

MISSOURI GAMING COMMISSION
COMMISSION RESOLUTION NO. 18-002

KRISTI CASTOR
January 10, 2018

WHEREAS, Kristi Castor ("Castor"), requested a hearing to contest the proposed disciplinary action initiated against her on January 28, 2017, by the Commission's issuance of a Preliminary Order for Disciplinary Action, DC-16-225; and

WHEREAS, pursuant to 11 CSR 45-13.010, et. seq., an administrative hearing has been held on Castor'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 issues to Castor a revocation of her occupational license in the above-referenced case in the matter of DC-17-031; 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:

KRISTI D. CASTOR

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Case No. DC-16-225

FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER

The above-captioned matter comes before the Missouri Gaming Commission (hereinafter referred to as "MGC" "Commission") upon receipt of a request for a Hearing by Kristi D. Castor (hereinafter referred to as "Licensee" "Petitioner"). Said request for Hearing was in response to the Commission's Preliminary Order for Disciplinary Action of January 23, 2017, to Revoke the Licensee's Level II Occupational License. The designated Hearing Officer, Mr. Chas. H. Steib, conducted a Hearing on September 14, 2017. The Commission's attorney, Mrs. Carolyn Kerr, appeared to present evidence and arguments of law. Licensee appeared and testified.

FINDINGS OF FACT

1. On October 4, 2016, Licensee was employed as a Harrah's North Kansas City Casino (Tr.p.25, l.15-16).
2. On September 15, 2016, Licensee executed a MGC Missouri List of Disassociated Persons Application for Statewide Self-Exclusion (the DAP List) by which she agreed not to enter or attempt to enter a Missouri gambling boat during the time she was on the DAP List (MGC Ex.5, Sec.2 § 4).
3. MGC Exhibit 5 states:

The consequences of you violating this agreement are criminal trespass charges and denial of any winnings resulting from gambling while on the List of Disassociated Persons (MGC Ex.5, p.2, l.7-8).
4. On October 4, 2016, Licensee entered the gambling floor at Ameristar Casino Kansas City where she remained for approximately forty-four (44) minutes while she played fifty-nine (59) hands of blackjack (Tr.p.14, l.14-20).
5. On October 4, 2016, Licensee approached the main cage of the Ameristar Casino Kansas City and attempted to conduct a chips to cash transaction (Tr.p.13, l.8-9).
6. At the Hearing of September 14, 2017, Licensee admitted the truth of paragraphs 4 and 5, above.

7. MGC Exhibit 1 (Preliminary Order for Disciplinary Action dated January 23, 2017); Exhibit 2 (Licensee's Request for Hearing); Exhibit 3 (Gaming Incident Report of Trooper Bradshaw Cowan); Exhibit 4 (DAP Information Sheet regarding Kristi D. Castor); Exhibit 5 (Application for Statewide Self-Exclusion executed by Kristi D. Castor on September 5, 2016); and Exhibit 6 (September 15, 2016, letter from the Missouri Gaming Commission notifying Ms. Castor of her placement on the Disassociated Persons List) were admitted into evidence without objection (Tr.p.5-8).

CONCLUSIONS OF LAW

1. "The Commission 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 Licensee 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 licensee 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 Commission or any federal, state or local law regulation; . . . "Section 313.812.14, MO. REV. STAT. 2000.

3. The burden of proof is at all times on the Petitioner. The Petitioner 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).

5. "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).

DISCUSSION

The evidence in this matter clearly established that Licensee, Kristi D. Castor, had placed herself on the DAP List on September 5, 2016, and that Licensee, Kristi D. Castor, admitted under oath that she spent forty-four (44) minutes on the gambling floor at Ameristar Casino Kansas City while she played fifty-nine (59) hands of blackjack on October 4, 2016. The foregoing conduct of Licensee on the gambling floor of the Ameristar Casino Kansas City was in violation of the DAP List Application (MGC Ex.5) executed by Licensee September 5, 2016.

FINAL ORDER

WHEREFORE, THE PREMISES CONSIDERED, IT IS ORDERED AND ADJUDGED that Licensee did not meet her burden of proof to show by clear and convincing evidence that her Level II Occupational License should not be revoked and, therefore, Licensee's Level II Occupational License should be Revoked.

Dated:

October 25, 2017

Chas H Steib
Chas. H. Steib, Hearing Officer