

MISSOURI GAMING COMMISSION
COMMISSION RESOLUTION NO. 19-045

APPROVING SETTLEMENT AGREEMENT AND FINAL ORDER

TAYLOR A. PERRY
OCTOBER 30, 2019

WHEREAS, on May 5, 2015, the Missouri Gaming Commission (“Commission”) issued a Preliminary Order for Disciplinary Action (“Order”) against Taylor A. Perry, f.k.a., Taylor A. Phillips (hereafter “Perry”); and

WHEREAS, although the Commission attempted to serve Perry with the Order, it was unable to do so because Perry’s employment had been terminated, and she was no longer living in Missouri;

WHEREAS, on or about June 3, 2019, Perry requested an administrative hearing to contest the recommended discipline; and

WHEREAS, Perry and the Commission have come to a settlement agreement concerning the issues presented in the proposed discipline (a copy of which is attached).

NOW, THEREFORE, BE IT RESOLVED, that the Commission hereby approves the Settlement Agreement and Final Order concerning Taylor A. Perry, Case No. 15-107.

BE IT FORTHER RESOLVED, that this shall be considered a final decision of the Missouri Gaming Commission.

IN THE MISSOURI GAMING COMMISSION

In Re: Taylor A. Perry,)
) DC 15-107
Petitioner.)

SETTLEMENT AGREEMENT AND FINAL ORDER

This SETTLEMENT AGREEMENT ("Settlement Agreement") is made subject to approval of the Missouri Gaming Commission ("Commission") pursuant to 11 CSR 45-13.065, and is entered into between the Enforcement Division of the Commission ("Staff") and Taylor A. Perry ("Perry") as authorized by 11 CSR 45-13.065 and will become a FINAL ORDER of the Commission effective upon approval by the Commission.

GENERAL MATTERS

WHEREAS, the Commission is a state commission created under Chapter 313, RSMo, with jurisdiction over gaming activities, including riverboat gambling activities and the licensing and disciplining of holders of Level II Occupational Licenses, in the State of Missouri; and

WHEREAS, the Staff is charged with the review and investigation of the activities of holders of Missouri Gaming Licenses ("Licensees") and the investigation of individuals and entities seeking to receive a Gaming License ("Applicants"); and

WHEREAS, The Commission has, pursuant to § 313.004.4, RSMo, and 11 CSR 45-4.260(1), delegated and authorized the Executive Director to carry out its duties as set forth in Chapter 313, RSMo, including the supervision, regulation, and making the initial determination of discipline for Level I and II Occupational Licensees; and

WHEREAS, The Executive Director issued Perry a Level II Occupational License (“License”) for employment on an excursion gambling boat licensed by the Commission (License # MGC312965); and

WHEREAS, Perry, as a holder of a Level II Occupational License is subject to the provisions of Sections 313.800 to 313.850, RSMo (the “Gaming Law”), and the regulations promulgated thereunder by the Commission (the “Regulations”).

FACTS

1. Perry was employed by the *Isle Casino Cape Girardeau* (the “Casino”) as a dealer from October 3, 2012 to July 13, 2014, when her employment was terminated by the Casino.

2. On July 14, 2014, a Missouri Gaming Commission (MGC) agent was notified that Perry failed to collect the Rake and/or the Bad Beat on numerous poker games for over a week.

3. Perry worked as a poker dealer, dealing Texas Hold ‘Em poker, during the timeframe covering July 2 to July 13, 2014.

4. During that time, surveillance footage showed Perry failing to collect the Rake and/or the Bad Beat a total of 232 times.

5. The total estimated loss from the Rake was \$675, and the estimated loss from the Bad Beat was \$231.

6. Perry’s Level II Occupational License expired on October 31, 2014.

7. The Commission issued a Preliminary Order for Disciplinary Action (“Preliminary Order”) to Perry on May 5, 2015, recommending revocation of Perry’s Level II Occupational License.

8. The Preliminary Order was mailed by first-class mail, return receipt requested to Perry to her last known address, as shown in the Commission's licensing records.

9. The Preliminary Order was returned to the Commission by the Post Office "Unclaimed - Unable to Forward" on June 11, 2015.

10. The Commission attempted to serve Perry personally at the Casino, but was unable to do so because Perry's employment had terminated and she was no longer living in Missouri.

11. Perry asserts that she never received the Preliminary Order and has requested a hearing.

LAW

12. Perry acknowledges and understands that under §§ 313.805 and 313.812.14(1), (2), (8), and (9), RSMo, and 11 CSR 45-4.260(4)(E), (F), (L), (M), (N), and (Q), the Commission has grounds to revoke her Occupational Gaming License for violating 11 CSR 45-10.030(1), (4), and (7), the Commission's Minimum Control Standards ("MICS"), Chapter C, § 1.01 and Chapter F, § 11.01, and the Casino's Internal Control Standards ("ICS"), Chapter C, §§ 14 and 15 and Chapter F, § 11.01.

13. Section 313.805, RSMo, states, in pertinent part, as follows:

The commission shall have full jurisdiction over and shall supervise all gambling operations governed by sections 313.800 to 313.850. The commission shall have the following powers and shall promulgate rules and regulations to implement sections 313.800 to 313.850:

* * *

(5) To investigate alleged violations of sections 313.800 to 313.850 or the commission rules, orders, or final decisions;

(6) To assess any appropriate administrative penalty against a licensee, including, but not limited to, suspension, revocation, and penalties of an amount as determined by the commission;

* * *

- (19) To take any other action as may be reasonable or appropriate to enforce sections 313.800 to 313.850 and the commission rules.

14. Section 313.812.14, RSMo, states, in pertinent part, as follows:

A holder of any license shall be subject to imposition of penalties, suspension or revocation of such license, or if the person is an applicant for licensure, the denial of the application, for any act or failure to act by himself or his agents or employees, that is injurious to the public health, safety, morals, good order and general welfare of the people of the state of Missouri, or that would discredit or tend to discredit the Missouri gaming industry or the state of Missouri unless the licensee proves by clear and convincing evidence that it is not guilty of such action. The commission shall take appropriate action against any licensee who violates the law or the rules and regulations of the commission. Without limiting other provisions of this subsection, the following acts or omissions may be grounds for such discipline:

- (1) Failing to comply with or make provision for compliance with sections 313.800 to 313.850, the rules and regulations of the commission or any federal, state or local law or regulation;
- (2) Failing to comply with any rule, order or ruling of the commission or its agents pertaining to gaming;

* * *

- (9) Incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850.

15. Under 11 CSR 45-4.260(4)(E), (F), (L), and (Q), the Commission may suspend or revoke an occupational license of any person if any of the following occur:

- a. The Licensee fails “to comply with or make provisions to comply with Chapter 313, RSMo, the rules of this commission, or any federal, state, or local law or regulation,” under 11 CSR 45-4.260(4)(E);
- b. The Licensee “fails to comply with any rule, order or ruling of the commission or its agents,” under 11 CSR 45-4.260(4)(F);
- c. The Licensee “is financially irresponsible,” under 11 CSR 45-4.260(4)(L); and/or
- d. The Licensee’s actions demonstrate “incompetence, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties regulated by sections 313.800 to 313.850, RSMo,” under 11 CSR 45-4.260(4)(Q).

16. Title 11 CSR 45-10.030 states, in pertinent part, as follows:

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

* * *

(4) Licensees shall take reasonable actions to safeguard from loss all tokens, tickets, chips, checks, funds, and other gaming assets.

* * *

(7) All occupational licensees shall have a working knowledge of Chapter 313.800, RSMo et seq., *Code of State Regulations*, Title 11 Division 45, and the internal controls of the Class A or B licensees for whom they are currently employed by as they pertain to the responsibilities and limitations of their job.

17. MICS, Chapter C, § 1.01 states, in pertinent part, as follows:

Detailed procedures for each game that the Class A licensee implements shall be included in the ICS as approved by the MGC. The following controls shall be addressed:

* * *

(G) describe procedures for the collection of bets and payouts including requirements for IRS purposes[.]

18. The Casino's ICS, Chapter C, § 14 states, in pertinent part, as follows:

The initial Bad Beat Jackpot seed amount will be \$2,500. After the initial seed, the Bad Beat Jackpot will be funded by the \$1.00 collected from qualifying games when the pot hits \$20.00. The primary jackpot, secondary fund and tertiary fund will increase by a predetermined Bad Beat Jackpot amount of each \$1.00 collected...A \$1.00 maximum amount will be removed from each pot that totals \$20.00 or more including the rake.

* * *

The bad beat jackpot will apply to Texas Hold'em cash games exclusively.

19. The Casino's ICS, Chapter C, § 15, describing Texas Hold'em Poker, states, in pertinent part, as follows:

The Isle Casino - Cape Girardeau will use one or more of the following procedures in determining and extracting the rake:

1. A straight percentage rake[.]
2. A sign describing the type and amount of rake to be collected pursuant to above will be posted at each poker table.

* * *

5. Once the dealer has extracted the rake and the pot and any side pots have been collected by the winning player or players, no additional rake will be taken by the dealer.

20. MICS, Chapter F, § 11.01 states that “If the Class B Licensee offers a Bad Beat or Special Hand Jackpot, all funds collected for the jackpot shall be used to fund the primary, secondary, and tertiary jackpots and be available for poker players to win.”

21. The Casino’s ICS, Chapter F, § 11.01 states that the Casino “will offer a Bad Beat or Special Hand Jackpot, all funds collected for the jackpot shall be used to fund the primary, secondary, and tertiary jackpots and be available for poker players to win.”

SETTLEMENT

22. Nothing contained in this Settlement Agreement shall be deemed to be or construed as an admission of liability or guilt by Perry with respect to any of the claims in the Preliminary Order for Disciplinary Action No. DC 15-107 (“Preliminary Order”). Rather, this Settlement Agreement is made by the parties in order to reasonably and conclusively resolve the disputed claims without incurring the uncertainty, burden, and expense of continued contested proceedings in this matter

23. The Commission will withdraw its Preliminary Order of Discipline without prejudice.

24. Without admitting liability or guilt with respect to any claim in the Preliminary Order, Perry agrees that the facts set forth above constitute the grounds for the Preliminary Order that is the subject matter of this Settlement.

25. The parties agree that the Commission will indicate in its records that Perry is ineligible for any occupational license for 10 years from the date her Level II Occupational License expired (October 31, 2014), until October 31, 2024.

26. If Perry reapplies for a Level II Occupational License, the Commission reserves the right to re-assert the facts set forth above as grounds for the denial of such a License.

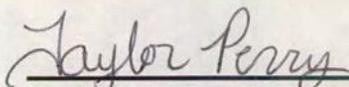
27. Perry acknowledges and understands that this Settlement Agreement is an administrative action and that this administrative action should be disclosed on future applications and renewal applications, if required, and that it is her responsibility to comply with the reporting requirements of each state in which she is or may be licensed.

28. Each signatory to this Settlement Agreement certifies by signing that he or she is fully authorized, in his or her own capacity, or by the named party he or she represents, to accept the terms and provisions of this Settlement Agreement in their entirety, and agrees, in his or her personal or representational capacity, to be bound by the terms of this Settlement Agreement

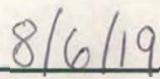
29. The terms set forth in this Settlement Agreement are an appropriate disposition of this matter and entry of this Settlement Agreement is in the public interest.

CONSENT AND WAIVER OF HEARING

The undersigned persons understand and acknowledge that Taylor A. Perry has the right to a hearing, but that Taylor A. Perry has waived the hearing and consented to the issuance of this Settlement Agreement and hereby submit this Settlement Agreement to the Commission for its approval.



Taylor A. Perry
(address)



Date

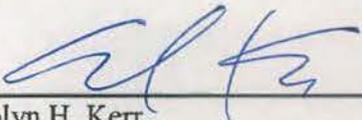
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August 6, 2019
Date

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9-4-19
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10/3/19.
Date

FINAL ORDER

NOW, THEREFORE, pursuant to the authority granted by Sections 313.805 and 313.812 RSMo and 11 CSR 45-13.065 the above Settlement Agreement becomes a FINAL ORDER of the Commission.

THEREFORE, the Commission withdraws its Preliminary Order of Discipline, effective (*Commission Meeting Date*), subject to ratification and approval by the Commission and subject to the terms and conditions agreed to by the parties and as set forth in the Settlement Agreement.

Mike Leara
Chairman
Missouri Gaming Commission

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a true and correct copy of the foregoing to be mailed, postage prepaid, this ___ day of _____, 2019, to:

Maurice "Mac" VerStandig
The VerSandig Law Firm, LLC
9812 Falls Road, #114-160
Potomac, MD 20854

Mike Leara
Chairman
Missouri Gaming Commission