

MISSOURI GAMING COMMISSION
COMMISSION RESOLUTION NO. 15-020

INGRED WILLIS
March 25, 2015

WHEREAS, Ingrid Willis ("Willis"), requested a hearing to contest the proposed disciplinary action initiated against her on August 20, 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 Willis' 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-14-375; 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:)
)
INGRED WILLIS) Case No. DC-14-375
)
)

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 September 23, 2014, submitted by Ingrid Willis (hereinafter referred to as "Applicant"). Said request for hearing was in response to the MGC's Disposition of Occupational Gaming License Application dated August 20, 2014. The designated Hearing Officer, Mr. Chas. H. Steib, conducted a hearing on December 11, 2014, where the MGC's attorney, Ms. Carolyn H. Kerr, appeared to present evidence and arguments of law. However, though properly notified of the Hearing date and time, Applicant appeared not.

FINDINGS OF FACT

1. Applicant executed, on August 6, 2014, a MGC Applicant Interview Form which stated "Ms. Willis states that she has never been arrested" (Exhibit 3).
2. Applicant was notified of the Hearing to be held December 11, 2014, 10:30 a.m. pursuant to her Request of September 23, 2014 (Exhibit 2).
3. At the appointed time and the appointed date for said Hearing, the Applicant, although thrice called, appeared not.
4. Said Hearing in the absence of Applicant was commenced whereupon MGC Exhibit 1 (MGC Disposition of Occupational Gaming License); Exhibit 2 (Request of Applicant for Hearing); Exhibit 3 (MGC License Denial Checklist); Exhibit 4 (MGC Level II Occupational License Application Personal Disclosure Form 2); and Exhibit 5 (Correspondence from Hearing Officer with U.S. Postal Service Receipt) were all admitted into evidence.

CONCLUSIONS OF LAW

1. "The MGC shall have the full jurisdiction over and shall supervise all gaming operations governed by Section 313.800 to 313.850." Section 313.805, MO. REV. STAT. 2000.
2. "A holder of any license shall be the 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 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 unless the Applicant proves by clear and convincing evidence that it is not guilty of such action . . . 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 MGC or any federal, state or local law or regulation; . . . “Section 313.812.14, MO. REV. STAT. 2000.

3. “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 MGC’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).

4. 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).

5. “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).

6. “The MGC shall have the following powers: . . . to access any appropriate administrative penalty against an Applicant, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the MGC . . .” Section 313.805(6), MO. REV. STAT. 2000.

DISCUSSION

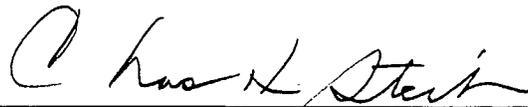
Applicant, although duly notified of the appointed time, date and place for the Hearing she requested, failed to appear.

FINAL ORDER

WHEREFORE, IT IS ORDERED AND ADJUDGED that Applicant did not appear and, hence, did not meet her burden of proof to show clearly and convincingly that she should be granted a Level II Occupational Gaming License.

Dated:

January 26, 2015



Chas. H. Steib, Hearing Officer