



State of Louisiana

Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

ANNE LACOUR NEEB
EXECUTIVE DIRECTOR

DECISION OF THE LOUISIANA GAMING CONTROL BOARD

IN RE: GUS MIJALIS
FARMER'S SEAFOOD COMPANY, INC.
P080800283

Based on the facts and for the reasons assigned by the Hearing Officer which we attach to this decision and hereby adopt as our own, we conclude that the decision of the Hearing Officer granting the Division's exceptions of lack of subject matter jurisdiction, lack of procedural capacity, improper venue and no cause of action is correct.

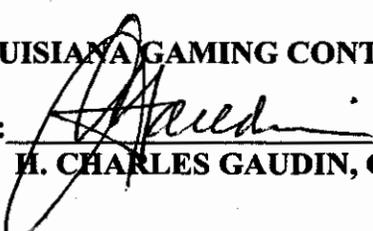
ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of October 19, 2004:

IT IS ORDERED that the decision of the Hearing Officer is **AFFIRMED**.

THUS DONE AND SIGNED on this the 19 day of October, 2004.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 20th DAY
OF October, 2004
APPEAL DOCKET CLERK


LOUISIANA GAMING CONTROL BOARD
BY: 
H. CHARLES GAUDIN, CHAIRMAN

**STATE OF LOUISIANA
GAMING CONTROL BOARD**

**ADMINISTRATIVE HEARING
AUGUST 10, 2004**

**HEARING OFFICER
WILLIAM H. BROWN**

**IN RE:FARMER' S SEAFOOD
COMPANY, INC.
#P080800283**

TRUE COPY

Representative
Louisiana Gaming Control Board

IN RE: FARMER'S SEAFOOD COMPANY, INC.

NO. P080800283

APPEARANCES:

For the State of Louisiana

**Karen D. White
Assistant Attorney General
1885 North 3rd Street, Ste. 500
Baton Rouge, LA 70802**

For Gus Mijalis

**Karl Koch
Attorney at Law
P. O. Box 1909
Baton Rouge, LA 70821**

STATEMENT OF THE CASE and DECISION

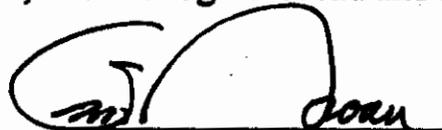
On June 14, 2004 the Louisiana State Police, General Gaming Division, notified Mr. Gus Mijalis that it has been determined that he is a key-managerial employee of Farmer's Seafood Company, Inc., a non-gaming supplier permittee (permit #P080800283). The Division further advised Mr. Mijalis that he must submit a "Key Gaming Employee Permit Application/State Certification Application Personal History and Financial Record Disclosure Form".

On July 15, 2004 Mr. Mijalis filed a motion for stay under the heading of Farmer's Seafood Company, Inc., Case No. P080800283. The motion was scheduled for a hearing on August 10, 2004. Subsequently, on July 27, 2004, the Division filed exceptions of lack of subject matter jurisdiction, lack of procedural capacity, improper venue and no cause of action. Mr. Mijalis contends that a hearing should be conducted to show that he must pass a suitability examination before he should be ordered to comply with the Division's June 14, 2004 directive.

LAC 42:III.108(A) provides that any person against whom an administrative action is proposed, and any person against whom an enforcement action is taken, may request a hearing by filing a written request with the board. A hearing officer can only hear matters after an administrative action is proposed or an enforcement action is taken. Since no proposed administrative action or enforcement action has been taken against Mr. Mijalis, your hearing officer has no subject matter jurisdiction.

Accordingly, Mr. Mijalis' motion to stay is dismissed since the exception of lack of subject matter jurisdiction is granted. Further the exceptions of lack of procedural capacity, improper venue and no cause of action are granted.

Judgment rendered August 10, 2004. Judgment read and signed this 12th day of August 2004.



William H. Brown
Hearing Officer

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 12th DAY
OF August 2004
Jill Dommegge
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Karl Koch
Karen White
Sgt. Falcon

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 8/13/04
Jill Dommegge
BY: CLERK