



Rules of
Department of Public Safety
Division 45—Missouri Gaming Commission
Chapter 4—Licenses

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**Title 11—DEPARTMENT OF
PUBLIC SAFETY
Division 45—Missouri Gaming
Commission
Chapter 4—Licenses**

11 CSR 45-4.010 Types of Licenses

PURPOSE: This rule establishes the types of licenses.

(1) The types of licenses shall include:

- (A) Class A;
- (B) Class B;
- (C) Key person/key person business entity;
- (D) Occupational:
 1. Level I;
 2. Level II; and
- (E) Supplier, temporary supplier and affiliate supplier.

(2) The commission may classify an activity to be licensed in addition to, different from, or at a different level than the types set forth in section (1) of this rule. The commission shall investigate all levels of license applications.

AUTHORITY: sections 313.004 and 313.807, 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 May 13, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 3, 2007, effective May 30, 2008.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.807, RSMo 1991, amended 1993, 2000.*

11 CSR 45-4.020 Licenses, Restrictions on Licenses, Licensing Authority of the Executive Director and Other Definitions

PURPOSE: This rule defines and describes types of licenses, restrictions on licenses, licensing authority of the executive director and other definitions.

(1) A Class A license shall be a license granted by the commission to allow the parent organization(s) or controlling entity, as determined by the executive director, to develop and operate Class B licensee(s). A Class A licensee may, if authorized by the commission, operate more than one Class B licensee. Class A and Class B licensees may not be licensed as suppliers.

(2) A Class B license shall be a license granted by the commission to maintain, conduct

gambling games on, and operate an excursion gambling boat and gaming facility at a specific location.

(3) A key person/key person business entity license shall include:

(A) 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;

(B) 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 except a holder of more than five percent (5%) but not more than ten percent (10%) interest who holds such interest only for passive (“Not involving active participation; esp., of or relating to a business enterprise in which an investor does not have immediate control over the activity that produces income.” *Black’s Law Dictionary* Seventh Edition) investment purposes (including economic purposes) may be exempted from licensure by the executive director; such exemption may be requested at the time of investment or institutional investors may seek general pre-approval after certification that such investment will be passive in nature and for passive investments only. The commission may waive licensure for up to twenty percent (20%). If exempted from licensure by the executive director up to ten percent (10%), and up to twenty percent (20%) if exempted by the commission, provided that:

1. The holder of such interest applies in writing in advance of acquiring said interest or within ten (10) days thereafter and certifies under oath that it is—

A. Acquiring the interest for passive investment purposes;

B. Does not nor will it have any involvement in the management activities of the entity;

C. Nor does it have any intention of controlling the entity regardless of additional stock that may be acquired;

D. That they will within ten (10) days notify the commission of any sale or purchase of stock in the entity equaling more than one percent (1%) of the entity’s outstanding stock;

E. In the event the holder of any interest under this exemption subsequently develops an intention of controlling or participating in the management of said entity, they shall notify the commission of said change and refrain from participating in management

or exercising such control until approved for licensure by the commission;

F. If the applicant is an individual, then the home and business addresses, occupation, employer and title shall be identified;

G. If applicant is a business entity, then they shall provide the type of entity (corporation, partnership, limited partnership, LLC, LLP, etc.), state of charter, the names and both home and business address of the—

(I) Chief executive officer (CEO);

(II) Chief financial officer (CFO);

(III) Chief operating officer

(COO);

(IV) Managing partner(s);

(V) General partner(s);

(VI) Members of the Board of

Directors; and

(VII) The registered agent; and

H. Additionally the director may grant exemptions to institutional investors to hold such interests in multiple licensees in advance;

2. The commission by majority vote may grant exemptions of up to twenty percent (20%) with the filing of the information required in (3)(B)1. above. Additionally the commission may grant exemptions to institutional investors to hold such interests in multiple licensees in advance;

3. The executive director shall keep a record of all such exemptions granted and the positions held by each entity and shall present a written report on the same to the commission on a monthly basis;

4. The exemption shall be for two (2) years unless renewed; and

5. Nothing in this section including the granting of an exemption shall prohibit the commission, at a future date, in its sole discretion, with or without cause from requiring any owner of any interest in a licensee from becoming licensed by the commission or to divest itself of stock ownership;

(C) 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 except a holder of more than one percent (1%) but not more than ten percent (10%) interest who is an institutional investor and who holds such interest only for passive (“Not involving active participation; esp., of or relating to a business enterprise in which an investor does not have immediate control over the activity that produces income.” *Black’s Law Dictionary* Seventh Edition) investment purposes (including economic purposes) may be exempted from licensure by the executive director; such exemption may



be requested at the time of investment or institutional investors may seek general pre-approval after certification that such investments will be passive in nature and for passive investments only. The commission may waive licensure for up to twenty percent (20%). If exempted from licensure by the executive director up to ten percent (10%), and up to twenty percent (20%) if exempted by the commission, provided that:

1. The holder of such interest applies in writing in advance of acquiring said interest or within ten (10) days thereafter and certifies under oath that it is—

A. Acquiring the interest for passive investment purposes;

B. Does not nor will it have any involvement in the management activities of the entity;

C. Nor does it have any intention of controlling the entity regardless of additional stock that may be acquired;

D. That they will within ten (10) days notify the commission of any sale or purchase of stock in the entity equaling more than one percent (1%) of the entity's outstanding stock;

E. In the event the holder of any interest under this exemption subsequently develops an intention of controlling or participating in the management of said entity, they shall notify the commission of said change and refrain from participating in management or exercising such control until approved for licensure by the commission;

F. If the applicant is an individual, then the home and business addresses, occupation, employer and title shall be identified;

G. If applicant is a business entity, then they shall provide the type of entity (corporation, partnership, limited partnership, LLC, LLP, etc.), state of charter, the names and both home and business address of the—

- (I) Chief executive officer (CEO);
(II) Chief financial officer (CFO);
(III) Chief operating officer

(COO);
(IV) Managing partner(s);
(V) General partner(s);
(VI) Members of the Board of Directors; and

(VII) The registered agent; and

H. Additionally the director may grant exemptions to institutional investors to hold such interests in multiple licensees in advance;

2. The commission by majority vote may grant exemptions of up to twenty percent (20%) with the filing of the information required in (3)(C)1. above. Additionally the commission may grant exemptions to institu-

tional investors to hold such interests in multiple licensees in advance;

3. The executive director shall keep a record of all such exemptions granted and the positions held by each entity and shall present a written report on the same to the commission on a monthly basis;

4. The exemption shall be for two (2) years unless renewed; and

5. Nothing in this section including the granting of an exemption shall prohibit the commission, at a future date, in its sole discretion, with or without cause from requiring any owner of any interest in a licensee from becoming licensed by the commission or to divest itself of stock ownership;

(D) 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;

(E) An owner of an excursion gambling boat; and

(F) Any individual or business entity so designated by the commission or the executive director.

(4) Occupational license Level I is a person other than a key person/key person business entity who has management control or decision-making authority over the gaming operation, a key function of the gaming operation, or the development or oversight of the testing of gaming equipment or systems, including but not limited to:

- (A) Internal audit manager;
(B) Director of casino operations;
(C) Table games manager;
(D) Director of security;
(E) Controller;
(F) IT manager;
(G) Surveillance manager;
(H) Assistant general manager;
(I) Slot department manager;

(J) Managers responsible for ensuring the integrity of all testing standards and certifications; or

(K) Any other person directed by the commission to file a Level I application.

(5) Occupational license Level II is any person not a key or Level I who has access to the gaming floor, or secured areas, as an employee of any Class A, Class B, or Supplier licensee, and any other person directed by the commission or the executive director to file a Level II application.

(6) Secured areas shall include any area or location where gaming functions may take place, be controlled or affected. Secured

areas shall also include any area so designated by the licensee's Internal Control System (ICS) or by the commission, including but not limited to:

- (A) Security;
(B) Surveillance;
(C) Audit;
(D) Accounting;
(E) Management Information Systems (MIS);
(F) Cage;
(G) Ticketing;
(H) Hard and soft count;
(I) Marine operations; and
(J) Any other area designated by the commission; and also

(K) Licensees may in their ICS request authorization for certain Level I licensees, key person licensees and others escorted by security or the area supervisor, to have access to secured areas other than the surveillance area.

(7) Supplier license is a license issued to a person or entity that—

- (A) Manufactures, sells or leases gaming equipment, gaming supplies, or both;
(B) Provides gaming equipment maintenance or repair; or
(C) Provides testing services on gaming related equipment, components, peripherals, systems, or other items directed by the commission to a Class A or Class B licensee or the commission.

(8) Temporary supplier license is a license authorized by the commission until the appropriate license can be obtained.

(9) Affiliate supplier license is required of any person who is an affiliate of a Class A or Class B licensee or a key person/key person business entity of a Class A licensee and sells or leases gambling equipment, gambling supplies or both to its Class B licensee affiliate. For purposes of 11 CSR 45-4.205, an "affiliate" of, or a person "affiliated" with, a specific person is a person that directly or indirectly, through one (1) or more intermediaries, controls, or is controlled by, or is under common control with, the person specified. The term "control" (including the terms "controlling," "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

(10) Upon the effective date of this rule, all existing Class A licenses shall be divided into



a Class A license, which shall be the operating company and one or more Class B license(s), which shall be the licensed riverboat gaming operation. Rules adopted prior to the adoption of this rule which previously referred to a Class A licensee shall refer to both Class A licensee and Class B licensee unless specifically identified otherwise.

AUTHORITY: sections 313.004 and 313.807, 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 June 2, 1995, effective Dec. 30, 1995. Amended: Filed Dec. 28, 1995, effective June 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Rescinded and readopted: Filed Dec. 3, 2007, effective May 30, 2008.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.807, RSMo 1991, amended 1993, 2000.*

11 CSR 45-4.025 Incorporation of Application Information by Reference (Rescinded October 30, 1998)

AUTHORITY: sections 313.004 and 313.805, RSMo Supp. 1993. Emergency rule filed June 14, 1994, effective June 24, 1994, expired Oct. 21, 1994. Original rule filed April 22, 1994, effective Sept. 30, 1994. Rescinded: Filed May 13, 1998, effective Oct. 30, 1998.

11 CSR 45-4.030 Application for Class A or Class B License

PURPOSE: This rule establishes applications.

(1) License application shall be made on a form obtained from the commission. Each Class A or Class B license applicant must submit the Riverboat Gaming Application Form for itself, a key person/key person business entity and Level I application for each individual key person associated with the application and a Riverboat Gaming Application Form for each business entity key person associated with the applicant. The applicant must also submit Personal Disclosure Form II for any other person or entity (other than occupational licensees) associated with the applicant in any way, who is required by the commission or the director to execute such forms, which forms shall become part of the Class A or Class B application along with the key person/key person business entity forms. A copy of all necessary

forms is available for public inspection at the offices of the commission and online at the commission's web site.

(2) For a Class A or Class B license an applicant must disclose on an application form obtained from the commission at a minimum—

(A) The applicant's full name, telephone number and the type of organizational structure under which the organization operates, including, without limitation, whether the applicant is an operating company or a holding company, identification of key persons/key person business entities, including identification of chief administrative officers, the background and skills of applicant and key persons;

(B) The business address and telephone number of the organization and all former addresses within ten (10) years, and all addresses of subsidiary or parent corporations;

(C) The name, address and telephone number of applicant's registered agents, legal representatives, accounting representatives, banking and financial representatives, underwriters and custodian of records in Missouri and elsewhere;

(D) Information on the ability of applicant and key persons/key person business entities to conduct gaming operations;

(E) If the applicant is an individual, the license application must disclose—

1. The applicant's legal name and address and all former addresses within ten (10) years;

2. Whether the applicant is a United States citizen;

3. Any aliases or business names which have ever been or are being used by the applicant; and

4. Copies of state and federal tax returns for the past five (5) years;

(F) If the applicant is a corporation, the applicant must disclose on the application—

1. The applicant's full corporate name and any trade names or fictitious names used by the applicant in this or any other jurisdiction;

2. The jurisdiction and date of incorporation;

3. The date the applicant commenced doing business in Missouri, if any, and if the applicant is incorporated in any jurisdiction other than Missouri, a copy of the applicant's certificate or authority to do business in Missouri;

4. Copies of each of the following:

A. Articles of Incorporation;

B. Bylaws and all bylaw amendments;

C. Federal corporate tax returns for

the past five (5) years;

D. State corporate tax returns for the past five (5) years; and

E. The applicant's most current annual report, which shall include audited financial statements;

5. To the extent not disclosed in any document required to be submitted, the applicant's Federal Employer Identification Number (FEIN), and all tax identification numbers including, without limitation: sales tax number, employer withholding tax number and corporate income tax number;

6. The location and custodian of the applicant's business records;

7. A statement of the general nature of applicant's business;

8. Whether the applicant is publicly held as defined by the rules of the Securities and Exchange Commission;

9. All the classes of stock authorized by the Articles of Incorporation. As to each class, the applicant shall disclose—

A. The number of shares authorized;

B. The number of shares issued;

C. The number of shares outstanding;

D. The par value of each share;

E. The issue price of each share;

F. The current market price of each share;

G. The number of shareholders currently listed on the corporate books; and

H. The terms, rights, privileges and other information each class of stock possesses;

10. If the applicant has any other obligations or securities authorized or outstanding which bear voting rights either absolutely or upon any contingency, together with the nature of the obligations. In addition, the following shall be disclosed for each obligation:

A. The face or par value;

B. The number of units authorized;

C. The number of units outstanding; and

D. Any conditions upon which the units may be voted;

11. The names in alphabetical order and addresses of the directors. As to each director, the following information shall be included: the number of shares held of record as of the application date—

A. If the director owns no shares, the application shall so state; and

B. Ownership of shares shall include beneficial owners of the stocks or certificates or other evidence of ownership in such organization, may become the owner or holder, directly or indirectly, of any such shares of stocks or certificates or other evidence of ownership;

12. The names, in alphabetical order,



and addresses of the officers of the applicant. The following information shall be included for each officer: the number of shares held on record as of the application date—

A. If the officer owns no shares, the application shall so state; and

B. Ownership of shares shall include beneficial owners. Beneficial ownership includes, but is not limited to, record ownership and:

(I) Stock or other ownership in one (1) or more entities in a chain of parent and subsidiary or affiliated entities, any one (1) of which participates in the capital or profits of a licensee, regardless of the percentage of ownership involved; or

(II) Any interest which entitles a person to benefits substantially equivalent to ownership by reason of any contract, understanding, relationship, agreement or other arrangement even though the person is not the record owner. Unless there are special circumstances, securities held by an individual's spouse or relatives, including children, living in the home, who are beneficially owned by the individual;

13. The names, in alphabetical order, and addresses of each record stockholder of the corporation. Stockholder shall mean record owners or beneficial owners (as defined in (2)(F)12.B. above) of the stocks or certificates or other evidence of ownership in such organization, may become the owner or holder, directly or indirectly, of any such shares of stocks or certificates or other evidence of ownership. The applicant shall also include a percentage of the voting shares of stock owned by each record stockholder. If the applicant is publicly held and shares of stock are held in street name by a nominee, an agent or trust, the applicant shall render maximum assistance to the commission, upon its request, to determine the beneficial ownership of the shares of stock;

14. Each jurisdiction for which the corporation has met filing and disclosure requirements of state securities registration and filing laws, the Securities Act of 1933 or the Securities and Exchange Act of 1934. The applicant shall include the most recent registration statement and annual report filed with the Securities and Exchange Commission and each state in which the corporation has registered or filed the report.

A. If the applicant has not registered or filed any statements with the Commissioner of Securities of the Secretary of State of Missouri, the applicant must state the reason the filing has not been made, including specific reference to the exemption or exception upon which the applicant relies for not filing with the Commissioner of Securities of the

Secretary of State of Missouri; and

B. If the applicant has filed with the Commissioner of Securities of the Secretary of State of Missouri, copies of all filings beginning with the most recent, up to and including the first statement filed or for the past five (5) years, whichever is shorter, shall be included with the application;

15. The name and address of any previous owners (within five (5) years) of the applicant, together with the previous owner's FEIN and all applicable tax numbers; and

16. All documents concerning transfer of ownership (within five (5) years), a list of assets, the purchase price, the date of purchase and any agreements for the purchase of assets by and between the applicant and any previous owner or successor;

(G) If the applicant is an organization other than a corporation, the following information must be disclosed:

1. The applicant's full name including any trade names or fictitious names currently in use by the applicant in Missouri or any other jurisdiction;

2. The jurisdiction in which the applicant is organized;

3. Copies of any written agreement, constitution or other document creating or governing the applicant's organization, powers of organization;

4. The date the applicant commenced doing business in Missouri—

A. If the applicant is organized under laws other than Missouri law, a copy of the authorization of the state of Missouri to do business in Missouri; and

B. If no authorization to do business in Missouri has been obtained, the applicant must state the reason the authorization has not been obtained;

5. The applicant's federal and state tax returns for the past five (5) years;

6. The general nature of the applicant's business;

7. The names, in alphabetical order, and addresses of each partner, officer or other person having or sharing policy-making authority. As to each such person, the applicant must disclose the nature and extent of any ownership interest.

A. Ownership interest shall include any beneficial owner. Beneficial ownership includes, but is not limited to, record ownership and:

(I) Stock or other ownership in one (1) or more entities in a chain of parent and subsidiary or affiliated entities, any one (1) of which participates in the capital or profits of a licensee, regardless of the percentage of ownership involved; or

(II) Any interest which entitles a

person to benefits substantially equivalent to ownership by reason of any contract, understanding, relationship, agreement or other arrangement even though the person is not the record owner. Unless there are special circumstances, securities held by an individual's spouse or relatives, including children, living in the home, who are beneficially owned by the individual.

B. Any voting interest, whether absolute or contingent, and the terms upon which the interest may be voted;

8. The names, in alphabetical order, and addresses of any individual or other entity who holds a record or beneficial ownership. Beneficial ownership includes, but is not limited to, record ownership and: 1) Stock or other ownership in one (1) or more entities in a chain of parent and subsidiary or affiliated entities, any one (1) of which participates in the capital or profits of a licensee, regardless of the percentage of ownership involved; or 2) Any interest which entitles a person to benefits substantially equivalent to ownership by reason of any contract, understanding, relationship, agreement or other arrangement even though the person is not the record owner. Unless there are special circumstances, securities held by an individual's spouse or relatives, including children, living in the home, who are beneficially owned by the individual. The following information shall be given concerning each individual:

A. The nature of the ownership interest;

B. Whether the ownership interest carries a vote and the terms upon which the interest may be voted; and

C. The percentage of ownership;

(H) Whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity. If so, the applicant must disclose the identity of the controlling entity and a description of the nature and extent of the control. If the controlling entity is not an individual, the information required by this rule for the corporation, partnership or other organization controlling the applicant must be disclosed;

(I) Any agreements or understandings which the applicant or any individual or entity identified in this rule has entered into regarding operation of gambling games. If the agreement or understanding is written, a copy of the agreement must accompany the application. If the agreement or understanding is oral, the terms shall be reduced to writing and must accompany the application. Should the agreement or understanding be contingent in nature, the applicant shall disclose the nature of the contingency;



(J) Any agreements or understandings which the applicant has entered into for the payment of fees, rents, salaries or other compensation by the applicant or to the applicant. If the agreements or understandings are written, copies of the written documents must accompany the application. If the agreement or understanding is oral, the terms shall be reduced to writing and must accompany the application. Should the agreement or understanding be contingent in nature, the applicant shall disclose the nature of the contingency;

(K) Whether applicant or parent company, if applicant is a subsidiary, or any key person/key person business entity currently holds or has ever held a license or permit issued by a governmental authority to own or operate a gaming facility or conduct any aspect of gambling. If the applicant, parent company or key person/key person business entity has held or holds a license or permit, the following must be disclosed:

1. The identity of the license or permit holder;
2. The jurisdiction issuing the license or permit;
3. The nature of the license or permit; and
4. The dates of issuance and termination, if any;

(L) Whether any person currently serving, or any person who has within the past two (2) years served, as a member of the commission, an employee of the commission, a member of the general assembly, or as a Missouri elected official, or if any city or county in Missouri in which licensing of excursion gambling boats has been approved, has any ownership interest in applicant;

(M) The applicant must disclose names and titles of all public officials, or officers of any unit of government, and relatives of the public officials or officers who, directly or indirectly, own any financial interest in, have any beneficial interest in, or the creditors of, or hold any debt instrument issued by, or hold and have any interest in any contractual service relationship with applicant;

(N) The applicant must disclose all political contributions, loans, donations or other payments of one hundred dollars (\$100) or more, applicant has made directly or indirectly to any candidate or officeholder in Missouri, within five (5) years prior to application; and

(O) The applicant shall provide a detailed itemized summary of all income received and expenses incurred relating to the preparation of the application for a Class A or Class B license. The summary shall include the source of income and the amount paid, the

recipient and a brief description of goods or services purchased. The summary shall be updated by the applicant periodically throughout the application process.

(3) If the “applicant” as used in this rule shall include the controlling individual or entity, is directly or indirectly controlled by another individual or entity, the applicant must disclose with respect to applicant and all key persons—

(A) Whether the individual or entity has been charged, convicted, or both, or entered a plea of guilty or *nolo contendere*, or forfeited bail concerning any charge in any criminal proceeding, and whether or not a sentence was imposed. If any individual or entity has been so charged, convicted, or both, the applicant must disclose—

1. The date charged, convicted, or both, or entry of judgment;
2. Arresting agency and prosecuting agency;
3. The court;
4. The case number;
5. The offense of which charged or convicted;
6. If convicted, whether by plea or finding of a judge or jury; and
7. If convicted, the sentence imposed, if any;

(B) Whether any individual or entity has been a party in a civil proceeding in which s/he has been alleged to have engaged in any unfair or anti-competitive business practice, a securities violation or false or misleading advertising. If any individual or entity has been a party to the civil proceeding, the applicant must provide:

1. The date of commencement of the proceeding;
2. The court and location;
3. The circumstances;
4. The date of any resolution including settlements;
5. The terms of any settlement;
6. The result of any trial; and
7. The result of any appeal;

(C) Whether any individual or entity has ever applied for, withdrawn, had a gambling, or other business or professional license or permit revoked, suspended, restricted, denied or the renewal of the license denied, or has been a party in any proceeding to do so. If any applicant or entity has been involved in a proceeding, the applicant must disclose—

1. The licensing authority;
2. The date of commencement;
3. The circumstances;
4. The date of decision; and
5. The result;

(D) Whether any individual or entity has been accused in an administrative or judicial proceeding of the violation of a statute or rule relating to unfair labor practices, discrimination or gambling. If any individual or entity has been involved in any proceeding, the applicant must disclose—

1. The date of commencement;
2. The forum;
3. The circumstances;
4. The date of any decision; and
5. The result;

(E) Whether any individual or entity has commenced an administrative or judicial action against a government regulator of gambling. If so, the applicant must disclose—

1. The date of commencement;
2. The forum;
3. The circumstances;
4. The date of any decision; and
5. The result;

(F) Whether any individual or entity has been the subject of voluntary or involuntary bankruptcy proceeding or has ever been involved in any formal process to adjust, defer, suspend or otherwise work out payment of any debt. If so, the applicant must disclose—

1. The date of commencement;
2. The forum;
3. The case number;
4. The circumstances;
5. The date of decision; and
6. The result;

(G) Whether any individual or entity has failed to satisfy any judgment, decree or order of any administrative or judicial tribunal. If so, the applicant must disclose—

1. The date; and
2. The circumstances surrounding the failure;

(H) Whether any individual or entity has been delinquent in filing a tax report required or remitting a tax imposed by any government or has been served with a complaint or other notice regarding delinquency or a dispute over filings concerning any payment of tax to any government. If so, the applicant must disclose—

1. The taxing agency and location;
2. The amount and type of tax;
3. The date the filing or tax report was required;
4. The date the filing or remission was accomplished; and
5. The complete circumstances surrounding the delinquent filing or remission; and

(I) Whether any individual suffers from a current addiction to a controlled substance. If so, the applicant must disclose the circumstances.



(4) If the applicant is directly or indirectly controlled by another individual or entity, this must be disclosed. "Applicant" as used in this rule shall include the controlling individual or entity.

(5) If an individual, the applicant must disclose all businesses in which applicant, applicant's spouse or applicant's children have an equity interest.

(6) If the applicant is a corporation, partnership, other business entity or individual, the applicant must disclose all other corporations, partnerships or business entities in which it has an equity interest including state of incorporation or registration, if applicable. This information need not be provided by a corporation, partnership or business entity that has a pending registration statement filed with the Federal Securities and Exchange Commission.

(7) An applicant for a Class A or Class B license must disclose all financial interests that any officer, director or significant shareholder (defined as having an ownership interest in the applicant of five percent (5%) or more) has in any entity involved in gambling. The financial interests shall include all direct and indirect interests.

(8) The financial interests of each individual disclosed under this rule shall be set forth separately and shall include:

(A) The entity in which the financial interest exists;

(B) The nature of the financial interests;

(C) The amount of capital investment; and

(D) Actual returns for the past five (5) years.

(9) Applicants must disclose all improvements and equipment, including:

(A) A complete description of each gambling boat including:

1. The extent the boat recreates boats that are significant to Missouri's riverboat history and if it is a cruising or continuously docked boat;

2. The complete layout of the boat;

3. The gambling games for which the boat is designed;

4. The capacity of the boat;

5. The proposed location and configuration of gaming and non-gaming areas;

6. The proposed location and configuration of concessions including food and beverage service and Missouri theme gift shop;

7. The number and location of men's and women's restrooms;

8. A description of improvements and equipment for security purposes; and

9. A description of disabled persons' access; and

(B) A complete description of the docking area including: a description of improvements and proposed use—

1. An address of the facility, its size and geographical location, including reference to county and municipal boundaries;

2. A site map which reflects current and proposed highways and streets adjacent to the facility;

3. A description of parking, including all of the following information:

A. A detailed description of access to parking from surrounding streets and highways;

B. The number of parking spaces available;

C. A description of any parking other than public parking and its location;

D. A description of the road surface on the parking area;

E. The distance between the parking area(s) and the dock facility;

F. A road map of the area showing the relationship of parking to surrounding streets and highways. The requirements of this part may be included on the site map required by subparagraph (1)(B)1.B. of this rule; and

G. A description of security plans including attendants, lights, phones and emergency auto service;

4. A description of access of the facility to public transportation, specifics of the type of transportation and schedules, road maps of area indicating pickup and drop-off points. The requirements of this part may be included on the site map required in subparagraph (1)(B)1.B. of this rule;

5. A description of the overnight accommodations for the public including:

A. The number of hotel/motel rooms;

B. The number of campgrounds, if any; and

C. The distance from other population centers to the facility for all population centers from which the applicant expects to draw patrons;

6. A description of the public access to the community surrounding the proposed facility including air service, train service and highways; and

7. A schedule of excursions or, if appropriate, a schedule of continuously docked excursions.

(10) With regard to the development of its gambling facility, applicants must disclose—

(A) The total cost of construction of the facility or any modifications of an existing

facility, distinguishing between fixed costs and projections;

(B) Separate identification of the following costs, if applicable, distinguishing between fixed costs and projections:

1. Facility design;

2. Land acquisition;

3. Site preparation;

4. Improvements and equipment;

5. Interim financing;

6. Permanent financing; and

7. Organization, administrative, accounting and legal;

(C) Documentation of fixed costs;

(D) The schedule for construction, if any, of the facility or any modifications to an existing facility including estimated completion date—

1. Provide an estimated time schedule for construction, including how long after licensure will the proposed project be fully operational. Show the number of months after the license is granted that each of the following activities will commence and be completed:

A. Solicitation of bids;

B. Award of construction contract(s);

C. Construction commencement;

D. Completion of construction;

E. Occupancy of new facility or space;

F. Training of staff; and

G. Commission check and inspection of facility for public and gambling readiness;

2. With respect to the solicitation of bids, awarding of construction contracts, commencement of construction and completion of construction, provide an itemized timetable for the components of the construction program listed here:

A. Construction of dock facilities;

B. Land clearing;

C. Site preparation and grading;

D. Landscaping; and

E. Other (specify); and

3. The applicant's plans must meet the fire safety requirements of the state fire marshal. Applicants shall attach a letter from the state fire marshal stating tentative approval;

(E) Schematic drawings;

(F) Copies of any contracts with and performance bonds for each of the following:

1. Architect or other design professional;

2. Project engineer;

3. Construction engineer;

4. Contractors and subcontractors; and

5. The equipment procurement personnel; and

(G) Evidence of acquisition or lease of the site by applicant. If the site is not owned or currently leased by the applicant, the



applicant must disclose the plans for the acquisition or lease or other use of the site.

(11) If the “applicant” as used in this rule shall include the controlling individual or entity, is directly or indirectly controlled by another individual or entity, an applicant for a Class A or Class B license must disclose the following with regard to financial resources:

(A) Most recent audited financial statements prepared in accordance with generally accepted accounting principles; and

(B) Equity and debt sources of funds to develop and operate each riverboat gambling operation for which the license is requested:

1. For each source of equity contribution, the following information must be included:

- A. Identification of the source;
- B. The amount;
- C. The form;
- D. Method of payment;
- E. The nature and amount of present commitment; and
- F. Documentation;

2. For each source of debt contribution, the following information must be provided:

- A. Identification of the source;
- B. The amount;
- C. Terms of the debt;
- D. Collateral, if any;
- E. Identity of guarantors, if any;
- F. Nature and amount of commitments; and
- G. Documentation; and

3. If the applicant anticipates obtaining further equity or debt contributions, the applicant must disclose the plans for obtaining commitments;

(C) Identification and description of sources of additional funds, if needed, due to cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other cause; and

(D) An applicant for a Class A or Class B license must disclose the following with regard to bank accounts:

1. The name and address of all banking institutions or depositories holding funds of the applicant;

2. Corresponding account numbers for each account;

3. The name and address of the responsible bank officer; and

4. All authorized signatures for the deposit and withdrawal of funds.

(12) The applicant for a Class A or Class B license must disclose its financial projections for the developmental period and for the first two (2) years of the conducting of excursions,

including all related assumptions and anticipated impact of competition from other riverboats licensed in Missouri and other neighboring states.

(13) The applicant for a Class A or Class B license must disclose any lease with a home dock city or county.

(14) The applicant for a Class A or Class B license must disclose any resolution adopted by the city or county where operations will be located, supporting the docking and land-based economic development or impact plan of the applicant.

(15) An applicant for a Class A or Class B license must disclose with regard to governmental agencies—

(A) The street and highway improvements necessary to insure adequate access to applicant’s facility and the cost of improvements, status, likelihood of completion and estimated date;

(B) The sewer, water and other public utility improvements necessary to serve applicant’s facility and the cost of improvements, status, likelihood of completion and estimated date;

(C) If the applicant has obtained or must obtain any required governmental improvements for its development, ownership or operation by the applicant or any other entity, the following must be disclosed:

1. If the approvals have been obtained—

A. A description of the approval, unit of government, date and documentation;

B. Whether public hearings were held and if they were, the dates and locations of the hearings. If hearings were not held, the applicant must explain the reason; and

C. Whether the unit of government conditioned its approval and, if so, the conditions imposed, including documentation; and

2. As to any approvals from governmental units which remain to be obtained—

A. A description of the approval;

B. The governmental unit which must approve;

C. The status;

D. The likelihood of approval; and

E. The estimated date of approval;

(D) Whether an environmental assessment of the facility has been or will be prepared—

1. If so, the applicant must disclose its status and the governmental unit with jurisdiction; and

2. The applicant must provide a copy of any assessment to the commission;

(E) Whether an environmental impact statement is required for applicant’s facility—

1. If so, the applicant must disclose its status and the governmental unit with jurisdiction; and

2. The applicant must provide the commission with a copy of any statement; and

(F) Whether the applicant is in compliance with all statutes, charter provisions, ordinances and regulations pertaining to the development, ownership and operation of its facility. If the applicant is not in compliance, the following information must be disclosed:

1. The reasons why the applicant is not in compliance; and

2. The plans for compliance or exemption from any such requirements.

(16) An applicant for a Class A or Class B license must disclose each of the following for the development and ownership of the proposed facility:

(A) A description of the applicant’s management plan including:

1. A budget;
2. Identification of management personnel by function;
3. Job descriptions for each position;
4. Qualifications for each position; and
5. A copy of the organizational chart;

(B) Management personnel to the extent known, including the following information for each person:

1. Legal name, including any alias(es) or previous names;
2. Current residence and business addresses and telephone numbers;
3. Qualifications and experience in the following areas:

A. General business;

B. Real estate development;

C. Construction;

D. Marketing promotion and advertising;

E. Financing and accounting;

F. Gambling operations; and

G. Security; and

4. A description of the terms and conditions of employment, including a copy of any employment agreements;

(C) The following information, to the extent known, must be provided for each consultant or other contractor who has provided or will provide management related services to the applicant:

1. Full name including any alias(es) or previous names;

2. Current residence and business addresses and telephone numbers;

3. Nature of the services provided or to be provided;

4. Qualifications and experience of the consultant or contractor; and



5. Description of the terms and conditions of any agreement including a copy of the agreement;

(D) A description of the applicant’s security plan in compliance with 11 CSR 45-7.120, including:

1. Number and development/deployment of security personnel used by the applicant during the excursions, security staff levels and deployment at other times;

2. Specific security plans;

3. Specific plans to discover persons to be excluded;

4. Description of video-monitoring equipment and its use; and

5. Coordination of security with law enforcement agencies in the area;

(E) A description of the applicant’s marketing, promotion and advertising plans;

(F) A description of the applicant’s plans for concessions, including whether the licensee will operate concessions, and if not, who will;

(G) A description of training of the applicant’s personnel; and

(H) A description of plans for compliance with the following:

1. The laws pertaining to discrimination, equal employment and affirmative action;

2. Policies regarding recruitment, use and advancement of women and minorities;

3. Policies with respect to minority contracting;

4. A copy of Equal Opportunity Statement and Policy of the applicant dated and signed by the chief executive officer;

5. A copy of an Affirmative Action Policy Procedures dated and signed by the chief executive officer; and

6. Identification of the affirmative action officer including his/her name, title, address and telephone number.

(17) An applicant for a Class A or Class B license must disclose the impact of its gambling facility including:

(A) Economic impact—

1. The employment created and specifics as to the number of jobs, distinguishing between permanent and temporary, the type of work, compensation, employer and how created;

2. Purchase of goods and services and specifics as to the amounts and types of purchases, including use of Missouri goods and services;

3. Public and private investment; and

4. Tax revenues generated;

(B) Ecological impact;

(C) Impact on energy conservation and development of alternative energy sources; and

(D) Social impact.

(18) An applicant for a Class A or Class B license must disclose public support and opposition, whether by governmental officials or agencies, private individuals or groups and must supply documentation for the support or opposition.

(19) By applying for a license, an applicant agrees that if granted a license, s/he irrevocably consents and agrees—

(A) To the appointment of a supervisor by the commission to exercise any powers that the licensee would have in the conduct of his/her gaming enterprise in the event the commission suspends or revokes his/her license;

(B) To the appointment by the commission, or its designee, of his/her attorney-in-fact in the event of a commission Order of Supervision to exercise any authority of the licensee or any of its officers or employees including, but not limited to, the right of the attorney-in-fact to affix his/her signature to any document appropriate to the operation and management of the gaming enterprise; and

(C) That subsequent change in Missouri law or of the commission rules may diminish the value of his/her license to any extent possible.

(20) The applicant or licensee shall be responsible to keep the application current at all times. The applicant or licensee shall notify the commission in writing within ten (10) days of any changes to any response in the application and this responsibility shall continue throughout any period of licensure granted by the commission. All updates to applications must be submitted by exhibit so that each affected exhibit is resubmitted with the updated information and with the date of resubmission. If any application update is not made in this manner, the commission may deem the update not to be effective.

(21) The commission may require an affidavit, signed on behalf of the applicant or licensee, to be submitted as an addendum to the application, regarding matters related to the applicant or licensee or the proposed operation, including but not limited to, the involvement of any individual in the proposed or licensed riverboat gaming operations of the applicant or licensee.

AUTHORITY: sections 313.004, 313.805, and 313.807, 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 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 Oct. 29, 2001, effective May 30, 2002. Amended: Filed Dec. 3, 2007, effective May 30, 2008.

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000; and 313.807, RSMo 1991, amended 1993, 2000.*

11 CSR 45-4.040 City or County Input

PURPOSE: This rule establishes city or county input.

(1) Before the commission considers an application for a Class A or Class B license to operate in a given city or county, the city or county shall submit a plan outlining the following:

(A) Recommended number of licenses;

(B) Recommended applicants;

(C) Community economic development, impact and affirmative action plan;

(D) Proposed revenue sharing with other municipalities;

(E) Any other information the city or county deems necessary; and

(F) Any other information the commission may request.

(2) Upon receipt of the initial application seeking a Class A or Class B license or both licenses to operate in a given city or county, the commission will notify the home dock city or county and the applicant must file a copy of the application’s public information with that city or county.

(3) The home dock city or county must submit its plan in writing to the commission within thirty (30) days after the filing by the applicant.

(4) The commission may grant the city or county an opportunity at a commission meeting to orally present its plan.

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 Dec. 3, 2007, effective May 30, 2008.

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

11 CSR 45-4.050 Application Period and Fees for Class A License

PURPOSE: This rule establishes an application period and fees.

(1) All applications for a Class A license must be received within forty-five (45) days of the effective date of emergency rules and the publication of license application forms. No further Class A applications will be accepted for a period of one (1) month after the initial forty-five (45)-day filing period. All other applications may be filed at any time.

(2) The annual fee for a Class A license shall be twenty-five thousand dollars (\$25,000), or a greater amount as established by the commission.

(A) The one (1)-time application fee for a Class A license shall be the greater of—(a) fifty thousand dollars (\$50,000) or b) fifteen thousand dollars (\$15,000) per key person not licensed as a key person or under investigation for a license as a key person at the time of application. This fee must be supplemented with an additional fifteen thousand dollars (\$15,000) during any term of licensure upon the designation of each new key person not licensed as a key person or under investigation for a license as a key person at the time of designation. At the commission's discretion, the applicant or licensee shall be assessed additional fees to cover the cost of investigation.

(B) If an applicant is denied a license, the applicant shall be entitled to a refund of the difference between the application fee and the actual cost of investigation of the license application.

(3) The annual fee for a Class A license is due upon issuance of the initial license and thereafter is due upon the application for renewal of the license or, in years in which the license cannot expire, on the anniversary of the initial license date. This fee is nonrefundable and is due regardless of whether the renewal applicant obtains a renewed license.

(4) The issued Class A license is not transferable.

AUTHORITY: sections 313.004 and 313.812, RSMo 1994.* *Emergency rule filed Sept. 1,*

1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Dec. 7, 1995, effective June 30, 1996. Amended: Filed Aug. 30, 1996, effective April 30, 1997. Amended: Filed May 13, 1998, effective Oct. 30, 1998.

*Original authority: 313.004, RSMo 1993, amended 1994 and 313.812, RSMo 1991, amended 1993, 1994.

11 CSR 45-4.055 Application Period and Fees for Class A and Class B Licenses

PURPOSE: This rule establishes an application period and fees.

(1) The one (1)-time nonrefundable application fee for a Class A license shall be the greater of a) fifty thousand dollars (\$50,000) or b) fifteen thousand dollars (\$15,000) per key person/key person business entity not licensed as a key person/key person business entity or under investigation for a license as a key person/key person business entity at the time of application, or a greater amount as determined by the commission. The applicant or licensee shall be assessed fees, if any, to cover the additional costs of the investigation.

(2) The one (1)-time nonrefundable application fee for a Class B license shall be fifty thousand dollars (\$50,000), except that any applicant for a Class A license shall be entitled to one (1) Class B license with no additional fees other than fees required to cover any additional costs of the investigation, if the Class B application is submitted simultaneously with the Class A application. The applicant or licensee shall be assessed fees, if any, to cover the additional costs of the investigation.

(3) For any Class A or Class B applicant that has not been selected for priority investigation or had other affirmative action taken on their application within one (1) year, the application shall lapse and consideration for either a Class A or Class B license in the future shall require submittal of a new application and fee.

(4) The annual fee for a Class A license and a Class B license shall be twenty-five thousand dollars (\$25,000) each, except each Class A licensee shall be entitled to one (1) Class B license at no additional fee, and is due upon issuance of the initial license and thereafter is due upon the application for renewal of the license. When licenses are

renewed for multiple years, fees for all licensed years shall be paid with the application. The Class A and all Class B licenses owned by the same Class A license shall renew all licenses within the same month, after the second year. The commission may adjust renewal dates of the Class A and Class B licenses so as not to consume commission resources in any particular month. Any such adjustments shall result in a pro rata adjustment of fees. This fee is nonrefundable and is due regardless of whether the renewal applicant obtains a renewed license. The applicant or licensee shall be assessed fees, if any, to cover the additional costs of the investigation.

(5) Any holder of a Class A license, at the time these rules become effective, shall without further investigation or fees be granted a Class A and Class B license consistent with these rules. The renewal dates for Class A and Class B licenses issued under this rule shall remain the original anniversary dates as existed prior to the adoption of this rule.

(6) A Class A license is not transferable except by change of control as provided in Chapter 11 CSR 45-10.

(7) A Class B license is transferable to a Class A licensee with prior approval of the commission as provided in Chapter 11 CSR 45-10.

AUTHORITY: sections 313.004 and 313.812, RSMo 2000.* *This rule originally filed as 11 CSR 45-4.050, renumbered as 11 CSR 45-4.055, effective May 30, 2008. Original rule filed Dec. 3, 2007, effective May 30, 2008.*

*Original authority: 313.004, RSMo 1993, amended 1994 and 313.812, RSMo 1991, amended 1993, 1994, 2000.

11 CSR 45-4.060 Priority of Applications

PURPOSE: This rule will establish process for prioritizing applications.

(1) The commission shall prioritize the order in which applications are investigated and evaluated by the commission. Factors to be considered in setting the priority shall include the following:

(A) The support or opposition of the governing body of the home dock city or county;

(B) The availability and suitability of a docking site;

(C) The financial resources of the applicant, including the criteria identified in 11 CSR 45-4.080(2)(E);

(D) The applicant's experience in managing a licensed gaming operation;



(E) The applicant's history of regulatory compliance in Missouri and/or other jurisdictions;

(F) The economic impact to the state;

(G) The economic impact on the home dock city or county and the surrounding region, including competing excursion gambling boats, local businesses, and local governments;

(H) The quality and scope of the proposed development;

(I) The status of governmental actions required for the facility as identified in 11 CSR 45-4.080(2)(F); and

(J) Other factors as the commission deems appropriate.

AUTHORITY: sections 313.004 and 313.800-313.850, RSMo 2000 and Supp. 2001.* 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 July 24, 2002, effective March 30, 2003.

*Original authority: 313.004, RSMo 1993, amended 1994 and 313.800-313.850, RSMo (see Revised Statutes of Missouri, 2000 and Supp. 2001).

11 CSR 45-4.070 Competitiveness Standards

PURPOSE: This rule establishes competitiveness standards.

(1) The commission will determine the number, location, and type of excursion gambling boat allowed each Class A licensee. The determination shall be based on the best interest of the state of Missouri.

AUTHORITY: sections 313.004 and 313.800-313.850, RSMo 2000 and Supp. 2007.* Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Dec. 3, 2007, effective May 30, 2008.

*Original authority: 313.004, RSMo 1993, amended 1994 and 313.800-313.850, RSMo (see Revised Statutes of Missouri, 2000 and Supp. 2007).

11 CSR 45-4.080 License Criteria

PURPOSE: This rule will establish license criteria.

(1) The commission may issue a Class A or Class B license or both if it determines on the basis of all the facts before it that the applicant meets the criteria contained in Chapter 313, RSMo.

(2) In making the required determinations, the commission may consider the following factors and indices, among others:

(A) The integrity of the applicant and any personnel employed to have duties and responsibilities for the operation of gaming. This determination shall include consideration of—

1. Any criminal record including any federal, state, county, city violations to include ordinance violation(s) of any individual;

2. The involvement in litigation over business practices by the applicant or any individuals or entities employed by the applicant;

3. The involvement in proceedings in which unfair labor practices, discrimination or regulation of gambling was an issue; and

4. Failure to satisfy any judgments, orders or decrees of any court;

(B) The types and variety of games which the applicant may offer;

(C) The quality of the physical facility together with improvements and equipment;

(D) The imminence of completion of the facility or any of its improvements;

(E) Financial ability to develop and operate a facility successfully, including:

1. Ownership and control structure;

2. Amounts and reliability of development costs;

3. Certainty of site acquisition or lease;

4. Current financial conditions;

5. Sources of equity and debt funds, amounts, terms and conditions and certainty of commitment;

6. Provisions for cost overruns, nonreceipt of expected equity or debt funds, failure to achieve projected revenues or other financial adversity; and

7. Feasibility of financial plan;

(F) The status of governmental actions required by the applicant's facility including:

1. Necessary road improvements;

2. Necessary public utility improvements;

3. Required governmental approvals for development, ownership and operation; and

4. Acceptance of any required environmental assessment and preparation of any required environmental impact statement;

(G) Management ability of the applicant including:

1. Qualifications of managers, consultants and other contractors to develop and

own a gaming facility and the likelihood of projected operation;

2. Security plan;

3. Plans for marketing, promotion and advertising;

4. Concession plan;

5. Plan for training personnel; and

6. Equal employment and affirmative action plan;

(H) Compliance with applicable statutes, rules, charters and ordinances;

(I) The impact of the facility including:

1. The economic impact—

A. The employment created;

B. The purchases of goods and services, including Missouri goods and services;

C. Public and private investment; and

D. Taxes generated;

2. Ecological impact;

3. Social impact; and

4. Cost of public improvements;

(J) The extent of any public support or opposition;

(K) The plan adopted by the home dock city or county; and

(L) Effects on competition, including:

1. Number, nature and relative location of other Class A licensees; and

2. Number, nature and relative location of gaming facilities in other states.

(3) The commission may also consider any other information which the applicant discloses and which is relevant or helpful to a proper determination by commission and any information disclosed during the background investigation.

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 May 13, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 3, 2007, effective May 30, 2008.

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

11 CSR 45-4.085 Expiration of Temporary License

PURPOSE: This rule establishes a time frame for the automatic expiration of temporary licenses.

(1) All temporary licenses shall expire sixty (60) days from the date the completed background investigation is received by the commission, unless extended by the executive



director for up to an additional sixty (60) days, any extension beyond that would require the approval of the chairman.

AUTHORITY: section 313.807, RSMo 2000. Original rule filed Dec. 3, 2007, effective May 30, 2008.*

**Original authority: 313.807, RSMo 1991, amended 1993, 2000.*

11 CSR 45-4.190 License Renewal

PURPOSE: This rule establishes license renewal procedures.

(1) At least ninety (90) days before the first anniversary of its license, second anniversary of its license, and every two (2) years thereafter, each Class A and Class B licensee shall file for license renewal on forms provided by the commission.

(2) Each sixth year from the original license a comprehensive investigation for the period since the last comprehensive investigation shall be conducted on the Class A, Class B, supplier and key licensees in the same manner as the initial investigation. The licensee shall be assessed fees, if any, to cover the additional costs of the investigation.

AUTHORITY: sections 313.004 and 313.800–313.850, RSMo 2000 and Supp. 2007. 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 June 25, 1996, effective July 5, 1996, expired Dec. 31, 1996. Amended: 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. Amended: Filed Dec. 3, 2007, effective May 30, 2008.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.800–313.850, RSMo (see Revised Statutes of Missouri, 2000 and Supp. 2007).*

11 CSR 45-4.200 Supplier's License

PURPOSE: This rule establishes supplier's license.

(1) A supplier's license is required of persons who or entities which manufacture, sell or lease gaming equipment, gaming supplies, or both; or provide gaming equipment maintenance or repair; or provide testing services

on gaming related equipment, components, peripherals, systems, or provide services on the gaming floor that relate to gaming equipment of a Class A or Class B licensee, or other items as directed by the commission, unless exempted by the executive director. Additionally the executive director may waive or modify licensing fees and requirements. Such waiver, modification or exemption shall not be applicable for testing laboratories.

(2) An application for a supplier's license shall be made on a form obtained from the commission. Each supplier license applicant must submit the Supplier's License Application Form for itself, a key person/key person business entity and Level I application for each individual key person associated with the application and a Supplier's License Application Form for each business entity key person associated with the applicant. The applicant must also submit Personal Disclosure Form II for any other person or entity (other than occupational licensees) associated with the applicant in any way, who is required by the commission or the director to execute such forms, which forms shall become part of the supplier application along with the key person/key person business entity forms. A copy of all necessary forms is available for public inspection at the offices of the commission and online at the commission's web site.

(3) Applications shall include:

(A) The name, address and telephone number of the applicant;

(B) Federal Employer Identification Number or Social Security Number;

(C) The name, position, address, telephone number and authorized signature of the chief administrative officer;

(D) Name, position, address, telephone number and authorized signature of the registered agent, legal service representative and accounting, banking and financial service representative;

(E) A key person/key person business entity and Level I application for each key person;

(F) A complete description of applicant's business and products, including forms to be used by applicant in Missouri for lease, purchase or service;

(G) Any agreements or understanding which the applicant has entered into for the payment of fees, rents, salaries or other compensation by the applicant or to the applicant. If the agreements or understandings are written, copies of the written documents must accompany the application. If the agreement

or understanding is oral, the terms shall be reduced to writing and must accompany the application. Should the agreement or understanding be contingent in nature, the applicant shall disclose the nature of the contingency;

(H) The applicant's full name and the type of organizational structure under which the organization operates, including the identity of any key persons;

(I) If the applicant is an individual, the license application must disclose—

1. The applicant's legal name;

2. Whether the applicant is a United States citizen;

3. Any alias(es) or business name(s) which have ever been or are being used by the applicant; and

4. Copies of the state and federal tax returns for the past five (5) years;

(J) If the applicant is a corporation, the application must disclose—

1. The applicant's full corporate name and any trade names or fictitious names used by the applicant in this or any other jurisdiction;

2. The jurisdiction and date of incorporation;

3. The date the applicant commenced doing business in Missouri, if any, and if the applicant is incorporated in any jurisdiction other than Missouri, a copy of the applicant's certificate or authority to do business in Missouri;

4. Copies of each of the following:

A. Articles of Incorporation;

B. Bylaws;

C. Federal corporate tax returns for the past five (5) years; and

D. State corporate tax returns for the past five (5) years;

5. Whether the applicant is publicly held as defined by the rules of the Securities and Exchange Commission;

6. All the classes of stock authorized by the Articles of Incorporation. As to each class, the applicant shall disclose—

A. The number of shares authorized;

B. The number of shares issued;

C. The number of shares outstanding;

D. The par value of each share;

E. The issue price of each share;

F. The current market price of each share;

G. The number of shareholders currently listed on the corporate books; and

H. The terms, rights, privileges and other information each class of stock possesses;

7. If the applicant has any other obligations or securities, authorized or outstanding, which bear voting rights, either absolutely or



upon any contingency, together with the nature of the obligations. In addition, the following shall be disclosed for each obligation:

- A. The face or par value;
- B. The number of units authorized;
- C. The number of units outstanding;

and

D. Any conditions upon which the units may be voted;

8. The names and addresses of the directors. As to each director, the following information shall be included: the number of shares held of record as of the application date—

A. If the officer owns no shares, the application shall so state; and

B. Ownership of shares shall include beneficial owner(s). Beneficial ownership includes, but is not limited to, record ownership and: 1) Stock or other ownership in one (1) or more entities in a chain of parent and subsidiary or affiliated entities, any one (1) of which participates in the capital or profits of a licensee, regardless of the percentage of ownership involved; or 2) Any interest which entitles a person to benefits substantially equivalent to ownership by reason of any contract, understanding, relationship, agreement or other arrangement even though the person is not the record owner. Unless there are special circumstances, securities held by an individual's spouse or relatives, including children, living in the home, who are beneficially owned by the individual;

9. The names and addresses of the officers of the applicant. As to each officer, the following information shall be included: the number of shares held on record as of the application date.

A. If the officer owns no shares, the application shall so state; and

B. Ownership of shares shall include beneficial owners. Beneficial ownership includes, but is not limited to, record ownership and: 1) Stock or other ownership in one (1) or more entities in a chain of parent and subsidiary or affiliated entities, any one (1) of which participates in the capital or profits of a licensee, regardless of the percentage of ownership involved; or 2) Any interest which entitles a person to benefits substantially equivalent to ownership by reason of any contract, understanding, relationship, agreement or other arrangement even though the person is not the record owner. Unless there are special circumstances, securities held by an individual's spouse or relatives, including children, living in the home, who are beneficially owned by the individual;

10. The names, in alphabetical order, and addresses of each record stockholder of the corporation. Stockholder shall mean

record owners as defined in (3)(J)9.B. above. The applicant shall also include a percentage of the voting shares of stock owned by each record stockholder;

11. Each jurisdiction, including the United States, for which the corporation has met filing and disclosure requirements of state securities registration and filing laws, the Securities Act of 1933 or the Securities and Exchange Act of 1934. The applicant shall include the most recent registration statement and annual report filed with the Securities and Exchange Commission and each state in which the corporation has registered or filed the report. If the applicant has not registered or filed any statements with the Commissioner of Securities of the Secretary of State of Missouri, the applicant must state the reason the filing has not been made, including specific reference to the exemption or exception upon which the applicant relies for not filing with the Commissioner of Securities of the Secretary of State of Missouri; and

(K) If the applicant is an organization other than a corporation, the following information must be disclosed:

1. The applicant's full name including any trade names or fictitious names currently in use by the applicant in Missouri or any other jurisdiction;

2. The jurisdiction in which the applicant is organized;

3. Copies of any written agreement, constitution or other document creating or governing the applicant's organization or powers of organization;

4. The date the applicant commenced doing business in Missouri.

A. If the applicant is organized under laws other than Missouri laws, a copy of the authorization of Missouri to do business in Missouri;

B. If no authorization to do business in Missouri has been obtained, the applicant must state the reason the authorization has not been obtained;

5. The applicant's federal and state tax returns for the past five (5) years;

6. The general nature of the applicant's business;

7. The names and addresses of each partner, officer or other person having or sharing policy-making authority who is a key person. As to each such person, the applicant must disclose—the nature and extent of any ownership interest—

A. Ownership interest shall include any beneficial owner. Beneficial ownership includes, but is not limited to, record ownership and: 1) Stock or other ownership in one (1) or more entities in a chain of parent and

subsidiary or affiliated entities, any one (1) of which participates in the capital or profits of a licensee, regardless of the percentage of ownership involved; or 2) Any interest which entitles a person to benefits substantially equivalent to ownership by reason of any contract, understanding, relationship, agreement or other arrangement even though the person is not the record owner. Unless there are special circumstances, securities held by an individual's spouse or relatives, including children, living in the home, who are beneficially owned by the individual; and

B. Any voting interest, whether absolute or contingent, and the terms upon which the interest may be voted; and

8. The names, in alphabetical order, and addresses of any individual or other entity who holds a record or beneficial ownership in the application. Beneficial ownership includes, but is not limited to, record ownership and: 1) Stock or other ownership in one (1) or more entities in a chain of parent and subsidiary or affiliated entities, any one (1) of which participates in the capital or profits of a licensee, regardless of the percentage of ownership involved; or 2) Any interest which entitles a person to benefits substantially equivalent to ownership by reason of any contract, understanding, relationship, agreement or other arrangement even though the person is not the record owner. Unless there are special circumstances, securities held by an individual's spouse or relatives, including children, living in the home, who are beneficially owned by the individual. The following information shall be given concerning each individual:

A. The nature of the ownership interest;

B. Whether the ownership interest carries a vote and the terms upon which the interest may be voted; and

C. The percentage of ownership;

(L) Whether the applicant is directly or indirectly controlled to any extent or in any manner by another individual or entity. If so, the applicant must disclose the identity of the controlling entity and a description of the nature and extent of the control. If the controlling entity is not an individual, the information required by this rule for the corporation or partnership or other organization controlling the applicant must be disclosed;

(M) Whether applicant or any key person/key person business entity currently holds, has ever held or applied for, a license or permit issued by a governmental authority to own or supply gaming equipment or operate a gaming facility or conduct any aspect of gambling. If the applicant has held or holds a



license or permit, the applicant must disclose—

1. The identity of the license or permit holder;
2. The jurisdiction issuing the license or permit;
3. The nature of the license or permit; and
4. The dates of issuance and termination, if any;

(N) Whether any person currently serving, or any person who within the past two (2) years has served, as a member of the commission, an employee of the commission, a member of the general assembly, or as an elected official of the state, or if any city or county in the state in which licensing or excursion gambling boats have been approved, has any ownership interest in the applicant;

(O) The applicant must disclose names and titles of all public officials, or officers of any unit of government, and relatives of the public officials or officers who, directly or indirectly, own any financial interest in, have any beneficial interest in, or are the creditors of, or hold any debt instrument issued by, or hold or have any interest in any contractual or service relationship with applicant; and

(P) The applicant must disclose all political contributions, loans, donations or other payments of one hundred dollars (\$100) or more, that the applicant has made directly or indirectly to any candidate or office holder, within five (5) years prior to application.

(4) The applicant must disclose with respect to the applicant and all key persons/key person business entities—

(A) Complete information about whether the individual or entity has been or currently is a party to a lawsuit, including, but not limited to:

1. Bankruptcies, whether voluntary or involuntary or any other proceeding or formal process to adjust, deter, suspend or otherwise work out payment of any debt;

2. Criminal proceedings;

3. Any other civil proceeding, including disputes over filings concerning the payment of any required tax;

4. Any administrative proceeding where an individual or entity has had a supplier, gambling or other business or professional license or permit revoked, suspended, restricted, denied or the renewal of that license denied or has been a party in any proceeding to do so. If any applicant or entity has been involved in a proceeding, the applicant must disclose—

A. The licensing authority and location;

B. The date of commencement;

C. The circumstances;

D. The date of decision; and

E. The result;

5. Any administrative or judicial proceeding of the violation of a statute or rule relating to unfair labor practices, discrimination or gambling. If any individual or entity has been involved in any proceeding, the applicant must disclose—

A. The date of commencement;

B. The forum;

C. The circumstances;

D. The date of any decision; and

E. The result;

6. Any action against a government regulator of gambling. If so, the applicant must disclose—

A. The date of commencement;

B. The forum;

C. The circumstances;

D. The date of any decision; and

E. The result;

7. Whether any individual or entity has failed to satisfy any judgment, decree or order of any administrative or judicial tribunal. If so, the applicant must disclose—

A. The date and location;

B. The circumstances surrounding the failure;

C. Whether any individual suffers from a current addiction to a controlled substance;

D. If so, the applicant must disclose the circumstances; and

E. All financial interests in the following categories:

(I) If an individual, the applicant must disclose all businesses in which applicant, applicant's spouse or applicant's children have an equity interest;

(II) If applicant is a corporation, partnership or other business entity, the applicant must disclose all other corporations, partnerships or business entities in which it has an equity interest including state of incorporation or registration, if applicable. This information need not be provided by a corporation, partnership or business entity that has a pending registration statement filed with the Federal Securities and Exchange Commission;

(III) An application for a supplier license must disclose all financial interest that any officer, director or shareholder has in any entity involved in gambling. The financial interest shall include all direct and indirect interests;

(IV) The financial interests of each individual disclosed under this rule shall be set forth separately and shall include:

(a) The entity in which the financial interest exists;

(b) The nature of the financial interests;

(c) The amount of capital investment;

(d) The expected return for the current fiscal year; and

(e) Actual returns for the past five (5) years; and

(V) The applicant or licensee shall be responsible to keep its application current at all times. The applicant or licensee shall notify the commission in writing within ten (10) days of any changes to any response in the application. All updates to applications must be submitted by exhibit so that each affected exhibit is resubmitted with the updated information and with the date of resubmission. If any application update is not made in this manner, the commission may deem the update not to be effective.

(5) The commission may require an affidavit, signed on behalf of the applicant or licensee, to be submitted as an addendum to the application, regarding matters related to the applicant or licensee or the proposed supplier business, including but not limited to, the involvement of any individual in the proposed or licensed supplier business of the applicant or licensee.

AUTHORITY: sections 313.004 and 313.805, RSMo 2000 and section 313.810, RSMo Supp. 2007. 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 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 Oct. 29, 2001, effective May 30, 2002. Amended: Filed Dec. 3, 2007, effective May 30, 2008.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.805, RSMo 1991, amended 1993, 1994, 2000; and 313.810, RSMo 1991, amended 1993, 2003.*

11 CSR 45-4.205 Affiliate Supplier's License

PURPOSE: This rule establishes an affiliate supplier's license, which may be issued to affiliates of riverboat licensees.



(1) An affiliate supplier's license is required of any person who is an affiliate of a Class A or Class B licensee or a key person/key person business entity of a Class A licensee and sells or leases gambling equipment, gambling supplies or both to its Class B licensee affiliate. For purposes of 11 CSR 45-4.205, an "affiliate" of, or a person "affiliated" with, a specific person is a person that directly or indirectly, through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified. The term "control" (including the terms "controlling," "controlled by" and "under common control with") means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

(2) Applications for an affiliate supplier's license shall be made on a form obtained from the commission. Copies of all necessary forms are available for public inspection at the offices of the commission.

(3) Applications shall include the information set forth in 11 CSR 45-4.200(3) and the application shall be subject to 11 CSR 45-4.200(4)(A)7.E.(V) and (5).

(4) The commission may issue an affiliate supplier's license if it determines on the basis of all the facts before it that the applicant meets the criteria contained in Chapter 313, RSMo. In making the required determinations, the commission may consider the factors and indices set forth in 11 CSR 45-4.230(2), among others.

(5) The one (1)-time nonrefundable application fee for an affiliate supplier's license shall be ten thousand dollars (\$10,000), or a greater amount as determined by the commission. The applicant or licensee shall be assessed fees, if any, to cover the additional costs of the investigation. Additionally, the executive director may waive or modify licensing fees.

(6) The key person/key person business entity employed by affiliate suppliers will be required to be licensed by the Missouri Gaming Commission. The affiliate supplier key person/key person business entity application shall require a one (1)-time nonrefundable fee of one thousand dollars (\$1,000) plus the annual licensing fee of one hundred dollars (\$100). The applicant or licensee shall be assessed fees, if any, to cover the additional costs of the investigation. The licensing and renewal fees for Level I

and Level II occupational licenses shall be the same as set forth for Class A and Class B occupational licensees.

(7) The annual fee for an affiliate supplier's license shall be five thousand dollars (\$5,000), or a greater amount as determined by the commission. The annual fee for an affiliate supplier's license is due upon issuance of the initial license and thereafter is due upon application for renewal of the license. This fee is nonrefundable and is due regardless whether the renewal applicant obtains a renewed license.

(8) At least ninety (90) days before license expiration, each affiliate supplier licensee shall register on forms provided by the commission for renewal of its license.

(9) The holder of an affiliate supplier's license shall be subject to all the regulations applicable to the holder of a supplier's license; provided, however, notwithstanding any other regulation to the contrary, the holder of an affiliate supplier's license may only purchase or lease gambling equipment or gambling supplies from the holder of a supplier's license or temporary supplier's license or from its affiliate Class A or Class B licensee and may only sell or lease gambling equipment or gambling supplies to the holder of a supplier's license or temporary supplier's license or to its affiliate Class B licensee. Notwithstanding any other regulation to the contrary, no holder of an affiliate supplier's license may directly or indirectly sell or lease gambling equipment or gambling supplies to any Class A or Class B licensee that is not an affiliate of the holder of the affiliate supplier's license.

AUTHORITY: sections 313.004, 313.805, 313.807, and 313.812, RSMo 2000 and section 313.800, RSMo Supp. 2007. Original rule filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Oct. 29, 2001, effective May 30, 2002. Amended: Filed Dec. 3, 2007, effective May 30, 2008.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.800, RSMo 1991, amended 1993, 1994, 2005; 313.805, RSMo 1991, amended 1993, 1994, 2000; 313.807, RSMo 1991, amended 1993, 2000; and 313.812, RSMo 1991, amended 1993, 1994, 2000.*

11 CSR 45-4.210 Temporary Supplier's License

PURPOSE: This rule establishes procedures whereby the commission may issue temporary supplier's licenses.

(1) The commission, in its sole discretion, may issue a temporary supplier's license to any applicant for a supplier's license other than one which provides testing services for gaming related equipment, components, peripherals, systems, or other items directed by the commission, who has fulfilled the following criteria:

(A) The applicant has completed an application for a supplier's license to the satisfaction of the commission; and

(B) Has paid the application fee; and

(C) All persons required to submit fingerprints to the commission have submitted fingerprints on forms provided by the commission; and

(D) The application does not reveal any information that would result in an automatic denial pursuant to Chapter 313, RSMo or 11 CSR 45-1, et seq., as amended from time-to-time; and

(E) A criminal history check completed by a commission agent does not reveal that the applicant has been convicted of a felony under Missouri law, the laws of any other state, or the laws of the United States; and

(F) The applicant shows good cause for granting the temporary license.

(2) A temporary license holder remains an applicant for a supplier's license and is subject to all limitations and restrictions relating to applicants and licensees under sections 313.800 to 313.850, RSMo, and 11 CSR 45-1 et seq., as amended from time-to-time, except that the applicant is accorded the privileges that are granted to the temporary licensee pursuant to the provisions of this rule.

(3) A temporary license issued under the provisions of this rule shall not be transferred. If an applicant fails to begin providing goods or services to a Class A or Class B licensee within ninety (90) days of issuance of the temporary license, the applicant shall advise the commission immediately and the commission may, in its discretion, revoke the temporary license.

(4) A temporary license is issued in the sole discretion of the commission. The commission may refuse to issue a temporary supplier's license, or revoke a temporary supplier's license for any of the following reasons:

(A) The applicant or temporary licensee is the subject of a criminal or regulatory investigation in any jurisdiction; or

(B) The applicant or temporary licensee has had its license revoked or been disciplined in another jurisdiction;



(C) The applicant or temporary licensee fails to pay applicable taxes;

(D) The applicant or temporary licensee violates a provision of sections 313.800 to 313.850, RSMo or violates a rule of the commission;

(E) There is evidence that could lead to the applicant or temporary licensee being found unsuitable to hold a license.

(5) The following procedure may be used to revoke a temporary license issued under the provisions of this rule:

(A) The executive director may, upon written notice to the temporary licensee, revoke a temporary supplier's license if the executive director determines that the background investigation reveals information that would lead the commission staff to recommend that the applicant be found not suitable for licensure. The executive director shall also notify all Class A licensees of the revocation of the applicant's temporary supplier's license;

(B) If an applicant's temporary supplier's license is revoked, the applicant shall not be permitted to provide any riverboat licensee with gaming equipment or supplies; and

(C) If an applicant's temporary supplier's license is revoked by the executive director, the executive director shall immediately forward the application to the commission for action.

(6) The holder of a temporary supplier's license shall file an annual renewal application pursuant to 11 CSR 45-4.250 and the annual fee as provided for in 11 CSR 45-4.240. The applicant shall be responsible for a prorated annual fee as set forth in 11 CSR 45-4.240(2)(B) upon issuance of a supplier's license, notwithstanding the payment of the annual fee at the time the temporary supplier's license is issued.

(7) A temporary supplier's license entitles the holder to sell or lease gambling equipment, gambling supplies, or both, to any Class A licensee, subject to the conditions and restrictions imposed by this rule.

(8) If the holder of a temporary supplier's license is issued a supplier's license under 11 CSR 45-4.230, such supplier's license shall supersede the existing temporary supplier's license, and the temporary supplier's license shall be null and void upon issuance of the supplier's license; provided that the fee due for the temporary supplier's license shall not be refunded in whole or in part and the fee for the supplier's license shall be paid as set forth in 11 CSR 45-4.240(2)(B).

(9) Gaming laboratories that test and certify gaming equipment shall not be issued temporary licenses.

AUTHORITY: sections 313.004 and 313.800–313.850, RSMo 2000 and Supp. 2007. Original rule filed March 18, 1996, effective Sept. 30, 1996. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 3, 2007, effective May 30, 2008.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.800–313.850, RSMo (see Revised Statutes of Missouri, 2000 and Supp. 2007).*

11 CSR 45-4.230 Supplier's License Criteria

PURPOSE: This rule establishes criteria for a supplier's license.

(1) The commission may issue a supplier's license if it determines on the basis of all the facts before it that the applicant meets the criteria contained in Chapter 313, RSMo.

(2) In making the required determinations, the commission may consider the following factors and indices, among others:

(A) The integrity of the applicant and any personnel to have duties or responsibilities for the applicant. This determination shall include consideration of:

1. Any criminal record including any federal, state, county, city violations to include ordinance violation(s) of any individual;

2. The involvement in litigation over business practices by the applicant or any individuals or entities affiliated with the applicant;

3. The involvement in proceedings in which unfair labor practices, discrimination or regulation of gambling was an issue; and

4. Failure to satisfy any judgments, orders or decrees of any court;

(B) The types and variety of gaming equipment or supplies which the applicant may offer;

(C) The quality, availability, practicality or legality of the gaming equipment or supplies to be offered;

(D) Financial ability to operate its business successfully, including:

1. Ownership and control structure;

2. Current financial conditions;

3. Sources of equity and debt funds, amounts, terms and conditions, and certainty of commitment;

4. Provisions for cost overruns, nonreceipt of expected equity or debt funds, failure

to achieve projected revenues or other financial adversity; and

5. Feasibility of financial plan;

(E) The status of governmental actions required by the applicant's gaming equipment or supplies to be offered, including required governmental approvals for development, ownership and operation;

(F) Management ability of the applicant including:

1. Qualifications of managers, consultants and other contractors to operate a supplier company;

2. Plans for marketing, promotion and advertising;

3. Plan for training personnel; and

4. Equal employment and affirmative action plan;

(G) Compliance with applicable statutes, rules, charters and ordinances;

(H) The impact of the business proposed to be conducted in Missouri including:

1. The economic impact;

A. The employment created;

B. The purchases of goods and services, including Missouri goods and services;

C. Public and private investment;

D. Taxes generated; and

2. Social impact;

(I) The extent of any public support or opposition;

(J) Effects on competition, including the number, nature and products offered of other supplier licensees or applicants;

(K) The failure to disclose information called for in the application process or the false statement of information called for in the application process; and

(L) Any just cause.

(3) Any supplier licensee shall maintain a log of all written, electronic, or otherwise documented complaints received relating to gaming products and services provided and shall provide the log and supporting documentation to the commission upon request. The log shall be provided to the commission with the renewal application. The complaint log and supporting documentation shall be a closed record pursuant to section 313.847, RSMo unless otherwise determined by the commission.

(4) An independent testing laboratory applying for a supplier license is subject to compliance with all other requirements of this rule in addition to the following criteria:

(A) The independent testing laboratory (hereinafter referred to as "test laboratory") shall test, evaluate, conduct math analyses, verify, certify, and/or render opinions as directed by the commission on—



1. Table games, including electronic and dealer assisted electronic table games;
2. Electronic gaming devices and pay-glass;
3. Random number generators;
4. Progressive gaming devices and controllers;
5. Wide area progressive systems and associated equipment;
6. Online monitoring and control systems;
7. Ticket validation systems;
8. Wireless devices and systems;
9. Cashless, promotional, and bonusing systems;
10. Kiosks;
11. All gaming related peripherals, software, and systems;
12. Electronic bingo devices, software, and systems;
13. Shuffling devices; and
14. Other gaming devices and associated equipment (hereinafter referred to as "gaming equipment") for compliance with Missouri laws, regulations, adopted technical standards, and requirements as codified or otherwise set forth;

(B) No test laboratory or its owners, officers, directors, managers, or employees shall—

1. Own any interest in or be employed by:
 - A. A Class A licensee; or
 - B. A Class B licensee; or
 - C. A Level I occupational licensee; or
 - D. A Level II occupational licensee;
 or
 - E. An affiliate supplier licensee; or
 - F. A supplier licensee other than the test laboratory for whom the person is an officer, director, manager, or employee.

2. This regulation shall not preclude test laboratories from contracting directly with suppliers or gaming companies to produce test reports that are in turn used to show evidence of regulatory compliance;

(C) No Class A, Class B, supplier, affiliate supplier or occupational licensee shall own an interest in or be employed by a test laboratory performing services relating to the conduct or regulation of gaming in Missouri unless such person is required to be licensed as a key person or occupational licensee in conjunction with a test laboratory's licensing as a supplier. No person may be a key person or employed by more than one (1) test laboratory licensed by a jurisdiction within the United States;

(D) The test laboratory shall make available upon the commission's request the background investigations conducted on each of its employees pursuant to 11 CSR 45-10.090;

(E) The test laboratory shall perform all compliance requirements to the sole satisfaction of the commission;

(F) Prior to any new technology being certified for the Missouri jurisdiction, the test laboratory shall consult with the commission and obtain approval from the commission prior to testing, evaluating, analyzing, certifying, verifying, or rendering opinions for or on behalf of the commission. The test laboratory may bill the supplier of the new technology for all cost associated with such consultation with the commission. Any information a test laboratory may provide to the commission relating to the consideration of new technology shall be considered proprietary information and a closed record pursuant to section 313.847, RSMo provided such information is mutually agreed upon between the commission and the test laboratory and labeled as proprietary.

(G) All testing and certification of gaming equipment performed for or on behalf of the commission shall be conducted at the test laboratory's place(s) of business which shall be located within the United States, all of which shall maintain current International Organization for Standardization (ISO) (17020/17025) certification and accreditation. Upon request, the test laboratory must supply the commission all ISO required internal controls, policies and procedures. In extreme circumstances, the executive director may authorize, in writing, testing and certification of gaming equipment outside of the United States on a temporary basis;

(H) The test laboratory shall not subcontract any testing or certification of gaming equipment performed for or on behalf of the commission without prior written approval from the commission;

(I) The commission shall, at all times, have immediate and unfettered access to the test laboratory's place(s) of business. Should it be determined necessary by the commission, the test laboratory shall reimburse the commission for all reasonable and necessary expenses incurred by its agents:

1. To travel to the site to inspect the operations and certification process of gaming equipment;
2. To inspect each of the test laboratory's place(s) where testing for the commission is conducted to ensure the integrity of work is maintained;
3. To investigate quality control issues as determined by the commission; and
4. For such reasons as the commission deems appropriate;

(J) All reports, documentation, and material developed or acquired by the test laboratory while conducting work for or on behalf of

the commission shall become the joint property of the commission and the test laboratory. Upon expiration, termination, or cancellation of the licenses, certified copies of all documents, data, reports, and accomplishments prepared, furnished or completed by the test laboratory for or on behalf of the commission shall be delivered to the commission within forty-five (45) calendar days and become the joint property of the commission and the test laboratory. In addition, the test laboratory shall provide access to any equipment or materials used while conducting work for or on behalf of the commission for a period of one hundred twenty (120) days after the expiration, termination or cancellation of the licenses.

1. Reports, documentation, conversation, discussions, and material prepared, including program(s) or source code developed as a result of work performed for or on behalf of the commission, are proprietary and confidential and shall not be used or marketed by the test laboratory or released to the public without the prior written consent of the commission, which shall not be unreasonably withheld.

2. The test laboratory shall employ data redundancy that permits a complete and prompt recovery of all information and documentation retained by the test laboratory in the event of any malfunction and shall utilize environmental controls such as uninterruptible power supplies and fireproofing and waterproofing materials to protect critical hardware and software from natural disasters.

3. The test laboratory shall maintain a repository of approved, obsolete, and revoked software for all gaming equipment tested and certified. The repository shall be secure and have restricted access, which shall be documented on a commission approved ingress and egress log. The test laboratory shall retain the log for a minimum of two (2) years. The repository shall be equipped with environmental controls such as fireproofing and waterproofing materials to protect software from natural disasters. The test laboratory shall provide the commission copies of all previously certified Critical Program Storage Media (CPSMs) within one hundred twenty (120) days of the expiration, termination or cancellation of the test laboratory's license.

4. All documents, data, reports, and accomplishments prepared, furnished or completed by the test laboratory for or on behalf of the commission shall be retained until its disposal is approved in writing by the commission;

(K) Upon the test laboratory's certification of gaming equipment, a unique identification



code or signature acceptable to and approved by the commission shall be assigned to each CPSM as defined by 11 CSR 45-1.090. The assigned identification code or signature and the means for generating such code or signature shall be included in all documents, reports, and databases.

1. The test laboratory shall provide the commission with step-by-step verification procedures for each tool, device or mechanism used to assign the unique identification codes or signatures.

2. The test laboratory shall provide to the commission, at no charge, in quantities determined by the commission, any verification tool, device or mechanism that is required for commission agents to verify the code or signature of any approved CPSM. The test laboratory may charge the supplier for expenses associated with such verification tools.

3. The test laboratory must support the verification tools, devices or mechanisms and replace, repair, update or upgrade them as deemed necessary by the commission. The test laboratory may charge the supplier for expenses associated with such verification tools.

4. All equipment, procedures, software or other intellectual property developed, or owned and protected by United States' patents, copyrights, or trademark laws in conjunction with the unique identification signature process shall be closed record under section 313.847, RSMo, provided such information is mutually agreed upon between the commission and the test laboratory and labeled as proprietary;

(L) The test laboratory shall provide, in a commission approved format:

1. A verification manual, including tables and color photographs, of all critical components identified by the test laboratory or commission must be verified and sealed.

2. Flow charts and diagrams of each system and its associated hardware and software approved by the test laboratory on behalf of the commission, depicting the interrelationship of system components, identifying components which are to be field tested and verified by commission agents.

3. The supplier of the equipment to be verified shall be responsible for all expenses associated with providing the verification manuals and diagrams. Failure of the supplier to pay the necessary expenses shall in no way release the test laboratory from providing to the commission current documentation as outlined in paragraphs (4)(L)1. and 2.;

(M) The test laboratory shall develop and maintain a database, acceptable to the commission, of all approved, obsolete, and

revoked gaming equipment certified for the state of Missouri.

1. The test laboratory shall maintain a quality assurance mechanism to ensure uniform data and data entry processes.

2. The database and report(s) must be current as of the end of the previous business day, and in a commission approved format;

(N) The test laboratory shall, within five (5) business days after the certification, rejection, or withdrawal of any submission, issue a letter to the commission describing the testing that was performed on the gaming equipment and the result of such testing. All letters or documentation must be submitted in a commission approved format. All certifications are subject to review by the commission. The commission, through the executive director, reserves the right to immediately suspend, revoke or reject any test laboratory certifications with or without cause. The test laboratory may request, in writing, a hearing within thirty (30) days of the occurrence. The executive director will exercise authority to resolve all issues at hearing subject to appeal to the commission;

(O) Should the test laboratory be informed of any situation or incident involving the integrity of any gaming equipment presently approved for Missouri, the test laboratory shall immediately notify the commission of the incident;

(P) The test laboratory shall directly invoice the licensee, supplier, entity or individual for whom the testing services were provided;

(Q) The test laboratory shall not receive any bonus, premium, or other compensation from any licensee, supplier, entity, or individual(s) above the provided billable hourly rates pursuant to subsection (4)(Y) for services provided;

(R) The test laboratory shall, upon request, provide the commission a summary report of all invoices to licensees, suppliers, entities or individuals during the previous month. The report shall include for each submission the item submitted—

1. The date on which the submission was received in the laboratory;

2. The date rejected, withdrawn or certified;

3. The invoice number;

4. Invoice date;

5. Name of licensee, supplier, entity or individual for whom the services were rendered;

6. Billable hours;

7. Hourly rates;

8. Invoice total;

9. The test laboratory shall be subject to commission audits, the costs for which shall be borne by the test laboratory;

(S) The test laboratory shall possess and maintain all online computerized data monitoring systems approved by the commission which are utilized in Missouri licensed gaming establishments. Such online computerized data monitoring systems shall be used in the interoperability testing as set forth in 11 CSR 45-5.190;

(T) The test laboratory shall provide, free of charge to the commission, twenty-four (24) hours a day, technical and regulatory compliance support. The test laboratory shall provide responses and follow-up within twelve (12) hours. In instances where the test laboratory providing the support is also conducting the testing for the device, the time allocated for support shall be considered part of the testing process and the test laboratory may bill the supplier for the cost of the technical support. In instances where the test laboratory providing the support is not conducting the testing for the device, the commission may require the supplier of the device to reimburse the test laboratory at the rate the test laboratory charges suppliers for such support;

(U) The test laboratory shall, as required by the commission, perform on-site inspections of gaming equipment. During on-site inspections, the test laboratory:

1. Inspection personnel shall not socialize with gaming operators' or suppliers' staff;

2. Shall furnish all necessary material and equipment to perform the required services;

3. Shall provide competent and properly trained personnel in accordance with testing standards, Missouri laws, regulations, and internal policies;

4. Shall invoice for actual and reasonable travel and travel related expenses consistent with ordinary and prudent business practices given the circumstances of the travel required for the project. The commission shall not be liable for reimbursement for such travel and travel related expenses. The licensee, for whom the on-site inspection occurred, shall be responsible for the payment of travel and related travel expenses;

5. Inspection personnel shall obtain a Missouri Level II occupational license prior to performing any actions on the gaming floor;

(V) The test laboratory shall provide, free of charge, additional consulting services for commission personnel on an as needed, if needed basis. Such additional services at a minimum shall include, but not be limited to:



1. Providing consultation to the commission and assist the commission in drafting rules and procedures regarding the establishment of uniform operating procedures for gaming equipment testing;

2. Providing training to commission employees on gaming equipment testing, new technology, and auditing procedures;

(W) The test laboratory shall create gaming equipment test scripts and test plans which measure adherence to Missouri statutes, regulations, and adopted technical standards. All gaming equipment shall be tested in accordance with said test scripts and test plans. The commission will assess the test laboratory's test scripts' and test plans' adequacy in measuring compliance with Missouri laws, regulation, and adopted technical standards. The test laboratory shall modify the test scripts and test plans to adapt to new technology or as directed by the commission. The test laboratory and commission will conduct an annual review of the test scripts and test plans, and modify them as necessary. All documents, procedures or other intellectual property employed by a test laboratory in conjunction with the development of test scripts is deemed to be proprietary information and a closed record under section 313.847, RSMo, unless otherwise determined by the commission;

(X) The test laboratory shall conduct forensic evaluations or analyses on gaming equipment (whether legal or illegal) as directed by the commission. A final forensic report must be drafted outlining all testing performed, the cause of the problem, and the outcome of the investigation if specifically identified;

(Y) The test laboratory shall annually, or as changes occur, provide documentation to the commission of all possible billable hourly rates for services offered;

(Z) The test laboratory shall employ a staff of full-time skilled professionals of such number to afford a separation of responsibilities that provides independent work product verification and fulfills the requirements stated herein to the satisfaction of the commission. The test laboratory shall, at a minimum, employ personnel in the disciplines of mathematics, engineering (mechanical, electrical, and software), systems and communication protocol, compliance and quality assurance, and field inspections;

(AA) The test laboratory shall only utilize personnel in performance of services who are authorized to work in the United States in accordance with applicable federal and state laws and regulations; and

(BB) The test laboratory shall provide all services using competent and properly

trained personnel in accordance with the highest testing standard of the gaming industry.

(5) The commission may also consider any other information which the applicant discloses and which is relevant or helpful to a proper determination by commission and any information disclosed during the background investigation.

AUTHORITY: sections 313.004 and 313.805, RSMo 2000. Emergency rule filed Feb. 3, 1995, effective Feb. 13, 1995, expired June 12, 1995. Original rule filed Feb. 3, 1995, effective Aug. 30, 1995. Amended: Filed Dec. 3, 2007, effective May 30, 2008.*

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

11 CSR 45-4.240 Supplier's License Application and Annual Fees

PURPOSE: This rule establishes fees for all types of supplier's licenses.

(1) The one (1)-time nonrefundable application fee for a supplier's license shall be ten thousand dollars (\$10,000), or a greater amount as determined by the commission. The applicant or licensee shall be assessed fees, if any, to cover the additional costs of the investigation. The executive director may waive or modify licensing fees.

(2) The annual fee for a supplier's license shall be—

(A) Five thousand dollars (\$5,000);

(B) In the case of a supplier's license being issued to an applicant that is currently the holder of a temporary supplier's license, the initial annual fee shall be paid in a prorated amount of five thousand dollars (\$5,000) to cover the time from the original expiration of the current temporary supplier's license until the expiration of the supplier's license; or

(C) A greater amount as determined by the commission.

(3) The annual fee for supplier's licenses is due upon issuance of the initial license and thereafter is due upon application for renewal of the license. This fee is nonrefundable and is due regardless of whether the renewal applicant obtains a renewed license.

AUTHORITY: sections 313.004 and 313.800-313.850, RSMo 2000 and Supp. 2007. 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 June 2, 1995, effective Dec. 30, 1995. Amended: Filed Aug. 30, 1996, effective April 30, 1997. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 3, 2007, effective May 30, 2008.

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.800-313.850, RSMo (see Revised Statutes of Missouri, 2000 and Supp. 2007).*

11 CSR 45-4.250 Supplier's License Renewal

PURPOSE: This rule establishes the process for renewal of a supplier's license.

(1) At least ninety (90) days before license expiration, each supplier licensee shall register on forms provided by the commission for renewal of its license.

(2) The commission may adjust renewal dates of the supplier licenses to economize commission resources in any particular month. Any such adjustments shall result in a pro rata adjustment of fees.

AUTHORITY: sections 313.004 and 313.800-313.850, RSMo 2000 and Supp. 2007. 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 June 25, 1996, effective Feb. 28, 1997. Amended: Filed July 2, 1997, effective Feb. 28, 1998. Amended: Filed Dec. 3, 2007, effective May 30, 2008.*

**Original authority: 313.004, RSMo 1993, amended 1994 and 313.800-313.850, RSMo (see Revised Statutes of Missouri, 2000 and Supp. 2007).*

11 CSR 45-4.260 Occupational Licenses for Class A, Class B, Suppliers and Affiliate Suppliers

PURPOSE: This rule establishes occupational licenses.

(1) Every person in a position classified as Occupational License Level I or Occupational License Level II or otherwise participating in gaming operations in any capacity shall, prior to performing or practicing his/her business profession or skills, be a current employee of the Class A, Class B, supplier, or affiliate supplier licensee, and have obtained the



appropriate occupational license from the commission, except for public officers and public employees engaged in the performance of their official duties and other individuals exempted by the commission. The commission may authorize the director to license or make the initial determination of unsuitability on the application of any Level II occupational license applicant; provided, however, that this section shall not limit any other authorization of the director. The authorization provided hereunder shall not include the authority to review findings of a hearing officer under the provisions of 11 CSR 45-13.

(2) As a condition of licensure, all applicants for occupational licenses are required to be fingerprinted, photographed and to execute such waivers as may be provided by forms approved by the commission, provided that applicants for a business entity key person license need not be fingerprinted or photographed.

(3) On forms provided by the commission, the applicant must demonstrate that his/her experience, reputation, competence and financial responsibility are consistent with the best interest of gaming and the provisions of the statutes of Missouri and the United States.

(4) The commission may refuse an occupational license to any person or revoke or suspend an occupational license of any person—

(A) Who has been convicted of a crime or has been found guilty of, plead guilty or *nolo contendere* to, or entered an Alford plea to a crime, or received a suspended imposition of sentence, for violations of any federal, state, county or city law including ordinance violations;

(B) Who is unqualified to perform the duties required of the applicant;

(C) Who has a current addiction to a controlled substance;

(D) Who fails to disclose or states falsely information called for in the application process or uses fraud, deception, misrepresentation, or bribery in securing a permit or license issued under the Riverboat Gambling Act;

(E) Who has failed to comply with or make provision for complying with Chapter 313, RSMo, the rules of this commission, or any federal, state, or local law or regulation;

(F) Who fails to comply with any rule, order or ruling of the commission or its agents;

(G) Whose license has been suspended, revoked or denied in any jurisdiction;

(H) Who is a past or present member or participant in organized crime as such membership or participation may be found or determined by the commission;

(I) Who is an illegal alien;

(J) Who is an employee of the commission or is a spouse, child, brother, sister, parent, son-in-law, daughter-in-law, stepchild or stepparent of any employee or member of the commission;

(K) Who is currently serving or has within the past two (2) years served as a member or employee of the commission, a member of the general assembly, or as an elected or appointed official of the state or of any city or county within the state in which the licensing of excursion gambling boats has been approved in either the city or the county or both or as an employee of the state highway patrol designated by the superintendent of the highway patrol or any employee of the state attorney general's office designated by the state attorney general to have direct regulatory authority related to excursion gambling boats;

(L) Who is financially irresponsible;

(M) Who is not of good moral character or has associated with, in either social or business affairs, or employed persons of notorious or unsavory reputation or who have police records, or who have failed to cooperate with any officially constituted investigatory or administrative body and would adversely affect public confidence and trust in gambling;

(N) Who provides the commission or its agents with false or misleading information, documents, or data or who makes false or misleading statements to the commission or its agents;

(O) Who commits an act or omission that, if committed by a Class A licensee, would be grounds for discipline or denial of an application;

(P) Who obtains or attempts to obtain any fee, charge, or other compensation by fraud, deception, or misrepresentation; or

(Q) For incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850, RSMo.

(5) Within the five (5)-year period immediately preceding application for an occupational license or while holding an occupational license, a conviction, plea of guilty or *nolo contendere*, or the entering of an Alford plea in any jurisdiction for the following types of misdemeanor or county or city violations to include ordinance violations, including such findings or pleas in a sus-

pending imposition of sentence, shall make the applicant or licensee unsuitable to hold an occupational license: 1) any gambling-related offense; or 2) any offense an essential element of which is theft, fraud, or dishonesty. Applicants or licensees may be unsuitable to hold an occupational license for convictions, pleas of guilty or *nolo contendere*, or the entering of an Alford plea for other types of misdemeanor or county or city violations to include ordinance violations within such five (5)-year period, including such findings or pleas in a suspended imposition of sentence.

(6) The key person/key person business entity employed by suppliers will be required to be licensed by the Missouri Gaming Commission. The supplier key person/key person business entity application shall require a one (1)-time nonrefundable fee of one thousand dollars (\$1,000) plus the annual licensing fee of one hundred dollars (\$100). The applicant or licensee shall be assessed fees, if any, to cover the additional costs of the investigation. The licensing and renewal fees for Level I and Level II occupational licenses shall be the same as set forth for Class A and Class B occupational licensees. Additionally, the executive director may waive or modify licensing fees.

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. Emergency amendment filed Dec. 20, 1994, effective Dec. 30, 1994, expired April 27, 1995. Amended: Filed March 2, 1995, effective Aug. 30, 1995. Amended: Filed Dec. 7, 1995, effective June 30, 1996. Amended: Filed Aug. 30, 1996, effective April 30, 1997. Amended: Filed Jan. 21, 1997, effective Aug. 30, 1997. Amended: Filed July 2, 1997, effective Feb. 28, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Oct. 29, 2001, effective May 30, 2002. Amended: Filed Dec. 7, 2001, effective Aug. 30, 2002. Amended: Filed Feb. 24, 2004, effective Oct. 30, 2004. Amended: Filed April 28, 2004, effective March 30, 2005. Amended: Filed March 21, 2006, effective Nov. 30, 2006. Amended: Filed Dec. 3, 2007, effective May 30, 2008.*

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



11 CSR 45-4.380 Occupational and Key Person/Key Person Business Entity License Application and Annual Fees

PURPOSE: This rule establishes license fees for occupational and key person/key person business entity licensees of Class A and Class B licensees.

- (1) The one (1)-time nonrefundable application filing fee shall be—
 - (A) Key person/key person business entity—
 - 1. Class A and B \$15,000
 - 2. Suppliers \$ 1,000
 - (B) Level I \$ 1,000
 - (C) Level II \$ 75.
- (2) The annual licensing fee shall be—
 - (A) Key person/key person business entity—
 - 1. Class A and B \$ 250
 - 2. Suppliers \$ 100
 - (B) Level I \$ 100
 - (C) Level II \$ 50.

(3) A key person/key person business entity or Level I licensee may renew their license only once following each termination of their association with a Class A, Class B or supplier licensee.

(4) The applicant or licensee shall be assessed fees, if any, to cover the additional costs of the investigation.

(5) The initial annual fee for occupational licenses shall be due upon the earlier of—

- (A) The date that a temporary identification badge is issued to the applicant;
- (B) The date that a permanent identification badge is issued to the applicant; or
- (C) The date that the commission passes a resolution granting the license to the applicant.

(6) The initial annual fee for occupational licenses shall be paid in full to cover the first year of licensure. The license expires annually on the last day of the month of issue. The annual occupational license renewal fee will be billed to the Class A, Class B or supplier licensee.

(7) Each occupational license shall expire annually on the last day of the month of issue, but the licensing hearing shall be subject to being reopened at any time.

(8) The annual fee for an occupational license is nonrefundable and is due regardless of

whether the renewal applicant obtains a renewed license.

(9) The executive director may waive or modify licensing fees. Exemption shall not be applicable for testing laboratories.

AUTHORITY: sections 313.004 and 313.800–313.850, RSMo 2000 and Supp. 2007. 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 June 2, 1995, effective Dec. 30, 1995. Amended: Filed March 18, 1996, effective Oct. 30, 1996. Amended: Filed Oct. 1, 1996, effective April 30, 1997. Amended: Filed Jan. 21, 1997, effective Aug. 30, 1997. Emergency amendment filed Oct. 4, 2000, effective Oct. 14, 2000, expired April 11, 2001. Amended: Filed Oct. 4, 2000, effective April 30, 2001. Amended: Filed May 3, 2001, effective Dec. 30, 2001. Amended: Filed Dec. 3, 2007, effective May 30, 2008.*

**Original authority: 313.004, RSMo 1993, amended 1994, and 313.800–313.850 (see Missouri Revised Statutes, 2000 and Supp. 2007).*

11 CSR 45-4.390 Occupational License Renewal

PURPOSE: This rule establishes the process for occupational license renewal.

(1) At least sixty (60) days for key person and Level I licensees and fifteen (15) days for Level II licensees before the first day of the month of expiration, each licensee shall file for renewal on forms provided by the commission or authorize a Class A or Class B licensee to submit an application for renewal on his/her behalf in accordance with 11 CSR 45-10.110. Alternatively, each licensee may file for renewal as provided in 11 CSR 45-10.110(2).

(2) The director shall have the power to renew any occupational license, provided that if the director intends not to renew an occupational license which the licensee has appropriately requested to have renewed, the director shall notify the commission in writing of his/her intention not to renew and the reasons for his/her decision at least ten (10) days before the license expires.

AUTHORITY: sections 313.004, 313.805 and 313.822, RSMo 2000 and section 313.800, RSMo Supp. 2007. 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 June 25, 1996, effective Feb. 28, 1997. Amended: Filed July 2, 1997, effective Feb. 28, 1998. Amended: Filed Dec. 12, 1997, effective July 30, 1998. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Emergency amendment filed Oct. 4, 2000, effective Oct. 14, 2000, expired April 11, 2001. Amended: Filed Oct. 4, 2000, effective April 30, 2001. Amended: Filed Dec. 3, 2007, effective May 30, 2008.

**Original authority: 313.004, RSMo 1993, amended 1994; 313.800, RSMo 1991, amended 1993, 1994, 2000; 313.805, RSMo 1991, amended 1993, 1994, 2000; and 313.822, RSMo 1991, amended 1993, 2000.*

11 CSR 45-4.400 Occupational Licensure Levels

PURPOSE: This rule establishes occupational license levels.

(1) An occupational licensee may perform only the activities approved by the commission for that licensee to perform in his/her licensed position in the riverboat gaming operation.

(2) Occupational License Level I includes the following positions or their equivalent:

- (A) Internal Audit Manager;
- (B) Director of Casino Operations;
- (C) Director of Security;
- (D) Controller;
- (E) IT Manager;
- (F) Slot Department Manager;
- (G) Surveillance Manager;
- (H) Assistant General Manager;
- (I) Table Games Manager;
- (J) Managers responsible for ensuring the integrity of all testing standards and certifications; or
- (K) Any other person or entity who engages in an occupation associated in activities regulated under the riverboat gaming act or a riverboat gaming operation and is directed by the commission or its director to file a Level I application.

(3) Occupational License Level Two (II) includes any of the following positions that are not required to hold an Occupational License Level One (I):

(A) any position within a Missouri riverboat gaming operation that would require the holder to have access to the excursion gambling boat to perform his or her function or duties; provided that agents and nongaming



vendors are not considered within occupational license level I or II unless otherwise notified by the commission;

(B) Any position related to a Missouri riverboat gaming operation in one (1) of the following areas: security, surveillance, audit, accounting, MIS, cage, ticketing, hard and soft count and marine operations;

(C) Any position with a licensed gaming supplier company that would require the holder to have access to the excursion gambling boat to perform his or her function or duties if such function or duties involve installation, servicing, maintenance, repair or accessing secured or locked components of any gambling equipment or supplies or involve verification or payment of patron awards; and

(D) Any other person or entity directed by the commission or the director to file a Level II application as an occupational licensee applicant.

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. 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 May 13, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 7, 2001, effective June 30, 2002. Amended: Filed Dec. 3, 2007, effective May 30, 2008.*

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

11 CSR 45-4.410 Identification Badge Requirements

PURPOSE: This rule establishes requirements for identification badges.

(1) All employees and occupational licensees other than key person/key person business entity licensees shall at all times while performing the functions of their positions display on their person in a clearly visible manner a valid, riverboat-issued, casino access badge, unless a waiver has been granted in writing for a particular job function. No casino access badge granting access to any riverboat gaming operation may be held by any person unless that person has been authorized for such access by the Class A or Class B applicant or licensee of the riverboat gaming operation for which the badge is to be issued. Each Class A or Class B applicant or licensee

must notify the commission that such authorization has been granted before any identification badge may be issued to the person. Each Class A or Class B applicant or licensee must notify the commission within ten (10) days if any such authorization has been revoked.

(2) The casino access badge shall—

(A) Be of a color selected by the riverboat gaming operation for use on all casino access badges utilized by occupational licensees;

(B) Be a three and three-eighths by two and one-eighth-inch (3 3/8" × 2 1/8") card bearing on the front side the name and logo of the riverboat gaming operation;

(C) Provide a base for a one-inch by one and one-fourth-inch (1" × 1 1/4") photograph on the front side;

(D) Provide a space for a six (6)-digit number at least one-fourth inch (1/4") in height on the front side;

(E) Display the employee's first name or nickname and job title on the front side;

(F) Provide on the reverse side a line for the employee's full name and date of birth; and

(G) Provide a space for color coded backgrounds for use around the occupational field or title on the front side as follows:

1. Solid white—non-casino occupations: all Level II or higher personnel whose job responsibilities do not require access inside the casino turnstiles or to other gaming areas, including but not limited to, cages and count rooms;

2. Solid green—surveillance occupations: all personnel whose job responsibilities include the operation, maintenance, and installation of surveillance equipment and the supervision of those surveillance personnel;

3. Solid red—security and guest safety occupations: all personnel whose job responsibilities include the security of the casino facilities, safety of customers and employees, rendering of medical aid and supervision of security personnel;

4. Red diagonal stripes—gaming occupations: all personnel whose job responsibilities are directly related to conducting a gambling game or the repair of a gaming related device, including but not limited to, cage department employees, casino operations employees, count department employees, revenue audit employees, slot department employees, and table game department employees;

5. Solid blue—non-gaming occupations: all personnel whose job responsibilities require access inside the casino turnstiles but are not directly related to gaming activities and not handling chips or tokens, including

but not limited to, environmental services or housekeeping employees; food and beverage employees; maintenance, marine operations or boat operations employees; retail employees, ticketing employees; and

6. Red horizontal stripes—other non-gaming occupations including but not limited to non-gaming personnel responsible for clerical duties requiring limited access to the gaming pits and other non-gaming areas for the purposes of, for example, player tracking or other marketing duties; the installation, operation, or repair of information systems equipment; pit clerks; pit administrators; table games assistants; marketing; and all information systems personnel and related supervisors.

(3) Casino access badges are not transferable and upon resignation or termination of employment, an identification badge must be returned by the occupational licensee to the holder of a Class A license or to the commission. If returned to the holder of a Class A license, the holder must then return the badge to the commission.

AUTHORITY: sections 313.004 and 313.850, RSMo 2000 and section 313.800, RSMo Supp. 2007. 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 June 2, 1995, effective Dec. 30, 1995. Amended: Filed Jan. 21, 1997, effective Aug. 30, 1997. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 7, 2001, effective June 30, 2002. Amended: Filed Dec. 3, 2007, effective May 30, 2008.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.800, RSMo 1991, amended 1993, 1994, 2005; and 313.850, RSMo 1993.*

11 CSR 45-4.420 Occupational License

PURPOSE: The commission proposes to provide for a commission-issued occupational license badge distinct from riverboat licensee-issued casino access badges.

(1) Occupational licensees other than key person/key person business entity licensees shall at all times while performing the functions of their positions display in a clearly visible manner, a valid, commission-issued occupational license badge.

(2) Upon the filing of an application for an occupational license, the director may issue a



temporary occupational license to allow an applicant to perform the function for which the applicant has applied. The director may withdraw or suspend this temporary occupational license by withdrawing the holder's occupational license badge upon a determination to seek denial of licensure by the commission and on so doing report this action to the commission, the Class A licensee who employed the applicant, and the applicant.

(3) Upon issuance of an occupational license to applicant, applicant shall receive a partially completed occupational license badge from the commission.

(4) Whenever an occupational license badge shall be lost or destroyed, a duplicate occupational license badge in lieu of the lost or destroyed occupational license badge will be issued by the commission. The fee for a replacement occupational license badge is fifteen dollars (\$15). Application for a duplicate occupational license badge shall be by affidavit of the licensee which shall set forth—

- (A) The date upon which the occupational license badge was lost or destroyed;
- (B) The circumstances under which the occupational license badge was lost or destroyed; and
- (C) A request that a duplicate occupational license badge be issued.

AUTHORITY: sections 313.004 and 313.850, RSMo 2000 and section 313.800, RSMo Supp. 2007. Original rule filed May 13, 1998, effective Oct. 30, 1998. Amended: Filed Dec. 7, 2001, effective June 30, 2002. Amended: Filed Dec. 3, 2007, effective May 30, 2008.*

**Original authority: 313.004, RSMo 1993, amended 1994; 313.800, RSMo 1991, amended 1993, 1994, 2005; and 313.850, RSMo 1993.*

11 CSR 45-4.430 Waiver of Requirements

PURPOSE: This rule establishes process for waiver of requirements.

(1) The commission may waive any licensing requirement or procedure for any type of license if it determines that the waiver is in the best interests of the public.

(2) Notwithstanding any other provisions of 11 CSR 45, if a licensee owns or operates two (2) or more riverboat gaming operations that are adjacent, the commission may, in its discretion, waive any regulatory requirement applicable to such operations to allow the

licensee to combine functions of the operations, including, but not limited to, allowing occupational licensees to perform licensed functions on any of the adjacent operations.

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. Emergency amendment filed Dec. 20, 1994, effective Dec. 30, 1994, expired April 27, 1995. 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 45-4.440 Possession of Gaming Equipment by Applicants

PURPOSE: This rule establishes procedures for bringing gaming equipment into the state.

(1) Any applicant who has been selected by the commission for investigation, may apply to the commission for permission to possess gaming equipment in Missouri under any of the following situations:

- (A) When an applicant wishes to participate in the operation of a training school or to a joint venture with a Missouri junior college or proprietary or vocational school, to train potential workers for the Missouri gaming industry; or
- (B) When an applicant wishes to transport gaming equipment into the state for training or the equipping of an excursion gambling boat or floating facility; or
- (C) When an applicant wishes to transport an excursion gambling boat, riverboat or floating facility containing gaming equipment to a dock site or other point in the state of Missouri prior to the commission deciding if a license will be issued; or
- (D) When an applicant wishes to open a showroom to display gaming equipment for sale.

(2) The commission may grant permission for the applicant to possess gaming equipment providing the commission finds the following:

- (A) The applicant has filed an internal control document with the commission that indicates the precautions being taken to ensure the gaming equipment will not be used for any illegal purposes and, when not required to be used, the gaming equipment is made as inoperable as is practical; and

(B) The applicant has executed any waiver or agreement that may be required by the commission; and

(C) Any other restriction or condition the commission considers necessary to ensure that the gaming equipment will not be used for any illegal purposes.

(3) If the commission grants the permission to possess gaming equipment, the applicant must supply detailed information about the equipment and its expected storage location prior to the equipment entering Missouri. The commission shall have the right to inspect the equipment before transporting, upon arrival, or any other time, such inspection to be paid for by the applicant. The possession of gaming equipment in Missouri pursuant to authority granted by the commission under this section shall be considered licensed activity under section 572.070, RSMo.

(4) The commission may withdraw its grant of permission at any time when the commission determines that the best interests of the state of Missouri require such action.

(5) Use of the gaming equipment authorized under this section in a manner other than that set forth will result in the imposition of any penalties the commission has the power to assess by law, which may include the applicant being permanently denied any type of gaming license.

AUTHORITY: section 313.004, RSMo 1994. Emergency rule filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 2, 1994. Emergency rule filed May 22, 1995, effective June 1, 1995, expired Sept. 28, 1995. Original rule filed May 22, 1995, effective Dec. 30, 1995. Amended: Filed July 2, 1997, effective Feb. 28, 1998.*

**Original authority: 313.004, RSMo 1991, amended 1993.*