
Rules of
Department of Public Safety
Division 45—Missouri Gaming Commission
Chapter 15—Exclusion of Person

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY
Division 45—Missouri Gaming
Commission
Chapter 15—Exclusion of Person**

11 CSR 45-15.010 Duty to Exclude

PURPOSE: This rule establishes the procedure to exclude certain people.

(1) No excluded person shall be permitted entry into any portion of a riverboat gaming operation. When a person is placed on the exclusion list by the commission, this person shall be prohibited from contact of any kind with any Missouri riverboat gaming operation unless and until a determination is made by the commission or a court to the contrary. It shall be the duty of the holder of the Class A license and of his/her employees to exclude or eject from a riverboat gaming operation any excluded person when the holder or employee knows or reasonably should know of the presence of the excluded person. It shall further be the duty of the holder of the Class A license to inform the commission in writing of the names of persons the holder reasonably believes meet the criteria for placement on an exclusion list.

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo 1994. * Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.800 and 313.805, RSMo 1991, amended 1993, 1994.*

11 CSR 45-15.020 Distribution and Availability of Exclusion List

PURPOSE: This rule establishes procedures for distributing exclusion list.

(1) The commission shall maintain a list of persons to be ejected or excluded from a riverboat gaming operation. The list shall be distributed to each riverboat gaming operation which shall acknowledge receipt of the list in writing. In addition, the Class A or Class B licensee shall notify the excluded person by certified mail that s/he is no longer welcome on the premises of the riverboat gaming operation and, if discovered on the premises, after the Class A or B licensee has removed the excluded person from the riverboat gaming operation, the licensee will con-

tact local authorities to request that the person be arrested for trespassing and, shall report the incident to the county prosecutor and request charges be filed under section 569.140, RSMo for criminal trespassing, a Class B misdemeanor. The list may also be distributed to law enforcement agencies. The following information, to the extent known, shall be provided for each excluded person:

- (A) The full name and all known aliases, and date of birth;
- (B) A physical description;
- (C) The effective date the person's name was placed on the list;
- (D) A photograph, if available;
- (E) The person's occupation and current home and business address; and
- (F) Other information as deemed necessary by the commission.

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo 1994. * Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Dec. 17, 1996, effective July 30, 1997.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.800 and 313.805, RSMo 1991, amended 1993, 1994.*

11 CSR 45-15.030 Criteria for Exclusion or Ejection and Placement on an Exclusion List

PURPOSE: This rule establishes criteria for exclusion or ejection from a riverboat.

(1) 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.

*AUTHORITY: sections 313.004 and 313.805, RSMo Supp. 1993. * Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired*

Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994.

**Original authority: 313.004, RSMo 1993 and 313.800 and 313.805, RSMo 1991, amended 1993.*

11 CSR 45-15.040 Procedure for Entry of Names

PURPOSE: This rule establishes procedures for entry of names on the exclusion list.

(1) Upon a determination that a person comes under any one (1) of the criteria listed in 11 CSR 45-15.030, this person shall be deemed a candidate for exclusion, and the commission shall file a Notice of Exclusion. This notice shall include the identity of the candidate, the nature and scope of the circumstances or reasons that the person should be placed on the exclusion list, names of potential witnesses and a recommendation as to whether the exclusion or ejection shall be permanent. The notice shall also inform the person of the availability of a hearing by the commission. A request for a hearing must be made within thirty (30) days from the date the Notice of Exclusion was filed.

(2) When a person is excluded or ejected, that person is prohibited from further contact of any kind with any riverboat gaming operation in Missouri unless and until a determination is made by the commission on the merits of a requested hearing. If a determination by the commission is examined under judicial review, then the exclusion shall continue until the judicial review is completed.

(3) If the commission or a subsequent judicial review finds in favor of the candidate or excluded person, then his/her name shall be removed from the exclusion list and his/her exclusion shall be terminated as of the date of the action by the commission or the court.

*AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo Supp. 1993. * Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994.*

**Original authority: 313.004, RSMo 1993 and 313.800 and 313.805, RSMo 1991, amended 1993.*

11 CSR 45-15.050 Petition for Removal from Exclusion List

PURPOSE: This rule establishes procedure to petition for removal from the exclusion list.



(1) Any person who has been placed on any exclusion list may petition the commission in writing and request that his/her name be removed from this list.

AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo Supp. 1993. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994.*

**Original authority: 313.004, RSMo 1993 and 313.800 and 313.805, RSMo 1991, amended 1993.*