

2015, and the other transferred positions on March 19, 2015. Their access, however, was not updated as of April 21, 2015, when the auditors reviewed the access;

- ii. A follow-up to audit Report 15-16, conducted in February through March 2016 noted that one employee who transferred positions between December 1, 2015, and February 29, 2016, and had key access did not have her key access updated in the system within 72 hours of the change in her job status. The employee transferred positions on February 18, 2016. Her access, however, had not changed as of March 16, 2016, when the auditors reviewed the access. This was one of two repeat findings that resulted in a \$5,000 fine to the Casino; and
- iii. The current audit, Report 17-20, found that the key access for two of seven employees who transferred positions from September 1, 2016 through December 8, 2016, was not updated in the key system within 72 hours of the employee's change in job position. One employee transferred positions on November 24, 2016, and the other employee transferred positions on December 8, 2016. Their access, however, had not been changed when the auditors reviewed the access on January 10, 2017.

LAW

8. Under § 313.805(6), RSMo, the Commission may assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, or penalties in an amount determined by the Commission.
9. Section 313.812.14, RSMo, states, in pertinent part, as follows:

A holder of any license shall be 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 licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, 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 or regulations;
- (2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming[.]

10. Title 11 CSR 45-9.060 states, in pertinent part, as follows:

(3) Violations of the minimum internal control standards [(“MICS”)] by a Class A or Class B licensee or an agent or employee of a Class A or Class B licensee are deemed to be unsuitable conduct for which the Class A or Class B licensee and/or its agent or employee is subject to administrative penalty pursuant to section 313.805(6), RSMo and 11 CSR 45-1 et seq., as amended from time-to-time. Any agent or employee of a Class A or Class B licensee that is involved in a violation of the minimum internal control standards may be subject to fine, discipline, or license revocation.

(4) Violations of the Class B licensee’s internal control system [(“ICS”)] by the Class A or Class B licensee or an agent or employee of the Class A or Class B licensee shall be *prima facie* evidence of unsuitable conduct for which the Class A or Class B licensee and/or its agents or employees may be subject to discipline pursuant to section 313.805(6), RSMo and 11 CSR 45-1 et seq., as amended from time-to-time.

11. The MICS, Chapter B, § 1.05, states, in pertinent part, as follows:

If an automated key control system is used, the ICS shall also include:

* * *

(D).... Changes must be made within 72 hours of an employee being suspended subject to termination by the Class B Licensee or any change in job position or status that would result in a change in key access.

12. The Casino’s ICS, Chapter B, § 1.05, states, in pertinent part, as follows:

The Mark Twain Casino will use an automated key control system. The following requirements are applicable:

* * *

d. Changes must be made within 72 hours of an employee being suspended subject to termination by Mark Twain Casino or any change in job position or status that would result in a change in key access

VIOLATIONS

13. The acts or omissions of employees or agents of the Company, as described above, constitute a failure of the Company to correct one significant audit finding, thereby violating MICS, Chapter B, § 1.05, and the Casino’s ICS, Chapter B, § 1.05.

14. The Company is therefore subject to discipline for such violations pursuant to §§ 313.805(6) and 313.812.14 (1) and (2), RSMo, and 11 CSR 45-9.060(3) and (4).

PENALTY PROPOSED

15. Under § 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.
16. THEREFORE, it is proposed that the Commission fine HGI - Mark Twain, LLC, the amount of \$5,000 for the violations set forth herein.

Herbert M. Kohn
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 31st day of May, 2018, to:

Luke Keller
HGI – Mark Twain, LLC
d/b/a Mart Twain Casino
104 Pierce St.
LaGrange, MO 63448

Herbert M. Kohn
Chairman
Missouri Gaming Commission