

IN THE CIRCUIT COURT OF GREENE COUNTY, MISSOURI

| | | |
|----------------------------|---|---------------------|
| STATE OF MISSOURI, ex rel. |) | |
| CATHERINE L. HANAWAY, |) | |
| as Missouri Attorney |) | |
| General, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Cause No. |
| |) | Division No. |
| HIMANSHU B. PATEL |) | |
| serve: |) | |
| 661 East Lafayette St. |) | |
| Springfield, MO 65810 |) | |
| |) | |
| and |) | |
| |) | |
| BRIARWOOD ONE STOP, INC. |) | |
| serve: |) | |
| Himanshu Patel |) | |
| 5092 W. Sunshine St. |) | |
| Brookline, MO 65619-9117 |) | |
| |) | |
| Defendants. |) | |

**PETITION FOR PERMANENT INJUNCTION, RESTITUTION,
CIVIL PENALTIES, AND OTHER RELIEF**

INTRODUCTION

Licensure of entities and individuals who provide, house, promote, or sell gambling activity, services, or devices ensures the businesses and employees involved in the gaming industry in Missouri meet the standards established by the Missouri Gaming Commission (the “Commission”) and are suitable to hold a license. Defendants offer the public access to unlicensed and unregulated gambling machines. As such, Defendants not only own and operate a public nuisance, but are doing so in violation of the MMPA. See § 407 RSMo.

The State of Missouri, ex rel. Catherine L. Hanaway, in her official capacity as Missouri Attorney General, brings this action to abate a public nuisance and to enforce the Missouri Merchandising Practices Act (“MMPA”), and states in support as follows:

PARTIES

1. Plaintiff Catherine L. Hanaway is the Attorney General of the State of Missouri and brings this action on behalf of the State of Missouri pursuant to Chapter 407, RSMo.

1. Defendant Himanshu B. Patel is the Managing Officer of the Briarwood One Stop convenience store located at 5092 West Sunshine St., Brookline, MO 65058 (“Premises”), and resides at 661 East Lafayette St., Springfield, MO 65810.

2. Defendant Briarwood One Stop, Inc. is the owner of the building located on the Premises, and has its principal place of business at 5092 W. Sunshine St., Brookline, MO 65619-9117.

3. The registered agent of Defendant Briarwood One Stop, Inc. is Himanshu Patel located at 5092 W Sunshine St., Brookline, MO 65619-9117.

4. Any acts, practices, methods, uses, solicitations, or conduct of the Defendants alleged in this Petition include the acts, practices, methods, uses, solicitations or conduct of Defendants’ employees, agents, or other representatives acting under Defendants’ direction, control, or authority.

JURISDICTION AND VENUE

5. This Court has subject matter and personal jurisdiction over this action under Art. V, § 14 Mo. Const. and § 478.070, RSMo.

6. Venue is proper in this court because this petition alleges a tort – public nuisance – and the injuries to the public occurred in Greene County, Missouri.

7. Venue is proper in this Court pursuant to § 407.100, RSMo, which provides that “[a]ny action under this section may be brought in the county in which the defendant resides, in which the violation alleges to have been committed occurred, or in which the defendant has his principal place of business.” § 407.100.7.

8. Defendant Briarwood One Stop, Inc. has its principal place of business in Greene County, Missouri, and Defendants have engaged in unfair trade practices there through the unlicensed possession of gambling devices and the promotion thereof.

9. This Court has authority over this action pursuant to § 407.100, RSMo, which allows the Attorney General to seek injunctive relief, restitution, penalties, and other relief in circuit court against persons who violate § 407.020, RSMo.

LEGAL AUTHORITY

10. Section 572.090, RSMo, declares any room, building or other structure regularly used for any unlawful gambling activity prohibited by Chapter 572 a public nuisance, and allows the Attorney General to prosecute a suit against the owner to enjoin the nuisance.

11. The Attorney General has authority to bring actions to enforce the Missouri Merchandising Practices Act. RSMo. § 407.020.

MERCHANDISING PRACTICES ACT

12. § 407.020, RSMo., provides in pertinent part:

The act, use or employment by any person of any deception, fraud, false pretense, false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of any material fact in connection with the sale or advertisement of any merchandise in trade or commerce or the solicitation of any funds for any charitable purpose, as defined in section 407.453, in or from the state of Missouri, is declared to be an unlawful practice.... Any act, use or employment declared unlawful by this subsection violates this subsection whether committed before, during or after the sale, advertisement, or solicitation.

13. “Person” is defined as “any natural person or his legal representative, partnership, firm, for-profit or not-for-profit corporation, whether domestic or foreign, company, foundation, trust, business entity or association, and any agent, employee, salesman, partner, officer, director,

member, stockholder, associate, trustee or cestui que trust thereof.” § 407.010.5, RSMo.

14. “Merchandise” is defined as “any objects, wares, goods, commodities, intangibles, real estate, or services.” § 407.010.4, RSMo.

15. “Sale” is defined as “any sale, lease, offer for sale or lease, or attempt to sell or lease merchandise for cash or on credit.” § 407.010.6, RSMo.

16. “Trade” or “commerce” is defined as “the advertising, offering for sale, sale, or distribution, or any combination thereof, of any services and any property, tangible or intangible, real, personal, or mixed, and any other article, commodity, or thing of value wherever situated. The terms “trade” and “commerce” include any trade or commerce directly or indirectly affecting the people of this state.” § 407.010.7, RSMo.

17. Defendants have sold merchandise in trade or commerce within the meaning of § 407.010, RSMo.

18. The Attorney General has promulgated rules explaining and defining terms used in §§ 407.010 to 407.145 of the Merchandising Practices Act. The relevant rules include, but are not limited to, the provisions of 15 CSR 60-8.010 to 15 CSR 60-9.110.

19. “An unfair trade practice is any practice which –
(A) Either –

1. Offends any public policy as it has been established by the Constitution, statutes or common law of this state, or by the Federal Trade Commission, or its interpretive decisions; or
 2. Is unethical, oppressive or unscrupulous; and
- (B) Presents a risk of, or causes, substantial injury to consumers.”

15 C.S.R. 60-8.020.

MISSOURI'S REGULATION OF GAMBLING.

A. Regulatory Framework

20. Chapter 313 of the Missouri Revised Statutes governs activities regulated by the Missouri Gaming Commission, such as riverboat gambling, bingo, the state lottery, horse racing, and fantasy sports.

21. The Commission's extensive regulatory framework is set forth in 11 C.S.R. 45.

22. The Commission issues licenses to businesses and individuals, collects taxes and fees, and enforces gaming laws in the state. Sections 313.800 to 313.840 govern riverboat gambling. Section 313.805 empowers the Commission to license riverboat casinos, adopt standards of operation, investigate and sanction violations, and confiscate unauthorized games.

23. If the Commission has reasonable grounds to believe that a violation of the provisions governing riverboat gambling has occurred, the

Commission refers such matters to the Missouri Attorney General and local prosecuting attorney. § 313.830.7.

24. In coordination with the Commission, the Gaming Division of the Missouri State Highway Patrol provides criminal and regulatory enforcement of gaming operations in the state.

25. The Commission views its regulatory authority as limited to licensed businesses, with the additional ability to provide technical support to law enforcement agencies investigating illegal gambling machines located on unlicensed premises.

26. Gaming taxes are a considerable source of revenue in Missouri. In addition to standard income and property taxes, casinos pay a gaming tax of 21% of their adjusted gross revenue.

27. Ten percent of the gaming tax goes to the local jurisdiction, and the remaining 90% is paid into an education fund.

B. Unlawful Gambling Houses and Gambling Activity

28. Chapter 572 of the Missouri Revised Statutes is the part of the state criminal code that creates certain offenses and punishments regarding illegal gambling. *See* § 572.010 – 572.125, RSMo.

29. Relevant here, Chapter 572 prohibits unlicensed gambling houses, particularly, “Any room, building or other structure regularly used for any unlawful gambling activity prohibited by this chapter.” § 572.090, RSMo.

30. An instance of “unlawful gambling activity” prohibited under Chapter 572, is the possession of a gambling device without a license. “A Person commits the offense of possession of a gambling device if, with knowledge of the character thereof, he or she manufactures, sells, transports, places or possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody or use of:

(1) A slot machine; or

(2) Any other gambling device, knowing or having reason to believe that it is to be used in the state of Missouri in the advancement of unlawful gambling activity.” § 572.070, RSMo.

31. A gambling device is defined as, “any device, machine, paraphernalia or equipment that is used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons or gambling by a person with a machine.” § 572.010(5), RSMo.

32. “[A] person engages in gambling when he or she stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under his or her control or influence, upon an agreement or understanding that he or she will receive something of value in the event of a certain outcome.” § 572.010(4), RSMo.

33. A “contest of chance” is defined as “[A]ny contest, game, gaming scheme or gaming device in which the outcome depends in a material degree

upon an element of chance, notwithstanding that the skill of the contestants may also be a factor.” § 572.010(3), RSMo.

34. Under *TNT Amusement v. Torch Electronics*, the Eastern District of Missouri found that Video Lottery Terminals (VLTs) similar or identical to the gambling machines possessed and promoted by Defendants here contained an element of chance, and found them to be illegal gambling devices under Missouri Law. No. 4:23-CV-330-JAR, 2026 WL 413322, at *1 (E.D. Mo. Feb. 13, 2026).

35. Another instance of “unlawful gambling activity” prohibited under Chapter 572, is the promotion of gambling. “A person commits the offense of promoting gambling in the first degree if he or she knowingly advances or profits from unlawful gambling or lottery activity by:

- (1) Setting up and operating a gambling device to the extent that more than one hundred dollars of money is gambled upon or by means of the device in any one day, or setting up and operating any slot machine; or
- (2) Engaging in bookmaking to the extent that he or she receives or accepts in any one day more than one bet and a total of more than one hundred dollars in bets; or
- (3) Receiving in connection with a lottery or policy or enterprise:
 - (a) Money or written records from a person other than a player whose chances or plays are represented by such money or records; or

(b) More than one hundred dollars in any one day of money played in the scheme or enterprise; or

(c) Something of value played in the scheme or enterprise with a fair market value exceeding one hundred dollars in any one day.” § 572.030, RSMo.

36. A person advances gambling activity if, acting other than as a player, he or she engages in conduct that materially aids any form of gambling activity. A person advances gambling activity if, having substantial proprietary control or other authoritative control over premises being used with his or her knowledge for purposes of gambling activity, he or she permits that activity to occur or continue or makes no effort to prevent its occurrence or continuation. *See* § 572.010, RSMo.

ALLEGATIONS OF FACT RELEVANT TO ALL CLAIMS

37. Upon information and belief, Defendant Himanshu B. Patel manages the business located at the Premises under the fictitious name, Briarwood One Stop.

38. Upon information and belief, the Premises is open to the public as a convenience store.

39. In addition to traditional convenience store offerings, the building on the Premises contained Video Lottery Machines, including twelve (12) electronic gambling devices.

40. Upon winning credits at the VLTs a player can redeem them for cash within the Premises.

VIOLATIONS

COUNT I—PUBLIC NUISANCE

41. Plaintiff hereby restates and incorporates by reference the allegations set forth in Paragraphs 1-38 above.

42. Patrons of Briarwood One Stop engage in gambling each time they play the VLTs.

43. Defendant Himanshu Patel possess unlawful gambling devices and utilizes the Premises to advance unlawful gambling.

44. As owner of the Premises, Defendant Briarwood Once Stop, Inc. knows or has reason to believe the Premises is being used regularly for unlawful gambling activity.

45. The Premises, constitutes a public nuisance under § 572.090, RSMo.

WHEREFORE, Plaintiff respectfully requests this Court enter judgment in favor of Plaintiff declaring Briarwood One Stop a public nuisance and awarding the State an injunction prohibiting the Premises from being occupied or used for one year or amount of time, not to exceed one year, as the Court deems appropriate.

COUNT II—UNFAIR PRACTICE

46. Plaintiff hereby restates and incorporates by reference the allegations set forth in Paragraphs 1-43 above.

47. Defendants violated § 407.020, RSMo, by engaging in the method, use or practice of providing a location to engage in unlawful gambling activity, a practice which offends the public policy of Missouri as set forth in § 572.090, RSMo, and which presents a risk of injury to consumers.

48. Defendants violated § 407.020, RSMo, by engaging in the method, use or practice of possessing and providing for a fee gambling services, and in the course thereof, themselves gambling, in violation of § 572.020, RSMo, a statute intended to protect the public, and which presents a risk of harm to consumers.

WHEREFORE, Plaintiff prays this Court enter judgment:

- A. Finding that the Defendants violated the provisions of § 407.020.
- B. Issuing a Permanent Injunction pursuant to §§ 407.100.1 and 407.100.2 prohibiting and enjoining the Defendants and their agents, servants, employees, representatives and other individuals acting at its direction or on its behalf from offering gambling services or providing a location for gambling to occur in the State of Missouri.

C. Requiring Defendants, pursuant to § 407.140.3, RSMo, to pay the State of Missouri a civil penalty of up to \$1,000.00 per violation of Chapter 407 that the Court finds to have occurred.

D. Requiring Defendants, pursuant to § 407.130, RSMo, to pay all court, investigative, and prosecution costs of this case.

E. Requiring Defendants, pursuant to § 408.040, RSMo, to pay pre and post judgment interest.

F. Granting any additional relief this Court deems just and proper.

Respectfully submitted,

CATHERINE L. HANAWAY
Attorney General

/s/ Connor H. McNeall
Connor H. McNeall
Assistant Attorney General
Missouri Bar No. 76836
Missouri Attorney General's Office
815 Olive St., Suite 200
St. Louis, MO 63101
314-340-7888
connor.mcneall@ago.mo.gov

ATTORNEYS FOR STATE

CERTIFICATE OF SERVICE

I certify that on March 18, 2026, I filed this paper through the Court's electronic-filing system. This filing effects service on all parties of record.

/s/ Connor H. McNeall
Assistant Attorney General