
Rules of
Department of Public Safety
Division 45—Missouri Gaming Commission
Chapter 10—Licensee’s Responsibilities

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 45—Missouri Gaming
Commission**

Chapter 10—Licensee's Responsibilities

**11 CSR 45-10.010 Commission Access to
Information**

PURPOSE: This rule establishes the commission's access to information.

(1) All licensees shall provide all information requested by the commission. Access to this information shall be immediate and copies of the information shall be delivered within seven (7) days or less if the commission so orders.

AUTHORITY: sections 313.004, 313.800, 313.805, 313.807 and 313.847, 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; 313.800, 313.805 and 313.807, RSMo 1991, amended 1993; and 313.847, RSMo 1993.*

**11 CSR 45-10.020 Applicant's Duty to
Disclose Changes in Information**

PURPOSE: This rule establishes the applicant's duty to disclose changes in information.

(1) Applicants for licenses issued by the commission shall have a continuing duty to disclose, within seven (7) business days, any material changes in the information provided in the application forms and requested materials submitted to the commission. The duty to disclose changes in information shall continue throughout any period of licensure granted by the commission. This duty shall be in addition to any other reporting requirements.

AUTHORITY: sections 313.004, 313.800, 313.805 and 313.807, 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, 313.805 and 313.807, RSMo 1991, amended 1993.*

**11 CSR 45-10.030 Licensee's Duty to
Report and Prevent Misconduct**

PURPOSE: This rule establishes a licensee's duty to report and prevent misconduct.

(1) Licensees shall promptly report to the commission any facts which the licensee has reasonable grounds to believe indicate a violation of law (other than minor traffic violations), minimum internal control standard requirements or commission rule committed by licensees, their employees or others, including, without limitation, the performance of licensed activities different from those permitted under their license.

(2) At no time, under any circumstances, shall any licensee or employees of the licensee fail to immediately prevent or suppress any violent quarrel, disorder, brawl, fight, or other improper or unlawful conduct of any person upon the licensed premises, nor shall any licensee or employees of the licensees allow any indecent, profane or obscene activity upon the licensed premises.

(3) In the event that a licensee or employees of the licensee knows or should have known that an illegal or violent act has been committed on or about the licensed premises, they shall immediately report the occurrence to law enforcement authorities and shall cooperate with law enforcement authorities and agents of the commission during the course of any investigation into an occurrence.

AUTHORITY: sections 313.004, 313.800, 313.805, 313.807 and 313.812, 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; 313.800, 313.805, 313.807 and 313.812, RSMo 1991, amended 1993.*

**11 CSR 45-10.035 Licensee's Duty to
Contact Commission Agent**

PURPOSE: This rule ensures that patrons of excursion gambling boats have necessary access to commission agents in order to resolve disputes or report misconduct.

(1) When a patron informs a licensee that they desire to speak to a commission agent, the licensee shall contact the commission agent(s) on duty without delay. The licensee

or his/her designee shall remain with the patron until a commission agent arrives. If the licensee is unable to contact a commission agent, the licensee shall prepare a detailed report describing the facts of the incident and the method(s) used to contact the commission agent. The licensee shall file the report with the commission prior to the end of the gaming day upon which the incident occurred.

AUTHORITY: sections 313.004, 313.052, 313.800 and 313.805, RSMo 1994. Original rule filed Dec. 17, 1999, effective July 30, 2000.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.052, RSMo 1994; 313.800, RSMo 1991, amended 1992, 1993, 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994.*

**11 CSR 45-10.040 Prohibition and
Reporting of Certain Transactions**

PURPOSE: This rule prohibits certain transactions and establishes the procedures for reporting of certain transactions.

(1) No gaming licensee or occupational licensee may pledge, hypothecate or transfer in any way any license issued by the commission or any interest in a license issued by the commission. Upon any purported pledge, hypothecation or transfer of such a license or interest in such a license, the license shall automatically become null and void and of no legal effect.

(2) Ownership interest in a gaming licensee that is not a publicly held entity or a holding company that is not a publicly held entity—

(A) May not be pledged or hypothecated in any way to, or otherwise be subject to any type of security interest held by, any entity or person other than a financial institution without prior approval of the commission; and

(B) May not be pledged or hypothecated in any way, or otherwise subject to any type of security interest except in compliance with 11 CSR 45-10.040(3)(B).

(3) Any reporting party must notify the commission of its intention to consummate any of the following transactions at least sixty (60) days prior to such consummation; and, during such period, the commission may disapprove the transaction or require the transaction to be delayed pending further investigation:

(A) Any transfer or issuance of an ownership interest in a gaming licensee that is not a publicly held entity or a holding company that is not a publicly held entity; or

(B) Subject to 11 CSR 45-10.040(2)(A), any pledge or hypothecation of, or grant of any type of security interest in, an ownership interest in a gaming licensee that is not a publicly held entity or a holding company that is not a publicly held entity; provided that no such ownership interest may be transferred in any way pursuant to any pledge, hypothecation or security interest without separate notice to the commission at least thirty (30) days prior to such transfer, which restriction must be specifically included in the grant of the pledge, hypothecation or security interest.

(4) Any reporting party must notify the commission of its intention to consummate any of the following transactions at least fifteen (15) days prior to such consummation, and the commission may reopen the licensing hearing of the applicable gaming licensee prior to or following the consummation date to consider the effect of the transaction on the gaming licensee's suitability:

(A) Any issuance of ownership interest in a publicly held gaming licensee or a publicly held holding company, if such issuance would involve, directly or indirectly, an amount of ownership interest equaling five percent (5%) or greater of the ownership interest in the gaming licensee or holding company after the issuance is complete, assuming that all of the ownership interest in the issuance is issued and outstanding;

(B) Any private incurrence of debt equal to or exceeding one (1) million dollars by a gaming licensee that is the holder of a Class A license or any holding company that is affiliated with the holder of a Class A licensee;

(C) Any public issuance of debt by a gaming licensee that is the holder of a Class A license or any holding company that is affiliated with the holder of a Class A licensee; and

(D) Any significant related party transaction.

(5) Any entity required to report a transaction prior to consummation or obtain approval of a transaction under 11 CSR 45-10.040(2), (3) or (4) must submit the following as part of the required notice and before any approval shall be considered:

(A) An executed copy of the Corporate Securities and Finance Transaction Information Sheet included in Appendix A to this rule; and

(B) An executed copy of the Corporate Securities and Finance Compliance Affidavit included in Appendix A to this rule from each other party to the transaction or a repre-

sentative authorized to act on behalf of such parties.

(6) Not later than seven (7) days after the consummation of any of the following transactions, any reporting party must report such consummation to the commission:

(A) Any transfer or issuance of ownership interest in a publicly held gaming licensee or publicly held holding company, if such transfer or issuance has resulted in an entity or group of entities acting in concert owning, directly or indirectly, holding a total amount of ownership interest equaling five percent (5%) or greater of the ownership interest in the gaming licensee or holding company.

(B) Any pledge or hypothecation of, or grant of a security interest in, five percent (5%) or more of the ownership interest in a publicly held gaming licensee or a publicly held holding company; provided that if any part of such ownership interest is transferred voluntarily or involuntarily pursuant to such a pledge, hypothecation or security interest, separate notice to the commission is required not later than seven (7) days after the consummation of such transfer.

(7) Any gaming licensee that is the holder of a Class A license must notify the commission of its intention or the intention of any entity affiliated with it to consummate any transaction that involves or relates to the gaming licensee and has a dollar value equal to or greater than one (1) million dollars; provided that such notice must be given no later than seven (7) days following such consummation.

(8) The following definitions apply to the terms used in 11 CSR 45-10.040:

(A) Change in control: Any transfer or issuance of ownership interest in a gaming licensee or holding company or other contract or arrangement resulting in a person or group of persons acting in concert, directly or indirectly:

1. Owning, controlling or having power to vote twenty-five percent (25%) or more of the voting ownership interest in the gaming licensee or holding company, if the acquiring person or group of persons did not previously hold twenty-five percent (25%) or more of the voting ownership interest of the gaming licensee or the holding company prior to the change in control; or

2. Controlling in any manner the election of a majority of the directors or managers of a gaming licensee or holding company, if the controlling person or group of persons did not previously exercise such control;

(B) Financial institution: Any bank, savings institution or trust company organized and supervised under the laws of any state or the laws of the United States;

(C) Gaming licensee: A person which holds a Class A license or supplier's license;

(D) Holding company: A person which, directly or indirectly, or acting in concert with one (1) or more other persons, owns, controls, or holds twenty-five percent (25%) or more of the outstanding ownership interest of any gaming licensee or holding company;

(E) Ownership interest: An interest which shall include, but not be limited to, any corporation stock, partnership interest, limited liability company interest, or any warrant, option or other right to subscribe to or purchase any of the foregoing;

(F) Private incurrence of debt: An agreement or series of related agreements to obtain money or property in exchange for the promise or obligation to make deferred payments therefor, including but not limited to, loans and credit facilities, but not including ordinary commercial installment contracts with time payment schedules of less than one hundred eighty (180) days;

(G) Related party: Any key person or holding company of a gaming licensee; any person under the control of a gaming licensee or any of its key persons; or any person sharing a holding company in common with a gaming licensee;

(H) Reporting party: Any applicant for or holder of any license issued by the commission issuing, transferring, acquiring, pledging or hypothecating ownership interest in a gaming licensee or holding company, or proposing to take such action, and any applicant for or holder of any license issued by the commission proposing to incur debt through a public issuance of debt or a private incurrence of debt. Any gaming licensee shall be deemed a reporting party with regard to any transaction for which any of its holding companies or other affiliated entities is a reporting party. Reporting parties shall be jointly and severally responsible for the reporting requirements under 11 CSR 45-10.040;

(I) Significant related party transaction: A transaction involving a related party and a gaming licensee which involves any of the following:

1. Consideration paid for services provided by the related party or personnel working on behalf of the related to the party, including but not limited to management service contracts;

2. Any arrangement in which consideration paid to the related party is based upon revenue generated by the gaming licensee or

other measure of financial or business production of the gaming licensee;

3. Any allocation of expenses between related parties; or

4. Any loan or credit issued from the related party to the gaming licensee at a rate of interest that is at least one percent (1%) higher than the “bank prime loan rate” as reported by the Federal Reserve System Board of Governors on Form H.15.

(9) Any action or decision to refrain from acting by the commission under this 11 CSR 45-10.040 shall not indicate or suggest that the commission has considered or passed in any way on the marketability of any securities of a gaming licensee or holding company, or any other matter, other than the suitability of the pertinent licensee company for licensure by the commission under Missouri law.

(10) All notices required under 11 CSR 45-10.040 must be addressed to the director of the commission and must clearly contain the following language in bold type and all capital letters on the top of the first page: “CORPORATE SECURITIES AND FINANCE NOTICE REQUIRED UNDER 11 CSR 45-10.040”; provided, however, that the commission may waive this language requirement for notices that it deems in its discretion to be effective hereunder that were received prior to the effective date of 11 CSR 45-10.040(9). The commission or the director of the commission may waive or reduce any notice period required under 11 CSR 45-10.040 if such waiver or reduction is determined by the commission or the director to be in the best interest of the public. If the director exercises the authority to waive or reduce a notice period, s/he shall report action to the commission. Any notice or report required under 11 CSR 45-10.040 shall be in addition to any required application update or submission.

(11) Violations of this 11 CSR 45-10.040, including, but not limited to, consummation of transactions prohibited by the commission hereunder, may be grounds for discipline against any licensee or grounds for denial of any application. This 11 CSR 45-10.040 shall not be construed as making any asset inalienable in nature, but shall provide a regulatory penalty enforcement mechanism for certain types of asset transfers as set forth herein.

(12) Upon any change in control, the license held by the gaming licensee that is the subject of the change in control or that is a direct or indirect subsidiary of the holding company that is the subject of the change in control, shall automatically become null and void and of no legal effect, unless the commission has

approved such change in control by vote of the commissioners prior to its consummation.

AUTHORITY: sections 313.004, 313.800, 313.805 and 313.812, RSMo 1994 and 313.807, RSMo Supp. 1997. 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. Emergency amendment filed Feb. 23, 1995, effective March 5, 1995, expired July 2, 1995. Amended: Filed Feb. 23, 1995, effective Aug. 30, 1995. Amended: Filed April 18, 1996, effective Dec. 30, 1996. Amended: Filed Jan. 21, 1997, effective Aug. 30, 1997. Amended: Filed Nov. 10, 1997, effective June 30, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.800, 313.805 and 313.812, RSMo 1991, amended 1993, 1994; and 313.807, RSMo 1991, amended 1993.*



**CORPORATE SECURITIES AND FINANCE
TRANSACTION INFORMATION SHEET**

A Corporate Securities and Finance Notice is hereby filed by _____ (the "Company") with the Missouri Gaming Commission (the "Commission") pursuant to 11 CSR 45-10.040 for the following transaction (the "Transaction"):

The Company hereby states the following regarding the Transaction:

1. The Transaction does not involve the pledge, hypothecation or transfer in any way of any license issued by the Commission or any interest in a license issued by the Commission.
2. No ownership interest, as defined in 11 CSR 45-10.040, in the Company or any of its affiliates is proposed to be issued or transferred in any manner, except as provided on **Exhibit 1** attached hereto, which includes copies of all documents evidencing these arrangements, and includes a summary explanation of the arrangements, citing specific pages of the documents for the pertinent provisions.
3. No ownership interest, as defined in 11 CSR 45-10.040, in the Company or any of its affiliates is proposed to be pledged, hypothecated or otherwise used as collateral in any manner, except as provided on **Exhibit 2** attached hereto, which includes copies of all documents evidencing these arrangements, and includes a summary explanation of the arrangements, citing specific pages of the documents for the pertinent provisions.
4. No slot machines, video poker machines, video blackjack machines or other electronic gaming devices of the Company or any of its affiliates are proposed to be pledged, hypothecated or otherwise used as collateral in any manner, except as provided on **Exhibit 3** attached hereto, which includes copies of all documents evidencing these arrangements, and includes a summary explanation of the arrangements, citing specific pages of the documents for the pertinent provisions.
5. The Company and its affiliates understand fully that the Commission's review of the Transaction will involve issues of suitability to hold a gaming license, and no action or decision to take no action by the Commission based on this review will indicate or suggest that the Commission has considered or passed in any way on the marketability of any securities or any other matter, including, but not limited to the application of any law to the Transaction other than the Missouri Riverboat Gaming Act.
6. The Company and its affiliates also understand fully that the review of the transaction under 11 CSR 45-10.040 does not in any way preempt or preclude other investigations related to the Transaction, and that no action or decision to take no action by the Commission shall preempt or preclude any other action of the Commission related to the Transaction.
7. The Company will update this Information Sheet immediately with any change of information and, if documents that are attached are revised, the Company will provide the revised versions marked clearly to show all of the revisions.

(Signature)

(Name Printed or Typed)

(Title)

("Company")

**CORPORATE SECURITIES AND FINANCE
COMPLIANCE AFFIDAVIT**

This Corporate Securities and Finance Compliance Affidavit is hereby filed by _____ the "Company") with the Missouri Gaming Commission (the "Commission") pursuant to 11 CSR 45-10.040. The Company is a party to a transaction involving a gaming licensee. The representations in this affidavit relate to the following transaction (the "Transaction"):

The Company hereby states the following regarding the Transaction:

1. The Company does not have and cannot have under the proposed Transaction any security interest or rights of any kind related to possession or ownership of any license issued by the Commission or any interest in a license issued by the Commission, including but not limited to rights as a pledgee, hypothecatee or transferee.

2. The Company does not have and cannot have under the proposed Transaction any security interest or rights of any kind related to possession or ownership of any ownership interest, as defined in 11 CSR 45-10.040, including but not limited to rights as a pledgee, hypothecatee or transferee, except as follows: _____

3. The Company does not have and cannot have under the proposed Transaction any security interest or rights of any kind related to possession or ownership of any slot machine, as defined in 11 CSR 45-10.055, including but not limited to rights as a pledgee, hypothecatee or transferee except as follows: _____

4. Under the proposed Transaction, no security interest or rights of any kind related to possession or ownership of any ownership interest, as defined in 11 CSR 45-10.040, including but not limited to rights as a pledgee, hypothecatee or transferee of such interest, may be utilized or acted upon to allow the Company to gain title, ownership, possession or control of such ownership interest or the ability to require such ownership interest to be transferred in any way, unless the Director of the Commission has received written notice from the Company at least 30 days prior to the Company so utilizing or acting upon such security interest or rights.

5. The statements herein will remain true for the full duration of the Transaction, and the Company will notify the Director of the Commission in writing prior to any change to these statements becoming effective.

6. The Company understands and agrees that if it makes a false statement in this affidavit, it is subject to criminal prosecution under Section 575.050 RSMo.

7. The Company understands fully that the Commission's review of the Transaction will involve issues of suitability to hold a gaming license, and no action or decision to take no action by the Commission based on this review will indicate or suggest that the Commission has considered or passed in any way on the marketability of any securities or any other matter, including but not limited to the application of any law to the Transaction other than the Missouri Riverboat Gaming Act.

(Representative of the Company)

(Legal Representative)

(Name Printed or Typed)

(Name Printed or Typed)

(Title)

(Title)

("Company")

(Firm)

(Notarial Seal)

(Notarial Seal)

Sworn and Subscribed before me this
_____ day of _____, 1998

Sworn and subscribed before me this
_____ day of _____, 1998

Notary Public

Notary Public

My Commission Expires on: _____

My Commission Expires on: _____

Notary Public in and for the County of:

Notary Public in and for the County of:

11 CSR 45-10.050 Transferability of Ownership of a Publicly-Traded Company
(Rescinded August 30, 1995)

AUTHORITY sections 313.004, 313.800, 313.805 and 313.807, 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. Rescinded: Filed Feb. 23, 1995, effective Aug. 30, 1995.*

11 CSR 45-10.055 Certain Transactions Involving Slot Machines

PURPOSE: This rule regulates certain transactions involving slot machines.

(1) Licensed activities of supplier licensees and Class A licensees shall include the selling, transporting, placing or possessing of slot machines and other gaming equipment and supplies and the conducting or negotiating of transactions affecting or designed to affect ownership, custody or use of slot machines or other gaming equipment. These activities are subject to the restrictions in sections 313.800 to 313.850, RSMo, and the regulations promulgated thereunder, including but not limited to 313.807.4, RSMo, 11 CSR 45-4.020(4) and 11 CSR 45-10.055.

(2) No Class A licensee may—

(A) Sell, transport or otherwise transfer or turn over possession of any slot machine located in the state of Missouri to any person or entity other than a supplier licensee; or

(B) Conduct or negotiate a transaction affecting or designed to affect ownership, custody or use of any slot machine located or to be located in the state of Missouri so that such ownership, custody or use could be held or exercised in the state of Missouri by any person or entity other than a supplier licensee.

(3) No supplier licensee may—

(A) Sell, transport or otherwise transfer or turn over possession of any slot machine located in the state of Missouri to any person or entity other than another supplier licensee, a Class A licensee or a Class A applicant that has been selected by the commission for investigation pursuant to 11 CSR 45-4.060; or

(B) Conduct or negotiate a transaction affecting or designed to affect ownership, custody or use of any slot machine located or to be located in the state of Missouri so that such ownership, custody or use could be held

or exercised in the state of Missouri by any person or entity other than another supplier licensee, a Class A licensee or a Class A applicant that has been selected by the commission for investigation pursuant to 11 CSR 45-4.060.

(4) “Slot machine,” for purposes of this 11 CSR 45-10.055, shall be defined as a device that, as a result of the insertion of a token or other object, operates, either completely automatically or with the aid of some physical act by the player, in such a manner that, depending upon elements of chance or skill, it may eject something of value. A device so constructed or readily adaptable or convertible to such use is no less a slot machine because it is not in working order or because some mechanical act of manipulation or repair is required to accomplish its adaptation, conversion or workability.

AUTHORITY: sections 313.004, 313.800 and 313.805, RSMo 1994 and 313.807, RSMo Supp. 1997. Original rule filed April 18, 1996, effective Dec. 30, 1996. Amended: Filed Jan. 21, 1997, effective Aug. 30, 1997. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.800, RSMo 1991, amended 1993, 1994; 313.805, RSMo 1991, amended 1993, 1994; and 313.807, RSMo 1991, amended 1993.*

11 CSR 45-10.060 Distributions

PURPOSE: This rule establishes the procedures for licensees' distribution of anything of value.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) No withdrawals of capital, loans, advances or distribution of any type of assets in excess of five percent (5%) of accumulated earnings of a Class A licensee, which is a C corporation under the *Internal Revenue Code* and no withdrawals of capital, loans, advances or distribution of any type of assets in excess of five percent (5%) of after-tax profits of a Class A licensee which is a sole proprietorship, partnership, limited partner-

ship, limited liability company or S corporation under the *Internal Revenue Code* to any one with an ownership interest in the licensee shall occur without prior commission approval.

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 45-10.070 Effect of Another Jurisdiction's Orders

PURPOSE: This rule establishes procedures for review of other jurisdiction's orders.

(1) The commission may take appropriate action against a licensee or other person who has been disciplined in another jurisdiction for gaming related activity.

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, 313.800 and 313.805, RSMo 1991, amended 1993.*

11 CSR 45-10.080 Fair Market Value of Contracts

PURPOSE: This rule establishes requirement for fair market value of contracts.

(1) No holder of a Class A license shall enter into a contract relating to its licensed activities for consideration in excess of fair market value.

AUTHORITY: sections 313.004, 313.800, 313.805, RSMo 1994 and 313.807, RSMo Supp. 1997. 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; 313.800 and 313.805, RSMo 1991, amended 1993, 1994; and 313.807, RSMo 1991, amended 1993.*

11 CSR 45-10.090 Owner’s and Supplier’s Duty to Investigate Job Applicants

PURPOSE: This rule establishes licensee’s duty to investigate background of job applicants.

(1) The holder of a Class A license or supplier’s license shall investigate the background and qualifications of all applicants for jobs. No licensee may solely rely on the commission’s granting an occupational license as the sole criterion for hiring a job applicant.

AUTHORITY: sections 313.004, 313.800, 313.805 and 313.812, RSMo 1994 and 313.807, RSMo Supp. 1997. 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; 313.800, 313.805 and 313.812, RSMo 1991, amended 1993, 1994; and 313.807, RSMo 1991, amended 1993.*

11 CSR 45-10.100 Licensee’s Duty to Report Investigations

PURPOSE: This rule is designed to assure that the commission receives timely information that may impact on an applicant’s or licensee’s suitability.

(1) In addition to all other reporting requirements, supplier license applicants or licensees and Class A license applicants and licensees shall notify the commission within fifteen (15) days after receiving notification that any of the following persons has received a subpoena; or is the target of, has been disciplined by, or has been charged in connection with an investigation by a regulatory, administrative or prosecutorial agency of a violation of a rule, regulation or statute relating to licensed gambling, Securities and Exchange Commission (SEC) regulations or criminal offenses:

- (A) The applicant or licensee;
- (B) The applicant’s or licensee’s parent corporation;
- (C) Any subsidiary of the applicant’s or licensee’s parent corporation;
- (D) The applicant’s or licensee’s officers, management personnel, or key persons;

(E) Any officer, management personnel, key person of the applicant’s or licensee’s parent corporation; or

(F) Any officer, management personnel, key person of any subsidiary of the applicant’s or licensee’s parent corporation.

AUTHORITY: section 313.085, RSMo 1994. Original rule filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

**Original authority 1986, amended 1993, 1994.*

11 CSR 45-10.110 Licensee’s Duty to Report Occupational Personnel

PURPOSE: This rule establishes a procedure for the commission to receive notice of an occupational license applicant or licensee’s intent to go forward with the licensing or renewal process.

(1) Each holder of a Class A license or supplier’s license shall file a report with the commission on or prior to the fifteenth day of each calendar month identifying all of the personnel associated with that licensee who, as of the first day of the reporting month, hold positions requiring an occupational license or a temporary identification badge issued by the commission and whose expiration dates for such license or badge occur within the following calendar month.

(A) The report must be submitted in written form and on diskette in a format prescribed by the commission supplying the following information for each individual:

- 1. Person’s legal name;
- 2. Date of birth;
- 3. Social Security number; and
- 4. Badge number.

(2) In accordance with 11 CSR 45-4.390, all occupational licensees and temporary identification badge holders must notify the commission within thirty (30) days prior to the expiration date of their license or badge if they are applying for renewal of their license or badge. In the absence of specific notice to the commission from the occupational licensee or temporary badge holder, inclusion of the name of a licensee or badge holder on the report due under 11 CSR 45-10.110(1) shall be deemed notice that the licensee or badge holder is applying for renewal in the following month, and such notice shall be deemed sufficient.

(3) The reporting duties in 11 CSR 45-10.110 shall be in addition to any other reporting requirements.

AUTHORITY: sections 313.004 and 313.805, RSMo 1994. Emergency rule filed June 25, 1996, effective July 5, 1996, expired Dec. 31, 1996. Original rule filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed July 2, 1997, effective Feb. 28, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

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

11 CSR 45-10.115 List of Barred Persons

PURPOSE: This rule establishes the procedure to bar persons for life from excursion gambling boats who have committed any of the acts listed under section 313.830(4), RSMo.

(1) There is hereby created a “List of Barred Persons” which shall consist of those persons who have been convicted of an act under section 313.830(4), RSMo and have been placed on such list by the commission.

(2) Any Class A licensee or its agent or employee that identifies a person present on an excursion gambling boat and has knowledge that such person is included on the List of Barred Persons shall immediately notify or cause to notify the commission and the Class A licensee’s senior security officer on duty. Once it is confirmed that the person is on the list, the Class A licensee shall remove the person from the excursion gambling boat. After the Class A licensee has removed the barred person from the excursion gambling boat, the licensee shall report the incident to a prosecutor having jurisdiction over the matter and request charges be filed for criminal trespassing. A Class A licensee or its agent(s) or employee(s) may be disciplined by the commission if it can be shown by a preponderance of the evidence that the Class A licensee or its employee(s) or agent(s) knew a person on the List of Barred Persons was present on the excursion gambling boat and despite such knowledge, failed to follow the procedures required by this rule.

(3) The commission may place a person on the List of Barred Persons if the person has been determined by the commission to have been convicted of an act under section 313.830(4), RSMo.

(4) The commission shall maintain a list of persons to be barred from an excursion gambling boat. The list shall be distributed to each riverboat gaming operation. In addition, the Class A licensee shall notify the barred person by United States mail that s/he is no

longer welcome on the premises of the river-boat gaming operation and, if discovered on the premises the person will be removed and a criminal complaint will be filed against the person for trespassing. The list may also be distributed to law enforcement agencies. The following information, to the extent known, shall be provided for each barred 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.

(5) Any person who has been placed on the List of Barred Persons shall remain on the list permanently in compliance with section 313.830(4), RSMo.

*AUTHORITY: sections 313.004, 313.805 and 313.830(4), RSMo 1994. * Original rule filed July 2, 1997, effective Feb. 28, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994; and 313.830, RSMo 1991, amended 1993.*

11 CSR 45-10.150 Child Care Facilities— License Required

PURPOSE: This rule assures that child care facilities offered on property owned by Class A licensees are properly licensed and regulated for health and safety.

(1) Any Class A licensee that provides, either directly or indirectly, a child care facility that is determined by the commission to be within or adjacent to the structure housing its excursion gambling boat or within or adjacent to the structure serving as the boarding area for its excursion gambling boat, shall require that such child care facility is licensed by the Missouri Department of Health. For the purposes of this regulation, a child care facility is defined as—

(A) “Child care facility,” a place operated or maintained by any person who provides care for children.

(2) A Class A licensee is deemed to be a direct or indirect provider of a child care facility if—

(A) The licensee provides care for children through its agents or employees;

(B) The licensee contracts with another person to provide care for children;

(C) The licensee leases space to a person who provides care to children; or

(D) The licensee is notified by the commission that it is directly or indirectly providing a child care facility.

(3) Class A licensees that enter into contracts with a person(s) who provides a child care facility or who lease space to a person(s) who provides a child care facility, shall include provisions in the contract or lease which allow the licensee to terminate the contract or lease if the child care facility provider's license from the Missouri Department of Health is suspended, revoked or fails to be maintained in good standing.

(4) Failure to comply with the provisions of this rule is grounds for discipline pursuant to 11 CSR 45-13.050.

*AUTHORITY: sections 313.805 and 313.812, RSMo 1994. * Emergency rule filed Dec. 1, 1999, effective Dec. 11, 1999, expired June 7, 2000. Original rule filed Dec. 1, 1999, effective June 30, 2000.*

**Original authority: 313.805, RSMo 1991, amended 1993, 1994; and 313.815, RSMo 1991, amended 1993.*