

**Title 11—DEPARTMENT OF
PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

PROPOSED AMENDMENT

11 CSR 45-13.051 Bingo Hearings. The commission is amending and renumbering sections (5)-(7).

PURPOSE: This amendment clarifies the commission's actions when a licensee responds to the commission and/or requests a hearing before the commission after discipline is proposed against it.

(5) Any licensee who receives a notice of commission action shall respond to the commission within thirty (30) days of the date the notice is mailed from the commission.

(A) If the licensee does not respond to the commission within thirty (30) days of the date the notice is mailed, the commission may petition the Administrative Hearing Commission (AHC) for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(B) If the licensee responds to the commission within thirty (30) days of the date the notice is mailed, the commission may take any action it deems appropriate, including, but not limited to, dismissing the matter, initiating settlement negotiations pursuant to 11 CSR 45-13.065, or petitioning the AHC for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(6) *[The h]* Hearings before the AHC shall be governed by Chapter 536, RSMo and the rules in 1 CSR 15-3. The AHC shall, after opportunity for hearing, issue findings of fact and conclusion of law and refer the matter back to the commission.

(A) If the AHC does not find a factual basis to support the notice of commission action, the matter will be dismissed and no action will be taken against the licensee.

(B) If the AHC issues its findings of fact and conclusions of law supporting cause to discipline, the case will be returned to the commission to convene a hearing to consider and determine the appropriate disciplinary action, and enter a final order.

~~[(6)](7)~~ Upon receiving *[the case]* **findings of fact and conclusions of law supporting cause to discipline** from the AHC, the commission shall set the matter for a hearing *[in accordance with 11 CSR 45-13.030]* **pursuant to 11 CSR 45-13.030 before the commission's hearing officer in accordance with this chapter.** The notice of hearing shall be in writing and shall notify the licensee of the time and place of the hearing, unless a waiver of hearing is filed by the licensee or

the parties reach a settlement, negating the need for a hearing. Service of the hearing notice shall be sent by mail to the party's last known address.

[(7)] **(8)** Following [a] **the** hearing, [before the commission's hearing officer in accordance with this chapter,] the hearing officer shall make a recommendation of discipline or other action to the commission as authorized and set forth by 11 CSR 45-13.020.

AUTHORITY: sections 313.052 and 313.065, RSMo 2000, sections 313.015, 621.045, and 621.110, RSMo Supp. 2013, and section 313.004, RSMo Supp. 2014. Original rule filed June 30, 2003, effective Feb. 29, 2004. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Amended: Filed June 30, 2016.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Tuesday, September 13, 2016 at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.