



Rules of
Department of Public Safety
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY**

**Division 45—Missouri Gaming
Commission**

**Chapter 1—Organization and
Administration**

**11 CSR 45-1.010 Organization and Admin-
istration**

PURPOSE: This rule establishes the organization and administration of the Missouri Gaming Commission.

(1) The chairman of the commission shall be the chief public spokesperson for the commission in all dealings with the media.

(2) The executive director (director) shall be responsible for the daily operation of the commission's business as delegated by the commission; provided, however, that any party aggrieved by any action of the director, by petition to the chairman, may request that action be reviewed as an agenda item in a commission meeting.

(3) The director shall have the power to appoint, fire and discipline commission employees as delegated by the commission.

(4) All records of the commission shall be maintained by the custodian of records at the commission's office at 3417 Knipp Drive, Jefferson City, MO 65109.

(5) Unless otherwise required, all application forms, fees, documents, papers and materials to be submitted to the commission shall be submitted to the commission's office in Jefferson City, Missouri.

(6) Unless otherwise required, all gaming tax and admission fee records, forms, fees, documents, papers and materials shall be submitted to the commission's office at 11775 Borman Drive, St. Louis MO 63146.

AUTHORITY: sections 313.004 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 Jan. 21, 1997, effective Aug. 30, 1997.*

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

11 CSR 45-1.015 Code of Ethics

PURPOSE: The Missouri Gaming Commission is obligated to promote the public interest and maintain public confidence in the commission's integrity and impartiality. As a state regulatory agency, the commission and its staff are held to the highest ethical and professional standards and must conduct all business in a manner which maintains the public trust. Furthermore the commission is charged with insuring the integrity of the legalized gaming in Missouri. Therefore, the following Code of Ethics prescribes measures to prohibit practices that possess a potential of wrong-doing or the appearance of impropriety.

(1) Standard of Compliance for Commission and its Employees. Each member of the commission and all of its employees are directed to read and comply with this Code of Ethics and with Executive Order 92-04 dated January 31, 1992, a copy of which is attached hereto, and is incorporated by reference. For the purposes of this Code of Ethics, the term employee shall include all direct employees of the commission as well as all persons who are employed by entities which have contracted with the commission to perform investigations or have entered into a Memorandum of Understanding with the commission where specific mention is made of this Code of Ethics. The commission shall be responsible for the enforcement of applicable statutes, the provisions of the Executive Order and this rule by the suspension or discharge of the employee or other disciplinary action as the commission deems appropriate. The definitions at 11 CSR 45-5.056(1)(H) and (K) shall be applicable to this Code of Ethics.

(2) Prohibition of Gratuities From Persons Subject to Commission Regulation. All members of the commission and commission employees are prohibited from accepting a gift from any holder of or applicant for a license issued by the commission or any representative or agent of such license holder or applicant.

(3) Recommendations for Employment Prohibited. Every commissioner and every person employed by the commission or appointed to a commission committee, is forbidden and prohibited to solicit, suggest, request or recommend to any holder of or applicant for a license issued by the commission or any representative or agent of such license holder or applicant the appointment of any person to any office, place, position or employment.

(4) Stock Ownership and Non-Fair Market Value Contracts Prohibited. No commissioner or any employee of the commission, while in office or employed by the commission, or during the first two (2) years after termination of office or employment, may own any stock or other ownership interest in any holder of or applicant for a license issued by the commission or enter into any contractual relationship with any holder of or applicant for a license issued by the commission or any representative or agent of such license holder or applicant in which the commissioner or commission employee receives consideration that is above fair market value.

(5) Prohibited Relationships. No person who is related to a member or employee of the commission within the second degree of consanguinity or affinity shall possess any type of license issued by the commission.

(6) Compensation. No member or employee of the commission shall solicit any thing of value, nor shall any member or employee of the commission accept any thing of value, in addition to that compensation received from Missouri in their official capacity, intended to influence the member or employee's official duties or in exchange for having exercised the member's or employee's official powers or performed the member's or employee's official duties in a particular manner. For the purposes of this section, grant or payment of a thing of value to another person on behalf of the member or employee shall be considered grant or payment to the member or employee and an offer of an employment opportunity to any person shall constitute a thing of value. Nothing in this section shall preclude the acceptance of any award, presentation, honor or memorabilia presented to the member or employee of the commission in recognition of his/her performance in his/her official capacity and not designed to influence any particular action taken by the member or employee of the commission.

(7) Gambling Prohibited in Missouri. No member or employee of the commission shall participate in any gaming at any location in Missouri which is owned or operated by a licensee of the commission or under the jurisdiction of the commission.

(8) Confidentiality. No information furnished to the commission by a corporation, organization or person, except such matters as are specifically required to be open to public inspection by the provisions of Chapter 313 and Chapter 610, RSMo, shall be open to



public inspection or made public except on order of the commission.

(9) *Ex Parte* Contacts. No commissioner shall knowingly have *ex parte* conversations related to matters under the jurisdiction of the commission with any applicant or licensee, their representatives, or any party to a matter pending before the commission. As *ex parte* communications, either oral or written, may occur inadvertently, any member of the commission who receives such a communication, shall immediately prepare a written report concerning the communication and submit it to the chairman and each member of the commission. The report shall identify the person(s) who participated in the *ex parte* communication; the circumstances which resulted in the communication; the substance of the communication; and the relationship of the communication to a particular matter at issue before the commission.

(10) Violations of Sunshine Law Prohibited. The Missouri Gaming Commission and its employees are directed to set the highest standards for open meetings and compliance with Chapter 610, RSMo. No commissioner or commission employee shall conduct any official business unless there is proper compliance with Chapter 610, RSMo.

(11) Confidential Information. No member or employee of the commission shall use or disclose confidential information gained in the course of or by reason of the member's or employee's official position or activities to further the member's or employee's own financial or political interests or the financial or political interests of anyone else.

(12) Confidential Information. A former member of the commission having information that s/he knows is confidential governmental information, or knew was confidential government information at the time the member or employee acquired the information, about a person or matter subject to the jurisdiction of the commission while the member or employee was associated with the commission, may not disclose such information without the consent of the commission granted prior to such disclosure and after complete disclosure to the commission of the information sought to be disclosed, all persons to whom the information is to be disclosed, and the reasons for such disclosure. Confidential information means information that has been obtained under governmental authority and which, at the time this rule is applied, the government or the Missouri Gaming Commission is prohibited by law from disclosing

to the public or has a legal privilege not to disclose, and which is not otherwise available to the public.

(13) No member or employee of the commission or person who has been a member or employee of the commission within the previous two (2) years may be a representative or agent of the holder of or applicant for a Class A or supplier's license.

EXECUTIVE ORDER 92-04

WHEREAS, public confidence in the integrity of the government of the State of Missouri is of utmost importance; and

WHEREAS, the executive branch of state government must discharge its duties in an independent and impartial manner; and

WHEREAS, executive branch employees must treat the public and fellow employees with respect, courtesy, and dignity, and provide equal access to services for all members of the public; and

WHEREAS, executive branch employees' conduct not only must be within the letter of the law but must seek to fulfill the spirit and intent of the law; and

WHEREAS, executive branch employees must provide a full day's work for a full day's pay, giving to the performance of their duties their earnest effort and best thought; and

WHEREAS, executive branch employees must demonstrate the highest standards of personal integrity and honesty and must not realize undue personal gain from the performance of any official duties; and

WHEREAS, executive branch employees are responsible for enhancing the mission of their agencies; and

WHEREAS, a clear statement of the code of conduct which guides the executive branch is both an assurance to the citizens of Missouri and an aid to our steadfast efforts;

NOW, THEREFORE, I, JOHN ASHCROFT, GOVERNOR OF THE STATE OF MISSOURI, UNDER THE AUTHORITY VESTED IN ME UNDER THE CONSTITUTION AND THE LAWS OF THIS STATE, INCLUDING THE PROVISIONS OF SECTION 105.969 RSMO CUM. SUPP. 1992, DO HEREBY SET FORTH A CODE OF CONDUCT FOR EXECUTIVE BRANCH EMPLOYEES OF MISSOURI STATE GOVERNMENT (EXCEPTING THE EMPLOYEES OF THOSE ELECTED OFFICIALS WHO ARE TO ESTABLISH AN INTERNAL CODE OF CONDUCT FOR THEIR OFFICES):

CODE OF CONDUCT

1. Executive branch employees shall conduct the business of state government in a manner which inspires public confidence and trust.

A. Employees shall avoid any interest or activity which improperly influences, or gives the appearance of improperly influencing, the conduct of their official duties.

B. Employees shall act impartially and neither dispense nor accept special favors or privileges which might be construed to improperly influence the performance of their official duties.

C. Employees shall not allow political participation or affiliation to improperly influence the performance of their duties to the public.

D. Employees shall not engage in business with state government, hold financial interests, or engage in outside employment when such actions are inconsistent with the conscientious performance of their official duties.

E. Employees shall not use or improperly possess an illegal controlled substance or alcohol in the workplace or during working hours.

F. Employees of the State are expected to comply with the statutes of Missouri at all times.

2. Executive branch employees shall conduct themselves in scrupulous compliance with applicable federal, state and local law.

A. Employees shall observe all conflict of interest provisions in law applicable to their agencies and positions of employment.

B. Employees shall adhere to all laws providing equal opportunity to all citizens.

C. Employees shall perform their responsibilities as they are specified in law or other authority establishing those responsibilities.

3. Financial compensation of state employment consists of only authorized salaries and fringe benefits.

A. Employees shall not use their public positions in a manner designed to create personal gain.

B. Employees shall not disclose confidential information gained by reason of their public positions, nor shall employees use such information for personal gain or benefit.

C. Employees shall not directly or indirectly attempt to influence agency decisions in matters relating to prospective employers with whom employment has been accepted or is being negotiated.

4. Executive branch employees owe the public the diligent application of their knowledge, skills and abilities for which they are compensated.



A. Employees shall not perform outside employment or other activities not appropriate during hours compensated for state employment and will use leave and other benefits provided by the State only for the purposes intended.

B. Employees shall carry out all lawful instructions of designated supervisors, and will report instructions not consistent with law to the proper authorities.

5. Equipment, material and supplies purchased with public funds are intended for the performance of public purposes only.

A. Employees shall use and maintain state equipment, materials and supplies in an efficient manner which will conserve future usefulness.

B. Employees shall use state equipment, materials and supplies solely for purposes related to the performance of state business.

6. The work of state government will be conducted with respect, concern and courtesy toward clients, co-workers and the general public.

A. Employees shall approach their duties with a positive attitude and constructively support open communication, dedication and compassion.

B. Employees shall conduct their duties with courtesy toward clients, co-workers, patients, inmates and the general public, recognizing the diverse background, characteristics and beliefs of all those with whom they conduct state business.

C. Employees shall not engage in any form of illegal harassment or discrimination in the workplace, including on the basis of race, color, religion, national origin, ancestry, sex, age or disability.

D. Employees, in connection with the performance of their duties, shall not seek sexual favors from a client, co-worker, patient, inmate or member of the public.

7. This code shall provide guidance to the officials and employees of the executive branch of Missouri state government in matters of employment related conduct.

A. When questions arise in the application of this code, the public interest will receive primary consideration in any resolution.

B. This code is not intended to fully prescribe the proper conduct of employees and the failure to prohibit an employee action in this code does not constitute approval of the action.

C. This code is intended as a supplement to the provisions in law which govern employee conduct, and in no instance does it decrease the requirements in law.

D. Agency heads are responsible for promoting and enforcing this code of conduct among the employees of their agencies in accordance with their respective agency procedures, and shall supplement it with additional provisions to meet the needs of their agencies.

E. This code is intended to provide guidance for employment related conduct and is not intended to create any right or benefit enforceable by law.

F. No state agency or appointing authority shall discharge, threaten or otherwise retaliate against an employee for reporting in good faith any violation of this code.

G. In applying this code to specific situations, the standard to be used is that of a reasonable person having knowledge of the pertinent circumstances.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, this 31st day of January, 1992.

(Signature) _____
GOVERNOR

ATTEST

(Signature) _____
SECRETARY OF STATE

AUTHORITY: section 313.004.4, RSMo 1994. Original rule filed March 29, 1994, effective Sept. 30, 1994. Emergency rule filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Amended: Filed Feb. 19, 1998, effective Aug. 30, 1998. Amended: Filed Nov. 10, 1998, effective June 30, 1999.*

**Original authority: 313.004.4, RSMo 1993, amended 1994.*

11 CSR 45-1.020 Commission Meetings

PURPOSE: This rule establishes the conditions for a commission meeting.

(1) The meetings shall be conducted in accordance with *Robert's Rules of Order*.

(2) The chairman shall preside over each meeting of the commission. The commission shall elect officers from its membership as it determines, including vice-chairman and secretary.

(3) Minutes of each meeting, open or closed, including special meetings, shall be prepared in written form and shall be subject to the approval of the commission.

(4) The commission may delegate to the chairman of the commission the limited authority to extend any existing license for up to sixty (60) days without a prior vote of the commission. Any action taken by the chairman pursuant to such delegation of authority shall have the full force and effect of a majority vote of the commission, but must be ratified by a subsequent majority vote of the commission at the next public meeting. If such action is not ratified by the commission as provided herein, such action shall be cancelled, withdrawn or rescinded as of the date of the public commission meeting at which the ratification failed. Such delegation of commission authority to the chairman shall expire twelve (12) months after its adoption by a majority of the commission, unless rescinded or renewed by the commission prior to its expiration.

AUTHORITY: sections 313.004 and 313.805, RSMo 2000. 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 Jan. 23, 2004, effective Aug. 30, 2004.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.805, RSMo 1991, amended 1993, 1994, 2000.*

11 CSR 45-1.030 No Opinion or Approval by the Commission

PURPOSE: This rule establishes the meaning of a licensing decision.

(1) Any action of the commission relating to an applicant or a licensee shall not indicate or suggest that the commission has considered or passed in any way on the marketability of the applicant or licensee securities, or any other matter, other than the applicant or licensee's suitability for licensure under Missouri law.

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 313.805, RSMo 1991, amended 1993.*

**11 CSR 45-1.040 Enrollment of Attorneys and Scope of Practice**

PURPOSE: This rule establishes procedure for an attorney to file an appearance.

(1) Any applicant or licensee of the commission may designate in writing the name of the Missouri attorney who will represent the applicant or licensee before the commission.

(2) Practice before the commission shall be deemed to include all matters relating to the presentation of a client's matter to the commission, including the preparation and filing of applications, reports, systems of internal controls, financial statements or other documents submitted to the commission on behalf of the client.

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 313.805, RSMo 1991, amended 1993.*

11 CSR 45-1.080 Participation in Games by Employees of the Commission

PURPOSE: This rule establishes the conditions under which employees may participate in regulated games.

(1) Unless participating in a regulatory investigation, no member of the commission, the director or any employees or agents of the commission may—

(A) Participate in Missouri in any game or activity which is regulated by the Act;

(B) Gamble at any premises of a licensee or applicant; and

(C) Accept or request complementaries for themselves or others from a Missouri licensee or applicant.

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 313.805, RSMo 1991, amended 1993.*

11 CSR 45-1.090 Definitions

PURPOSE: This rule establishes definitions.

(1) Definitions beginning with A—

(A) Act—The Riverboat Gambling Act (sections 313.800–313.850, RSMo);

(B) Alcoholic liquor—Alcohol or intoxicating liquor for beverage purposes, alcoholic, spirituous, vinous, fermented, malt, or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes, containing in excess of one-half of one percent (.5%) by volume; and

(C) Attributed interest—A direct or indirect interest in a business entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

(2) Definitions beginning with B—

(A) Baccarat—A card game played with a deck or multiple decks of cards dealt from a shoe. The highest game count possible is nine (9). The hand with the highest point count wins;

(B) Big Six Wheel—A game played on a vertical rotating wheel where players can bet on which slot on the wheel the indicator (or clapper) will be pointing to when the wheel comes to rest (also known as "Wheel of Fortune");

(C) Bill changer—Means any mechanical, electrical, or other device, contrivance or machine designed for the purpose of dispensing an amount of tokens or credits equal to the amount of currency; and

(D) Blackjack—See "Twenty-One."

(3) Definitions beginning with C—

(A) Caribbean Stud—A poker game played with a deck of fifty-two (52) cards dealt from a shoe in which the player receives five (5) cards and has a chance to double his/her bet prior to seeing all of the dealer's cards. Players are paid based upon the strength of his/her hand and the strength of the dealer's hand;

(B) Casino surveillance room—A room on a riverboat used by authorized personnel of a Class A licensee to monitor and record gaming and other activities conducted within the riverboat gaming operation;

(C) Chief administrative officer—Means the president of a corporation, the managing partner of a partnership, the general partner(s) of a limited partnership, the individual of a sole proprietorship, the managing agent

of a joint venture, or the managing agent of a limited liability company. For a consortium of financial participants where no formal chief administrative officer exists, chief administrative officer shall mean the chief administrative officer of the largest financial participant;

(D) Chip—A nonmetal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of a Class A license for use in gaming other than in electronic gaming devices on the license holder's riverboat;

(E) Commission—The Missouri Gaming Commission or its agents;

(F) Commission surveillance room—A room(s) on each riverboat for the exclusive use of the commission or commission agents for monitoring and recording of gaming and other activities;

(G) Continuously docked excursion—A continuously docked excursion boat shall set a schedule of excursion as required by the definition of excursion. This schedule shall designate a specific time for boarding. On each scheduled excursion, no new passengers shall board after the specified time for boarding has expired; and

(H) Craps—A game in which dice are rolled to make different points or combinations.

(4) Definitions beginning with D—

(A) Debt instrument—Any bond, loan, mortgage, trust deed, note, debenture, subordination, guaranty, letter of credit, security agreement, surety agreement, pledge, chattel mortgage or other form of indebtedness;

(B) Dependent—Any individual who received over half of his/her support in a calendar year from any other individual;

(C) Director—The executive director employed by the commission;

(D) Docksites commission offices—Offices at the dockside, approved by the commission, for the exclusive use of commission agents;

(E) Double Down Stud—A poker game played with a single deck of fifty-two (52) cards dealt from a shoe in which a player receives five (5) cards, one (1) being face down. The player may opt to double his/her initial bet prior to turning up his/her last card. The player is paid based on the strength of his/her five (5) cards; and

(F) Drop bucket—That portion of gaming equipment internally contained which serves as a repository for tokens.

(5) Definitions beginning with E—

(A) Electronic card—A card used for cash or cash equivalent;



(B) Electronic gaming device—Any mechanical, electrical device or machine which upon payment of consideration is available to play or operate, the operation of which, whether by reason of the skill of the operator, application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive premiums, merchandise, tokens, redeemable game credits or anything of value other than unredeemable free games whether the payoff is made automatically from the machines or in any other manner;

(C) Electronic gaming device drop—The total value of tokens contained in the drop bucket;

(D) Electronic gaming device win—The electronic gaming device drop minus hand-paid jackpots minus hopper fills plus hopper credits;

(E) EPROM—Erasable, programmable, read-only memory;

(F) Excluded person—Any person whose name appears on any exclusion list, or any person whose name does not appear on an exclusion list, but is excluded or ejected pursuant to the law;

(G) Exclusion list—A list(s) which contains identities of persons who are to be excluded or ejected from any licensed gaming operation in any jurisdiction; and

(H) Excursion—A two (2)-hour period approved by the commission that an excursion gaming boat shall operate and, if required, cruise, provided; however, that when circumstances beyond the control of the Class A licensee arise that create an inability to track the five hundred dollar (\$500)-loss limit for any excursion, as provided in 11 CSR 45-6.040, the excursion shall automatically terminate and the following excursion must consist of the remaining time scheduled for the terminated excursion plus the entire time of the immediately following scheduled excursion. This period of time shall include reasonable time for boarding and exiting the boat, which shall be established by the commission based on the licensee's ability to enforce the five hundred dollar (\$500)-loss limit. The commission may allow patrons to board and exit the boat at will if the licensee can demonstrate that the five hundred dollar (\$500)-loss limit can be enforced and that the integrity of the admission fee collection process can be maintained. Gaming may be permitted at any time during the excursion. The commission shall approve all schedules of excursion prior to the schedule becoming effective. The provisions of this definition to the contrary notwithstanding, the commission may approve an excursion schedule that includes a single three (3)-hour excursion if it

is the last excursion of the gaming day.

(6) Terms beginning with F—

(A) Faro—A card game played with a single fifty-two (52) card deck dealt by drawing cards face up from an opened-framed box; and

(B) FEIN—Federal Employer Identification Number.

(7) Terms beginning with G—

(A) Gaming—The dealing, operating, carrying on, conducting, maintaining or exposing for play of any game;

(B) Gaming equipment/supplies—A machine, mechanism, device or implement which affects the result of a game by determining win or loss including, without limitation, electronic, electrical or mechanical devices or machines, software, cards, dice and any representative of value used with any game including, without limitation, chips, tokens or electronic debit cards and related hardware and software;

(C) Gaming operations manager—A person or business entity other than the holder of a Class A license who has the ultimate responsibility to manage, direct or administer the conducting of gaming; and

(D) Give-away—A game where patron entry to the game may be determined by attendance on a riverboat or by either accumulation of points/credits or the attainment of a certain outcome on an electronic gaming device.

(8) Definitions beginning with H—

(A) Hand—Either one (1) game in a series, one (1) deal in a card game or the cards held by a player.

(9) Definitions beginning with I—

(A) Indirect interest—An interest in a business entity that is deemed to be held by the holder of a Class A license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities; and

(B) Internal control system—Administrative and accounting controls designed by the holder of a Class A license, for the purpose of exercising control over the riverboat gaming operation.

(10) *(Reserved)*

(11) Definitions beginning with K—

(A) Keno—A game whereby the patron chooses from one to twenty (1-20) numbers from an eighty (80) number field. The patron may win based upon the amount of numbers

s/he matches from the subsequent draw(s) of numbers by the casino;

(B) Key person—Includes the following individuals or business entities:

1. An officer, director, trustee, proprietor, managing agent, or general manager of an applicant or licensee or of a business entity key person of an applicant or licensee;

2. A holder of any direct or indirect legal or beneficial publicly traded interest whose combined direct, indirect or attributed publicly traded interest is five percent (5%) or more in an applicant or licensee or in a business entity key person of an applicant or licensee;

3. A holder of any direct or indirect legal or beneficial privately held interest whose combined direct, indirect or attributed privately held interest is one percent (1%) or more in an applicant or licensee or in a business entity key person of an applicant or licensee;

4. A holder of any direct or indirect legal or beneficial interest in an applicant or licensee or in a business entity key person of an applicant or licensee if the interest was required to be issued under agreement with or authority of a government entity;

5. An owner of an excursion gambling boat; and

6. Any individual or business entity so designated by the commission or director; and

(C) Klondike—A solitaire card game played with a single fifty-two (52) card deck.

(12) Definitions beginning with L—

(A) Live gaming device—Any nonelectrical or nonelectro-mechanical apparatus used to gamble upon, including, but not limited to, roulette wheel and table, blackjack table, crap table and poker tables.

(13) *(Reserved)*

(14) Definitions beginning with N—

(A) Nominee—Any individual or business entity that holds, as owner of record, the legal title to tangible or intangible personal or real property, including without limitation any stock, bond, debenture, note, investment contract or real estate on behalf of another individual or business entity, and is designated and authorized to act on his/her/its behalf with respect to the property;

(B) Nonvalue chip—A chip, clearly and permanently impressed, engraved or imprinted with the name of the riverboat, but bearing no value designation; and

(C) Notice of commission action—A notice of denial, restriction, suspension, supervi-



sion, revocation, nonrenewal or exclusion issued by the commission.

(15) *(Reserved)*

(16) Definitions beginning with P—

(A) Pai Gow Poker—A poker game played with a single deck of fifty-two (52) cards plus one (1) joker in which a player must assemble a two (2)-card hand and a five (5)-card hand from seven (7) cards dealt. The player is paid based upon the strength of both hands versus the dealer's two (2) hands;

(B) Payout— Winnings earned on a wager;

(C) Person—Any individual, corporation, partnership, limited partnership, joint venture, limited liability corporation or unincorporated association;

(D) Petitioner—An applicant, licensee or excluded person who requests a hearing upon issuance of a Notice of Commission Action;

(E) Poker—A card game played by a maximum of ten (10) players who are dealt cards by a nonplayer dealer. The object of the game is for each player to bet the superiority of his/her own hand and win the other players' bets by either making a bet no other player is willing to match, or proving to hold the most valuable cards after all the betting is over;

(F) Political contribution—The making of any gift of any kind or paying or giving money or any other thing of value to—

1. Any candidate or nominee for any public office in Missouri;

2. Any public official; or

3. Any fund-raising committee or other fund-raising entity, whether located in Missouri or elsewhere, that gives, lends or otherwise provides funds to meet the expenses of any candidate for public office or public official;

(G) Progressive controller—The hardware and software that controls all communications among the machines within a progressive electronic gaming device link and its associated progressive meter;

(H) Progressive jackpot—A value determined by a holder of a Class A license and arrived at by income of an independent, local or interlinked electronic gaming device. This value shall be clearly displayed above the interlinked electronic gaming device and metered incrementally by a progressive controller. A progressive machine must prominently display a manufacturer-supplied glass indicating either that a progressive jackpot is to be paid or indicating the current amount of the jackpot; and

(I) Proprietary—Relating to financial, ownership, legal, security, operational or contractual matters.

(17) *(Reserved)*

(18) Definitions beginning with R—

(A) Red Dog—A card game, utilizing only community cards, played with a deck or multiple decks of cards dealt from a shoe, whereby a player wagers as to whether or not the third card dealt will have a value which lies between the first two (2) cards that were previously dealt. The player is paid based upon the spread between the first two (2) cards dealt (also known as "Acey Deucey");

(B) Regulatory and review agency—Any United States classification society or its agents recognized by the United States Secretary of Transportation under authority of 46 U.S.C. 3316(c)(1) to conduct inspections, make examinations of and issue certificates for vessels of the United States.

(C) Relative—Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law, whether by whole or half blood, by marriage, adoption or natural relationship, and their dependents;

(D) Riverboat gaming operation—The conducting of gaming and all related activities including, without limitation, the purveying of food, beverages, retail goods and services, and transportation, on a riverboat and at its support facilities;

(E) ROM—Read-only memory; and

(F) Roulette Wheel—A game played on a horizontal rotating wheel where players can bet on which compartment a nonmetallic ball may come to rest.

(19) Definitions beginning with S—

(A) Shoe—A device used to dispense cards in gambling games;

(B) Signature—The definitive identity of an individual specific ROM or EPROM chip, determined by electronic analysis and reflective of the ROM or EPROM chip's game behavior capability;

(C) Slot machine—A type of electronic gaming device;

(D) Sole proprietor—A person who in his/her own name owns one hundred percent (100%) of the assets and is solely liable for the debts of a business;

(E) Substantial creditor—The holder of any debt instrument of whatever character, against an individual or business entity, whether secured or unsecured, matured or unmatured, liquidated or unliquidated, absolute, fixed or contingent, the aggregate amount of which is fifty thousand dollars (\$50,000) or more;

(F) Substantial owner—The holder of at least twenty-five percent (25%) of the total

combined voting power of a corporation or at least twenty-five percent (25%) of the total value of shares of all classes of stock of a corporation; or at least a twenty-five percent (25%) interest in a partnership, or at least twenty-five percent (25%) of the value of a trust computed actuarially; or at least twenty-five percent (25%) of the legal or beneficial interest in any other business entity. For purposes of computing these percentages, a holder shall be deemed to own any stock or other interest in a business entity, whether owned directly or indirectly;

(G) Supplier—A person who sells or leases gambling equipment and gambling supplies to any licensee; and

(H) Support facility—A place of business which is part of, or operates in connection with, a riverboat gaming operation and is owned in whole or in part by a holder of a Class A license, or any of their key persons including, without limitation, riverboats, offices, docking facilities, parking facilities and land-based hotels or restaurants.

(20) Definitions beginning with T—

(A) Table drop—The total amount of cash or cash equivalents contained in the drop box for chips purchased at a live gaming device;

(B) Table win—The dollar amount won by the holder of a Class A license through play at a live game which is the total of the table drop plus ending chip inventory plus credits minus opening chip inventory minus fills;

(C) Texas Hold'em—A poker game in which a player must beat all other players by assembling the strongest five (5)-card hand of the remaining players at the "call" from his/her individually dealt cards and the community cards available to all players;

(D) Theoretical payout percentage—The sum of the number of tokens expected to be paid as a result of jackpots divided by the number of different possible outcomes;

(E) Three Card Poker—A card table game in which a player is dealt three (3) cards and may bet against the dealer depending on the perceived value of his/her hand compared to that of the dealer and/or play against an established pay table paying based on an analogy to stud poker;

(F) Ticket of admission—A physical or electronic implement, approved by the commission, which records and verifies the admission of patrons onto an excursion gambling boat for the purpose of accounting for the admission fee imposed by section 313.820, RSMo;

(G) Token—A metal object or other representation of value that is authorized by statute and/or approved by the commission, which is redeemable for cash only at the issuing river-



boat gaming operation, and issued and sold by a holder of a Class A license for use in electronic gaming devices; and

(H) Twenty-One—Twenty-One (blackjack) is a card game played with a single deck or multiple decks of cards dealt from a shoe. The player attempts to beat the dealer by obtaining a total equal to or less than twenty-one (21), so that his/her total is higher than the dealer's.

(21) Definitions beginning with U—

(A) Unauthorized gambling games—Any gambling game not defined as such in this rule, allowed by law or any such defined game which has not been approved by the commission.

(22) Definitions beginning with V—

(A) Value chip—A chip, clearly and permanently impressed, engraved or imprinted with the name of the riverboat and the specific value of the chip.

(23) (Reserved)

(24) (Reserved)

(25) (Reserved)

(26) (Reserved)

AUTHORITY: sections 313.004, 313.805 and 313.817, RSMo 2000. 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 March 2, 1995, effective March 12, 1995, expired July 9, 1995. Amended: Filed March 2, 1995, effective Aug. 30, 1995. Amended: Filed June 2, 1995, effective Dec. 30, 1995. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Emergency amendment filed June 25, 1996, effective July 5, 1996, expired Dec. 31, 1996. Amended: Filed June 25, 1996, effective Feb. 28, 1997. Amended: Filed Sept. 2, 1997, effective March 30, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed June 4, 1999, effective Jan. 30, 2000. Amended: Filed March 30, 2000, effective Oct. 30, 2000. Amended: Filed Dec. 7, 2001, effective June 30, 2002.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.805, RSMo 1991, amended 1993, 1994, 2000; and 313.817, RSMo 1991, amended 1992, 1993, 2000.*

(1) The commission may waive or grant a variance from the provisions of Title 11, Division 45, Chapters 1–31 of the *Code of State Regulations* upon a licensee's written application, if the commission determines that the waiver or variance is in the best interests of the public. Any waiver or variance granted pursuant to this section constitutes an order of the commission pertaining to gaming, violation of which subjects a licensee to discipline under section 313.812.14(2), RSMo.

(2) In granting any variance authorized by this section, the commission may impose certain conditions and restrictions with which the licensee must comply to accept and use the variance. Failure to meet the conditions or restrictions contained in the variance will immediately render the variance void, and the licensee may be subject to discipline in the same manner as if the variance had never been issued.

AUTHORITY: sections 313.004 and 313.805, RSMo 2000. Original rule filed Aug. 27, 2004, effective March 30, 2005.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.805, RSMo 1991, amended 1993, 1994, 2000.*

11 CSR 45-1.100 Waivers and Variances

PURPOSE: This rule permits licensees to apply for and receive waivers or variances to regulatory requirements.