

MISSOURI GAMING COMMISSION  
COMMISSION RESOLUTION NO. 19-001

STEVEN E. HOLLINS  
January 30, 2019

WHEREAS, Steven E. Hollins (“Hollins”), requested a hearing to contest the proposed disciplinary action initiated against him on March 27, 2018, by the Commission's issuance of a Preliminary Order for Disciplinary Action, DC-18-016; and

WHEREAS, pursuant to 11 CSR 45-13.010, et. seq., an administrative hearing has been held on Hollins’ 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 Hollins a thirty (30) day suspension of his occupational license in the above-referenced case in the matter of DC-18-016; 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:

STEVEN E. HOLLINS

Case No. DC 18-016

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL ORDER**

The above-captioned matter comes before the Missouri Gaming Commission (hereinafter referred to as "Commission") upon a request for hearing dated April 23, 2018, submitted by Mr. Steven E. Hollins (hereinafter referred to as "Licensee"). Said request for hearing was in response to the Commission's Preliminary Order for Disciplinary Action. The designated Hearing Officer, Mr. Chas. H. Steib, conducted a hearing on September 11, 2018, where the Licensee and the Commission's attorney, Ms. Carolyn H. Kerr, appeared to present evidence and arguments of law.

**FINDINGS OF FACT**

1. Licensee holds a Level II Occupational License granted by the Commission for employment as a Bartender at the River City Casino licensed by Commission.
2. On November 30, 2017, Licensee placed a till containing \$1,000.00 on a back bar in an unsecured condition (Videotape, MGC Ex. 4).
3. On November 30, 2017, Licensee placed a till containing \$1,000.00 (the same till as referred to in paragraph 2, above) in a cabinet in an unsecured condition (Videotape, MGC Ex. 4).
4. When the above referred till was discovered, Licensee was asked about the till and Licensee stated he did not know who put the till under the cabinet (MGC Ex. 4, p. 000011, (9)).
5. Licensee later admitted under oath that he put the till on the unsecured back of the bar (Tr.p.21, 1.4) and in the unsecured cabinet (Tr.p.21, 1.19-20).
6. MGC Ex. 1 Preliminary Order for Disciplinary Action; MGC Ex. 2 Steven Hollins Notice of Appeal; MGC Ex. 3 Gaming Incident/Investigation Report Details; and MGC Ex. 4 Videotape GR20171207002 were admitted into evidence without objection.

**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 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 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 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).

4. The burden of proof is at all times on the Licensee. The Licensee 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 Commission shall have the following powers . . . to access any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission . . ." Section 313.805(6), MO. REV. STAT. 2000.

7. Section 313.812.14(1), RSMO (2000), states that a Licensee may be disciplined for failing to comply with or make provisions for compliance with Section 313.800 to 313.850, the rules and regulations or the Commission of any federal, state or local law or regulation.

8. Section 313.812.14(2), RSMO (2000), states that a Licensee may be disciplined for failing to comply with any rule, order of ruling of the Commission or its agents pertaining to gaming.

9. Section 313.812.14(9), RSMO (2000), states that a Licensee may be disciplined for incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties by Sections 313.800 to 313.850.

10. River City's ICS Chapter H § 3.10 required non-gaming imprest banks (the till herein) to be housed at a designated location at the outlet in a secured drawer under dedicated surveillance coverage.

11. The Missouri Gaming Commission may suspend the occupational license of any person who provides false or misleading information to the Commission or its agents (11 CSR 45-4.260(4)(N)).

## DISCUSSION

Under Oath Licensee admitted that he placed the till herein on the unsecured back bar and in the unsecured cabinet. MGC Ex. 4 (videotape) is further demonstrative evidence of these acts.

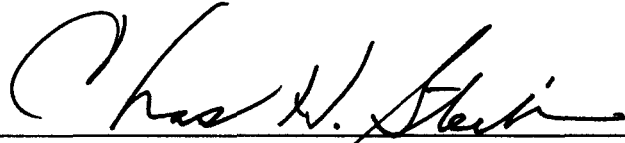
In addition, Licensee provided misleading and false information to Sergeant P.D. Hoffman, an Agent of the Commission in stating he did not know who put the till in the unsecured cabinet.

**FINAL ORDER**

WHEREFORE, IT IS ORDERED AND ADJUDGED that Licensee did not meet his burden of proof to show clearly and convincingly that he should not be subject to discipline for placing a till on an unsecured back bar and in an unsecured cabinet and for providing false and misleading information to an Agent of the Commission. The recommendation, therefore that the Commission render a thirty (30) calendar day suspension, herein is appropriate under the circumstances herein.

Dated:

September 29, 2008



Chas. H. Steib, Hearing Officer