

AGENDA
KANSAS RACING AND GAMING COMMISSION
9:00 a.m., Friday, June 21, 2019

EAST TOWER CONFERENCE ROOM
EISENHOWER STATE OFFICE BUILDING
700 SW Harrison, Suite 410
Topeka, KS 66603

- A. CALL TO ORDER
- B. APPROVAL OF AGENDA
- C. APPROVAL OF MINUTES

- 1. [Minutes of May 17, 2019](#)

- D. CONSENT AGENDA

Items listed on the consent agenda are routine in nature. If requested by a commissioner, an item may be removed from the Consent Agenda and placed under Commission Items for further discussion and consideration.

- 1. Approvals and revocations for certain lottery facility games and related components
 - a. [GLI Approval Letters June 21, 2019](#)
 - b. [BMM Approval Letters June 21, 2019](#)
 - 2. Internal Control amendment approvals
 - a. [Boot Hill Casino internal control amendment approvals](#)
 - b. [Kansas Star Casino internal control amendment approvals](#)
 - 3. Disciplinary Review Board Waivers
 - a. Wesley Perry Gilbert, 2019-2005
 - b. Danielle Marie Cox, 2019-4004
 - c. Matthew Clinton Schnauffer, 2019-4005
 - d. Christian Charles Abbott, 2019-4006
 - i. [Staff Memo](#)

E. Lottery Gaming Facility Reports/Items

1. Boot Hill Casino and Resort
 - a. [May Monthly Report](#)
 - b. [May Revenue Report](#)
2. Kansas Star Casino
 - a. [May Monthly Report](#)
 - b. [May Revenue Report](#)
3. Hollywood Casino at Kansas Speedway
 - a. [May Monthly Report](#)
 - b. [May Revenue Report](#)
4. Kansas Crossing Casino
 - a. [May Monthly Report](#)
 - b. [May Revenue Report](#)

F. COMMISSION ITEMS – OLD BUSINESS

NONE

G. COMMISSION ITEMS – NEW BUSINESS

1. Updated Firearms Policy

Commission Action: *Commission Review and Discussion*

Staff Presentation: *Don Brownlee, Executive Director*

Judith Taylor, General Counsel

Staff Recommendation: *Commission Approval*

- a. [Staff Memo](#)

H. PUBLIC COMMENTS

I. STAFF REPORTS

1. Sarah Lynch-Chaput, Paralegal
 - a. [Voluntary Exclusion Program Report](#)
2. Don Brownlee, Executive Director

J. DISCIPLINARY REVIEW PROCESS

1. Jasmin Elyse Hammons
 - a. [Summary Proceeding Order and Notice of Hearing and Right to Waive, 2019-2004](#)

K. EXECUTIVE SESSIONS

The Commission conducts executive sessions in accordance with the Kansas Open Meetings Act and all discussions are limited to the specified purposes listed in K.S.A. 75-4319. The Commission utilizes executive sessions to consult with the Commission's attorney on confidential legal matters, to discuss confidential personnel matters, to protect the confidentiality of necessarily closed information including licensee background reports, and to protect the integrity of gaming information and the confidentiality of lottery gaming facility manager finances.

1. Attorney/Client Privilege
2. Background Reports

L. OTHER BUSINESS/FURTHER COMMISSION ACTION

1. Consideration of proposed gaming licenses and renewals

M. ADJOURNMENT

KANSAS RACING AND GAMING COMMISSION

MINUTES – MAY 17, 2019

CALL TO ORDER
(A.)

Chairman Brandon Jones called the May 17, 2019 meeting to order at 10:00 a.m. The meeting was held in the East Tower Conference Room of the Eisenhower State Office Building, 700 SW Harrison, in Topeka, KS. Commissioners David Moses, Larry Turnquist, and Dave Myres were also present. Others present included Executive Director Don Brownlee, General Counsel Judith Taylor, Director of Administration, Audit, and Finance Brandi White, Director of Electronic Security and I.T. Dennis Bachman, Director of Electronic Gaming Roger Bailey, Director of Security Joe Herridge, Recording Secretary Sarah Lynch-Chaput, and other staff.

MOTION, APPROVE
AGENDA
(B.)

Commissioner Moses (Turnquist) moved to approve the agenda. Motion carried unanimously.

MOTION, APPROVE
APRIL 19, 2019
MEETING MINUTES
(C.1.)

Commissioner Myres (Turnquist) moved to approve the minutes of the April 19, 2019 meeting. Motion carried unanimously.

MOTION, APPROVE
CONSENT AGENDA
(D.)

Commissioner Turnquist (Myres) moved to approve the consent agenda. Motion carried unanimously.

LOTTERY GAMING
FACILITY
REPORTS/ITEMS; BOOT
HILL CASINO & RESORT
(E.1.a.)

Diane Giardine, General Manager, reported:

- April 2019 revenue numbers compared to April 2018:
 - Total gaming revenue decreased 8.16%
 - Total slot revenue decreased 7.75%
 - Table games revenue decreased 11.04%
- Past Promotions and Events:
 - “Break the Bank” – Piggy Bank Smash
 - Travis Tritt, March 22nd
 - Clay Walker, May 10th
 - Mother’s Day Buffet and Giveaway, May 12th
- Upcoming Promotions and Events:
 - Summer Splash Fridays
 - \$50,000 Lucky Roll on Saturdays
 - Memorial Day Buffet and Cooler Giveaway
 - Earn and Win Amazon Gift Cards

LOTTERY GAMING
FACILITY
REPORTS/ITEMS; KANSAS
STAR
(E.2.a.)

Jeff Babinski, General Manager, reported:

- April 2019 revenue numbers compared to April 2018:
 - Admissions down 16.3%
 - Total gross gaming revenue down 7.7%
 - Slot coin-in down 8.6%
 - Slot hold up 0.18 points
 - Table games drop up 2.4%
 - Table games hold down 1.6 points
 - Poker room revenue down 16.4%
- Past Events and Promotions:
 - Marauder's Car Show, April 20th
 - Howie Mandel, May 4th
 - BConnected! Player Parties, May 10th and 11th
 - LoCash, May 16th
- Upcoming Events and Promotions:
 - Aaron Lewis, May 17th
 - Kansas High School Rodeo, May 29th through 31st
 - Southern Planes Wrestling Tournament, June 6th through 9th
 - Trace Adkins, June 15th

LOTTERY GAMING
FACILITY
REPORTS/ITEMS;
HOLLYWOOD CASINO AT
KANSAS SPEEDWAY
(E.3.a.)

Al Thompson, Vice President of Casino Operations, reported:

- April 2019 revenue numbers compared to April 2018:
 - Total gaming revenue was \$12.35 million, a decrease of 5.4%
 - Table games revenue was \$1.1 million, a decrease of 18.8%
 - Slot revenue was \$11.2 million, a decrease of 3.9%
- Past Events and Promotions:
 - Max Bet Mayhem, April 26th
 - Mystery Winning Hand, April 27th
 - Kansas Lottery Scratch Ticket Giveaway, May 3rd
 - Robe Giveaway, May 4th
 - NASCAR Weekend at Kansas Speedway and Party on the Patio, May 10th and 11th
- Upcoming Events and Promotions
 - Luggage Giveaway, May 17th and 31st
 - Winners Giveaway, May 18th
 - Final Friday on the Patio, May 31st
 - Norwegian Cruise Line Event, June 1st

LOTTERY GAMING
FACILITY
REPORTS/ITEMS; KANSAS
CROSSING CASINO
(E.4.a.)

Doug Fisher, General Manager, reported:

- April 2019 revenue numbers compared to April 2018:
 - Admissions decreased 6.8%
 - Net slot revenue decreased 7.9%
 - Net table games win increased 24.1%
 - Net gaming revenue decreased 5.8%
- Past Events and Promotions:
 - Anniversary Celebration, April 5th through 7th
 - Invitational Craps Tournament, April 13th
 - Saving Abel, April 13th
 - Boots and Beer Event, April 27th
 - Invitational Slot Tournament, April 28th
- Upcoming Events and Promotions:
 - Walkout MMA, May 11th
 - Boots and Beer Event, May 25th
 - Puddle of Mudd, June 8th

COMMISSION ITEMS –
OLD BUSINESS
(F.)

There were no old business items.

COMMISSION ITEMS –
NEW BUSINESS
(G.)

There were no new business items.

PUBLIC COMMENTS
(H.)

There were no public comments.

STAFF REPORTS
(I.1.a. and I.2)

Sarah Lynch-Chaput, Paralegal, reported on the Voluntary Exclusion Program statistics for the month of April 2019.

Executive Director Brownlee reported:

- The Kansas legislature has gone home without passing sports wagering legislation. The legislative session will officially end on May 29th.
- A 2.5% pay increase for state employees was passed by the legislature.
- Eight states have active sports wagering, and seven other states passed sports wagering legislation this session.
- The Kentucky Derby had \$165.5 million in wagers placed this year, a ten percent increase over last year.

- In the United States and Canada, an average of ten horses per week were euthanized as a result of racing injuries.
- The next commission meeting will take place on June 21, 2019 at 9:00 a.m.

MOTION, EXECUTIVE SESSION; ATTORNEY-CLIENT PRIVILEGE AND BACKGROUND REPORTS (J.1 AND J.2)

Commissioner Myres (Turnquist) moved that the Commission go into executive session for the purpose of (1) confidential attorney-client privileged communications; and (2) reviewing the list of confidential backgrounds for licensing. Those included in the executive session were the commissioners, executive director, and general counsel for attorney-client privilege; and the commissioners, executive director, general counsel, and director of security for reviewing the list of confidential backgrounds for licensing. The total time for the executive session was anticipated to be twenty-five minutes until 10:55 a.m. No action is to be taken in executive session, and the subjects discussed are to be limited as previously described. A full record of this motion is to be maintained as part of the permanent record of the Kansas Racing and Gaming Commission. At the conclusion of the executive session, the meeting is to be continued in open session. The motion carried unanimously and the meeting was adjourned to executive session at 10:30 a.m.

RECONVENE

The commission meeting returned to open session at 10:55 a.m. with all members present.

MOTIONS ON LICENSE APPLICATIONS (K.)

Commissioner Turnquist (Myres) moved to *deny* two license applications, and *approve the request for reconsideration* of one license application, and *approve* the remaining 166 license applications from the May 17, 2019 list of background reports referred to the commission for action. Motion carried unanimously.

ADJOURN (L.)

Commissioner Moses (Myres) moved to adjourn the meeting. Motion carried unanimously. The meeting was adjourned at 11:00 a.m.

SUBMITTED BY:

Larry Turnquist
Secretary

APPROVED BY:

Brandon Jones
Chairman

DRAFT

	<u>Manufacturer</u>	<u>Report Number</u>	<u>ID Number</u>	<u>Version</u>	<u>Game Name</u>	<u>Function</u>
1	AINSWORTH GAMING TEC	MO-73-AWG-19-54	KS1K1G9L	9L	A600 SAS BASE SOFTWARE	MAIN PGM
2	Aristocrat Technologies, Inc.	MO-73-ARI-17-124	1.01-63786	GEN8	Buffalo Thundering 7s	PERSONALITY PGM
3	Aristocrat Technologies, Inc.	MO-73-ARI-17-125	BTS64_SCH_01	VERTEX	Buffalo Thundering 7s	OTHER
4	Aristocrat Technologies, Inc.	MO-73-ARI-18-167	Aristocrat.Caching.dll	4.3.1.45	N/A	OTHER
5	Aristocrat Technologies, Inc.	MO-73-ARI-18-167	Aristocrat.Concentrator.dll	1.2.0.120	N/A	OTHER
6	Aristocrat Technologies, Inc.	MO-73-ARI-18-167	Aristocrat.Concentrator.Service.exe	1.2.0.120	N/A	OTHER
7	Aristocrat Technologies, Inc.	MO-73-ARI-18-167	Aristocrat.Core.dll	4.3.1.45	N/A	OTHER
8	Aristocrat Technologies, Inc.	MO-73-ARI-18-167	Aristocrat.Messaging.dll	4.3.1.45	N/A	OTHER
9	Aristocrat Technologies, Inc.	MO-73-ARI-18-167	Aristocrat.MVVM.dll	4.3.1.45	N/A	OTHER
10	Aristocrat Technologies, Inc.	MO-73-ARI-18-167	Aristocrat.Plugin.dll	4.3.1.45	N/A	OTHER
11	Aristocrat Technologies, Inc.	MO-73-ARI-18-167	Aristocrat.ProtocolA.dll	4.3.1.45	N/A	OTHER

12	Aristocrat Technologies, Inc.	MO-73-ARI-18-167	Aristocrat.Watchdog.dll	1.2.0.120	N/A	OTHER
13	Aristocrat Technologies, Inc.	MO-73-ARI-18-167	Aristocrat.Watchdog.Service.exe	1.2.0.120	N/A	OTHER
14	Aristocrat Technologies, Inc.	MO-73-ARI-18-167	Concentrator.UI.exe	1.2.0.120	N/A	OTHER
15	Aristocrat Technologies, Inc.	MO-73-ARI-18-167	VLINK	1.2.0	N/A	OTHER
16	Aristocrat Technologies, Inc.	MO-73-ARI-19-22	439038-1	439038-1	N/A	HARDWARE
17	Aristocrat Technologies, Inc.	MO-73-ARI-19-31	1.03-66109	GEN8	Top Fortune	PERSONALITY PGM
18	Aristocrat Technologies, Inc.	MO-73-ARI-19-32	1.02-66108	GEN8	Happy Luck	PERSONALITY PGM
19	Aristocrat Technologies, Inc.	MO-73-ARI-19-44	MTWN-SCH-01	VERTEX	Motown Schedule	OTHER
20	Aristocrat Technologies, Inc.	MO-73-ARI-19-45	1.01-66709	GEN8	Motown	PERSONALITY PGM
21	Aristocrat Technologies, Inc.	MO-73-ARI-19-48	WW2D-SCH-01	Gen8	Wicked Winnings II Diamond	PERSONALITY PGM
22	Aristocrat Technologies, Inc.	MO-73-ARI-19-49	1.01-66809	VERTEX	Wicked Winnings II Diamond Progressive Schedule	OTHER

23	Aristocrat Technologies, Inc.	MO-73-ARI-19-50	1.01-66191	VERTEX	The Walking Dead III	OTHER
24	Aristocrat Technologies, Inc.	MO-73-ARI-19-51	TWD3-SCH-01	GEN8	The Walking Dead III	PERSONAL ITY PGM
25	Aristocrat Technologies, Inc.	MO-73-ARI-19-52	1.01-66613	GEN8	Fruity Stack Wins!	PERSONAL ITY PGM
26	Aristocrat Technologies, Inc.	MO-73-ARI-19-55	1.03-66674	GEN8	Farmville	PERSONAL ITY PGM
27	Aristocrat Technologies, Inc.	MO-73-ARI-19-59	1.03-66807	GEN8	Infinite Jade	PERSONAL ITY PGM
28	Aristocrat Technologies, Inc.	MO-73-ARI-19-60	1.03-66806	GEN8	Endless Diamonds	PERSONAL ITY PGM
29	Aristocrat Technologies, Inc.	MO-73-ARI-19-73	1.01-66614	GEN8	Sugar Stacks!	PERSONAL ITY PGM
30	Aristocrat Technologies, Inc.	PA-73-ARI-19-01	200777	200777	N/A	HARDWA RE
31	Aristocrat Technologies, Inc.	PA-73-ARI-19-01	200800	200800	N/A	Machine
32	Aristocrat Technologies, Inc.	PA-73-ARI-19-01	200801	200801	N/A	HARDWA RE
33	Aristocrat Technologies, Inc.	PA-73-ARI-19-01	200864	200864	N/A	HARDWA RE

34	Aristocrat Technologies, Inc.	PA-73-ARI-19-01	201582	201582	N/A	HARDWARE
35	Aristocrat Technologies, Inc.	PA-73-ARI-19-01	201583	201583	N/A	HARDWARE
36	Aristocrat Technologies, Inc.	PA-73-ARI-19-01	202163	202163	N/A	HARDWARE
37	Aristocrat Technologies, Inc.	SY-394-ARI-19-03	onelink-OS-partition.disk	Ubuntu 16.04	N/A	SYSTEM
38	Aristocrat Technologies, Inc.	SY-394-ARI-19-03	onelink-report-server.jar	5.6.3.7	N/A	SYSTEM
39	Aristocrat Technologies, Inc.	SY-394-ARI-19-03	onelink-slots-controlled-java.jar	5.6.3.34	N/A	SYSTEM
40	Aristocrat Technologies, Inc.	SY-509-ARI-16-07	Bonus Listing	1.0.2000.15	N/A	SYSTEM
41	Aristocrat Technologies, Inc.	SY-509-ARI-16-07	FloorFocus	1	N/A	SYSTEM
42	Aristocrat Technologies, Inc.	SY-509-ARI-16-07	nConnect Batch Processor	1.7.2000.8	N/A	SYSTEM
43	Aristocrat Technologies, Inc.	SY-73-ARI-18-36	HA.Common.Enrollment.dll	1.0.1040.7	N/A	SYSTEM
44	Aristocrat Technologies, Inc.	SY-73-ARI-18-36	HA.HALo.Gateway.Business.dll	1.0.1040.9	N/A	System

45	Aristocrat Technologies, Inc.	SY-73-ARI-18-36	HA.HALo.Gateway.Data.dll	1.0.1040.9	N/A	System
46	Aristocrat Technologies, Inc.	SY-73-ARI-18-36	HA.HALo.Gateway.S2SMessageServiceBinding.dll	1.0.1040.9	N/A	SYSTEM
47	Aristocrat Technologies, Inc.	SY-73-ARI-18-36	HA.HALo.Gateway.Shared.dll	1.0.1040.9	N/A	System
48	Aristocrat Technologies, Inc.	SY-73-ARI-18-36	HA.Halo.PlayerPin.dll	1.0.1040.7	N/A	System
49	Aristocrat Technologies, Inc.	SY-73-ARI-18-36	Loyalty Lite	1.0.1040.12	N/A	SYSTEM
50	Aristocrat Technologies, Inc.	SY-73-ARI-18-36	Loyalty Web App	1.0.1040.8	N/A	SYSTEM
51	Aristocrat Technologies, Inc.	SY-73-ARI-18-36	Oasis Loyalty UniMerge	1.0.1040.2	N/A	SYSTEM
52	Aristocrat Technologies, Inc.	SY-73-ARI-19-02	FloorLogix	TD315574/12.11.1000.15	N/A	SYSTEM
53	Aristocrat Technologies, Inc.	SY-73-ARI-19-03	dbo.usp_UC_RPT_EGMDownload.sql	TD317724/1.0.1040.29	TD317724/1.0.1040.29	SYSTEM
54	Aristocrat Technologies, Inc.	SY-73-ARI-19-13	SpeedMedia Administrator	TD345211/12.11.1100.23	N/A	SYSTEM
55	Aristocrat Technologies, Inc.	SY-73-ARI-19-17	HA.Common.Enrollment.dll	1.0.1061.2	N/A	SYSTEM

56	Aristocrat Technologies, Inc.	SY-73-ARI-19-17	HA.Halo.PlayerPin.dll	1.0.1061.2	N/A	SYSTEM
57	Aristocrat Technologies, Inc.	SY-73-ARI-19-17	Loyalty Lite	1.0.1061.7	N/A	SYSTEM
58	Aristocrat Technologies, Inc.	SY-73-ARI-19-17	Loyalty Web App	1.0.1061.4	N/A	SYSTEM
59	Aristocrat Technologies, Inc.	SY-73-ARI-19-17	Offer Import	1.0.1061.1	N/A	SYSTEM
60	Aruze Gaming America	MO-73-ARZ-17-101	10FE	N/A	Fu Lai Cai Lai Link Jackpot Controller	GAL CHIP
61	Aruze Gaming America	MO-73-ARZ-17-101	X17008-XXXX-AL-0101	N/A	Fu Lai Cai Lai Link Jackpot Controller	OTHER
62	Aruze Gaming America	MO-73-ARZ-17-101	ZEARU2-ALC-0003	N/A	Fu Lai Cai Lai Link Jackpot Controller	OTHER
63	Aruze Gaming America	MO-73-ARZ-17-80	SYSX-BT	N/A	N/A	HARDWARE
64	Aruze Gaming America	MO-73-ARZ-19-35	ZEARU2-GEN-0049	N/A	N/A	MAIN PGM
65	BALLY	MO-209-BAL-19-01	A20E-000-1000	1000	Dancing Drums Explosion	PERSONALITY PGM
66	BALLY	MO-22-BAL-19-01	75418	75418	Wonkavator Topper	HARDWARE
67	BALLY	MO-497-BAL-19-01	1507777	A.2	N/A	HARDWARE

68	BALLY	MO-73-BAL-16-114	BAL_266786B	BAL_266786B	GOLDSLINGER HOT HANDS COMMON ART	SOUND/G RAPHICS
69	BALLY	MO-73-BAL-16-114	BAL_266787B	BAL_266787B	GOLDSLINGER HOT HANDS LANGUAGE PACK (ENGLISH)	SOUND/G RAPHICS
70	BALLY	MO-73-BAL-16-127	BAL_266785C	BAL_266785C	CONTROL LOGIC	PERSONALITY PGM
71	BALLY	MO-73-BAL-17-76	BAL_270751B	BAL_270751B	CONTROL LOGIC	PERSONALITY PGM
72	BALLY	MO-73-BAL-17-76	BAL_270752B	BAL_270752B	GOLDEN CHARMS COMMON ART/LANGUAGE PACK	SOUND/G RAPHICS
73	BALLY	MO-73-BAL-17-77	BAL_270761B	BAL_270761B	CONTROL LOGIC	PERSONALITY PGM
74	BALLY	MO-73-BAL-17-77	BAL_270762B	BAL_270762B	CELESTIAL KING COMMON ART/LANGUAGE PACK	SOUND/G RAPHICS
75	BALLY	MO-73-BAL-19-19	A18D-000-1010	1010	Money Link The Great Immortals	PERSONALITY PGM
76	BALLY	MO-73-BAL-19-49	AM02-000-1020	1020	Invaders Attack From The Planet Moolah Media Controller	OTHER
77	BALLY	MO-73-BAL-19-50	A1F7-000-1020	1020	Invaders Attack From The Planet Moolah	PERSONALITY PGM
78	BALLY	MO-73-BAL-19-51	A0E2-000-1030	1030	Double Blessings	PERSONALITY PGM

79	BALLY	MO-73-BAL-19-56	A2C0-000-1000	1000	Lock It Link Shi Shi Shun	PERSONAL ITY PGM
80	BALLY	MO-73-BAL-19-58	A2BB-000-1010	1010	Zhen Chan Riches	PERSONAL ITY PGM
81	BALLY	MO-73-BAL-19-60	A18E-000-1010	1010	Money Link - Egyptian Riches	PERSONAL ITY PGM
82	BALLY	MO-73-BAL-19-61	AWI04X0000E	E	Windows 4X	OTHER
83	IGT	MO-10-IGT-19-02	UCGS210A1	N/A	40" LCD WOF GOLD SPIN DELUXE SIGN CONTRO	OTHER
84	IGT	MO-22-IGT-18-147	BFMD0009	N/A	S3000 XL REEL SHELF DRIVER	OTHER
85	IGT	MO-22-IGT-19-33	N6028F 5.03 008 4.07	5.03/4.07	MEI SCN66,USB,USA	BILL VALIDATO R
86	IGT	MO-22-IGT-19-34	N6048F 5.03 008 4.07	5.03/4.07	FW,BV,MEI SCN66,NETPLEX,USD	BILL VALIDATO R
87	IGT	MO-22-IGT-19-36	GAME020009FCMM01	ASCENT GAME PACKAGE	FORTUNE CHARM	PERSONAL ITY PGM
88	IGT	MO-22-IGT-19-36	GI020009FCMM001	ASCENT INSTALL	FORTUNE CHARM	INSTALLER
89	IGT	MO-22-IGT-19-39	GAME020003S3CD01	ASCENT GAME PACKAGE	Super Times Pay	PERSONAL ITY PGM
90	IGT	MO-22-IGT-19-39	GI020003S3CD001	ASCENT INSTALL	Super Times Pay	INSTALLER
91	IGT	MO-22-IGT-19-47	GAME020001FCLM01	ASCENT GAME PACKAGE	Fortune Charm	PERSONAL ITY PGM

92	IGT	MO-22-IGT-19-47	GI020001FCLM001	ASCENT INSTALL	Fortune Charm	INSTALLER
93	IGT	MO-22-IGT-19-50	UCGS208A2	N/A	LED WOF GOLD SPIN DELUXE SIGN CONTROLLER	OTHER
94	IGT	MO-22-IGT-19-53	AI014-B0E	N/A	AVP01400619 W/O 2.0, 2.5 SUPPORT DOMESTI	INSTALLER
95	IGT	MO-22-IGT-19-53	AI014-B0E.V02	N/A	AVP01400619 W/O 2.0, 2.5 SUPPORT DOMESTI	INSTALLER
96	IGT	MO-22-IGT-19-53	AVP014-00619	AVP PACKAGE	B SERIES DOMESTIC AND INTERNATIONAL	MAIN PGM
97	IGT	MO-22-IGT-19-53	CONFIG014-007-214	CONFIG PACKAGE	B SERIES DOMESTIC	OTHER
98	IGT	MO-286-IGT-19-01	GAME020009JWTP05	ASCENT GAME PACKAGE	Jurassic Park Trilogy Jurassic Park III	Personality PGM
99	IGT	MO-286-IGT-19-01	GI020009JWTP005	ASCENT INSTALL	Jurassic Park Trilogy Jurassic Park III	Installer
100	IGT	MO-59-IGT-19-09	GAME020001BGFU02	ASCENT GAME PACKAGE	CLEOPATRA II	PERSONALITY PGM
101	IGT	MO-59-IGT-19-09	GI020001BGFU002	ASCENT INSTALL	CLEOPATRA II	INSTALLER
102	INCREDIBLE TECHNOLOG	MO-22-INT-19-23	G00397	01.01.30	SPIRIT LINK DANCE OF THE DEAD	PERSONALITY PGM
103	INCREDIBLE TECHNOLOG	MO-73-INT-18-54	G00325	01.04.33	PINATA BUCKS	PERSONALITY PGM
104	INCREDIBLE TECHNOLOG	MO-73-INT-19-07	G00400	01.02.26	FLAMINGO FIRE	PERSONALITY PGM
105	KONAMI GAMING INC.	MO-73-KON-18-41	KGI_M592MLS021WD09	GAME PROGRAM	Mayan Chief Great Stacks	PERSONALITY PGM

106	KONAMI GAMING INC.	MO-73-KON-18- 44	KGI_M648SRF011WD0 0	GAME PROGRAM	Cobra Hearts	PERSONAL ITY PGM
107	KONAMI GAMING INC.	MO-73-KON-19- 34	KGI_M698LPF012WD0 0	PROGRESSIVE	Dragon's Law Extended	PROGRESS IVE
108	KONAMI GAMING INC.	MO-73-KON-19- 36	KGI_M698MPY012WD 00	GAME PROGRAM	Dragon's Law Boosted	PERSONAL ITY PGM
109	KONAMI GAMING INC.	MO-73-KON-19- 37	KGI_M716MPY012WD 00	GAME PROGRAM	Chili Chili Fire Boosted Wins & Wilds	PERSONAL ITY PGM
110	NRT TECHNOLOGY CORP.	SY-286-NTC-19- 01	Visual Limits System	N/A	N/A	SYSTEM
111	NRT TECHNOLOGY CORP.	SY-73-NTC-19-01	ACSC.dll	1.1.0.0	N/A	KIOSK
112	SDS	SY-22-SDS-19-02	DMGlass.hex	IDMTS06000F130D	NXP 13.13	SYSTEM
113	WMS	MO-73-WMS-17- 03	SE4D-000-1000	1000 H19.080	CRYSTAL FOREST MORE MAGIC	PERSONAL ITY PGM

	<u>Manufacturer</u>	<u>Report Number</u>	<u>ID Number</u>	<u>Version</u>	<u>Game Name</u>	<u>Function</u>	<u>Replace With</u>	<u>Replaced By</u>
1	IGT	MO-22-IGT-18-59	GAME020009D1ZM01	ASCENT GAME PACKAGE	MYSTERY OF THE CONGO	PERSONA LITY PGM	GAME020009D 1ZM03	20-Aug-19
2	IGT	MO-22-IGT-18-59	GI020009D1ZM001	ASCENT INSTALL	ASCENT INSTALL	INSTALLE R	GI020009D1Z M003	20-Aug-19

	<u>Manufacturer</u>	<u>Report Number</u>	<u>ID Number</u>	<u>Version</u>	<u>Game Name</u>	<u>Function</u>	<u>Replace With</u>	<u>Replaced By</u>
1	Aristocrat	AT112581KS	1.01-66642	N/A	5 Dragons Gold Max	Game	AT112901KS	21-Jul-19

Eisenhower State Office Building
700 SW Harrison, Suite 500
Topeka, KS 66603



Phone: (785) 296-5800
Fax: (785) 296-0900
krgc@krgc.ks.gov
krgc.ks.gov

Donald Brownlee, Executive Director

Laura Kelly, Governor

Boot Hill Casino Internal Control Amendments

June 21, 2019

<u>Item #/ (Description)</u>	<u>Regulation Waiver?</u>	<u>Regulation/IC Reference</u>	<u>Staff Recommendation</u>
BH531 – Hand Clearing	No	KAR 112-108-6 / IC 250.020	Approval
BH539 – Table Credit Slip Corrections	No	KAR 112-108-33 / IC 200.140	Approval
BH541 – Complimentaries	No	KAR 112-104-9 / IC 260.040	Approval

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Donald Brownlee, Executive Director

Laura Kelly., Governor

Kansas Star Casino Internal Control Amendments

June 21, 2019

<u>Item #/ (Description)</u>	<u>Regulation Waiver?</u>	<u>Regulation/IC Reference</u>	<u>Staff Recommendation</u>
KS273 – Blackjack	No	KAR 112-108-6 & 38 / Table Games Rules of Game § 5, 12 and 13 (BJ, BJ with 3 Card Poker, BJ Top 3)	Approve
KS277 – Halo - Player Rewards; Central and Duplicate Server	Yes	KAR 112-104-8(c)(2) / Admin Section 11 Complimentaries	Approve
KS283 – EZ Baccarat	No	KAR 112-108-6 & 38 / Table Games Rules of Game § 14 (EZ Baccarat)	Approve



Kansas Racing and Gaming Commission
700 SW Harrison, Suite 500, Topeka, Kansas 66603
(785) 296-5800, Fax (785) 296-0900

STAFF AGENDA MEMORANDUM

DATE OF MEETING: June 21, 2019

AGENDA ITEM: **Disciplinary Review Board Summary Proceeding Orders for:**
2019-2005 Wesley Perry Gilbert
2019-4004 Danielle Marie Cox
2019-4005 Matthew Clinton Schnauffer
2019-4006 Christian Charles Abbott

PRESENTER: None – Consent Agenda

ISSUE SUMMARY: Pursuant to K.A.R. 112-114-1 *et seq.*, the Kansas Racing and Gaming Commission's Disciplinary Review Board (DRB) considered potential gaming regulation violations by licensees Wesley Perry Gilbert, Danielle Marie Cox, Matthew Clinton Schnauffer, and Christian Charles Abbott. A Summary Proceeding Order and Notice of Hearing and Right to Waive was issued to each.

2019-2005 Wesley Perry Gilbert

On April 19, 2019, Wesley Gilbert, a security officer, was on duty at the arena entrance to the gaming floor at Kansas Star Casino. During his shift, a fourteen-year-old and her mother approached Mr. Gilbert at the entrance. The fourteen-year-old handed Mr. Gilbert a false ID. The photo on the ID did not match the fourteen-year-old's appearance. Mr. Gilbert scanned the ID then allowed the fourteen-year-old onto the gaming floor where she gambled on several EGMs. Mr. Gilbert was ordered to serve a one-day suspension. Mr. Gilbert has stipulated to the above facts, waived the right to a hearing, and served the suspension. See attached Summary Proceeding Order and Hearing Waiver.

2019-4004 Danielle Marie Cox

On January 26, 2019, Danielle Cox, a table games supervisor, was on duty at Kansas Crossing Casino. During her shift, Ms. Cox checked out a critical sensitive key ring that held table games keys which gave access to gaming chips and table games equipment. At the end of her shift, Ms. Cox exited the casino with the critical sensitive key ring. Other casino personnel noticed the missing key ring and began searching for it. Ms. Cox returned to the casino approximately one hour and thirty minutes later to return the key ring but failed to notify the KRGC or any other casino personnel that she had taken the critical sensitive key ring off casino property. Ms. Cox was ordered to serve a one-day suspension. Ms. Cox has stipulated to the above facts, waived the right to a hearing, and served the suspension. See attached Summary Proceeding Order and Hearing Waiver.

2019-4005 Matthew Clinton Schnauffer

On February 16, 2019, Matthew Schnauffer, a security officer, was on duty at the south security podium at Kansas Crossing Casino. During his shift, a twenty-year-old walked past Mr. Schnauffer to enter the gaming floor. Mr. Schnauffer did not stop the twenty-year-old or ask for her ID. Approximately ten minutes later, Mr. Schnauffer approached the twenty-year-old, discovered she was under underage, and escorted her off the gaming floor. Mr. Schnauffer later stated that the area around him at the time she approached him had been very busy with a lot of people near him. Surveillance footage showed that only the twenty-year-old and one other person were near him when he allowed the twenty-year-old onto the gaming floor. Mr. Schnauffer has stipulated to the above facts, waived the right to a hearing, and served the suspension. See attached Summary Proceeding Order and Hearing Waiver.

2019-4006 Christian Charles Abbott

On April 4, 2019, Christian Abbott, a security shift manager, was on duty at Kansas Crossing Casino. During his shift, another security officer allowed a twenty-year-old onto the gaming floor. Surveillance personnel notified Mr. Abbott of this and Mr. Abbott approached the twenty-year-old to verify her age. He confirmed that she did not have a valid ID and escorted her out of the casino. Mr. Abbott failed to notify the KRGC that an underage person had entered the gaming floor and failed to complete a Kansas Crossing Casino formal eviction form for the twenty-year-old. Mr. Abbott has stipulated to the above facts, waived the right to a hearing, and served the suspension. See attached Summary Proceeding Order and Hearing Waiver.

COMMISSION ACTION REQUIRED/REQUESTED: Accept the Hearing Waivers filed by Wesley Perry Gilbert, Danielle Marie Cox, Matthew Clinton Schnauffer, and Christian Charles Abbott and uphold the DRB's Summary Proceeding Orders issued in KRGC Case No. 2019-2005, 2019-4004, 2019-4005, and 2019-4006.

STAFF RECOMMENDATIONS: Staff recommends the Commission accept the Hearing Waivers filed by Wesley Perry Gilbert, Danielle Marie Cox, Matthew Clinton Schnauffer, and Christian Charles Abbott and uphold the DRB's findings of fact, conclusions of law, and sanctions issued in KRGC Case No. 2019-2005, 2019-4004, 2019-4005, and 2019-4006.

**STATE OF KANSAS
KANSAS RACING AND GAMING COMMISSION
700 SW HARRISON, SUITE 500
TOPEKA, KS 66603**

IN THE MATTER OF

KRGC Case No. 2019-2005

Wesley Perry Gilbert, Respondent.

**SUMMARY PROCEEDING ORDER AND
NOTICE OF HEARING AND RIGHT TO WAIVE**

The Kansas Racing and Gaming Commission (KRGC), through its Disciplinary Review Board (DRB), hereby gives notice that Wesley Perry Gilbert (Respondent), a security officer, has violated the Kansas Expanded Lottery Act (KELA) K.S.A. 74-8757(a); KRGC regulations K.A.R. 112-105-1(a)(5), K.A.R. 112-113(a)(11); Kansas Star Casino Internal Controls Security Sect. 4. A.; Kansas Star Casino Security Plan pg. 25-26; and the Kansas Star Casino Responsible Gambling Plan Policy #14 pg. 11-12 by allowing a minor onto the gaming floor:

FINDINGS OF FACT

1. On October 30, 2018, Respondent received a temporary occupation permit for a position as a security officer from the KRGC. Respondent received a permanent level II license on April 19, 2019, which is currently in active status.
2. On April 19, 2019, Respondent was on duty as a security officer at Kansas Star Casino. During his shift, Respondent was stationed at the arena entrance to the gaming floor.
3. At approximately 3:07 a.m., a fourteen-year-old female and her mother approached the Respondent at the arena entrance.
4. Respondent asked the underage female for her ID. The fourteen-year-old gave Respondent a false ID. Respondent scanned the ID but did not appear to examine

the ID to compare the fourteen-year-old's appearance with the photo on the ID.

5. The photo on the ID did not match the fourteen-year-old's appearance.
6. Respondent then allowed the fourteen-year-old onto the gaming floor.
7. After Respondent allowed her to enter, the fourteen-year-old was on the gaming floor for approximately two hours and twenty minutes and gambled on several EGMs during that time.

LEGAL AUTHORITIES

8. K.S.A. 74-8757(a): "a person less than 21 years of age shall not be permitted in an area where electronic gaming machines or lottery facility games are being conducted. . . . (b) No person under age 21 shall play or make a wager on an electronic gaming machine or a lottery facility game."
9. K.A.R. 112-105-1(a): "the facility manager, through its security department shall do the following: . . . (5) prevent persons who are under 21 years old from gambling or entering gaming areas. . . ."
10. K.A.R. 112-112-3(a): "Each [responsible gambling] plan shall include[:] . . . (9) procedures to prevent underage gambling. . . ."
11. K.A.R. 112-113-1(a): "Any licensee . . . may be sanctioned for violating any provision of the [Kansas expanded lottery] act [or] these regulations . . . including a violation of any of the following: . . .
 - (5) failing to follow . . . the facility manager's minimum internal control system; . . .
 - (6) failing to follow the commission's security regulations or the facility manager's security plan; . . .

- (9) failing to enforce the facility manager's responsible gaming plan[;] . . .
 - (11) permitting persons who are less than 21 years of age that do not have an occupation license to be in areas where electronic gaming machines or lottery facility games are being conducted.”
12. Kansas Star Casino Internal Control Security Sect. 4. A. 1. a.: “No person under the age of 21 is permitted on the gaming floor. . . . 2. Any patron suspected of being under the age of 30 will be asked to provide proper identification prior to entering the casino floor. . . . In the event the patron cannot provide proper identification, the patron will not be allowed to enter the casino floor. Proper identification is defined as valid government issued photo identification document which includes the individual's address and signature. . . .”
13. Kansas Star Casino Security Plan pg. 25-26: “Kansas Star has a policy of zero tolerance on the issue of underage patrons on the gaming floor. The Security members positioned at the entrance to the gaming floor will be required to ID anyone that appears to be under the age of thirty (30). A valid form of identification must be presented prior to entering the gaming floor. . . . The following procedures are to be used in the event an individual attempts to gain access to the gaming floor using a fake, altered, counterfeit identification or using another individual's identification. This procedure also applies to anyone assisting an individual in his or her attempt.
- 1. The Lead Security Officer or above will be contacted.
 - 2. The identification used will be confiscated and **not** returned to the individual(s). . . .” (Emphasis in original.)

14. Kansas Star Casino Responsible Gambling Plan Policy #14, pg. 11-12: “Security is responsible for the enforcement and reporting of operational efforts, which relate to the prevention and identification of underage gambling.
 1. Before entering the gaming floor, all patrons who appear under the age of 30 will be asked by Security Officers to produce valid identification, defined as any unexpired government-issued document with the *individual’s* photograph and personal information which is intended to be used as identification.” (Emphasis added.)

CONCLUSIONS OF LAW

15. Pursuant to K.S.A. 74-8757(a), K.A.R. 112-105-1(a)(5), K.A.R. 112-113-1(a)(11), and Kansas Star Casino Internal Control Security Sect. 4. A. 1., individuals who are under 21 years of age are prohibited from entering the gaming floor of Kansas Star Casino.
16. To fulfill these statutory and regulatory requirements, Kansas Star Casino implemented Kansas Star Casino Internal Control Security Sect. 4. A. 2., Kansas Star Casino Security Plan pg. 25-26, and Kansas Star Casino Responsible Gambling Plan Policy #14 pg. 11-12, all of which require security officers to request and obtain valid photo identification from all guests who appear under the age of thirty before security officers allow them to enter the gaming floor. To determine whether an ID is valid, security officers must examine that ID to compare the ID’s photo and description to the person attempting to enter the gaming floor. In this case, a fourteen-year-old approached Respondent and Respondent correctly asked for her ID. However, Respondent failed to examine

that photo ID to verify whether the fourteen-year-old's appearance matched the photo and description listed on the ID. If Respondent had done so, he could have prevented the minor from entering the gaming floor and gambling. Instead, Respondent quickly scanned the false ID and handed it back to the fourteen-year-old.

17. Thus, Respondent failed to obtain valid identification before allowing a minor onto the gaming floor thereby violating Kansas Star Casino Internal Control Security Sect. 4. A. 2., Kansas Star Casino Security Plan pg. 25-26, and Kansas Star Casino Responsible Gambling Plan Policy #14 pg. 11-12.
18. Moreover, Respondent violated K.S.A. 74-8757(a), K.A.R. 112-105-1(a)(5), K.A.R. 112-113-1(a)(11), and the Kansas Star Casino Internal Control Security Sect. 4. A. 1. when he permitted a fourteen-year-old to enter Kansas Star Casino's gaming floor.
19. Respondent's failure to prevent a minor from entering the gaming floor enabled that minor to gamble at several EGMs in violation of state law, thereby compromising the integrity of gaming.

STATEMENT OF POLICY

Under the Kansas Expanded Lottery Act, the Kansas Racing and Gaming Commission is required to oversee the enforcement of state laws, enforcement of internal controls, and the credentialing of employees at Kansas lottery gaming facilities. The Kansas Expanded Lottery Act directed the Kansas Racing and Gaming Commission to adopt rules and regulations to oversee all lottery gaming facility operations. Pursuant to this mandate, the Kansas Racing and Gaming Commission created regulations that subject a licensee to sanctions, including license

suspension or revocation, when the licensee violates any provision of the Kansas Expanded Lottery Act, KRGC regulations, or the facility manger’s internal controls, security plan, or responsible gambling plan.

By requiring licensees to adhere to the Kansas Expanded Lottery Act, KRGC regulations, and the facility manager’s internal controls, security plan, and responsible gambling plan, the Kansas Racing and Gaming Commission ensures the integrity of gaming in Kansas. The Kansas Expanded Lottery Act, KRGC regulations, internal controls, security plan, and responsible gambling plan provisions regarding procedures for identifying and preventing underage individuals from entering the gaming floor are integral to protecting the integrity of gaming. Underage individuals have been determined by the state to not have the legal capacity to engage in casino gaming activities. When security officers fail to prevent underage individuals from entering the gaming floor, they enable those individuals to illegally gamble or consume alcohol in violation of state law. Enforcement of these provisions is necessary to ensure the integrity of gaming in Kansas.

SANCTION

20. In accordance with K.A.R. 112-113-1(c), the DRB may consider certain factors in considering appropriate sanctions, including risk to the public and to the integrity of gaming operations created by the conduct of the licensee; the nature of the violation; culpability of the licensee; any justification or excuse for the conduct; the licensee’s history with respect to compliance; and corrective action taken by the licensee. Moreover, K.A.R. 112-113-1(e) states “it shall be no absolute defense that the licensee . . . inadvertently, unintentionally, or unknowingly” committed a regulatory violation and “shall affect only the degree of the sanction

to be imposed. . . .”

21. The DRB considers the following factors:
 - a. Respondent had been employed as a security officer for approximately six months at the time of this incident.
 - b. Respondent’s actions enabled a fourteen-year-old to illegally gamble thereby compromising the integrity of gaming in Kansas.
 - c. There is no justification or excuse for the conduct. There was no emergency or other extraordinary circumstance which prevented Respondent from properly examining the ID to verify that the fourteen-year-old’s appearance matched the photo shown on the ID.
 - d. Respondent is directly culpable for these violations. Respondent had ample opportunity to examine the fourteen-year-old’s ID and determine that the ID was false or did not belong to her. Respondent’s failure to do so directly enabled a minor to illegally gamble.
 - e. Respondent has no previous regulatory violations.
22. Based on the above-described findings of fact, conclusions of law, statement of policy, and sanction factors the DRB orders the Respondent to serve a one-day unpaid suspension. The one-day suspension shall total eight hours. The date of the one-day unpaid suspension shall be determined by the KRGC supervising enforcement agent for the gaming facility where Respondent is employed.
23. Respondent is entitled to a hearing on the above matter, which Respondent may waive by signing and returning the enclosed Hearing Waiver to the KRGC by mail, email, or fax. (See Notice of Hearing and Right to Waive below.)

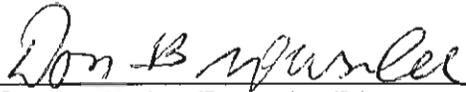
24. If Respondent waives the right to a hearing, the one-day unpaid suspension must be served within 30 days of this Order becoming final and effective. If Respondent waives, this Order will become final and effective on June 14, 2019.
25. Once the suspension is served, Respondent must also send a timesheet showing the suspension occurred to the KRGC by mail, email, or fax to the address listed below within 30 days of this Order becoming final and effective.
26. If Respondent does not serve the ordered one-day unpaid suspension or does not send a timesheet showing the suspension occurred within 30 days of this Order becoming final and effective, Respondent's license will be automatically indefinitely suspended at the end of the business day without further notification or action taken by the Commission until all terms of this Order are fulfilled and the Respondent's license is reinstated by the KRGC.
27. This Order shall become part of Respondent's permanent KRGC licensing file.

ORDER

In accordance with the above-described findings of fact, conclusions of law, statement of policy, and sanction factors,

IT IS HEREBY ORDERED that the Kansas Racing and Gaming Commission suspend Respondent's license for one day.

IT IS SO ORDERED,



Don Brownlee, Executive Director
Disciplinary Review Board

NOTICE OF HEARING AND RIGHT TO WAIVE

Respondent is entitled to a hearing on the above matter. This right to a hearing may be waived at Respondent's option. (See instructions below for Waiving Right to a Hearing.)

Hearing - Presentation of Written Evidence:

Unless Respondent waives the right to a hearing, this matter will be presented to the Commission on **Friday June 14, 2019 at 10:00 am** at the Eisenhower State Office Building, 700 SW Harrison, Suite 410, Topeka, KS 66603. (Date and location subject to change.)

Written evidence will be presented along with brief oral arguments by the agency and Respondent. Surveillance video may also be presented. Neither party will present live witness testimony at this time. Respondent has the right to be represented by counsel at the Respondent's expense.

If Respondent does not appear at the hearing, a decision will be made on the evidence presented, and any decision will become final agency action. If Respondent has written evidence to present to the Commission, copies of all relevant written evidence must be sent (by mail, email, or fax) **no later than May 31, 2019** to the address below.

Following arguments, the Commission will consider the arguments and evidence presented, and if the Commission determines no further evidence is necessary for a finding, the Commission will issue its Order. The Commission can uphold, overturn, or amend the Disciplinary Review Board's Summary Order. If the Commission determines further evidence is necessary for a finding, the case will be continued to the next commission meeting to allow for a full evidentiary hearing. If the Commission issues an Order without a full evidentiary hearing, the Respondent has an automatic right to a full evidentiary hearing where witness testimony will be taken. The right to a full evidentiary hearing may be waived by Respondent prior to the scheduled hearing (see Waiving Right to a Hearing below).

Full Evidentiary Hearing – Presentation of Witness Testimony:

The full evidentiary hearing with witnesses, if required, will be held at the regularly scheduled Commission meeting on **Friday July 12, 2019 at 10:00 am** at the Eisenhower State Office Building, 700 SW Harrison, Suite 410, Topeka, KS 66603. (Date and location subject to change.)

At this hearing, Respondent has the right to produce additional evidence and witnesses on the Respondent's behalf, the right to cross-examine any witness who may testify against the Respondent, and the right to examine any evidence that may be produced against the Respondent.

The Commission will issue a final Order either directly after deliberation or within 30 days of the hearing date. This Order will constitute final agency action and is subject to appeal under the Kansas Judicial Review Act. If Respondent does not appear at the hearing in person or

by phone, a decision will be made on the evidence presented, and any decision will become final agency action subject to appeal under the Kansas Judicial Review Act. The agency officer to receive service of any petition for judicial review on behalf of the Kansas Racing and Gaming Commission is Judith Taylor, General Counsel, at the address below. Any sanction imposed by the Order may be stayed pending appeal.

Respondent shall submit any additional exhibits and a witness list no later than June 28, 2019 to Judith Taylor, General Counsel, at the address below.

If a full evidentiary hearing is held, the hearing will be conducted in accordance with KRGC regulations. Regulations may be found at <http://www.krgc.ks.gov/index.php/racing-gaming-law/regulations/gaming-regulations/21-government/statute-regulations/30-article-114-rules-of-hearings>. (You may also request that a copy of the regulations be sent to you.)

Appearing by Phone:

Respondent is expected to appear in person for all hearings. Respondent *may* be allowed to appear by phone, at the Commission's discretion, upon written request (by mail, email, or fax) to the address below no later than five days prior to the hearing. If allowed to appear by phone, KRGC will *not* be responsible for sound quality issues that arise from Respondent's use of a cell phone, voice-over-internet (VOIP) connection, or other non-landline phone connection. Sound quality issues could affect the Commission's ability to understand Respondent's testimony, thus every effort to appear in person should be made.

Waiving Right to a Hearing:

Respondent may choose to waive the right to a hearing by signing and returning the enclosed Hearing Waiver (by fax, email, or mail) at the address below. If Respondent chooses to waive the right to a hearing, the above Order becomes final and effective on June 14, 2019 or on the day of waiver, whichever is later. The suspension must be served within 30 days of this Order becoming final.

Send all requests to appear by phone, hearing waivers, written exhibits, witness testimony lists, notices, and petitions for judicial review to:

Judith Taylor, General Counsel
700 SW Harrison, Suite 500
Topeka, KS 66603-3754
(785) 296-0900 (fax)
judy.taylor@krgc.ks.gov

Nothing stated herein precludes Respondent from entering into informal settlement negotiations which could make a hearing unnecessary. To discuss your case, you may contact Michelle Neis, Enforcement Attorney, at 785-296-5800 or by email at michelle.neis@krgc.ks.gov.

CERTIFICATE OF SERVICE

I certify that on this 17th day of May, 2019 (date of service), I served a copy of the above Summary Proceeding Order and Notice of Hearing and Right to Waive on the following by U.S. Mail, first class postage prepaid, addressed to:

Wesley Perry Gilbert
1540 W 20th St., S
Argonia, KS 67004



Commission Representative

cc: KRGC Licensing File
Disciplinary Review Board Members
Harry Spencer, KRGC Supervisory Agent at Kansas Star Casino
Jeff Babinski, Kansas Star Casino General Manager
Kansas Star Casino Human Resource Department

STATE OF KANSAS
KANSAS RACING AND GAMING COMMISSION
700 SW HARRISON, SUITE 500
TOPEKA, KS 66603

IN THE MATTER OF

KRGC Case No. 2019-2005

Wesley Perry Gilbert, Respondent.

HEARING WAIVER

I, Wesley Gilbert, stipulate to the Facts and Conclusions of Law as
(print name)
set forth in the Summary Proceeding Order and Notice of Hearing and Right to Waive issued to
me and therefore waive my right to a hearing. I agree to serve the one-day unpaid suspension as
ordered by the Disciplinary Review Board.

W. Perry Gilbert 11541
Wesley Perry Gilbert
License No. 2011541

5-23-2019
Date

STATE OF KANSAS
KANSAS RACING AND GAMING COMMISSION
700 SW HARRISON, SUITE 500
TOPEKA, KS 66603

IN THE MATTER OF

KRGK Case No. 2019-4004

Danielle Marie Cox, Respondent.

**SUMMARY PROCEEDING ORDER AND
NOTICE OF HEARING AND RIGHT TO WAIVE**

The Kansas Racing and Gaming Commission (KRGK), through its Disciplinary Review Board (DRB), hereby gives notice that Danielle Marie Cox (Respondent), a table games supervisor, has violated KRGK regulations K.A.R. 112-100-2(d), 112-104-38(d), and Kansas Crossing Casino Internal Control KCC 42. 3. by taking critical sensitive keys off casino property and failing to report it to the KRGK:

FINDINGS OF FACT

1. On February 16, 2017, Respondent received a temporary occupation permit for a position as a table games dealer from the KRGK. Respondent received a permanent level II gaming license on November 18, 2018, which is currently in active status. On March 8, 2018, Respondent was promoted to a dual rate table games supervisor and dealer.
2. On January 26, 2019, Respondent was on duty as a table games supervisor at Kansas Crossing Casino.
3. During her shift, Respondent checked out [REDACTED] from the dual-lock box. Key ring [REDACTED]
[REDACTED]
4. The [REDACTED] key opens the cabinets below the table games which could

give access to table games equipment. The [REDACTED] key opens the three pit podiums, which contain cards and dice. The [REDACTED] key opens the chip trays which contain gaming chips.

5. At approximately 3:10 a.m., at the end of Respondent's shift, Respondent left Kansas Crossing Casino property without returning key ring [REDACTED] to the secure key box.
6. Other casino employees noticed that key ring [REDACTED] was missing from the secure box and began to search for it.
7. At approximately 4:41 a.m., Respondent returned to Kansas Crossing Casino. Respondent returned key ring [REDACTED] to the secure key box then immediately left casino property.
8. Respondent did not notify a KRGC agent or security personnel that she had returned key ring [REDACTED] to the key box. A KRGC agent and casino personnel continued to search for the key ring until someone noticed that the key ring had been returned. Surveillance footage had to be reviewed to determine how key ring [REDACTED] reappeared in the key box.
9. Respondent never notified a KRGC agent that she took key ring [REDACTED] off casino property.
10. Key ring [REDACTED] was off casino property for approximately one hour and thirty minutes.
11. Because key ring [REDACTED] left casino premises, all of the locks that key ring [REDACTED] opened had to be changed and the associated keys destroyed.

LEGAL AUTHORITIES

12. K.A.R. 112-104-34(a): “Sensitive keys’ shall mean those unlocking devices designated by the Kansas lottery, a facility manager, or the commission as important to preserving the security of the facility manager’s business. Each facility manager shall control the storage, duplication, custody, issuance, and return of sensitive keys. . . .”
13. K.A.R. 112-104-34(b): “Sensitive keys may be further designated as ‘critical.’ Critical keys shall mean those unlocking devices that shall be maintained in a dual-lock box. If a critical key is lost or becomes missing, all locks that the key fits shall be changed within 24 hours. At a minimum, the following keys shall be deemed critical keys: . . .
 - (12) the key for each table game’s chip bank cover;
 - (13) the key for each table game’s chip tray; . . .
 - (17) they keys for the card and dice storage area; . . .
 - (23) any key not listed in this subsection that controls access to any cash or chip storage area.”
14. Kansas Crossing Casino internal control KCC 38. 1.: “Sensitive keys’ will mean those unlocking devices designated by the Kansas lottery, Kansas Crossing, or the commission as important to preserving the security of . . . Kansas Crossing’s business.”
15. KCC 38.: “4. Kansas Crossing will control the storage, duplication, custody, issuance, and return of sensitive keys. . . . 5. Sensitive keys may be further designated as ‘critical.’ Critical keys will mean those unlocking devices that will

be maintained in a dual-lock box. If a critical key is lost or becomes missing, all locks that the key fits will be changed within 24 hours. At a minimum, the following keys will be deemed critical keys: . . .

- l. the key for each table game's chip bank cover;
- m. the key for each table game's chip tray; . . .
- q. the keys for the card and dice storage area; . . .
- x. any key not listed in this subsection that controls access to any cash or chip storage area."

16. Kansas Crossing Casino's KeyTracer Inventory state that key ring [REDACTED] holds the [REDACTED] keys, all of which are designated as critical sensitive keys by Kansas Crossing Casino's Key Access List.

17. K.A.R. 112-104-38(c): "[a facility manager's] internal control system shall include procedures to be followed when a sensitive key or critical key is lost, missing, or taken from the premises."

18. K.A.R. 112-104-38(d): "[a facility manager's] internal control system shall include procedures for investigating and reporting missing critical keys or sensitive keys. The commission agent on duty shall be notified upon discovery that any sensitive keys or critical keys are missing."

19. KCC 42. 3.: "The following procedures will be followed if a critical or sensitive key is lost, missing, or taken from the premises[:]

- a. The Security Manager and the Director of Security & Facilities will be immediately notified that they key is lost, missing or taken from the

premises.

- b. The Director of Security & Facilities or their designee will:
 - i. immediately notify the Commission agent on duty if a sensitive or critical key is lost, missing or taken from the premises;
 - ii. begin an immediate investigation to locate the lost, missing or key taken from the premises;
 - iii. complete a security incident report documenting the investigation and findings; . . .
 - iv. All locks from lost, missing or taken keys must be replaced within 24 hours of the key being lost, missing or taken.”
- 20. K.A.R. 112-100-2(d): “Each licensee . . . shall report any suspected illegal activity or regulatory violations that impact Kansas to the commission security staff within 24 hours of becoming aware of the matter.”
- 21. K.A.R. 112-113-1(a): “Any licensee . . . may be sanctioned for violating any provision of the . . . [KRGC] regulations . . . including . . . [for] (5) failing to follow . . . the facility manager’s minimum internal control system. . . .”

CONCLUSIONS OF LAW

- 22. Pursuant to K.A.R. 112-104-34(b)(2), Kansas Crossing Casino Internal Control KCC 38. 5., and Kansas Crossing Casino’s Key Access List, key ring [REDACTED] has critical sensitive keys that must be stored in a secured key box and are not permitted to leave Kansas Crossing Casino.
- 23. Respondent violated K.A.R. 112-104-38(c) and Kansas Crossing Casino Internal Controls KCC 42. 3. when Respondent took the critical sensitive keys on key ring

█ off casino property for approximately one hour and thirty minutes.

24. Critical sensitive keys that are taken off casino premises are no longer under the casino's supervision and are therefore vulnerable to copying and tampering.

Because the critical sensitive keys gave access to gaming chips, Respondent put gaming facility assets at risk. Respondent additionally compromised the integrity of gaming by creating the risk that table games cards, dice, or other equipment could be tampered with which could affect the operation or outcome of lottery facility games.

25. K.A.R. 112-104-38(d) requires that a KRGC agent on duty must be notified when any sensitive or critical key is missing. KCC 42. 3. further requires that Kansas Crossing Casino's Director of Security & Facilities and Security Manager must be notified when any sensitive or critical key is missing, lost, or taken off casino property. K.A.R. 112-100-2(d) requires that *each* licensee must report any regulatory violation that they become aware of within 24 hours. The removal of critical sensitive keys that give access to gaming facility assets and lottery facility game equipment from casino property is regulatory violation that impacts Kansas. Thus, all of these provisions gave Respondent the duty to report that she had taken critical sensitive keys off casino property. Because Respondent failed to do so, Respondent violated K.A.R. 112-100-2(d), K.A.R. 112-104-38(d), and KCC 42.3.

STATEMENT OF POLICY

Under the Kansas Expanded Lottery Act, the Kansas Racing and Gaming Commission is required to oversee the enforcement of state laws, enforcement of internal controls, and the

credentialing of employees at Kansas lottery gaming facilities. The Kansas Expanded Lottery Act directed the Kansas Racing and Gaming Commission to adopt rules and regulations to oversee all lottery gaming facility operations. Pursuant to this mandate, the Kansas Racing and Gaming Commission created regulations that subject a licensee to sanctions, including license suspension or revocation, when the licensee violates any provision of the Kansas Expanded Lottery Act, KRGC regulations, or a facility manager's internal controls.

By requiring licensees to adhere to KRGC regulations and the facility manager's internal controls, the Kansas Racing and Gaming Commission ensures the security of gaming facilities assets and integrity of gaming in Kansas. Regulations and internal controls regarding requirements for returning critical sensitive keys are integral to protecting gaming facility assets and the integrity of lottery facility games. When a licensee fails to return critical sensitive keys before exiting the casino, those keys are no longer under the supervision of the facility manager and are therefore vulnerable to tampering or copying in order to gain access to gaming facility assets or manipulate lottery facility games. Enforcement of these provisions is necessary to safeguard gaming facility assets and ensure the integrity of gaming in Kansas.

SANCTION

26. In accordance with K.A.R. 112-113-1(c), the DRB may consider certain factors in considering appropriate sanctions, including risk to the public and to the integrity of gaming operations created by the conduct of the licensee; the nature of the violation; culpability of the licensee; any justification or excuse for the conduct; the licensee's history with respect to compliance; and corrective action taken by the licensee. Moreover, K.A.R. 112-113-1(e) states "it shall be no absolute defense that the licensee . . . inadvertently, unintentionally, or unknowingly"

committed a regulatory violation and “shall affect only the degree of the sanction to be imposed. . . .”

27. The DRB considers the following factors:
- a. Respondent had been employed as a table games supervisor for approximately ten months at the time of this incident. Respondent had been employed by Kansas Crossing Casino as a table games dealer for one year and one month prior to becoming a table games supervisor. In total, Respondent had been a Kansas Crossing Casino employee for approximately one year and eleven months at the time of the incident.
 - b. Respondent’s actions posed a risk to the security of gaming facility assets and to the integrity of lottery facility games.
 - c. Respondent’s violation caused a preventable financial loss to Kansas Crossing Casino when the casino was required to change all of the locks that the key ring opened and destroy the former associated keys.
 - d. There is no justification or excuse for the conduct. There was no emergency, illness, injury, or other extraordinary circumstance which prevented Respondent from returning the key to the key box before she exited the casino. Further, there is no justification or excuse for Respondent’s failure to notify KRGC or casino security personnel that she had taken critical sensitive keys off casino property.
 - e. Respondent is directly culpable for these violations. Because Respondent checked out the key ring, Respondent had the duty to ensure its return to the secure key box before she exited the casino. Furthermore, once she

discovered that she had inadvertently taken the keys off casino premises, she had the duty to notify a KRGC agent and Kansas Crossing Casino security personnel. Because Respondent returned the key ring to the box without notifying anyone, Respondent caused KRGC and casino personnel to continue to search for the key ring. That Respondent did not attempt to report to anyone that she had taken critical sensitive keys off casino property makes it appear as if Respondent did so in an attempt to conceal her violation.

f. Respondent has no previous regulatory violations.

28. Based on the above-described findings of fact, conclusions of law, statement of policy, and sanction factors the DRB orders the Respondent to serve a one-day unpaid suspension. The one-day suspension shall total eight hours. The date of the one-day unpaid suspension shall be determined by the KRGC supervising enforcement agent for the gaming facility where Respondent is employed.
29. Respondent is entitled to a hearing on the above matter, which Respondent may waive by signing and returning the enclosed Hearing Waiver to the KRGC by mail, email, or fax. (See Notice of Hearing and Right to Waive below.)
30. If Respondent waives the right to a hearing, the one-day unpaid suspension must be served within 30 days of this Order becoming final and effective. If Respondent waives, this Order will become final and effective on June 14, 2019.
31. Once the suspension is served, Respondent must also send a timesheet showing the suspension occurred to the KRGC by mail, email, or fax to the address listed below within 30 days of this Order becoming final and effective.

32. If Respondent does not serve the ordered one-day unpaid suspension or does not send a timesheet showing the suspension occurred within 30 days of this Order becoming final and effective, Respondent's license will be automatically indefinitely suspended at the end of the business day without further notification or action taken by the Commission until all terms of this Order are fulfilled and the Respondent's license is reinstated by the KRGC.
33. This Order shall become part of Respondent's permanent KRGC licensing file.

ORDER

In accordance with the above-described findings of fact, conclusions of law, statement of policy, and sanction factors,

IT IS HEREBY ORDERED that the Kansas Racing and Gaming Commission suspend Respondent's license for one day.

IT IS SO ORDERED,



Don Brownlee, Executive Director
Disciplinary Review Board

NOTICE OF HEARING AND RIGHT TO WAIVE

Respondent is entitled to a hearing on the above matter. This right to a hearing may be waived at Respondent's option. (See instructions below for Waiving Right to a Hearing.)

Hearing - Presentation of Written Evidence:

Unless Respondent waives the right to a hearing, this matter will be presented to the Commission on **Friday June 14, 2019 at 10:00 am** at the Eisenhower State Office Building, 700 SW Harrison, Suite 410, Topeka, KS 66603. (Date and location subject to change.)

Written evidence will be presented along with brief oral arguments by the agency and Respondent. Surveillance video may also be presented. Neither party will present live witness testimony at this time. Respondent has the right to be represented by counsel at the Respondent's expense.

If Respondent does not appear at the hearing, a decision will be made on the evidence presented, and any decision will become final agency action. If Respondent has written evidence to present to the Commission, copies of all relevant written evidence must be sent (by mail, email, or fax) no later than May 31, 2019 to the address below.

Following arguments, the Commission will consider the arguments and evidence presented, and if the Commission determines no further evidence is necessary for a finding, the Commission will issue its Order. The Commission can uphold, overturn, or amend the Disciplinary Review Board's Summary Order. If the Commission determines further evidence is necessary for a finding, the case will be continued to the next commission meeting to allow for a full evidentiary hearing. If the Commission issues an Order without a full evidentiary hearing, the Respondent has an automatic right to a full evidentiary hearing where witness testimony will be taken. The right to a full evidentiary hearing may be waived by Respondent prior to the scheduled hearing (see Waiving Right to a Hearing below).

Full Evidentiary Hearing – Presentation of Witness Testimony:

The full evidentiary hearing with witnesses, if required, will be held at the regularly scheduled Commission meeting on Friday July 12, 2019 at 10:00 am at the Eisenhower State Office Building, 700 SW Harrison, Suite 410, Topeka, KS 66603. (Date and location subject to change.)

At this hearing, Respondent has the right to produce additional evidence and witnesses on the Respondent's behalf, the right to cross-examine any witness who may testify against the Respondent, and the right to examine any evidence that may be produced against the Respondent.

The Commission will issue a final Order either directly after deliberation or within 30 days of the hearing date. This Order will constitute final agency action and is subject to appeal under the Kansas Judicial Review Act. If Respondent does not appear at the hearing in person or

by phone, a decision will be made on the evidence presented, and any decision will become final agency action subject to appeal under the Kansas Judicial Review Act. The agency officer to receive service of any petition for judicial review on behalf of the Kansas Racing and Gaming Commission is Judith Taylor, General Counsel, at the address below. Any sanction imposed by the Order may be stayed pending appeal.

Respondent shall submit any additional exhibits and a witness list no later than June 28, 2019 to Judith Taylor, General Counsel, at the address below.

If a full evidentiary hearing is held, the hearing will be conducted in accordance with KRGC regulations. Regulations may be found at <http://www.krgc.ks.gov/index.php/racing-gaming-law/regulations/gaming-regulations/21-government/statute-regulations/30-article-114-rules-of-hearings>. (You may also request that a copy of the regulations be sent to you.)

Appearing by Phone:

Respondent is expected to appear in person for all hearings. Respondent *may* be allowed to appear by phone, at the Commission's discretion, upon written request (by mail, email, or fax) to the address below no later than five days prior to the hearing. If allowed to appear by phone, KRGC will *not* be responsible for sound quality issues that arise from Respondent's use of a cell phone, voice-over-internet (VOIP) connection, or other non-landline phone connection. Sound quality issues could affect the Commission's ability to understand Respondent's testimony, thus every effort to appear in person should be made.

Waiving Right to a Hearing:

Respondent may choose to waive the right to a hearing by signing and returning the enclosed Hearing Waiver (by fax, email, or mail) at the address below. If Respondent chooses to waive the right to a hearing, the above Order becomes final and effective on June 14, 2019 or on the day of waiver, whichever is later. The suspension must be served within 30 days of this Order becoming final.

Send all requests to appear by phone, hearing waivers, written exhibits, witness testimony lists, notices, and petitions for judicial review to:

Judith Taylor, General Counsel
700 SW Harrison, Suite 500
Topeka, KS 66603-3754
(785) 296-0900 (fax)
judy.taylor@krgc.ks.gov

Nothing stated herein precludes Respondent from entering into informal settlement negotiations which could make a hearing unnecessary. To discuss your case, you may contact Michelle Neis, Enforcement Attorney, at 785-296-5800 or by email at michelle.neis@krgc.ks.gov.

CERTIFICATE OF SERVICE

I certify that on this 26th day of April, 2019 (date of service), I served a copy of the above Summary Proceeding Order and Notice of Hearing and Right to Waive on the following by U.S. Mail, first class postage prepaid, addressed to:

Danielle Marie Cox
2514 NE Holley Ln
Miami, OK 74354



Commission Representative

cc: KRGC Licensing File
Disciplinary Review Board Members
Rick Wilson, KRGC Supervisory Agent at Kansas Crossing Casino
Doug Fisher, Kansas Crossing Casino General Manager
Kansas Crossing Casino Human Resource Department

STATE OF KANSAS
KANSAS RACING AND GAMING COMMISSION
700 SW HARRISON, SUITE 500
TOPEKA, KS 66603

IN THE MATTER OF

KRGC Case No. 2019-4004

Danielle Marie Cox, Respondent.

HEARING WAIVER

I, Danielle Cox, stipulate to the Facts and Conclusions of Law as
(print name)
set forth in the Summary Proceeding Order and Notice of Hearing and Right to Waive issued to
me and therefore waive my right to a hearing. I agree to serve the one-day unpaid suspension as
ordered by the Disciplinary Review Board.

Danielle Cox
Danielle Marie Cox
License No. 2009239

5-1-19
Date

**STATE OF KANSAS
KANSAS RACING AND GAMING COMMISSION
700 SW HARRISON, SUITE 500
TOPEKA, KS 66603**

IN THE MATTER OF

KRGC Case No. 2019-4005

Matthew Clinton Schnauffer, Respondent.

**SUMMARY PROCEEDING ORDER AND
NOTICE OF HEARING AND RIGHT TO WAIVE**

The Kansas Racing and Gaming Commission (KRGC), through its Disciplinary Review Board (DRB), hereby gives notice that Matthew Clinton Schnauffer (Respondent), a security officer, has violated the Kansas Expanded Lottery Act (KELA) K.S.A. 74-8757(a); KRGC regulations K.A.R. 112-105-1(a)(5), K.A.R. 112-113(a)(11); Kansas Crossing Casino Security Operations Policy and Procedures pg. 724 & 726; and the Kansas Crossing Casino Responsible Gambling Plan RGP-001-9 by allowing an underage individual onto the gaming floor:

FINDINGS OF FACT

1. On November 14, 2018, Respondent received a temporary occupation permit for a position as a security officer from the KRGC, which is currently in active status.
2. On February 16, 2019, Respondent was on duty as a security officer at Kansas Star Casino. During his shift, Respondent was stationed at the south security podium.
3. At approximately 10:11 p.m., a twenty-year-old female walked past the south podium to enter the gaming floor.
4. Respondent watched the underage individual as she walked by him. Respondent did not stop the twenty-year-old, ask her for identification, or prevent her from entering the gaming floor.

5. Approximately ten minutes later, Respondent asked another security officer to cover the south podium so he could approach the twenty-year-old.
6. When Respondent approached her, he discovered she was underage and escorted her off the gaming floor.
7. The twenty-year-old did not gamble or consume alcohol while she was on the gaming floor.
8. When asked about this incident, Respondent said that the area around him at that time had been very busy and hectic with a lot of people near him.
9. Surveillance footage showed that when the twenty-year-old approached and entered the gaming floor, only her and one other individual were near the Respondent.

LEGAL AUTHORITIES

10. K.S.A. 74-8757(a): “a person less than 21 years of age shall not be permitted in an area where electronic gaming machines or lottery facility games are being conducted. . . .”
11. K.A.R. 112-105-1(a): “the facility manager, through its security department shall do the following: . . . (5) prevent persons who are under 21 years old from gambling or entering gaming areas. . . .”
12. Kansas Crossing Casino Security Operations Policy and Procedures pg. 724:
“Security personnel are to make all attempts to ensure all persons entering the casino are in fact twenty-one (21) years of age. As a General Rule of thumb all persons that appear to be thirty (30) years of age or younger will be requested to produce photo identification as proof of age. . . .”

13. Kansas Crossing Casino Security Operations Policy and Procedures 4. i. pg. 726:
“It is the responsibility of every Security Officer to verify that anyone on the gaming floor . . . who appears to be underage has had their ID checked.”
14. Kansas Crossing Casino Responsible Gambling Plan RGP-001-9: “1. Persons under the age of twenty-one (21) (‘underage’) are prohibited from gambling or entering the gaming floor. . . . 4. Specific departments have duties and responsibilities as set forth below:
 - a. Security Department – Security is responsible for the enforcement and reporting of operational efforts, which related to the prevention and identification of underage gambling.
 - i. *Before* entering the gaming floor, all guests who appear under the age of 30 will be asked by Security Officers to produce valid photo identification. . . .” (Emphasis added.)
15. K.A.R. 112-113-1(a): “Any licensee . . . may be sanctioned for violating any provision of the [Kansas expanded lottery] act [or] these regulations . . . including a violation of any of the following: . . .
 - (5) failing to follow . . . the facility manager’s minimum internal control system; . . .
 - (9) failing to enforce the facility manager’s responsible gaming plan[;] . . .
 - (11) permitting persons who are less than 21 years of age that do not have an occupation license to be in areas where electronic gaming machines or lottery facility games are being conducted.”

CONCLUSIONS OF LAW

16. Pursuant to K.S.A. 74-8757(a), K.A.R. 112-105-1(a)(5), K.A.R. 112-113-1(a)(11), and Kansas Crossing Casino Responsible Gambling Plan RGP-001-9, underage individuals are prohibited from entering the gaming floor of Kansas Crossing Casino.
17. To fulfill these statutory and regulatory requirements, Kansas Crossing Casino implemented Kansas Crossing Casino Security Operations Policy and Procedures pg. 724 & 726 and Kansas Crossing Casino Responsible Gambling Plan RGP-001-9 which require security officers to request identification from all guests who appear under the age of thirty *before* security officers allow them to enter the gaming floor. In this case, the evidence indicates that Respondent perceived the twenty-year-old as appearing less than thirty because he approached her approximately ten minutes after she entered the gaming floor so that he could request to see her ID.
18. Thus, when Respondent failed to check her identification *before* allowing her onto the gaming floor, Respondent violated Kansas Crossing Casino Security Operations Policy and Procedures pg. 724 & 726 and Kansas Crossing Casino Responsible Gambling Plan RGP-001-9.
19. Moreover, Respondent violated K.S.A. 74-8757(a), K.A.R. 112-105-1(a)(5), K.A.R. 112-113-1(a)(11), and the Kansas Crossing Casino Responsible Gambling Plan RGP-001-9 when he permitted a twenty-year-old to enter Kansas Crossing Casino's gaming floor.
20. Respondent's failure to prevent an underage person from entering the gaming

floor increased the chance that the twenty-year-old would gamble or consume alcohol in violation of state law, thereby putting the integrity of gaming at risk.

STATEMENT OF POLICY

Under the Kansas Expanded Lottery Act, the Kansas Racing and Gaming Commission is required to oversee the enforcement of state laws, enforcement of internal controls, and the credentialing of employees at Kansas lottery gaming facilities. The Kansas Expanded Lottery Act directed the Kansas Racing and Gaming Commission to adopt rules and regulations to oversee all lottery gaming facility operations. Pursuant to this mandate, the Kansas Racing and Gaming Commission created regulations that subject a licensee to sanctions, including license suspension or revocation, when the licensee violates any provision of the Kansas Expanded Lottery Act, KRGC regulations, a facility manager's security plan, or a facility manager's responsible gambling plan.

By requiring licensees to adhere to the Kansas Expanded Lottery Act, KRGC regulations, the facility manager's security plan, and the facility manager's responsible gambling plan, the Kansas Racing and Gaming Commission ensures the integrity of gaming in Kansas. The Kansas Expanded Lottery Act, KRGC regulations, security plan, and responsible gambling plan provisions regarding procedures for preventing underage individuals from entering the gaming floor and gambling are integral to protecting the integrity of gaming. Underage individuals have been determined by the state to not have the legal capacity to engage in casino gaming activities. When security officers fail to prevent underage individuals from entering the gaming floor, they enable those individuals to illegally gamble or consume alcohol. Enforcement of these provisions is necessary to ensure the integrity of gaming in Kansas.

SANCTION

21. In accordance with K.A.R. 112-113-1(c), the DRB may consider certain factors in considering appropriate sanctions, including risk to the public and to the integrity of gaming operations created by the conduct of the licensee; the nature of the violation; culpability of the licensee; any justification or excuse for the conduct; the licensee's history with respect to compliance; and corrective action taken by the licensee. Moreover, K.A.R. 112-113-1(e) states "it shall be no absolute defense that the licensee . . . inadvertently, unintentionally, or unknowingly" committed a regulatory violation and "shall affect only the degree of the sanction to be imposed. . . ."
22. The DRB considers the following factors:
 - a. Respondent had been employed as a security officer for approximately three months at the time of this incident.
 - b. Respondent's actions posed a risk to the integrity of gaming in Kansas.
 - c. There is no justification or excuse for the conduct. There was no emergency or other extraordinary circumstance which prevented Respondent from requesting identification from the underage individual.
 - d. When asked about this incident, Respondent attempted to claim that the area around him was very busy and hectic with a lot of people at the time that the twenty-year-old approached the gaming floor. In contrast, surveillance footage shows that only the underage female and one other person were near Respondent when she entered the gaming floor. It appears that Respondent made this misleading claim in an attempt to

lessen his culpability.

- e. However, Respondent is directly culpable for these violations. Because Respondent watched the underage individual as she walked by him to enter the gaming floor, Respondent had ample opportunity to determine she appeared under 30-year-old and request her ID.
- f. Respondent took some corrective action by approaching the underage person after she had entered the gaming floor and escorting her off the gaming floor when he determined she was underage.
- g. Respondent has no previous regulatory violations.

- 23. Based on the above-described findings of fact, conclusions of law, statement of policy, and sanction factors the DRB orders the Respondent to serve a one-day unpaid suspension. The one-day suspension shall total eight hours. The date of the one-day unpaid suspension shall be determined by the KRGC supervising enforcement agent for the gaming facility where Respondent is employed.
- 24. Respondent is entitled to a hearing on the above matter, which Respondent may waive by signing and returning the enclosed Hearing Waiver to the KRGC by mail, email, or fax. (See Notice of Hearing and Right to Waive below.)
- 25. If Respondent waives the right to a hearing, the one-day unpaid suspension must be served within 30 days of this Order becoming final and effective. If Respondent waives, this Order will become final and effective on June 14, 2019.
- 26. Once the suspension is served, Respondent must also send a timesheet showing the suspension occurred to the KRGC by mail, email, or fax to the address listed below within 30 days of this Order becoming final and effective.

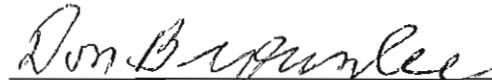
27. If Respondent does not serve the ordered one-day unpaid suspension or does not send a timesheet showing the suspension occurred within 30 days of this Order becoming final and effective, Respondent's license will be automatically indefinitely suspended at the end of the business day without further notification or action taken by the Commission until all terms of this Order are fulfilled and the Respondent's license is reinstated by the KRGC.
28. This Order shall become part of Respondent's permanent KRGC licensing file.

ORDER

In accordance with the above-described findings of fact, conclusions of law, statement of policy, and sanction factors,

IT IS HEREBY ORDERED that the Kansas Racing and Gaming Commission suspend Respondent's license for one day.

IT IS SO ORDERED,



Don Brownlee, Executive Director
Disciplinary Review Board

NOTICE OF HEARING AND RIGHT TO WAIVE

Respondent is entitled to a hearing on the above matter. This right to a hearing may be waived at Respondent's option. (See instructions below for Waiving Right to a Hearing.)

Hearing - Presentation of Written Evidence:

Unless Respondent waives the right to a hearing, this matter will be presented to the Commission on **Friday June 14, 2019 at 10:00 am** at the Eisenhower State Office Building, 700 SW Harrison, Suite 410, Topeka, KS 66603. (Date and location subject to change.)

Written evidence will be presented along with brief oral arguments by the agency and Respondent. Surveillance video may also be presented. Neither party will present live witness testimony at this time. Respondent has the right to be represented by counsel at the Respondent's expense.

If Respondent does not appear at the hearing, a decision will be made on the evidence presented, and any decision will become final agency action. If Respondent has written evidence to present to the Commission, copies of all relevant written evidence must be sent (by mail, email, or fax) no later than May 31, 2019 to the address below.

Following arguments, the Commission will consider the arguments and evidence presented, and if the Commission determines no further evidence is necessary for a finding, the Commission will issue its Order. The Commission can uphold, overturn, or amend the Disciplinary Review Board's Summary Order. If the Commission determines further evidence is necessary for a finding, the case will be continued to the next commission meeting to allow for a full evidentiary hearing. If the Commission issues an Order without a full evidentiary hearing, the Respondent has an automatic right to a full evidentiary hearing where witness testimony will be taken. The right to a full evidentiary hearing may be waived by Respondent prior to the scheduled hearing (see Waiving Right to a Hearing below).

Full Evidentiary Hearing – Presentation of Witness Testimony:

The full evidentiary hearing with witnesses, if required, will be held at the regularly scheduled Commission meeting on Friday July 12, 2019 at 10:00 am at the Eisenhower State Office Building, 700 SW Harrison, Suite 410, Topeka, KS 66603. (Date and location subject to change.)

At this hearing, Respondent has the right to produce additional evidence and witnesses on the Respondent's behalf, the right to cross-examine any witness who may testify against the Respondent, and the right to examine any evidence that may be produced against the Respondent.

The Commission will issue a final Order either directly after deliberation or within 30 days of the hearing date. This Order will constitute final agency action and is subject to appeal under the Kansas Judicial Review Act. If Respondent does not appear at the hearing in person or

by phone, a decision will be made on the evidence presented, and any decision will become final agency action subject to appeal under the Kansas Judicial Review Act. The agency officer to receive service of any petition for judicial review on behalf of the Kansas Racing and Gaming Commission is Judith Taylor, General Counsel, at the address below. Any sanction imposed by the Order may be stayed pending appeal.

Respondent shall submit any additional exhibits and a witness list no later than June 28, 2019 to Judith Taylor, General Counsel, at the address below.

If a full evidentiary hearing is held, the hearing will be conducted in accordance with KRGC regulations. Regulations may be found at <http://www.krgc.ks.gov/index.php/racing-gaming-law/regulations/gaming-regulations/21-government/statute-regulations/30-article-114-rules-of-hearings>. (You may also request that a copy of the regulations be sent to you.)

Appearing by Phone:

Respondent is expected to appear in person for all hearings. Respondent *may* be allowed to appear by phone, at the Commission's discretion, upon written request (by mail, email, or fax) to the address below no later than five days prior to the hearing. If allowed to appear by phone, KRGC will *not* be responsible for sound quality issues that arise from Respondent's use of a cell phone, voice-over-internet (VOIP) connection, or other non-landline phone connection. Sound quality issues could affect the Commission's ability to understand Respondent's testimony, thus every effort to appear in person should be made.

Waiving Right to a Hearing:

Respondent may choose to waive the right to a hearing by signing and returning the enclosed Hearing Waiver (by fax, email, or mail) at the address below. If Respondent chooses to waive the right to a hearing, the above Order becomes final and effective on June 14, 2019 or on the day of waiver, whichever is later. The suspension must be served within 30 days of this Order becoming final.

Send all requests to appear by phone, hearing waivers, written exhibits, witness testimony lists, notices, and petitions for judicial review to:

Judith Taylor, General Counsel
700 SW Harrison, Suite 500
Topeka, KS 66603-3754
(785) 296-0900 (fax)
judy.taylor@krgc.ks.gov

Nothing stated herein precludes Respondent from entering into informal settlement negotiations which could make a hearing unnecessary. To discuss your case, you may contact Michelle Neis, Enforcement Attorney, at 785-296-5800 or by email at michelle.neis@krgc.ks.gov.

CERTIFICATE OF SERVICE

I certify that on this 26th day of April, 2019 (date of service), I served a copy of the above Summary Proceeding Order and Notice of Hearing and Right to Waive on the following by U.S. Mail, first class postage prepaid, addressed to:

Matthew Clinton Schnauffer
PO Box 624
Aurora, MO 65605



Commission Representative

cc: KRGC Licensing File
Disciplinary Review Board Members
Rick Wilson, KRGC Supervisory Agent at Kansas Crossing Casino
Doug Fisher, Kansas Crossing Casino General Manager
Kansas Crossing Casino Human Resource Department

STATE OF KANSAS
KANSAS RACING AND GAMING COMMISSION
700 SW HARRISON, SUITE 500
TOPEKA, KS 66603

IN THE MATTER OF

KRGC Case No. 2019-4005

Matthew Clinton Schnauffer, Respondent.

HEARING WAIVER

I, Matthew Schnauffer, stipulate to the Facts and Conclusions of Law as
(print name)
set forth in the Summary Proceeding Order and Notice of Hearing and Right to Waive issued to
me and therefore waive my right to a hearing. I agree to serve the one-day unpaid suspension as
ordered by the Disciplinary Review Board.

Matthew Schnauffer 1593
Matthew Clinton Schnauffer
License No. 2011593

May 9 2019
Date

STATE OF KANSAS
KANSAS RACING AND GAMING COMMISSION
700 SW HARRISON, SUITE 500
TOPEKA, KS 66603

IN THE MATTER OF

KRGC Case No. 2019-4006

Christian Charles Abbott, Respondent.

**SUMMARY PROCEEDING ORDER AND
NOTICE OF HEARING AND RIGHT TO WAIVE**

The Kansas Racing and Gaming Commission (KRGC), through its Disciplinary Review Board (DRB), hereby gives notice that Christian Charles Abbott (Respondent), a former dual rate security shift manager and security officer, has violated the Kansas Crossing Casino Security Operations Policy and Procedures pg. 721 and the Kansas Crossing Casino Responsible Gambling Plan RGP-001-9 pg. 648-649 and is subject to sanctions under K.A.R. 112-113(a)(6) & (a)(9) by failing to notify the KRGC when an underage individual was discovered on the gaming floor and failing to complete a formal eviction form to give her:

FINDINGS OF FACT

1. On February 1, 2017, Respondent received a temporary occupation permit for a position as a security officer from the KRGC. Respondent received a permanent level II gaming license on June 21, 2017, which is currently in inactive status. On June 28, 2018, Respondent was promoted to a dual rate security shift manager and security officer.
2. On April 4, 2019, Respondent was on duty as a security shift manager at Kansas Crossing Casino.
3. At approximately 1:37 a.m., a twenty-year-old female was allowed onto the gaming floor by another security officer.

4. Surveillance personnel notified Respondent that a suspected underage female had entered the gaming floor.
5. Respondent approached the twenty-year-old and confirmed that she did not have valid identification showing she was at least twenty-one years old.
6. Respondent escorted the twenty-year-old out of the casino.
7. Respondent did not notify the KRGC that an underage person had been discovered on the gaming floor.
8. Respondent did not complete a Kansas Crossing Casino formal eviction form for the underage individual.

LEGAL AUTHORITIES

9. K.S.A. 74-8757(a): “a person less than 21 years of age shall not be permitted in an area where electronic gaming machines or lottery facility games are being conducted. . . .”
10. K.A.R. 112-105-1(a): “the facility manager, through its security department shall do the following: . . . (5) prevent persons who are under 21 years old from gambling or entering gaming areas. . . .”
11. Kansas Crossing Casino Security Operations Policy and Procedures pg. 721:
“1. Any casino Team Member suspecting a guest may be underage will require the guest to provide proper identification as defined previously or Security will be contacted immediately. If the guest is underage or cannot produce a legally acceptable government issued photo identification, Security will *immediately* contact the KRGC Enforcement Agent on duty and Surveillance. . . .”

3. If the patron is found to be underage or cannot provide the proper identification, Security will use all reasonable and lawful means to identify and, if possible, detain the guest.” (Emphasis added.)
12. Kansas Crossing Casino Responsible Gambling Plan RGP-001-9 pg. 648-649:
 - “1. Persons under the age of twenty-one (21) (‘underage’) are prohibited from gambling or entering the gaming floor. . . .
 4. Specific departments have duties and responsibilities as set forth below:
 - a. Security Department – Security is responsible for the enforcement and reporting of operational efforts, which related to the prevention and identification of underage gambling. . . .
 - v. If the guest is underage, or cannot produce verifiable government issued photo identification, Security will *immediately* contact the KRGC Agent on duty. The underage individual will be escorted off the gaming floor by Security and/or the KRGC Agent. . . .
 - vi. The Security Department will complete a formal eviction form for the individual, who will be advised that subsequent violations will result in an arrest for trespass pursuant to K.S.A. 21-5808. . . .” (Emphasis added.)
 13. K.A.R. 112-113-1(a): “Any licensee . . . may be sanctioned for violating any provision of the [Kansas expanded lottery] act [or] these regulations . . . including a violation of any of the following: . . .
 - (6) failing to follow . . . the facility manager’s security plan;
 - (9) failing to enforce the facility manager’s responsible gaming plan. . . .”

CONCLUSIONS OF LAW

14. Pursuant to K.S.A. 74-8757(a), K.A.R. 112-105-1(a)(5), Kansas Crossing Casino Security Operations Policy and Procedures pg. 721, and Kansas Crossing Casino Responsible Gambling Plan RGP-001-9 pg. 648, underage individuals are prohibited from entering or remaining on the gaming floor of Kansas Crossing Casino.
15. To fulfill these statutory and regulatory requirements, Kansas Crossing Casino implemented Kansas Crossing Casino Security Operations Policy and Procedures pg. 721 and Kansas Crossing Casino Responsible Gambling Plan RGP-001-9 pg. 648 which require security personnel to request identification from anyone who is suspected to be underage. If the person is determined to be underage or cannot produce valid identification, security personnel are required to first, immediately notify a KRGC agent, and second, complete a Kansas Crossing Casino formal eviction form to give to the individual.
16. These Kansas Crossing Casino procedures exist so that KRGC agents can immediately investigate whether the underage person either gambled or consumed alcohol in violation of state laws. The Kansas Crossing Casino eviction form notifies the underage person in writing that they are not permitted on the gaming floor and thus enables law enforcement to pursue trespass charges if the underage person again enters the gaming floor.
17. When Respondent failed to notify a KRGC agent after discovering the twenty-year-old on the floor, Respondent violated Kansas Crossing Casino Security Operations Policy and Procedures pg. 721 and Kansas Crossing Casino

Responsible Gambling Plan RGP-001-9 pg. 648.

18. Further, Respondent violated Kansas Crossing Casino Responsible Gambling Plan RGP-001-9 pg. 649 when Respondent failed to complete a Kansas Crossing Casino formal eviction form to give to the underage individual.

STATEMENT OF POLICY

Under the Kansas Expanded Lottery Act, the Kansas Racing and Gaming Commission is required to oversee the enforcement of state laws, enforcement of internal controls, and the credentialing of employees at Kansas lottery gaming facilities. The Kansas Expanded Lottery Act directed the Kansas Racing and Gaming Commission to adopt rules and regulations to oversee all lottery gaming facility operations. Pursuant to this mandate, the Kansas Racing and Gaming Commission created regulations that subject a licensee to sanctions, including license suspension or revocation, when the licensee violates any provision of the Kansas Expanded Lottery Act, KRGC regulations, a facility manager's security plan, or a facility manager's responsible gambling plan.

By requiring licensees to adhere to the Kansas Expanded Lottery Act, KRGC regulations, the facility manager's security plan, and the facility manager's responsible gambling plan, the Kansas Racing and Gaming Commission ensures the integrity of gaming in Kansas. The Kansas Expanded Lottery Act, KRGC regulations, security plan, and responsible gambling plan provisions regarding procedures for removing and reporting underage individuals on the gaming floor are integral to protecting the integrity of gaming. Underage individuals have been determined by the state to not have the legal capacity to engage in casino gaming activities. When security personnel fail to properly report underage individuals who are found on the gaming floor, they hinder the KRGC's ability to investigate whether those individuals have

illegally gambled or consumed alcohol. Enforcement of these provisions is necessary to ensure the integrity of gaming in Kansas.

SANCTION

19. In accordance with K.A.R. 112-113-1(c), the DRB may consider certain factors in considering appropriate sanctions, including risk to the public and to the integrity of gaming operations created by the conduct of the licensee; the nature of the violation; culpability of the licensee; any justification or excuse for the conduct; the licensee's history with respect to compliance; and corrective action taken by the licensee. Moreover, K.A.R. 112-113-1(e) states "it shall be no absolute defense that the licensee . . . inadvertently, unintentionally, or unknowingly" committed a regulatory violation and "shall affect only the degree of the sanction to be imposed. . . ."
20. The DRB considers the following factors:
 - a. Respondent had been employed as either a security officer or security shift manager for approximately two years and two months at the time of this incident.
 - b. Respondent's actions posed a risk to the integrity of gaming in Kansas. Had the twenty-year-old gambled or consumed alcohol while on the gaming floor, Respondent's failure to report her presence to the KRGC could have hindered a necessary law enforcement response.
 - c. There is no justification or excuse for the conduct. There was no emergency or other extraordinary circumstance which prevented Respondent from reporting the underage individual to the KRGC or

issuing her a Kansas Crossing Casino formal eviction form.

- d. Respondent is directly culpable for these violations. As a security shift manager and long-term security department employee, Respondent knew or should have known that he was required to report an underage individual immediately and issue her a formal eviction form.
 - e. Respondent has no previous regulatory violations.
21. Based on the above-described findings of fact, conclusions of law, statement of policy, and sanction factors the DRB orders Respondent to pay a \$100.00 fine.
22. Respondent's check shall be made payable to the Kansas Racing and Gaming Commission and shall be sent to the following address:
- Kansas Racing and Gaming Commission
Attn: Judith Taylor, General Counsel
700 SW Harrison, Suite 500
Topeka, KS 66603-3754
23. Respondent is entitled to a hearing on the above matter, which Respondent may waive by signing and returning the enclosed Hearing Waiver to the KRGC by mail, email, or fax. (See Notice of Hearing and Right to Waive below.)
24. If Respondent waives the right to a hearing, the \$100.00 fine must be paid in full within 30 days of this Order becoming final and effective. If Respondent waives, this Order will become final and effective on June 14, 2019.
25. If Respondent does not pay the fine within 30 days of this Order becoming final and effective, Respondent's license will be automatically indefinitely suspended at the end of the business day without further notification or action taken by the Commission until all terms of this Order are fulfilled and the Respondent's license is reinstated by the KRGC. Any unpaid amount shall be considered a debt

and will be submitted to the State of Kansas Debt Setoff Program.

26. This Order shall become part of Respondent's permanent KRGC licensing file.

ORDER

In accordance with the above-described findings of fact, conclusions of law, statement of policy, and sanction factors,

IT IS HEREBY ORDERED that the Kansas Racing and Gaming Commission issue a \$100.00 fine to the Respondent.

IT IS SO ORDERED,

A handwritten signature in black ink, appearing to read "Don Brownlee", written over a horizontal line.

Don Brownlee, Executive Director
Disciplinary Review Board

NOTICE OF HEARING AND RIGHT TO WAIVE

Respondent is entitled to a hearing on the above matter. This right to a hearing may be waived at Respondent's option. (See instructions below for Waiving Right to a Hearing.)

Hearing - Presentation of Written Evidence:

Unless Respondent waives the right to a hearing, this matter will be presented to the Commission on **Friday June 14, 2019 at 10:00 am** at the Eisenhower State Office Building, 700 SW Harrison, Suite 410, Topeka, KS 66603. (Date and location subject to change.)

Written evidence will be presented along with brief oral arguments by the agency and Respondent. Surveillance video may also be presented. Neither party will present live witness testimony at this time. Respondent has the right to be represented by counsel at the Respondent's expense.

If Respondent does not appear at the hearing, a decision will be made on the evidence presented, and any decision will become final agency action. If Respondent has written evidence to present to the Commission, copies of all relevant written evidence must be sent (by mail, email, or fax) **no later than May 31, 2019** to the address below.

Following arguments, the Commission will consider the arguments and evidence presented, and if the Commission determines no further evidence is necessary for a finding, the Commission will issue its Order. The Commission can uphold, overturn, or amend the Disciplinary Review Board's Summary Order. If the Commission determines further evidence is necessary for a finding, the case will be continued to the next commission meeting to allow for a full evidentiary hearing. If the Commission issues an Order without a full evidentiary hearing, the Respondent has an automatic right to a full evidentiary hearing where witness testimony will be taken. The right to a full evidentiary hearing may be waived by Respondent prior to the scheduled hearing (see Waiving Right to a Hearing below).

Full Evidentiary Hearing – Presentation of Witness Testimony:

The full evidentiary hearing with witnesses, if required, will be held at the regularly scheduled Commission meeting on **Friday July 12, 2019 at 10:00 am** at the Eisenhower State Office Building, 700 SW Harrison, Suite 410, Topeka, KS 66603. (Date and location subject to change.)

At this hearing, Respondent has the right to produce additional evidence and witnesses on the Respondent's behalf, the right to cross-examine any witness who may testify against the Respondent, and the right to examine any evidence that may be produced against the Respondent.

The Commission will issue a final Order either directly after deliberation or within 30 days of the hearing date. This Order will constitute final agency action and is subject to appeal under the Kansas Judicial Review Act. If Respondent does not appear at the hearing in person or

by phone, a decision will be made on the evidence presented, and any decision will become final agency action subject to appeal under the Kansas Judicial Review Act. The agency officer to receive service of any petition for judicial review on behalf of the Kansas Racing and Gaming Commission is Judith Taylor, General Counsel, at the address below. Any sanction imposed by the Order may be stayed pending appeal.

Respondent shall submit any additional exhibits and a witness list no later than June 28, 2019 to Judith Taylor, General Counsel, at the address below.

If a full evidentiary hearing is held, the hearing will be conducted in accordance with KRGC regulations. Regulations may be found at <http://www.krgc.ks.gov/index.php/racing-gaming-law/regulations/gaming-regulations/21-government/statute-regulations/30-article-114-rules-of-hearings>. (You may also request that a copy of the regulations be sent to you.)

Appearing by Phone:

Respondent is expected to appear in person for all hearings. Respondent *may* be allowed to appear by phone, at the Commission's discretion, upon written request (by mail, email, or fax) to the address below no later than five days prior to the hearing. If allowed to appear by phone, KRGC will *not* be responsible for sound quality issues that arise from Respondent's use of a cell phone, voice-over-internet (VOIP) connection, or other non-landline phone connection. Sound quality issues could affect the Commission's ability to understand Respondent's testimony, thus every effort to appear in person should be made.

Waiving Right to a Hearing:

Respondent may choose to waive the right to a hearing by signing and returning the enclosed Hearing Waiver (by fax, email, or mail) at the address below. If Respondent chooses to waive the right to a hearing, the above Order becomes final and effective on June 14, 2019 or on the day of waiver, whichever is later. The fine must be paid within 30 days of this Order becoming final.

Send all requests to appear by phone, hearing waivers, written exhibits, witness testimony lists, notices, and petitions for judicial review to:

Judith Taylor, General Counsel
700 SW Harrison, Suite 500
Topeka, KS 66603-3754
(785) 296-0900 (fax)
judy.taylor@krgc.ks.gov

Nothing stated herein precludes Respondent from entering into informal settlement negotiations or from requesting to pay the fine in multiple payments, which could make a hearing unnecessary. To discuss your case, you may contact Michelle Neis, Enforcement Attorney, at 785-296-5800 or by email at michelle.neis@krgc.ks.gov.

CERTIFICATE OF SERVICE

I certify that on this 9th day of May, 2019 (date of service), I served a copy of the above Summary Proceeding Order and Notice of Hearing and Right to Waive on the following by U.S. Mail, first class postage prepaid, addressed to:

Christian Charles Abbott
1903 N Locust St
Pittsburg, KS 66762



Commission Representative

cc: KRGC Licensing File
Disciplinary Review Board Members
Rick Wilson, KRGC Supervisory Agent at Kansas Crossing Casino
Doug Fisher, Kansas Crossing Casino General Manager
Kansas Crossing Casino Human Resource Department

STATE OF KANSAS
KANSAS RACING AND GAMING COMMISSION
700 SW HARRISON, SUITE 500
TOPEKA, KS 66603

IN THE MATTER OF

KRGC Case No. 2019-4006

Christian Charles Abbott, Respondent.

HEARING WAIVER

I, Christian Abbott (print name), stipulate to the Facts and Conclusions of Law as set forth in the Summary Proceeding Order and Notice of Hearing and Right to Waive issued to me and therefore waive my right to a hearing. I agree to pay the \$100.00 fine as ordered by the Disciplinary Review Board.

Christian Charles Abbott
Christian Charles Abbott
License No. 2009136

5/28/19
Date

BOOT HILL CASINO & RESORT
REPORT PRESENTED TO
THE KANSAS RACING AND GAMING COMMISSION
JUNE 21, 2019

BY: Diane Giardine

- 1) For the month of May 2019, BHCR experienced an increase in Total Gaming Revenue of 4.45% over prior year May 2018. Total Slot revenue was up 10.47% while Table Games revenue was down 35.29%.

Upcoming Promotions & Events

- Earn & Eat Mondays
- Tuesday 20
- Earn and Win Amazon gift cards
- Points for Play Thursdays
- Summer Splash Fridays
- \$50,000 Lucky Roll Saturdays
- Food And Drink Specials
- Stay & Play Hotel Packages

Upcoming Entertainment & Events

- Starship featuring Mickey Thomas June 15
- Virlan Garcia June 28

BOOT HILL CASINO & RESORT

Lottery Gaming Facility Revenue-Unaudited*

	May 2019	May 2018	Fiscal YTD 2019	Fiscal YTD 2018
Electronic gaming machines	3,314,615.46	3,000,568.39	33,851,849.96	32,995,536.72
Table games	294,348.94	454,768.64	4,493,509.97	4,800,572.49
Other #	<u>47.23</u>	<u>22.69</u>	<u>7,026.94</u>	<u>7,819.83</u>
Total Lottery Gaming Facility Revenue	<u><u>3,609,011.63</u></u>	<u><u>3,455,359.72</u></u>	<u><u>38,352,386.87</u></u>	<u><u>37,803,929.04</u></u>
State Share 22%	793,982.56	760,179.14	8,437,525.11	8,316,864.39
Local Share 3%	108,270.35	103,660.79	1,150,571.61	1,134,117.87
Problem Gambling Share 2%	72,180.23	69,107.19	767,047.74	756,078.58
Casino Share 73%	2,634,578.49	2,522,412.60	27,997,242.42	27,596,868.20

****Unaudited-as reported by the Kansas Lottery Central Computer system.***

#Other sweeps, principally lost and found funds.

**KANSAS STAR CASINO
REPORT PRESENTED TO
THE KANSAS RACING AND GAMING COMMISSION
June 12, 2019**

BY:

Jeff Babinski – Vice President & General Manager

Operational Notes

- **May admissions down 0.22% from May 2018**

May 2019 Revenue #'s

- **Total Gross Gaming Revenue up 10.7% to May 2018**
- **Slot Coin-In (Handle) up 11.7% to May 2018**
- **Slot hold (gross) down 0.02 pts from May 2018**
- **Table Game drop up 8.9% from May 2018**
- **Table Game hold is down 1.08 pts from May 2018**
- **Poker Room revenue up 1.4% from May 2018**

Past Arena Events

- **Howie Mandel – May 4**
- **BConnected**
 - **Emerald Party – May 10**
 - **Onyx & Titanium Parties – May 11**
 - **System conversion – May 13**
- **LOCASH – May 16**
- **Aaron Lewis – May 17**
- **Kansas High School Rodeo Championship – May 31 to June 2**
- **Southern Plains Regional Wrestling Tournament – June 6 to June 9**
- **Trace Adkins – June 15**

Upcoming Events

- **Asian Variety Show and Fashion Show – July 13**
- **Wichita Flea Market – July 21**
- **EFC – August 3**
- **KEMSA – August 7 to August 11**
- **Wichita Flea Market – August 24**

KANSAS STAR CASINO & RESORT

Lottery Gaming Facility Revenue-Unaudited*

	May 2019	May 2018	Fiscal YTD 2019	Fiscal YTD 2018
Electronic gaming machines	14,318,126.39	12,789,515.75	145,571,446.26	144,097,759.98
Table games	2,002,827.10	1,910,223.55	23,119,233.38	23,768,498.67
Other #	<u>142.82</u>	<u>50.45</u>	<u>16,354.44</u>	<u>18,032.51</u>
Total Lottery Gaming Facility Revenue	<u>16,321,096.31</u>	<u>14,699,789.75</u>	<u>168,707,034.08</u>	<u>167,884,291.16</u>
State Share 22% (Tier 1)**	3,590,641.19	3,233,953.75	37,115,547.50	36,934,544.06
State Share 2% marginal (Tier 2)**	-	-	-	-
Local Share 3%	489,632.89	440,993.69	5,061,211.02	5,036,528.73
Problem Gambling Share 2%	326,421.93	293,995.80	3,374,140.68	3,357,685.82
Casino Share 73%	11,914,400.31	10,730,846.52	123,156,134.88	122,555,532.55

****Unaudited-as reported by the Kansas Lottery Central Computer system.***

#Other sweeps, principally lost and found funds.

HOLLYWOOD CASINO AT KANSAS SPEEDWAY
REPORT PRESENTED TO
THE KANSAS RACING AND GAMING COMMISSION
June 21, 2019

BY: RICK SKINNER – VICE PRESIDENT & GENERAL MANAGER

May 2019

Admissions

- May admissions were up 5.2% compared to May of 2018

May 2019 Revenue Numbers

- Total Gaming Revenue was \$13.5M – an increase of 7.3%
- Slot Revenue was \$12M – an increase of 7.6%
- Table Games Revenue was \$1.5M – an increase of 4.7%

May and June Events

- May 10 & 11 – NASCAR Weekend at Kansas Speedway and Party on the Patio
- May 17 & 31 – Luggage Giveaway
- May 18 – Winners Giveaway
- May 31 – Final Fridays on the Patio
- Thursdays in June – Ain't Life Grand promotion
- June 1 – Norwegian Cruise Line Event
- June 1 & 15 – Summer Bash for Cash

Upcoming Events

- June 22 – VIP Mystery Drum
- June 28 – U-Pick, U-Pull, U-Win and Final Friday on the Patio
- June 29 – Quesadilla maker giveaway
- July 4 – Cooler givaway

HOLLYWOOD CASINO & RESORT

Lottery Gaming Facility Revenue-Unaudited*

	May 2019	May 2018	Fiscal YTD 2019	Fiscal YTD 2018
Electronic gaming machines	12,000,731.12	11,151,875.52	122,944,416.87	120,142,934.53
Table games	1,507,994.24	1,439,877.74	15,496,420.27	16,121,949.67
Other #	<u>76.11</u>	<u>223.19</u>	<u>41,402.02</u>	<u>23,135.14</u>
Total Lottery Gaming Facility Revenue	<u><u>13,508,801.47</u></u>	<u><u>12,591,976.45</u></u>	<u><u>138,482,239.16</u></u>	<u><u>136,288,019.34</u></u>
State Share 22%	2,971,936.32	2,770,234.82	30,466,092.62	29,983,364.25
Local Share 3%	405,264.04	377,759.29	4,154,467.17	4,088,640.58
Problem Gambling Share 2%	270,176.03	251,839.53	2,769,644.78	2,725,760.39
Casino Share 73%	9,861,425.07	9,192,142.81	101,092,034.59	99,490,254.12

****Unaudited-as reported by the Kansas Lottery Central Computer system.***

#Other sweeps, principally lost and found funds.

KANSAS CROSSING CASINO + HOTEL
REPORT PRESENTED TO
THE KANSAS RACING AND GAMING COMMISSION
June 21, 2019

BY: Doug Fisher

Year over year, Kansas Crossing Casino is reporting the following results for May;

- 5.3% Decrease in Admissions
- 16.9% Increase in Net Slot Revenue
- .7% Decrease in Table Win
- 15.8% Overall Increase in Net Gaming Revenue

Promotions + Events

- **May –**
 - 5th – Pinata Smash and Grab, top prize was \$5,000 and Holy Guacamole Hot Seats – 50 winners received \$100 in free play
 - Every Sunday and Monday invited guests received a solar outdoor device. 4 pieces in all.
 - 11th – Bills Bills Bills, invited guests received a \$20, \$50, or \$100 Bill.
 - 18th – Grab a Grill Drawing
 - 19th – VIP Brunch
 - 25th – Bank Account Bonanza – A progressive drawing where the top prize in May was potentially \$50,000.
 - 25th – Dollars and Davidson – Top Prize was a Soft Tail Slim and \$5,000 Cash
 - Every Wednesday – Camp 49 Events.
 - Every Tuesday – Slot Tournaments

- **June –**

- Every Saturday Night – “Beat the Heat Progressive”. The prize is guaranteed to go out before midnight each Saturday and top prize can be up to \$10, 000.
- 2nd – Invited guests received a cooler and a 6 pack of Pepsi.
- 7th – National Donut Day Smash and Grab. Top Prize \$5,000.
- 15th – Invitational Blackjack Tournament
- 29th – Bank Account Bonanza – A progressive drawing where the top prize in June, if selected, is \$60,000.
- Every Friday and Saturday - Sizzling Summer Hot Seats – 50 winners a day of \$50.
- Every Wednesday – Camp 49 Events.
- Every Friday – Slot Tournaments

The Corral Stage

- Previous Events

- May 11th – Walkout MMA
- May 25th - Boots and Beer
- June 8th – Puddle of Mudd – Rock Group

- Upcoming Events

- June 22nd – Jim Wand
- July 6th – xWE Professional Wrestling
- July 12th – 38 Special Rock Group (Outdoor show)
- July 26th – Colt Ford
- “Raise the Ruff” – A Benefit Concert for the Southeast Kansas Humane Society featuring Country Singer Jake Dodds.

KANSAS CROSSING CASINO & RESORT

Lottery Gaming Facility Revenue-Unaudited*

	May 2019	May 2018	Fiscal YTD 2019	Fiscal YTD 2018
Electronic gaming machines	3,030,506.51	2,582,256.77	28,797,310.93	26,834,513.04
Table games	252,821.00	254,748.00	2,766,503.00	2,877,806.50
Other #	<u>56.00</u>	<u>42.00</u>	<u>4,068.02</u>	<u>2,560.40</u>
Total Lottery Gaming Facility Revenue	<u><u>3,283,383.51</u></u>	<u><u>2,837,046.77</u></u>	<u><u>31,567,881.95</u></u>	<u><u>29,714,879.94</u></u>
State Share 22%	722,344.37	624,150.29	6,944,934.03	6,537,273.59
Local Share 3%	98,501.51	85,111.40	947,036.46	891,446.40
Problem Gambling Share 2%	65,667.67	56,740.94	631,357.64	594,297.60
Casino Share 73%	2,396,869.96	2,071,044.14	23,044,553.82	21,691,862.36

****Unaudited-as reported by the Kansas Lottery Central Computer system.***

#Other sweeps, principally lost and found funds.

May 2019 Casino Financials

Casino Gaming Revenue for Month Ending May 31, 2019					
Revenue Source	Boot Hill Casino	Kansas Star Casino	Hollywood Casino	Kansas Crossing Casino	Total All Casinos
EGM	\$ 3,314,615	\$ 14,318,126	\$ 12,000,731	\$ 3,030,507	\$ 32,663,979
Table Games	294,349	2,002,827	1,507,994	252,821	4,057,991
Other #	47	143	76	56	322
Total	\$ 3,609,012	\$ 16,321,096	\$ 13,508,801	\$ 3,283,384	\$ 36,722,293

Cumulative Gaming Revenue per Fiscal Year					
Fiscal Year	Boot Hill	Kansas Star	Hollywood	Kansas Crossing	Total All Casinos
2010	\$ 20,663,987	\$ -	\$ -	\$ -	\$ 20,663,987
2011	40,055,280	-	-	-	40,055,280
2012	43,886,501	98,855,928	54,622,687	-	197,365,116
2013	43,353,504	192,187,166	124,993,721	-	360,534,391
2014	39,906,275	181,079,650	132,036,392	-	353,022,317
2015	40,513,186	181,754,051	142,759,065	-	365,026,302
2016	38,937,088	181,600,677	143,833,330	-	364,371,095
2017	40,222,932	178,105,968	144,582,037	8,206,260	371,117,197
2018	41,186,638	182,084,527	148,770,984	32,465,853	404,508,001
2019	38,352,387	168,707,034	138,482,239	31,567,882	377,109,542
Total Since Opening	\$ 387,077,778	\$ 1,364,375,001	\$ 1,030,080,455	\$ 72,239,995	\$ 2,853,773,228

Fund Distribution FY 2019					
Recipients	Boot Hill	Kansas Star	Hollywood	Kansas Crossing	Total All Casinos
State of Kansas	\$ 8,437,525	\$ 37,115,547	\$ 30,466,093	\$ 6,944,934	\$ 82,964,099
Local Governments	1,150,572	5,061,211	4,154,467	947,036	11,313,286
Problem Gambling and Addictions Fund	767,048	3,374,141	2,769,645	631,358	7,542,191
Casino Manager	27,997,242	123,156,135	101,092,035	23,044,554	275,289,966
Total	\$ 38,352,387	\$ 168,707,034	\$ 138,482,239	\$ 31,567,882	\$ 377,109,542

Fund Distribution Since Opening					
Recipients	Boot Hill	Kansas Star	Hollywood	Kansas Crossing	Total All Casinos
State of Kansas	\$ 85,157,111.05	\$ 300,162,500.30	\$ 226,617,700.07	\$ 15,892,798.84	\$ 627,830,110.26
Local Governments	11,612,333.33	40,931,250.04	30,902,413.65	2,167,199.84	85,613,196.85
Problem Gambling and Addictions Fund	7,741,555.55	27,287,500.03	20,601,609.10	1,444,799.89	57,075,464.57
Casino Manager	282,566,777.59	995,993,750.99	751,958,732.05	52,735,196.15	2,083,254,456.78
Total	\$ 387,077,777.52	\$ 1,364,375,001.35	\$ 1,030,080,454.86	\$ 72,239,994.73	\$ 2,853,773,228.46

**Unaudited-as reported by the Kansas Lottery Central Computer system.*

#Other sweeps, principally lost and found funds.



Kansas Racing and Gaming Commission
700 SW Harrison, Suite 500, Topeka, Kansas 66603
(785) 296-5800, Fax (785) 296-0900

STAFF AGENDA MEMORANDUM

DATE OF MEETING: June 21, 2019

AGENDA ITEM: New Policy and Amendment of K.A.R. 112-105-1(b),
Carrying Firearms in a Lottery Gaming Facility

PRESENTERS: Don Brownlee, Executive Director
Judith Taylor, General Counsel

ISSUE SUMMARY:

The Kansas personal and family protection act (KPFPA) permits an entity to prohibit open or concealed carry of a firearm in any building as long as the building is conspicuously posted with “no firearms” signage approved by the Attorney General’s Office. A statutory exception to the “no firearms” restriction is made for off-duty, retired and out-of-state law enforcement officers (LEOs). This policy is being implemented to allow properly identified off-duty, retired and out-of-state LEOs to carry concealed weapons, consistent with the KPFPA, until KRGC regulations can be amended and approved to bring agency regulations in line with state law.

Implementation of a policy consistent with the proposed regulatory amendment will eliminate confusion for off-duty, out-of-state and retired law enforcement officers who wish to carry a concealed firearm into a Kansas casino as permitted by the KPFPA, but who are aware of the conflicting language in current KRGC regulations.

COMMISSION ACTION REQUIRED/REQUESTED: Review and discuss

STAFF RECOMMENDATIONS: Approve submission of the proposed amendment of K.A.R. 112-105-1(b) to the Department of Administration and the Attorney General for review and approval. Approve implementation of the related policy pending enactment of the amended regulation.

Subject		Rule Number	Draft #
Carrying Firearms in a Lottery Gaming Facility		2019-1	(2019-001)
Adopted	Last Revision	Rescinds	
June 21, 2019			
Commission Authorization			
s/ Brandon Jones	06/21/2019		
Chairman Brandon Jones	Date		

A. Purpose/Background

The Kansas personal and family protection act (KPFPA) permits prohibiting concealed carry of a firearm in any building as long as the building is conspicuously posted with “no firearms” signage approved by the Attorney General’s Office. A statutory exception to the “no firearms” restriction is made for off-duty, retired and out-of-state law enforcement officers (LEOs). This policy is being implemented to allow properly identified off-duty, retired and out-of-state LEOs to carry concealed weapons, consistent with the KPFPA, until KRGC regulations can be amended and approved to bring agency regulations in line with state law.

B. Definitions

1. *Commission*: The Kansas Racing and Gaming Commission (KRGC).
2. *Agency*: The staff of the Kansas Racing and Gaming Commission.
3. *Firearm*: Any weapon designed or having the capacity to propel a projectile by force of an explosion or combustion.
4. *Concealed carry*: Transporting a firearm on one’s person in a manner in which it is wholly or partially hidden from view by clothing or by a container, including but not limited to a purse, backpack, tote or briefcase.
5. *Open carry*: Transporting a firearm on one’s person in a manner which allows it to be visible to other people.
6. *Law Enforcement Officer*: Any person employed by a law enforcement agency, who is in good standing and is certified under the Kansas law enforcement training act, or who has obtained a similar designation in a jurisdiction outside the state of Kansas but within the United States, or is a federal law enforcement officer who as part of such officer's duties is permitted to make arrests and to be armed.

C. Policy Description

Kansas Racing and Gaming Commission enforcement agents may carry a concealed firearm in any casino under the Commission's jurisdiction. Enforcement agents may open carry a firearm only as authorized by Policy 5-14, Firearms for enforcement agents.

No other person may openly carry a firearm within a gaming facility except for on duty law enforcement officers and trained and certified guards employed by an armored car service while on duty and working for a licensed non-gaming supplier company.

No other person may carry a concealed firearm within a gaming facility except for on duty law enforcement officers in plain clothes engaged in the performance of their official duties and off duty or retired law enforcement officers, provided:

(A) The individual is in compliance with the firearms policies of such officer's law enforcement agency; and

(B) The individual is carrying an identification issued by the agency that employs the officer, or if retired, identification issued by the agency from which the individual separated from service as a law enforcement officer; and

(C) The individual presents such identification when requested by a commission agent or gaming facility security personnel

D. Citations/References

K.A.R. 112-105-1(b)

K.A.R. 112-105-1(b), proposed amendment

E. Attachments

K.A.R. 112-105-1(b)

K.A.R. 112-105-1(b), proposed amendment

112-105-1(b).

...

(b) No firearms shall be permitted within a gaming facility except for the following:

- (1) Kansas racing and gaming commission enforcement agents;
- (2) law enforcement officers who are on duty and within their jurisdiction; or
- (3) trained and certified guards employed by an armored car service while on duty and working for a licensed non-gaming supplier company. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011.)

112-105-1. Security Department. (a) Each facility manager shall have a security department that is responsible for the security of the gaming facility. The facility manager, through its security department, shall do the following:

- (1) Protect the people in the gaming facility;
- (2) safeguard the assets within the gaming facility;
- (3) protect the patrons, employees, and property from illegal activity;
- (4) assist with the enforcement of all applicable laws and regulations;
- (5) prevent persons who are under 21 years old from gambling or entering gaming areas;
- (6) detain any individual if a commission enforcement agent so requests or if there is reason to believe that the individual is in violation of the law or gaming regulations;
- (7) record any unusual occurrences, including suspected illegal activity;
- (8) identify and remove any person who is required to be excluded pursuant to article 111 or 112;
- (9) report security violations or suspected illegal activity to the commission security staff within 24 hours;
- (10) report to the commission's security staff, within 24 hours, any facts that the facility manager has reasonable grounds to believe indicate a violation of law, violation of the facility manager's minimum internal control standards, or violation of regulations committed by any facility manger, including the performance of activities different from those permitted under that person's license or certificate;

(11) notify commission security staff, within 24 hours, of all inquiries made by law enforcement officials and any inquiries made concerning the conduct a person with a license or certificate; and

(12) establish and maintain procedures for handling the following:

(A) Identification badges;

(B) incident reports;

(C) asset protection and movement on the property;

(D) power or camera failure;

(E) enforcement of the minimum gambling age;

(F) firearms prohibition;

(G) alcoholic beverage control;

(H) disorderly or disruptive patrons;

(I) trespassing;

(J) eviction;

(K) detention; and

(L) lost or found property.

(b) No firearms shall be permitted within a gaming facility except for the following:

(1) Kansas racing and gaming commission enforcement agents;

(2) law enforcement officers who are on duty and within their jurisdiction; or

(3) trained and certified guards employed by an armored car service while on duty

and working for a licensed non-gaming supplier company. (Authorized by and implementing

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- (10) report to the commission's security staff, within 24 hours, any facts that the facility manager has reasonable grounds to believe indicate a violation of law, violation of the facility manager's minimum internal control standards, or violation of regulations committed by any facility manager, including the performance of activities different from those permitted under that person's license or certificate;

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(F) firearms prohibition;

(G) alcoholic beverage control;

(H) disorderly or disruptive patrons;

(I) trespassing;

(J) eviction;

(K) detention; and

(L) lost or found property.

(b) No open carrying of firearms shall be permitted within a gaming facility except for the following:

(1) Kansas racing and gaming commission enforcement agents;

(2) on duty law enforcement officers ~~who are on duty and within their jurisdiction~~; or

(3) trained and certified guards employed by an armored car service while on duty and working for a licensed non-gaming supplier company.

(c) No concealed carrying of firearms shall be permitted within a gaming facility except for the following:

(1) Kansas racing and gaming commission enforcement agents;

(2) on duty law enforcement officers in plain clothes engaged in the performance of their official duties; or

(3) off duty or retired law enforcement officers, provided:

(A) The individual is in compliance with the firearms policies of such officer's law enforcement agency; and

(B) the individual is carrying an identification issued by the agency that employs the officer, or if retired, identification issued by the agency from which the individual separated from service as a law enforcement officer; and

(C) the individual presents such identification when requested by a commission agent or gaming facility security personnel.

(d) As used in this section:

(1) "Law enforcement officer" means:

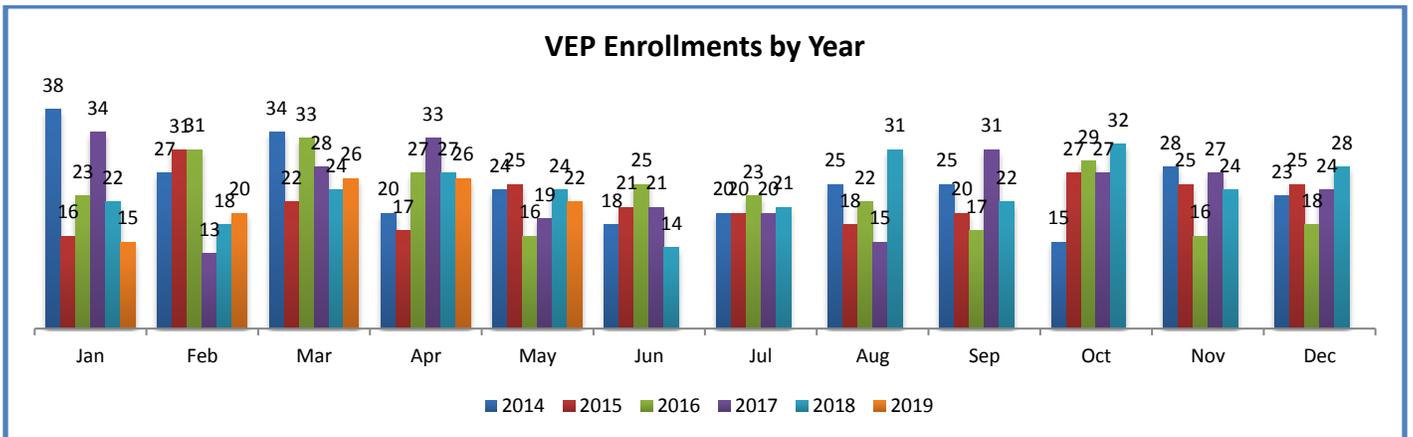
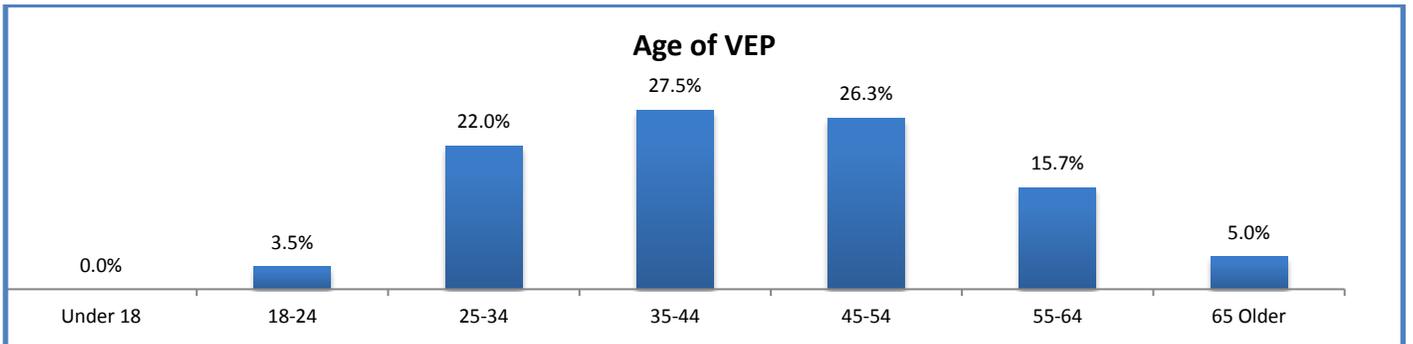
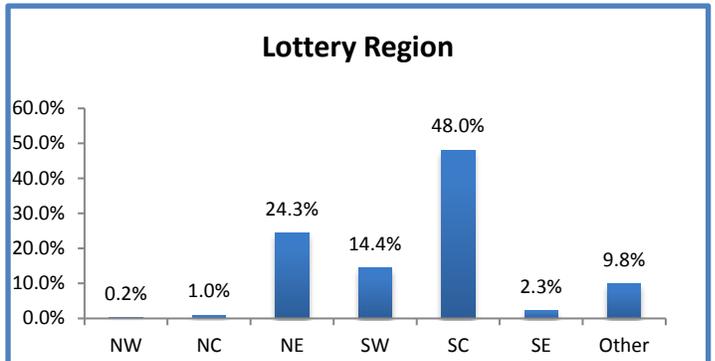
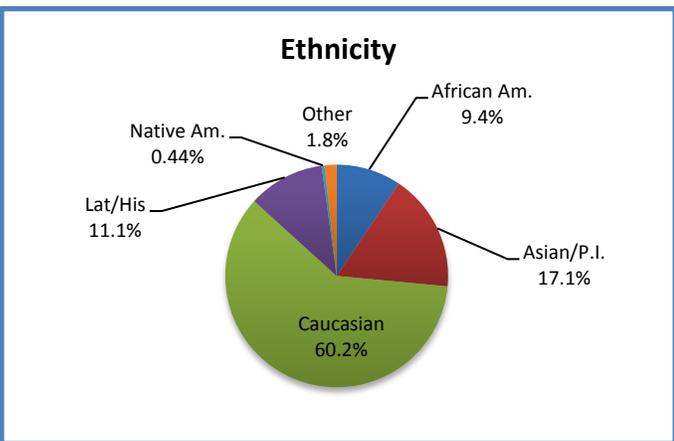
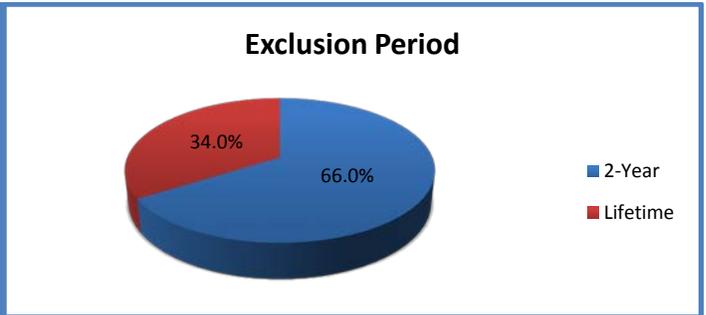
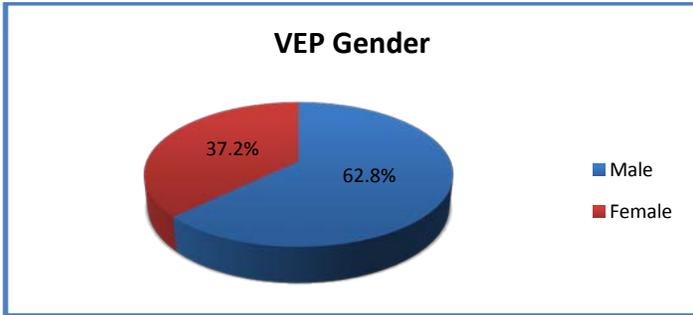
(A) Any person employed by a law enforcement agency, who is in good standing and is certified under the Kansas law enforcement training act;

(B) a law enforcement officer who has obtained a similar designation in a jurisdiction outside the state of Kansas but within the United States; or

(C) a federal law enforcement officer who as part of such officer's duties is permitted to make arrests and to be armed. (Authorized by and implementing K.S.A. 2009 Supp. 74-8772; effective Sept. 26, 2008; amended April 1, 2011; amended P-_____.)



Voluntary Exclusion Program
January 2010 – May 2019
 Voluntary Exclusions = 2173
 Violation Incidents = 275 (232 individuals)



**STATE OF KANSAS
KANSAS RACING AND GAMING COMMISSION
700 SW HARRISON, SUITE 500
TOPEKA, KS 66603**

IN THE MATTER OF

KRGC Case No. 2019-2004

Jasmin Elyse Hammons, Respondent.

**SUMMARY PROCEEDING ORDER AND
NOTICE OF HEARING AND RIGHT TO WAIVE**

The Kansas Racing and Gaming Commission (KRGC), through its Disciplinary Review Board (DRB), hereby gives notice that Jasmin Elyse Hammons (Respondent), a security officer, has violated the Kansas Expanded Lottery Act (KELA) K.S.A. 74-8757(a); KRGC regulations K.A.R. 112-105-1(a)(5), K.A.R. 112-113(a)(11); Kansas Star Casino Internal Controls Security Sect. 4. A.; Kansas Star Casino Security Plan pg. 25-26; and the Kansas Star Casino Responsible Gambling Plan Policy #14 pg. 11-12 by allowing a minor onto the gaming floor:

FINDINGS OF FACT

1. On September 20, 2017, Respondent received a temporary occupation permit for a position as a player services cashier from the KRGC. On December 11, 2017, Respondent received a level II license, which is currently in inactive status. Respondent changed positions to become a security officer on November 28, 2018.
2. On April 19, 2019, Respondent was on duty as a security officer at Kansas Star Casino. During her shift, Respondent was stationed at the northwest entrance to the gaming floor.
3. At approximately 12:45 a.m., a fourteen-year-old female and her mother approached the Respondent at the northwest entrance.

4. Respondent asked the underage female for her ID. The fourteen-year-old gave Respondent a false ID. Respondent scanned the ID but did not appear to examine the ID to compare the fourteen-year-old's appearance with the photo on the ID.
5. The photo on the ID did not match the fourteen-year-old's appearance.
6. Respondent then allowed the fourteen-year-old onto the gaming floor.
7. After Respondent allowed her to enter, the fourteen-year-old was on the gaming floor for approximately forty-five minutes and gambled on several EGMs during that time.

LEGAL AUTHORITIES

8. K.S.A. 74-8757(a): "a person less than 21 years of age shall not be permitted in an area where electronic gaming machines or lottery facility games are being conducted. . . . (b) No person under age 21 shall play or make a wager on an electronic gaming machine or a lottery facility game."
9. K.A.R. 112-105-1(a): "the facility manager, through its security department shall do the following: . . . (5) prevent persons who are under 21 years old from gambling or entering gaming areas. . . ."
10. K.A.R. 112-112-3(a): "Each [responsible gambling] plan shall include[:] . . . (9) procedures to prevent underage gambling. . . ."
11. K.A.R. 112-113-1(a): "Any licensee . . . may be sanctioned for violating any provision of the [Kansas expanded lottery] act [or] these regulations . . . including a violation of any of the following: . . .
 - (5) failing to follow . . . the facility manager's minimum internal control system;

- (6) failing to follow the commission's security regulations or the facility manager's security plan; . . .
 - (9) failing to enforce the facility manager's responsible gaming plan[;] . . .
 - (11) permitting persons who are less than 21 years of age that do not have an occupation license to be in areas where electronic gaming machines or lottery facility games are being conducted."
12. Kansas Star Casino Internal Control Security Sect. 4. A. 1. a.: "No person under the age of 21 is permitted on the gaming floor. . . . 2. Any patron suspected of being under the age of 30 will be asked to provide proper identification prior to entering the casino floor. . . . In the event the patron cannot provide proper identification, the patron will not be allowed to enter the casino floor. Proper identification is defined as valid government issued photo identification document which includes the individual's address and signature. . . ."
13. Kansas Star Casino Security Plan pg. 25-26: "Kansas Star has a policy of zero tolerance on the issue of underage patrons on the gaming floor. The Security members positioned at the entrance to the gaming floor will be required to ID anyone that appears to be under the age of thirty (30). A valid form of identification must be presented prior to entering the gaming floor. . . . The following procedures are to be used in the event an individual attempts to gain access to the gaming floor using a fake, altered, counterfeit identification or using another individual's identification. This procedure also applies to anyone assisting an individual in his or her attempt.
- 1. The Lead Security Officer or above will be contacted.

2. The identification used will be confiscated and **not** returned to the individual(s). . . .” (Emphasis in original.)
14. Kansas Star Casino Responsible Gambling Plan Policy #14, pg. 11-12: “Security is responsible for the enforcement and reporting of operational efforts, which relate to the prevention and identification of underage gambling.
 1. Before entering the gaming floor, all patrons who appear under the age of 30 will be asked by Security Officers to produce valid identification, defined as any unexpired government-issued document with the *individual's* photograph and personal information which is intended to be used as identification.” (Emphasis added.)

CONCLUSIONS OF LAW

15. Pursuant to K.S.A. 74-8757(a), K.A.R. 112-105-1(a)(5), K.A.R. 112-113-1(a)(11), and Kansas Star Casino Internal Control Security Sect. 4. A. 1., individuals who are under 21 years of age are prohibited from entering the gaming floor of Kansas Star Casino.
16. To fulfill these statutory and regulatory requirements, Kansas Star Casino implemented Kansas Star Casino Internal Control Security Sect. 4. A. 2., Kansas Star Casino Security Plan pg. 25-26, and Kansas Star Casino Responsible Gambling Plan Policy #14 pg. 11-12, all of which require security officers to request and obtain valid photo identification from all guests who appear under the age of thirty before security officers allow them to enter the gaming floor. To determine whether an ID is valid, security officers must examine the ID to compare the ID’s photo and description to the person attempting to enter the

gaming floor. In this case, a fourteen-year-old approached Respondent and Respondent correctly asked for her ID. However, Respondent failed to examine that photo ID to verify whether the fourteen-year-old's appearance matched the photo and description listed on the ID. If Respondent had done so, she could have prevented the minor from entering the gaming floor and gambling. Instead, Respondent quickly scanned the false ID and handed it back to the fourteen-year-old.

17. Thus, Respondent failed to obtain valid identification before allowing a minor onto the gaming floor thereby violating Kansas Star Casino Internal Control Security Sect. 4. A. 2., Kansas Star Casino Security Plan pg. 25-26, and Kansas Star Casino Responsible Gambling Plan Policy #14 pg. 11-12.
18. Moreover, Respondent violated K.S.A. 74-8757(a), K.A.R. 112-105-1(a)(5), K.A.R. 112-113-1(a)(11), and the Kansas Star Casino Internal Control Security Sect. 4. A. 1. when she permitted a fourteen-year-old to enter Kansas Star Casino's gaming floor.
19. Respondent's failure to prevent a minor from entering the gaming floor enabled that minor to gamble at several EGMs in violation of state law, thereby compromising the integrity of gaming.

STATEMENT OF POLICY

Under the Kansas Expanded Lottery Act, the Kansas Racing and Gaming Commission is required to oversee the enforcement of state laws, enforcement of internal controls, and the credentialing of employees at Kansas lottery gaming facilities. The Kansas Expanded Lottery Act directed the Kansas Racing and Gaming Commission to adopt rules and regulations to

oversee all lottery gaming facility operations. Pursuant to this mandate, the Kansas Racing and Gaming Commission created regulations that subject a licensee to sanctions, including license suspension or revocation, when the licensee violates any provision of the Kansas Expanded Lottery Act, KRGC regulations, or the facility manger's internal controls, security plan, or responsible gambling plan.

By requiring licensees to adhere to the Kansas Expanded Lottery Act, KRGC regulations, and the facility manager's internal controls, security plan, and responsible gambling plan, the Kansas Racing and Gaming Commission ensures the integrity of gaming in Kansas. The Kansas Expanded Lottery Act, KRGC regulations, internal controls, security plan, and responsible gambling plan provisions regarding procedures for identifying and preventing underage individuals from entering the gaming floor are integral to protecting the integrity of gaming. Underage individuals have been determined by the state to not have the legal capacity to engage in casino gaming activities. When security officers fail to prevent underage individuals from entering the gaming floor, they enable those individuals to illegally gamble or consume alcohol in violation of state law. Enforcement of these provisions is necessary to ensure the integrity of gaming in Kansas.

SANCTION

20. In accordance with K.A.R. 112-113-1(c), the DRB may consider certain factors in considering appropriate sanctions, including risk to the public and to the integrity of gaming operations created by the conduct of the licensee; the nature of the violation; culpability of the licensee; any justification or excuse for the conduct; the licensee's history with respect to compliance; and corrective action taken by the licensee. Moreover, K.A.R. 112-113-1(e) states "it shall be no absolute

defense that the licensee . . . inadvertently, unintentionally, or unknowingly” committed a regulatory violation and “shall affect only the degree of the sanction to be imposed. . . .”

21. The DRB considers the following factors:
 - a. Respondent had been employed as a security officer for approximately five months at the time of this incident.
 - b. Respondent’s actions enabled a fourteen-year-old to illegally gamble thereby compromising the integrity of gaming in Kansas.
 - c. There is no justification or excuse for the conduct. There was no emergency or other extraordinary circumstance which prevented Respondent from properly examining the ID to verify that the fourteen-year-old’s appearance matched the photo shown on the ID.
 - d. Respondent is directly culpable for these violations. Respondent had ample opportunity to examine the fourteen-year-old’s ID and determine that the ID was false or did not belong to her. Respondent’s failure to do so directly enabled a minor to illegally gamble.
 - e. Respondent has no previous regulatory violations.
22. Based on the above-described findings of fact, conclusions of law, statement of policy, and sanction factors the DRB orders the Respondent to pay a \$100.00 fine.
23. Respondent’s check shall be made payable to the Kansas Racing and Gaming Commission and shall be sent to the following address:

Kansas Racing and Gaming Commission
Attn: Judith Taylor, General Counsel
700 SW Harrison, Suite 500
Topeka, KS 66603-3754

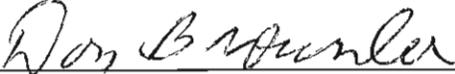
24. Respondent is entitled to a hearing on the above matter, which Respondent may waive by signing and returning the enclosed Hearing Waiver to the KRGC by mail, email, or fax. (See Notice of Hearing and Right to Waive below.)
25. If Respondent waives the right to a hearing, the \$100.00 fine must be paid in full within 30 days of this Order becoming final and effective. If Respondent waives, this Order will become final and effective on June 14, 2019.
26. If Respondent does not pay the fine within 30 days of this Order becoming final and effective, Respondent's license will be automatically indefinitely suspended at the end of the business day without further notification or action taken by the Commission until all terms of this Order are fulfilled and the Respondent's license is reinstated by the KRGC. Any unpaid amount shall be considered a debt and will be submitted to the State of Kansas Debt Setoff Program.
27. This Order shall become part of Respondent's permanent KRGC licensing file.

ORDER

In accordance with the above-described findings of fact, conclusions of law, statement of policy, and sanction factors,

IT IS HEREBY ORDERED that the Kansas Racing and Gaming Commission issue a \$100.00 fine to the Respondent.

IT IS SO ORDERED,



Don Brownlee, Executive Director
Disciplinary Review Board

NOTICE OF HEARING AND RIGHT TO WAIVE

Respondent is entitled to a hearing on the above matter. This right to a hearing may be waived at Respondent's option. (See instructions below for Waiving Right to a Hearing.)

Hearing - Presentation of Written Evidence:

Unless Respondent waives the right to a hearing, this matter will be presented to the Commission on **Friday June 14, 2019 at 10:00 am** at the Eisenhower State Office Building, 700 SW Harrison, Suite 410, Topeka, KS 66603. (Date and location subject to change.)

Written evidence will be presented along with brief oral arguments by the agency and Respondent. Surveillance video may also be presented. Neither party will present live witness testimony at this time. Respondent has the right to be represented by counsel at the Respondent's expense.

If Respondent does not appear at the hearing, a decision will be made on the evidence presented, and any decision will become final agency action. If Respondent has written evidence to present to the Commission, copies of all relevant written evidence must be sent (by mail, email, or fax) no later than May 31, 2019 to the address below.

Following arguments, the Commission will consider the arguments and evidence presented, and if the Commission determines no further evidence is necessary for a finding, the Commission will issue its Order. The Commission can uphold, overturn, or amend the Disciplinary Review Board's Summary Order. If the Commission determines further evidence is necessary for a finding, the case will be continued to the next commission meeting to allow for a full evidentiary hearing. If the Commission issues an Order without a full evidentiary hearing, the Respondent has an automatic right to a full evidentiary hearing where witness testimony will be taken. The right to a full evidentiary hearing may be waived by Respondent prior to the scheduled hearing (see Waiving Right to a Hearing below).

Full Evidentiary Hearing – Presentation of Witness Testimony:

The full evidentiary hearing with witnesses, if required, will be held at the regularly scheduled Commission meeting on Friday July 12, 2019 at 10:00 am at the Eisenhower State Office Building, 700 SW Harrison, Suite 410, Topeka, KS 66603. (Date and location subject to change.)

At this hearing, Respondent has the right to produce additional evidence and witnesses on the Respondent's behalf, the right to cross-examine any witness who may testify against the Respondent, and the right to examine any evidence that may be produced against the Respondent.

The Commission will issue a final Order either directly after deliberation or within 30 days of the hearing date. This Order will constitute final agency action and is subject to appeal under the Kansas Judicial Review Act. If Respondent does not appear at the hearing in person or

by phone, a decision will be made on the evidence presented, and any decision will become final agency action subject to appeal under the Kansas Judicial Review Act. The agency officer to receive service of any petition for judicial review on behalf of the Kansas Racing and Gaming Commission is Judith Taylor, General Counsel, at the address below. Any sanction imposed by the Order may be stayed pending appeal.

Respondent shall submit any additional exhibits and a witness list no later than June 28, 2019 to Judith Taylor, General Counsel, at the address below.

If a full evidentiary hearing is held, the hearing will be conducted in accordance with KRGC regulations. Regulations may be found at <http://www.krgc.ks.gov/index.php/racing-gaming-law/regulations/gaming-regulations/21-government/statute-regulations/30-article-114-rules-of-hearings>. (You may also request that a copy of the regulations be sent to you.)

Appearing by Phone:

Respondent is expected to appear in person for all hearings. Respondent *may* be allowed to appear by phone, at the Commission's discretion, upon written request (by mail, email, or fax) to the address below no later than five days prior to the hearing. If allowed to appear by phone, KRGC will *not* be responsible for sound quality issues that arise from Respondent's use of a cell phone, voice-over-internet (VOIP) connection, or other non-landline phone connection. Sound quality issues could affect the Commission's ability to understand Respondent's testimony, thus every effort to appear in person should be made.

Waiving Right to a Hearing:

Respondent may choose to waive the right to a hearing by signing and returning the enclosed Hearing Waiver (by fax, email, or mail) at the address below. If Respondent chooses to waive the right to a hearing, the above Order becomes final and effective on June 14, 2019 or on the day of waiver, whichever is later. The suspension must be served within 30 days of this Order becoming final.

Send all requests to appear by phone, hearing waivers, written exhibits, witness testimony lists, notices, and petitions for judicial review to:

Judith Taylor, General Counsel
700 SW Harrison, Suite 500
Topeka, KS 66603-3754
(785) 296-0900 (fax)
judy.taylor@krgc.ks.gov

Nothing stated herein precludes Respondent from entering into informal settlement negotiations or from requesting to pay the fine in multiple payments, which could make a hearing unnecessary. To discuss your case, you may contact Michelle Neis, Enforcement Attorney, at 785-296-5800 or by email at michelle.neis@krgc.ks.gov.

CERTIFICATE OF SERVICE

I certify that on this 17th day of May, 2019 (date of service), I served a copy of the above Summary Proceeding Order and Notice of Hearing and Right to Waive on the following by U.S. Mail, first class postage prepaid, addressed to:

Jasmin Elyse Hammons
1300 E Meadowlark Blvd., Apt. 7-104
Derby, KS 67037



Commission Representative

cc: KRGC Licensing File
Disciplinary Review Board Members
Harry Spencer, KRGC Supervisory Agent at Kansas Star Casino
Jeff Babinski, Kansas Star Casino General Manager
Kansas Star Casino Human Resource Department

STATE OF KANSAS
KANSAS RACING AND GAMING COMMISSION
700 SW HARRISON, SUITE 500
TOPEKA, KS 66603

IN THE MATTER OF

KRGC Case No. 2019-2004

Jasmin Elyse Hammons, Respondent.

HEARING WAIVER

I, _____, stipulate to the Facts and Conclusions of Law as
(print name)
set forth in the Summary Proceeding Order and Notice of Hearing and Right to Waive issued to
me and therefore waive my right to a hearing. I agree to pay the \$100.00 fine as ordered by the
Disciplinary Review Board.

Jasmin Elyse Hammons
License No. 2010173

Date

All Departments		Cash Fund Balances as of May 31, 2019															
DeptID	All	ELARF				Backgrounds				Illegal Gambling				Racing			
All Funds		Beg. Balance	3,978,720			Beg. Balance	270,377			Beg. Balance	15,324			Beg. Balance	69,972		
		Revenue	5,583,871			Revenue	178,742			Revenue	(924)			Revenue	188		
		Expenses	5,511,788			Expenses	200,094			Expenses	1,299			Expenses	580		
		End Balance	4,050,803			End Balance	249,025			End Balance	13,102			End Balance	69,579		
Fund	BudgetUnit	Grand Total															
		All Funding Sources															
		YTD FY2018	YTD FY2019	\$ VARIANCE	% VARIANCE	May FY2018	May FY2019	\$ VARIANCE	% VARIANCE	YTD FY2019	YTD FY2019	\$ VARIANCE	% VARIANCE				
		ACTUALS	ACTUALS			ACTUALS	ACTUALS			BUDGET	ACTUALS						
51000	Payroll	4,468,380	4,867,943	399,563	9%	385,938	578,915	192,977	50%	5,757,805	4,867,943	-889,862	-15%				
10	Shrinkage	0	0	0	0%	0	0	0	0%	-112,998	0	112,998	-100%				
Net Salaries and Wages		4,468,380	4,867,943	399,563	9%	385,938	578,915	192,977	50%	5,644,807	4,867,943	-776,863	-14%				
52000	Communication	66,140	54,975	-11,165	-17%	5,441	5,017	-423	-8%	78,100	54,975	-23,125	-30%				
52100	Freight and Express	2,436	2,505	69	3%	193	759	565	292%	1,238	2,505	1,268	102%				
52200	Printing and Advertising	0	45	45	0%	0	0	0	0%	1,650	45	-1,605	-97%				
52300	Rents	214,845	231,587	16,742	8%	1,364	8,764	7,401	543%	220,733	231,587	10,854	5%				
52400	Repair/Service/Mainten	17,093	22,429	5,336	31%	1,175	2,422	1,247	106%	51,066	22,429	-28,636	-56%				
52510	InState Travel and Subsistence	46,277	51,869	5,592	12%	3,321	7,239	3,917	118%	84,649	51,869	-32,779	-39%				
52520	Out of State Travel and Subsistence	48,074	22,025	-26,049	-54%	7,410	1,926	-5,484	-74%	54,349	22,025	-32,324	-59%				
52530	International Travel and Subsistence	0	0	0	0%	0	0	0	0%	0	0	0	0%				
52600	Fees-Other Services	293,308	292,144	-1,165	0%	28,828	25,312	-3,516	-12%	282,324	292,144	9,820	3%				
52700	Fee-Professional Services	11,322	41,279	29,957	265%	1,539	6,035	4,496	292%	118,892	41,279	-77,613	-65%				
52900	Other Contractual Services	4,467	2,871	-1,595	-36%	267	499	232	87%	13,469	2,871	-10,597	-79%				
Subtotal Contractual Services		703,962	721,730	17,768	3%	49,539	57,973	8,434	17%	906,469	721,730	-184,739	-20%				
53200	Food for Human Consumption	56	32	-24	-42%	0	0	0	0%	0	32	32	0%				
53400	Maint Constr Material Supply	688	3,855	3,167	460%	80	32	-48	-60%	3,208	3,855	646	20%				
53500	Vehicle Part Supply Accessory	7,601	10,182	2,581	34%	1,001	0	-1,001	-100%	24,617	10,182	-14,436	-59%				
53600	Pro Science Supply Material	666	759	93	14%	0	187	187	0%	24,530	759	-23,771	-97%				
53700	Office and Data Supplies	23,016	17,754	-5,262	-23%	999	1,595	596	60%	68,842	17,754	-51,087	-74%				
53900	Other Supplies and Materials	14,126	22,977	8,850	63%	384	2,173	1,789	466%	7,475	22,977	15,501	207%				
Subtotal Commodities		46,153	55,558	9,406	20%	2,463	3,986	1,523	62%	128,673	55,558	-73,114	-57%				
54000	TOTAL Capital Outlay	107,562	68,530	-39,032	-36%	12,598	36,677	24,079	191%	119,442	68,530	-50,912	-43%				
55960	Vol Retirement Incentive	0	0	0	0%	0	0	0	0%	0	0	0	0%				
56000	Debt Service - Principal	0	0	0	0%	0	0	0	0%	0	0	0	0%				
56100	Payments for Interest and Service	0	0	0	0%	0	0	0	0%	0	0	0	0%				
Subtotal VRIP and Debt Service		0	0	0	0%	0	0	0	0%	0	0	0	0%				
Grand Total		5,326,057	5,713,761	387,704	7%	450,539	677,552	227,013	50%	6,799,390	5,713,761	-1,085,628	-16%				

*This report has not been audited by the State of Kansas and is intended solely for the use of the Executive Director of the Kansas Racing and Gaming Commission.

June 2019 - May 2020

Kansas Racing and Gaming Commission Planner

Jun 2019						
S	M	T	W	T	F	S
						1
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23	24	25	26	27	28	29
30						

JUNE

21 Commission Meeting - 9 a.m. start time

JULY

12 Commission Meeting

AUGUST

16 Commission Meeting

SEPTEMBER

13 Commission Meeting

OCTOBER

11 Commission Meeting

NOVEMBER

15 Commission Meeting

DECEMBER

13 Commission Meeting

JANUARY

17 Commission Meeting

FEBRUARY

14 Commission Meeting

MARCH

13 Commission Meeting

APRIL

17 Commission Meeting

MAY

15 Commission Meeting

Dec 2019						
S	M	T	W	T	F	S
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Jul 2019						
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Jan 2020						
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Aug 2019						
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Feb 2020						
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Sep 2019						
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Mar 2020						
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Oct 2019						
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Apr 2020						
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Nov 2019						
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May 2020						
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