
Rules of
Department of Public Safety
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY
Division 45—Missouri Gaming
Commission
Chapter 17—Voluntary Exclusions**

**11 CSR 45-17.010 Disassociated Persons List
Created—Right to Remove From Premises**

PURPOSE: This rule establishes a List of Disassociated Persons which consists of those persons who have voluntarily declared that they will no longer visit excursion gambling boats in Missouri because they are problem gamblers.

(1) There is hereby created a “List of Disassociated Persons” which shall consist of those persons who have complied with the provisions of 11 CSR 45-17.010 to 11 CSR 45-17.030 and have been placed on such list by the director. The List of Disassociated Persons is established for the purpose of allowing problem gamblers to formally notify the commission that they no longer intend to visit excursion gambling boats in Missouri and that they wish to seek treatment for their gambling problem. Each person seeking placement on the List of Disassociated Persons acknowledges that it is his/her responsibility to refrain from visiting excursion gambling boats in Missouri and that by being placed on the list s/he shall have a criminal complaint filed against him/her for trespassing if s/he is discovered on an excursion gambling boat by the commission or any Class A licensee.

(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 Disassociated 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—

(A) Notify the commission agent on duty of the presence of a Disassociated Person on the excursion gambling boat. The licensee shall remove the Disassociated Person from the excursion gambling boat. After the Disassociated Person has been removed from the excursion gambling boat, the licensee shall cooperate with the commission agent in reporting the incident to the proper prosecuting authority and request charges be filed under section 569.140, RSMo for criminal trespassing, a class B misdemeanor.

(3) Any wager placed by a person on the List of Disassociated Persons is hereby declared

to be an unauthorized transaction and all chips, tokens and electronic credits in the possession of a Disassociated Person at the time s/he is discovered on an excursion gambling boat are presumed to be items used in exchange for or to facilitate, through the enactment of this rule, a violation of section 313.805(17), RSMo and therefore subject to forfeiture as provided under sections 513.600 to 513.646, RSMo.

(4) A Class A licensee or its agent(s) or employee(s) may be disciplined by the commission—

(A) 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 Disassociated Persons was present on the excursion gambling boat and despite such knowledge, failed to follow the procedures required by this rule; or

(B) The Class A licensee or its employee(s) or agent(s) failed to follow its procedures for complying with the provisions of 11 CSR 45-17 et. seq.

(5) All Class A licensees shall have thirty (30) days from the effective date of this rule to submit internal controls that are subject to approval by the commission which set forth the following—

(A) The licensee’s plan for removing those persons on the List of Disassociated Persons from mailing lists advertising its Missouri operation, such as marketing offers, slot club programs, VIP member programs, telemarketing programs and other such marketing promotions, however this rule shall not be construed to prohibit mass mailings to “Resident”; and

(B) The licensee’s plan for denying access by persons on the List of Disassociated Persons to—

1. Check cashing privileges;
2. Special club programs such as slot clubs and VIP cards; and
3. The issuance of credit, if applicable.

(6) Any individual who had been placed on the list and who receives any mailing or marketing material prohibited by subsection (5)(A) shall have a continuing obligation to notify the licensee and the commission of the receipt of such mailing.

AUTHORITY: sections 313.004, 313.805 and 313.832, RSMo 1994. Original rule filed April 18, 1996, effective Dec. 30, 1996. Emergency amendment filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Amended: Filed Aug. 28, 1998, effective March 30, 1999.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994; and 313.832, RSMo 1991.*

**11 CSR 45-17.020 Procedure for Applying
for Placement on List of Disassociated Persons**

PURPOSE: This rule establishes the procedure for placement on the commission’s List of Disassociated Persons.

(1) The commission may place a person on the List of Disassociated Persons if the person has—

(A) Notified the commission in writing of his/her pledge not to visit licensed excursion gambling boats by filing an Application for Placement on the List of Disassociated Persons with the commission (see Appendix A). By filing such application the person acknowledges that s/he is a problem gambler and will seek treatment for his/her condition. Furthermore, by filing such application, the person understands that s/he is granting the commission and all Class A licensees the right to eject them from the premises of all excursion gambling boats and that s/he may be arrested for trespassing if discovered on an excursion gambling boat. Furthermore, the applicant agrees that once placed on the List of Disassociated Persons if s/he is discovered on an excursion gambling boat, all chips, tokens and electronic credits in his/her possession at the time of the discovery will be forfeited. Such application shall include:

1. The person’s full name and all aliases;
2. A physical description including height, weight, hair and eye color, skin color and any other noticeable physical characteristics;
3. The person’s occupation and current home and business addresses and phone numbers;
4. Social Security number;
5. Date of birth;
6. A statement that the applicant believes s/he is a problem gambler;
7. A photograph suitable for the commission and Class A licensees to use in identifying the person requesting to be placed on the List of Disassociated Persons; and
8. Other information as deemed necessary by the commission;

(B) Had such application verified by a member of the commission’s enforcement staff; and

(C) Signed an affidavit verifying that s/he wishes to be placed on the commission’s List



of Disassociated Persons, that the commission is specifically authorized and requested to release all contents of the person's application to all Class A licensees and their agents and employees; and

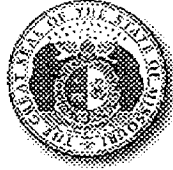
(D) Neither this Chapter, 11 CSR 45-17, nor any of the rights, duties, or obligations established hereunder, shall create any cause of action, right of action, claim, or other right whatsoever in favor of any person other than the commission against the state of Missouri, the commission, any Class A licensee or any of its agents or employees; and

(E) Any person applying to be placed on the List of Disassociated Persons shall execute a full and complete Waiver/Release (see Appendix A) releasing all such parties.

AUTHORITY: sections 313.004, 313.805 and 313.832, RSMo 1994. Original rule filed April 18, 1996, effective Dec. 30, 1996. Emergency amendment filed Aug. 28 1998, effective Sept. 7, 1998, expired March 5, 1999. Amended: Filed Aug. 28, 1998, effective March 30, 1999.*

**Original authority: 313.004, RSMo 1993 amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994; and 313.832, RSMo 1991.*

APPENDIX A



Initials: _____

Missouri Gaming Commission**APPLICATION FOR PLACEMENT ON THE LIST OF
DISASSOCIATED PERSONS****Instructions**

Read the entire form and Chapter 11 CSR 45-17 before responding to the questions.

Type or print in black ink the answers to questions.

Initial all pages in the space provided in the upper right-hand corner.

Attach a recent photograph (within the last 12 months) of yourself in the space provided. Print your name on the back of the photograph.

Important Notice

By signing and submitting this application, you are agreeing to refrain from visiting excursion gambling boats in Missouri.

The commission and its excursion gambling boat licensees will comply with the provisions of 11 CSR 45-17 to protect the confidentiality of your placement on the List. However, because information regarding your application must be released to certain persons in order to enforce the provisions of 11 CSR 45-17, neither the commission nor its excursion gambling boat licensees or their agents can guarantee the confidentiality of the information.



Disassociated Persons Questionnaire

Application Verification Form

Initial
here to
acknowledge
statement at
right

By writing my initials on the lines below, I acknowledge that I understand the question and a "Y" indicates my answer to the question is "yes" and a "N" means my answer to the question is "no".

Note: Prior to beginning to execute the questionnaire, the applicant should have been provided with a copy of 11 CSR 45-17 and the application with the instructions to read the documents thoroughly. The applicant must answer all questions affirmatively except those questions in *bold/italic type* which must be answered negatively.

_____ Do you understand the English language as I am presently speaking it to you?

_____ *Are you presently intoxicated or under the influence of alcohol or a controlled substance?*

_____ Have you read the application I have provided you and do you understand its contents?

_____ Are you a problem gambler? (An answer of "no" terminates the interview, as the applicant is not eligible for placement on the List of Disassociated Persons.)

_____ Do you understand that if you are placed on the List of Disassociated Persons, it will be your responsibility to stay off Missouri riverboat casinos?

_____ Do you understand that, according to the terms of the application before you, it is not the responsibility of the gaming commission to stop you from entering a Missouri riverboat casino?

_____ Do you understand that, according to the terms of the application before you, it is not the responsibility of the various casino companies to stop you from entering a Missouri riverboat casino?

_____ Do you understand that, if you complete the application before you, the consequence of you being discovered on a Missouri riverboat casino is that you will be arrested for trespassing?

1. Do you understand that, if you complete the application before you, a further consequence of you being discovered on a Missouri riverboat casino is that you will forfeit any chips, tokens or electronic gaming device credits in your possession at the time of your arrest?

_____ Do you understand that by completing the application before you, you are requesting to be placed on the List of Disassociated Persons and that such placement is for life and the gaming commission has no authority to ever remove you from the List?

_____ Is it clear to you that you are agreeing to stay off Missouri riverboat casinos for the rest of you life and that the consequence of you violating this agreement is that you will be arrested for trespassing and that you will forfeit any chips, tokens or electronic gaming device credits in your possession at the time of your arrest?

2. *Do you have any questions that I have not answered to your satisfaction regarding the terms of the application before you that prohibit you from making a sober and informed decision whether or not to execute the application?*

At this point ask the applicant to execute the application by filling out the appropriate information. Upon completion, the agent should verify that all application information is filled out and prior to verifying the signature execute the verification on the following page.



List of Disassociated Persons

Application Verification

I have completed and signed this application in a sober and informed condition with the intention of agreeing to placing myself on the List of Disassociated Persons as established by 11 CSR 45-17, et seq. as may be amended from time to time, for the remainder of my life. **The foregoing Questionnaire is an accurate record of my application to be placed on the List of Disassociated Persons.**

X _____
Signature of Applicant

X _____
Verified by:
Gaming Commission Agent

Agent should verify the applicants signature and inform them that they are now on the List of Disassociated Persons. It will take a few days to forward the information to the casinos, however, the person is subject to arrest any time he/she is discovered on a Missouri excursion gambling boat.

(Attach Photo)

Initials: _____

Missouri Gaming Commission

APPLICATION FOR PLACEMENT ON THE LIST OF DISASSOCIATED PERSONS

**Full Legal
Name of
Applicant:** _____

(First)

(Middle)

(Last)

**Other
Name:** _____

(First)

(Middle)

(Last)

**Home
Address:** _____

(Street)

(City)

(State)

(Zip Code)

**Business
Address:** _____

(Street)

(City)

(State)

(Zip Code)

**Home
Telephone:** _____

**Business
Telephone:** _____

**Social
Security #:** _____

**Date of
Birth:** _____

(Month)

(Day)

(Year)

Height: _____ **Weight:** _____ **Hair Color:** _____

Eye Color: _____ **Skin Color:** _____

**Other Noticeable
Physical Characteristics:** _____

I acknowledge that I am a problem gambler: _____
(Signature)

10:16AM



Initials: _____

Waiver/Release

I, _____, wish to be placed on the commission's List of Disassociated Persons and have filed with the Missouri Gaming Commission ("Commission") an Application for Placement on the List of Disassociated Persons. By filing such Application, I understand that I am a problem gambler and that I am assuming the responsibility of refraining from visiting excursion gambling boats in Missouri. Furthermore, I understand that if I visit an excursion gambling boat after the filing of a Notice of Placement on the Disassociated Persons List by the Director and I am discovered on the premises of an excursion gambling boat, that I may be ejected by the owner or operator of such premises. I also understand that my presence on an excursion gambling boat constitutes trespassing and the owner or operator shall request that I be arrested for such. Moreover, I understand that by filing an application for placement on the List of Disassociated Persons and by signing this Waiver/Release, I am agreeing to forfeit any chips, tokens or electronic gaming machine credits in my possession at the time of my arrest for trespassing on an excursion gambling boat.

I authorize any Class A or Class B licensee or its agents or employees to deny me access to any excursion gambling boat. By signing this release and acknowledging receipt of good and valid consideration therefore, I hereby release, remise, and forever discharge the State of Missouri, the commission, its members, agents and employees and any Class A or Class B licensee or its agents or employees from any and all manners of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known or unknown, in law or equity, which the undersigned and the undersign's heirs, successors, administrators, executors, and assigns ever had, now has, may have, or claim to have against any or all of said entities or individuals arising out of or by reason of the processing, enforcing or other action or omission relating to this Application including but not limited to, the release of the contents of my Application to any Class A or Class B licensee and such licensee's agents or employees any financial loss, physical injury or emotional distress or any breach of confidentiality that may occur as a result.

I understand that Class A and Class B licensees, in conjunction with my placement on the List of Disassociated Persons, will submit a plan for Commission approval for removing my name from all mailing lists which may generate marketing offers being sent specifically to me and to deny me credit (if applicable), and casino club memberships. I will notify the Commission and any respective licensee of any errant mailing or marketing offer I might receive.

I have read this Waiver/Release and understand all its terms. I execute it voluntarily and with full knowledge of its consequences and significance.

IN WITNESS WHEREOF, I have executed this release at _____, _____ (City) _____ (State)

on the _____ day of _____, 19_____.

(Individual's Signature)

Subscribed and sworn to before me this _____ day of _____, 19_____.

(Notary Public)

(Notarial Seal)

My commission expires: _____

Notary Public in and for the County of _____

State of _____

Authorization and Request to Release Information

1. By placing myself on the List of Disassociated Persons, I authorize and request the Missouri Gaming Commission to release all contents of my application to all Class A and Class B licensees (riverboat casino owners and operators) and their employees and agents; and I hereby designate, constitute and appoint the Commission and any agent of the Commission as my agent and true and lawful attorney-in-fact in my name, place, stead and on my behalf and for my use and benefit to release all contents of my application to all Class A and Class B licensees (riverboat casino owners and operators) and their employees and agents.
2. I grant to the Commission and any agent of the Commission, as my attorney-in-fact, full power and authority to do, take, and perform all and every act and thing whatsoever requisite, proper, or necessary to be done, in the exercise of any of the rights and powers granted by the terms of this Authorization and Request to Release Information, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution or revocation, hereby ratifying and confirming all that said attorney-in-fact, or his/her substitute(s) shall lawfully do or cause to be done by virtue of this power of attorney and the rights and powers herein granted.
3. I accept any risk of adverse public notice, embarrassment, criticism or other action or any financial loss which may directly or indirectly result from the release of information authorized in this Authorization and Request to Release Information.

I have read this Authorization and Request to Release Information and understand all its terms. I execute it voluntarily and with full knowledge of its consequences and significance.

IN WITNESS WHEREOF, I have executed this release at _____ (City) _____ (State)

on the _____ day of _____, 19____.

(Individual's Signature)

Subscribed and sworn to before me this _____ day of _____, 19____.

(Notary Public)

(Notarial Seal)

My commission expires: _____

Notary Public in and for the County of _____

State of _____



11 CSR 45-17.030 Procedure for Entry of Names onto List of Disassociated Persons

PURPOSE: This rule establishes procedures for entry of names onto the List of Disassociated Persons.

(1) Upon filing of an application for placement on the List of Disassociated Persons, the director may file a Notice of Placement on the List of Disassociated Persons. Such notice shall be a closed record pursuant to sections 313.847 and 610.021, RSMo; provided that such application and notice may be disclosed to all Class A licensees and their agents and employees.

(2) The director shall deliver a copy of the Notice of Placement on the List of Disassociated Persons to the applicant via certified mail at the home address listed in the application, unless otherwise requested by the applicant. If certified mail delivery is unsuccessful, the director shall send the notice via regular U.S. mail to the home address contained on the application. The applicant is deemed to be placed on the List of Disassociated Persons at the time the person executes the application for placement on the List of Disassociated Persons, not at the time such notice is delivered to the applicant.

(3) Should the director find that an applicant does not qualify for placement on the List of Disassociated Persons, s/he shall so notify the applicant by the procedure set forth in section (2) of this rule.

AUTHORITY: sections 313.004 and 313.805, RSMo 1994.* Original rule filed April 18, 1996, effective Dec. 30, 1996. Emergency amendment filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Amended: Filed Aug. 28, 1998, effective March 30, 1999.

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

11 CSR 45-17.040 Confidentiality of List of Disassociated Persons

PURPOSE: This rule establishes the procedure for maintaining the confidentiality of those placed on the List of Disassociated Persons.

(1) The director shall notify each Class A licensee of the placement of any person on the List of Disassociated Persons and may disclose to the Class A licensee and any of its

agents or employees any or all information contained on the person's application.

(2) Each Class A licensee shall submit to the commission a plan for the dissemination of the information regarding persons on the List. The plan shall be designed to safeguard, as best as is reasonably possible, the confidentiality of the information but shall include dissemination to at least the general manager, casino manager, and all security and surveillance personnel. The plan must be approved by the commission. All information disclosed to any Class A licensee regarding anyone placed on the List of Disassociated Persons shall be deemed a closed record, however, the information may be disclosed as authorized by the individual seeking placement on the list, by law and through the provisions contained in this chapter, 11 CSR 45-17.

AUTHORITY: sections 313.004 and 313.805, RSMo 1994 and 610.021, RSMo Supp. 1997.* Original rule filed April 18, 1996, effective Dec. 30, 1996. Amended: Filed Aug. 28, 1998, effective March 30, 1999.

**Original authority:* 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1992, 1993, 1994; and 610.021, RSMo 1987, amended 1993, 1995, 1998.

11 CSR 45-17.050 Removal From List of Disassociated Persons Prohibited

PURPOSE: This rule states that there is no procedure for removal from the List of Disassociated Persons because the commission believes that dealing with a gambling problem requires lifetime treatment.

(1) Any person who has been placed on the List of Disassociated Persons shall remain on the List permanently and may not petition to be removed. The commission shall inform all applicants for placement on the List of Disassociated Persons that such placement is for life and there is no process for removal. The commission bases this policy on the belief that dealing with a gambling problem requires lifetime treatment and that a person is continuously recovering from a gambling addiction.

AUTHORITY: sections 313.004 and 313.805, RSMo 1994.* Original rule filed April 18, 1996, effective Dec. 30, 1996. Emergency amendment filed Aug. 28, 1998, effective Sept. 7, 1998, expired March 5, 1999. Amended: Filed Aug. 28, 1998, effective March 30, 1999.

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