

LOUISIANA GAMING CONTROL BOARD

Minutes of September 15, 2009

The Louisiana Gaming Control Board conducted a meeting on Tuesday, September 15, 2009 in Senate Room A of the Louisiana State Capitol. Present at the meeting were: Dane K. Morgan, Chairman; Major Claude Mercer, Velma Rogers, Ayres Bradford, Robert Jones, Mark Stipe, Gerald Juneau, James Singleton and Jackie Berthelot. Absent were ex-officio members Col. Mike Edmonson and Sec. Cynthia Bridges.

The meeting was called to order. Chairman Morgan welcomed Mr. Jackie Berthelot to the Board. Mr. Berthelot replaced Judge H. Charles Gaudin as a member. Mr. Berthelot thanked the Chairman and stated he was glad to be a member of the Board.

Ms. Donna Jackson, State Police Gaming Audit Division, presented the revenue reports for the riverboats, landbased casino and slots at the track. Ms. Jackson stated riverboat revenue was down 9.4% from last year at this time. Ms. Janice Adolph, also with the Gaming Audit Division, presented the statistics for video poker.

The Board acted on the following truckstop applications:

1. **In Re: Sunshine Truck Stop & Casino Plaza, LLC d/b/a Sunshine Truckstop & Casino Plaza – No. 4700513018** - Motion by Mr. Singleton to approve the transfer of interest. That motion was seconded by Mr. Jones and unanimously approved by the Board.
2. **In Re: Super Lucky Louie's Casino, LLC d/b/a Super Lucky Louie's Casino – No. 6100515935** – Motion by Mr. Bradford to approve the license application. That motion was seconded by Ms. Rogers and unanimously approved by the Board.
3. **In Re: Lag Oasis, LLC d/b/a Elmwood Oasis – No. 2604515927** – Motion by Mr. Jones to approve the license application. That motion was seconded by Mr. Juneau and unanimously approved by the Board.

The next item for consideration was request for approval of renewal of the riverboat gaming license for Horseshoe Entertainment L.P. d/b/a Horseshoe Casino and Hotel. Following discussion, it was moved by Major Mercer to approve the five-year renewal of the license for Horseshoe Casino and Hotel. That motion was seconded by Mr. Juneau and unanimously approved by the Board.

The Board considered a petition by Horseshoe Casino and Hotel for approval of modification of gaming space. It was moved by Ms. Rogers to approve the petition. That motion was seconded by Mr. Bradford and unanimously approved by the Board.

A petition was filed by PNK (Baton Rouge) Partnership for a third amendment to License Condition 15(b) for extension of time regarding completion of Approved Project. Chairman Morgan stated that, although he thought the licensee was acting in good faith, he wanted more definitive milestones.

Following discussion, it was moved by Mr. Stipe to grant an additional 20 days or until November 5, 2009, to enter into all necessary contracts for construction of the Approved Project as required by License Condition 15(b). In addition, licensee must file a Supplemental Petition for Modification of License Condition 15(b) to include more detailed plans towards completion of the Approved Project; a timeline of past and future events regarding U.S. Army Corps of Engineers permits; timeline of past and future events regarding permits or approvals from state and local governing authorities; and a comprehensive narrative of steps taken towards completion of Approved Project since September 18, 2007. This Supplemental Petition will be considered by the Board at the October 20, 2009 meeting. The motion was seconded by Major Mercer and unanimously approved by the Board.

The Board considered a Certificate of Compliance for the Riverboat Gaming Vessel Alternate Inspection Program for Louisiana Casino Cruises, Inc. d/b/a Hollywood Casino. Mr. John Francic, ABS Consulting, Maritime Services, stated the inspection of the vessel was conducted and recommended that a Certificate of Compliance be issued to Hollywood Casino for a one-year period. It was moved by Mr. Jones to issue the Certificate of Compliance. That motion was seconded by Ms. Rogers and unanimously approved by the Board.

Penn National Gaming, Inc. filed a petition with the Board for a second amendment to their \$2.72 billion credit agreement. Following discussion, it was moved by Mr. Bradford to approve the petition. That motion was seconded by Mr. Stipe and approved by eight members. Mr. Jones abstained from voting.

The Board acted on Proposed Settlements/Appeals from Hearing Officers' decisions in the following:

1. **In Re: Traci & Kent, LLC d/b/a T & K Daiquiri Express – No. 3900114499** - Motion by Major Mercer to approve the \$500.00 penalty for failure to timely notify the Division of information regarding ownership interest. That motion was seconded by Mr. Bradford and unanimously approved by the Board.
2. **In Re: Ewings of Innis, Inc. d/b/a Ewing's Grocery & Hardware – No. 3900606167** - Motion by Mr. Juneau to approve the \$1,000.00 penalty for failure to notify the Division of required information regarding changes in corporate structure and matters pertaining to suitability of former officers. That motion was seconded by Mr. Jones and unanimously approved by the Board.
3. **In Re: Joseph Dwain Taylor – No. P040052577** - Motion by Mr. Singleton to approve the \$250.00 penalty for failure to timely notify the Division of an arrest. That motion was seconded by Mr. Bradford and was unanimously approved by the Board.
4. **In Re: Medina, Inc. d/b/a Café Roma Express – No. 2601209780** – Motion by Mr. Stipe to approve the \$1,500.00 penalty for operating without an ATC permit. That motion was seconded by Mr. Jones but failed by a vote of three to six. Voting for the motion were: Mr. Bradford, Mr. Jones and Mr. Stipe. Voting against the motion were: Major Mercer, Ms. Rogers, Mr. Juneau, Mr. Singleton,

Mr. Berthelot and Chairman Morgan. Mr. Bradford made a substitute motion to remand the matter to the Hearing Office. That motion was seconded by Ms. Rogers and unanimously approved by the Board.

5. **In Re: Gwendolyn Jason d/b/a Seal's Class Act – No. 3601110188** - Motion by Major Mercer to approve the \$500.00 penalty for failure to remain eligible for tax clearances. That motion was seconded by Mr. Juneau and unanimously approved by the Board.
6. **In Re: Pirogue's Café, LLC d/b/a Pirogue's Café – No. 4800214849** – Motion by Mr. Bradford to remand the matter to the Hearing Office. That motion was seconded by Major Mercer and approved by a vote of eight to one. Mr. Stipe voted against the motion.
7. **In Re: Carla Bibbs – No. P040053479** – Motion by Mr. Bradford to remand the matter to the Hearing Office to consider new evidence. That motion was seconded by Mr. Juneau and unanimously approved by the Board.
8. **In Re: Amenophis Services Company, Inc. d/b/a ASC Cleaners – No. P083602890** – Motion by Ms. Rogers to affirm the decision of the Hearing Officer denying the non-gaming supplier permit application. That motion was seconded by Mr. Jones and unanimously approved by the Board.
9. **In Re: Ralph Hymel, Inc. d/b/a Daddy's Fried Chicken – 4500208554** – Motion by Mr. Stipe to affirm the decision of the hearing officer revoking the video poker license. That motion was seconded by Mr. Berthelot and unanimously approved by the Board.

There was a motion by Mr. Juneau to go into Executive Session to discuss pending litigation. That motion was seconded by Mr. Singleton and unanimously approved by the Board.

Following the Executive Session, the Board returned to the Regular Session.

It was moved by Mr. Bradford, pursuant to Court order number C570568, 19th J.D.C., to issue a video gaming license to Speedway SuperAmerica LLC d/b/a Speedway #9066 - No. 1002511408, upon dismissal of court proceeding in 2008 CA 2600 Court of Appeal, First Circuit. That motion was seconded by Mr. Singleton and unanimously approved by the Board.

There were public comments by Mr. Chris Young.

There being no further comments, it was moved by Mr. Singleton to adjourn the meeting. That motion was seconded by Mr. Bradford and unanimously approved.

The meeting was adjourned.