against a licensee, including but not limited to, suspension, revocation or penalties of an amount determined by the Commission.
8. Under Section 313.812.14, RSMo, a holder of any license is subject to imposition of penalties, suspension or revocation of such license for any act or failure to act by himself or his 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.
9. Under Section 313.812.14(1), RSMo, a licensee may be disciplined for failing to comply with or make provisions 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.
10. Under Section 313.812.14(2), RSMo 2000, a licensee may be disciplined for failing to comply with any rule, order or ruling of the Commission or its agents pertaining to gaming.
11. Under Section 313.812.14(9), RSMo, a licensee may be disciplined for incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.
12. Title 11 CSR 45-8.130 states, in pertinent part, as follows:
 - (1) Except as provided in this rule, no occupational licensee may accept a tip, gift, or loan from any player or patron.
 - (2) Level II occupational licensees may accept tips for casino-related services performed by the licensee, or paid leave based on work, that is performed in a nonsupervisory capacity as a dealer, poker dealer, cage cashier, slot attendant, food and beverage personnel, valet, ticketing personnel, or other positions as approved by the director.
 - (3) Occupational license applicants or occupational licensees eligible to accept tips shall receive such tips only in the form of currency, chips, and tickets.

VIOLATIONS

13. The actions or omissions of employees or agents of the Company as described above permitted occupational licensees to accept tips in violation of 11 CSR 45-8.130. The Company is subject to discipline for such violations under Sections 313.805(6) and 313.812.14(1) and (2), RSMo.

PENALTY PROPOSED

14. Under Section 313.805(6), RSMo, the Commission has the power to assess any appropriate administrative penalty against the Company, as the holder of a Class B license.
15. THEREFORE, it is proposed that the Commission fine PNK (River City), LLC the amount of \$10,000 for the violations set forth herein.

Dr. Barrett Hatches
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 ____ day of _____, 2014, to:

Neil Walkoff, General Manager
River City Casino
777 River City Casino Boulevard
St. Louis, MO 63125

Dr. Barrett Hatches
Chairman
Missouri Gaming Commission