

IN THE MISSOURI GAMING COMMISSION

In Re:)
) DC 21-020
Ameristar Casino Kansas City, LLC)

PRELIMINARY ORDER FOR DISCIPLINARY ACTION

Comes now the Missouri Gaming Commission acting in its official capacity pursuant to 11 CSR 45-13.050, and states as follows:

1. The Missouri Gaming Commission (the "Commission") or ("MGC") is a state commission created under Chapter 313, RSMo 2016,¹ with jurisdiction over gaming activities, including riverboat gambling activities, in the State of Missouri.
2. The Commission issued Boyd Gaming Corporation a Class A gaming license to develop and operate Class B gaming licenses in the State of Missouri.
3. Boyd Gaming Corporation is the parent organization or controlling entity of Ameristar Casino Kansas City, LLC (the "Company").
4. The Commission issued a Class B riverboat gambling license to the Company to conduct games on and operate the excursion gambling boat known as the *Ameristar Casino Kansas City* (the "Casino").
5. As the holder of a Class B license, the Company is subject to the provisions of §§ 313.800 to 313.850, RSMo, and the regulations promulgated thereunder by the Commission.

STATEMENT OF FACTS²

6. On August 12, 2020, the MGC conducted a compliance review of the Casino's table game layouts.
7. There were 64 gaming tables, excluding poker tables, in service. The review revealed an unapproved layout that was displayed on five tables.
8. There was one word printed on the layout that was not present on the approved layout.
9. The General Rules section was printed on the layout in three different locations. In one location, there was an omission to part of one of the rules. This omission caused an inconsistency with the other two sections of the General Rules and could have caused confusion regarding how the game is played.

¹ All statutory references are to RSMo 2016, unless otherwise specified.

² GIR 20200815004

LAW

10. Section 313.805, RSMo, states, in pertinent part, as follows:

The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

* * *

- (5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;
- (6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission up to three times the highest daily amount of gross receipts derived from wagering on the gambling games, whether unauthorized or authorized, conducted during the previous twelve months as well as confiscation and forfeiture of all gambling game equipment used in the conduct of unauthorized gambling games. Forfeitures pursuant to this section shall be enforced as provided in sections 513.600 to 513.645;

* * *

- (19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

11. 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.

12. 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.

13. Both the Commission’s MICS and the Casino’s ICS, Chapter D, § 12.01, state, in pertinent part, as follows:

Table game layouts shall be consistent with the Internal Control System and shall comply with the following:

* * *

- (F) a colored depiction of the layout shall be submitted to MGC for approval prior to layouts being placed into play.

VIOLATIONS

- 14. The actions or omissions of employees or agents of the Company as described above constitute a failure by the Casino to make sure that its table games complied with approved layouts, thereby violating the Commission’s MICS and the Casino’s ICS, Chapter D, § 12.01.
- 15. The Company is therefore subject to discipline for such violations pursuant to § 313.812.14 (1) and (2), RSMo, and 11 CSR 45-9.060(3) and (4).

PENALTY PROPOSED

- 16. Under § 313.805(6) and (19), RSMo, the Commission has the power to assess any appropriate administrative penalty against the Company, as the holder of a Class B license.

17. THEREFORE, it is proposed that the Commission fine Ameristar Casino Kansas City, LLC, the amount of \$2,500 for the violations set forth herein.

Mike Leara
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 27th day of May, 2021, to:

Keith W. Henson
Ameristar Casino Kansas City
3200 N Ameristar Drive
Kansas City, MO 64120

Mike Leara
Chairman
Missouri Gaming Commission