

MISSOURI GAMING COMMISSION
COMMISSION RESOLUTION NO. 15-019

COLLEEN NATOLI
March 25, 2015

WHEREAS, Colleen Natoli ("Natoli"), requested a hearing to contest the proposed disciplinary action initiated against her on April 10, 2014, by the Commission's issuance of a Disposition of Occupational Gaming License Application; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Commission has reviewed the Final Order and hereby approves and adopts the attached Final Order in the matter of DC-14-249; and

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

BEFORE THE MISSOURI GAMING COMMISSION

In Re:)
)
 COLLEEN NATOLI) Case No. DC-14-249
)
)

AMENDED FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

The above-captioned matter comes before the Missouri Gaming Commission (hereinafter referred to as "MGC") upon a request for hearing dated May 5, 2014, submitted by Colleen Natoli (hereinafter referred to as "Applicant"). Said request for hearing was in response to the MGC's Disposition of Occupational Gaming License Application dated April 10, 2014. The designated Hearing Officer, Mr. Chas. H. Steib, conducted a hearing on December 11, 2014, which was a continuation of a Hearing originally scheduled for August 20, 2014. At the December 11, 2014 Hearing, the Applicant and the MGC's attorney, Ms. Carolyn H. Kerr, appeared to present evidence and arguments of law. Applicant did not appear at the August 20, 2014 Hearing.

FINDINGS OF FACT

1. On March 18, 2014, Applicant submitted a Level II Occupational Gaming Application.
2. Said Application was denied for failing to disclose that Applicant had been arrested by the Missouri State Highway Patrol at the Ameristar Casino on April 23, 2013, for stealing.
3. On May 5, 2014, Applicant filed a Request for a Hearing on said denial (MGC Exhibit 2).
4. MGC Exhibit 1 (Disposition of Occupational Gaming Application); Exhibit 2 (Fax Cover Sheet of 5/9/14 and Request for Hearing); Exhibit 3 (License Denial Checklist); Exhibit 4 (MGAC Applicant Interview Form); Exhibit 5 (MGC Level II Occupational License Application Personal Disclosure Form 2); Exhibit 6 (Correspondence dated July 18, 2014, from Hearing Officer to Applicant); and Exhibit 7 (Gaming Incident/Investigation Report) were all admitted into evidence without objection.
5. On March 27, 2014, Applicant was interviewed and asked whether she had ever been arrested or detained or have any convictions as a result of contact with a law enforcement agency (Tr.p.13-14 1.9), to which Applicant responded in the negative.
6. The Missouri State Highway Investigator emphasized the information referred to *supra* by marking same on Applicant's License Denial Checklist (Exhibit 3) (Tr.22 1.19).

7. As part of the investigation into Applicant's Application a fingerprint check revealed that Applicant had been arrested April 23, 2013, as per No. 2, *supra*, but Applicant failed to disclose this arrest on her Application of March 18, 2014.

CONCLUSIONS OF LAW

1. "The MGC shall have the full jurisdiction over and shall supervise all gaming operations governed by Section 313.850." Section 313.805, MO. REV.STAT. 2000.

2. "The State has a legitimate concern in strictly regulating and monitoring riverboat gaming operations. As such, any doubt as to the legislative objective or intent as to the Commission's power to regulate riverboat gaming operations in this State must be resolved in favor of strict regulation. *Pen-Yan Investment, Inc. v. Boyd Kansas City, Inc.*, 952 S.W.2d 299, 307 (Mo. App. 1997).

3. The burden of proof is at all times on the Applicant. The Applicant shall have the affirmative responsibility of establishing the facts of his/her case by clear and convincing evidence ..." Regulation 11 CSR 45-13.060(2).

4. "Clear and convincing evidence" is evidence that "instantly tilts the scales in the affirmative when weighed against the opposing evidence, leaving the fact finder with an abiding conviction that the evidence is true." *State ex rel. Department of Social Services v. Stone*, 71 S.W.3d 643, 646 (Mo. App. 2002).

DISCUSSION

Applicant failed to disclose on her Level II Occupational Gaming License Application an arrest of April 23, 2013, by the Missouri State Highway Patrol.

FINAL ORDER

Wherefore, it is ordered and adjudged that Applicant did not meet her burden of proof to show clearly and convincingly that she should receive a Level II Occupational Gaming License. The decision of the MGC dated April 10, 2014, is affirmed.

Dated: March 11, 2015

Chas H. Steib
Chas. H. Steib, Hearing Officer