



State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

DECISION OF THE LOUISIANA GAMING CONTROL BOARD

IN RE: MICHAEL S. BRUNO NO. P040014218

This is an appeal by the State of Louisiana, Office of State Police, Riverboat Gaming Division ("Division"), of the decision of the Hearing Officer denying without prejudice the renewal of Michael S. Bruno's non-key riverboat gaming employee permit.¹

By letter dated August 21, 2000, the Division denied the renewal of Mr. Bruno's non-key riverboat gaming employee permit on the grounds that Mr. Bruno failed to disclose his August 13, 1999, arrest for theft/larceny (issuing worthless checks) on his renewal application, the fact that Mr. Bruno had a pending charge for theft/larceny, and the pending charge of false statements relating to gaming. Mr. Bruno requested a hearing after which the Hearing Officer rendered a decision denying without prejudice the renewal of Mr. Bruno's gaming permit. The Hearing Officer's decision was based on the pending charges and he did not reach the question of Mr. Bruno's failure to disclose his arrest finding that this issue was moot.

The Division appeals stating that the Hearing Officer erred in finding that the failure to disclose was moot and in denying the renewal without prejudice.

¹ Mr. Bruno initially appealed the decision of the Hearing Officer but withdrew his appeal by letter received March 14, 2001.

LEGAL ANALYSIS

Louisiana Revised Statute 27:76 states in pertinent part:

A. The division or the Louisiana Gaming Control Board shall not award a license or permit to any person who is disqualified on the basis of any of the following criteria:

(1) Failure of the applicant to prove by clear and convincing evidence that he is qualified in accordance with the provisions of this Chapter.

(2) Failure of the applicant to provide information and documentation to reveal any fact material to qualification, or the supplying of information which is untrue or misleading as to a material fact pertaining to the qualification criteria.

(4) Current prosecution of or pending charges in any jurisdiction against the applicant, or any person who is required to be qualified under this Chapter as a condition of a license, for an offense punishable by more than one year imprisonment.

Louisiana Revised Statute 27:70 provides in pertinent part:

A. No person shall be eligible to receive a license to conduct gaming operations on a riverboat or any license or permit issued pursuant to the provisions of this Chapter unless the division finds that:

(1) The applicant is a person of good character, honesty, and integrity.

(2) The applicant is a person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or the carrying on of the business and financial incidental thereto.

Mr. Bruno's renewal application was dated March 28, 2000. On the application, Mr. Bruno swore to the truth of the following statements:

I have not been arrested, detained, charged, charged, summoned to appear for any criminal offense or violation, regardless of the disposition of such offense or violation since submitting my original application to the Division, or if I have been arrested, detained, charged, or summoned to appear fro any criminal offense or violation, I am providing information regarding the arrest, detention, charge, or summons on a separate sheet of paper which is attached to and made a part of this renewal application.

I understand that the failure to provide any requested information may serve as grounds to deny my renewal application.

Mr. Bruno also submitted a form entitled "Gaming Employee Address/Name Change" dated March 28, 2000, which contained the question: Have you been charged, arrested, detained, indicted, or summoned to answer for any criminal offense or violation for any reason whatsoever, regardless of the disposition of the event since filing your original or renewal application? (Except minor traffic offenses). "No" was checked and Mr. Bruno swore that the information contained in this form was true.

By Mr. Bruno's own admission and the documents presented at the hearing it is undisputed that Mr. Bruno was arrested on August 13, 1999, on three counts of issuing worthless checks. This event occurred only eight months prior to Mr. Bruno's submission of his renewal application and "Gaming Employee Address/Name Change" form. Mr. Bruno failed to disclose his August 13, 1999, arrest on either form and assertively denied his arrest on the address/name change form.

Mr. Bruno claims that he "simply forgot" and that it was an unintentional oversight. We are unpersuaded by these statements.

The evidence presented does indicate that Mr. Bruno made restitution for the worthless

checks which were the basis of the August 13, 1999, arrest. He does have outstanding charges for issuing other worthless checks for which he was arrested on April 22, 2000. This matter was not before the Hearing Officer and it will not be considered by this Board.

It is unnecessary to consider the pending charges for false statements related to gaming as we find that Mr. Bruno is unqualified and unsuitable to hold a gaming license under La. R.S. 27:76 and 27:70 because of his failure to disclose his 1999 arrest.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of March 19, 2000:

IT IS ORDERED THAT The Hearing Officer's decision is **AMENDED to DENY** Michael S. Bruno's renewal application for a non-key riverboat gaming permit for failure to disclose a material fact pursuant to La. R.S. 27:76.

THUS DONE AND SIGNED this 20th day of March, 2001.

LOUISIANA GAMING CONTROL BOARD

BY:



HILLARY J. CRAIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 21st **DAY**
OF March 2001

APPEAL DOCKET CLERK

