

MISSOURI GAMING COMMISSION
COMMISSION RESOLUTION NO. 22-053

ANTHONY CALANDRO

September 28, 2022

WHEREAS, the Missouri Gaming Commission (hereafter, "Commission") placed Anthony Calandro ("Calandro") on the Exclusion List by Commission Resolution No. 17-020, dated March 29, 2017, excluding him from Excursion Gambling Boats and Facilities in Missouri; and

WHEREAS, on April 14, 2022, Calandro filed a written petition with the Commission for a hearing to have his name be removed from the Exclusion List pursuant to 11 CSR 45-15.040 and 11 CSR 45-15.050; and

WHEREAS, on June 2, 2022, an administrative hearing was held, pursuant to 11 CSR 45-13.010, et seq., and 11 CSR 45-15.010, et seq., on Calandro'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 adopts the attached Final Order in the matter of DC 17-071, retaining Anthony Calandro's name on the Exclusion List; and

WHEREAS, on November 16, 2020, Calandro filed a written petition with the Commission to have his name removed from the Exclusion List, which was denied by the Commission on August 25, 2021.

BE IT FURTHER RESOLVED, that this shall be considered a final decision of the Missouri Gaming Commission and that Anthony Calandro is prohibited from filing any future requests to have his name removed from the Exclusion List pursuant to 11 CSR 45-15.050.

SO ADOPTED.



Mike Leara, Chairman
Missouri Gaming Commission

BEFORE THE MISSOURI GAMING COMMISSION

In Re:)
)
Dr. Anthony W. Calandro) CASE NO. DC 17-0071
)

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER

This matter comes before the Missouri Gaming Commission (the “Commission”) upon receipt of a letter from Dr. Anthony W. Calandro (the “Petitioner”) dated April 14, 2022, requesting a hearing in response to Commission’s Resolution of Exclusion dated March 29, 2017. The designated Hearing Office, Fawzy T. Simon, conducted a hearing on June 2, 2022 where Petitioner and Mr. Ed Grewach, Counsel for Commission, appeared to present evidence and arguments of law.

FINDINGS OF FACT

1. Petitioner was initially placed on the exclusion list after having been convicted of various acts of fraud that deprived his victims of money in excess of one million dollars. The restitution balance of more than nine hundred fifteen thousand dollars (\$915,000.00).
2. Of particular note, in a case involving fraudulent withdrawals from Petitioner’s homeowner’s association account, those withdrawals were made at area casinos.
3. Petitioner experienced significant gambling losses at area casinos during the period leading up to his legal troubles and exclusion.
4. On September 21, 2020, Petitioner was found in the Hollywood Casino playing with another person’s players card. This date was 18 months after the Commission had initially denied Petitioner’s request to once again be allowed entry into Missouri Casinos.
5. Even though Petitioner still owes substantial amounts of restitution, the only regular amounts paid are through partial withdrawals from his social security benefits and other government intercepts which lay outside his control.
6. Petitioner further admits to artificially limiting his income so that he does not lose social security benefits.

CONCLUSIONS OF LAW

1. "The Commission shall have full jurisdiction over and shall supervise all gaming operations governed by Section 313.800 to Section 313.850." **RSMo.**
2. "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..." **11 CSR 45-13.060(2).**
3. "Clear and convincing evidence...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 Dept. of Social Services v. Stone*, **71 S.W.3d 643, 646 (Mo. App. 2002).**
4. "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 the 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).**
5. The Commission may place a person on the exclusion list or eject that person from a riverboat gaming operation pending a hearing if the person has:
 - a. Been convicted of a felony in any jurisdiction of any crime of moral turpitude or of a crime involving gaming;
 - b. Violated either the Act or these rules;
 - c. Performed any act or had a notorious or unsavory reputation which would adversely affect public confidence and trust in gaming; or
 - d. His/her name on any valid and current exclusion list from another jurisdiction in the United States.

11 CSR 45-15.030.

6. Any person who has been placed on the exclusion list may petition the Commission in writing and request his/her name be removed from this list. **11 CSR 45-15.050.**
7. Petitioner has not presented testimony or documentation sufficient to establish by clear and convincing evidence that he should be removed from the exclusion list.

DISCUSSION

The law provides broad authority to the Commission regarding the regulation of the gaming industry in order to assure that the public health, safety, morals, and good order are maintained and protected. In this case, Petitioner defrauded individuals of vast sums of money. It is clear from the evidence that at some of those fraudulently obtained monies were used to gamble in Missouri Casinos.

Although Petitioner submitted numerous exhibits detailing his good character, this Hearing Officer does not find that Petitioner has felt or demonstrated any remorse for his actions. This finding is supported by his unlawful and fraudulent presence at Hollywood Casino in 2020, by the fact that he intentionally and artificially limits his income, that he pays the bare minimum against a substantial restitution debt, and that he feels comfortable asking to be allowed to spend discretionary income on “gambling and entertainment” in Missouri Casinos rather than making his victims whole.

If Petitioner’s request to removed from the exclusion were granted, it would adversely affect public confidence and trust in gaming, and rightly so. Petitioner has not met his burden of proof of showing by clear and convincing evidence that he should be removed from the Exclusion List

FINAL ORDER

WHEREFORE, IT IS ORDERED AND ADJUDGED that Petitioner is found to be properly placed on the Exclusion List. His Petition for Removal is DENIED.

Dated: July 12, 2022

A handwritten signature in black ink, appearing to read 'Fawzy Simon', written over a horizontal line.

Fawzy Simon