

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**PRESIDENTS RIVERBOAT CASINO – MISSOURI, INC., and PINNACLE  
ENTERTAINMENT, INC.,  
APPELLANTS**

**vs.**

**MISSOURI GAMING COMMISSION  
RESPONDENT**

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DOCKET NUMBER WD71525

DATE: MARCH 2, 2010

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Appeal from:

The Missouri Gaming Commission

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Appellate Judges:

Division Two: Joseph M. Ellis, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

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Attorneys:

Jerome D. Riffel, for Appellants

Christopher W. Hinckley, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY  
MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**PRESIDENT RIVERBOAT CASINO – MISSOURI, INC., and PINNACLE  
ENTERTAINMENT, INC., APPELLANTS**

**v.**

**MISSOURI GAMING COMMISSION, RESPONDENT**

WD71525

Missouri Gaming Commission

Before Division Two Judges: Joseph M. Ellis, P.J., Victor C. Howard and Cynthia L. Martin, JJ.

President Riverboat Casino-Missouri, Inc. and Pinnacle Entertainment, Inc. (collectively “Pinnacle”) seek judicial review of Resolution 09-069 of the Missouri Gaming Commission (“Commission”). Pinnacle has a Class B license to operate the President Riverboat Casino at a specified location aboard the excursion gambling boat, the Admiral, until October 31, 2011. The hull certification of the Admiral will expire, however, on July 19, 2010. The Resolution addressed the problem of the impending expiration of the hull certification. Pinnacle challenges the Resolution procedurally and substantively arguing that Pinnacle’s constitutional rights to procedural due process were violated, the Commission failed to follow its own procedural regulations, and the Commission exceeded its statutory authority. The Commission filed a motion to dismiss arguing that the matter may not be brought before this court at this time because it is a noncontested case.

**REVERSED AND REMANDED.**

Where the record is confusing regarding the purpose and nature of the proceedings and what the Resolution attempts to accomplish and such confusion raises concern that this was a contested case without sufficient process, the Resolution is reversed, and the case is remanded to the Commission for further proceedings appropriate for whatever action affecting Pinnacle’s license and/or hull the Commission decides to take.

**Opinion by: Victor C. Howard, Judge**

Date: March 2, 2010

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