

LOUISIANA GAMING CONTROL BOARD

Minutes of March 17, 2009

The Louisiana Gaming Control Board held a meeting on Tuesday, March 17, 2009, 10:00 a.m., Senate Room A of the Louisiana State Capitol. Present at the meeting were: Major Claude Mercer, Velma Rogers, Claryce Minor, Ayres Bradford, Robert Jones, Mark Stipe, Gerald Juneau and James Singleton. Absent were Chairman Charles Gaudin and ex-officio members, Col. Mike Edmonson and Sec. Cynthia Bridges.

Mr. Stipe called the meeting to order. It was moved by Mr. Bradford to nominate Major Mercer as Vice-Chairman of the Board. That motion was seconded by Ms. Rogers and unanimously approved by the Board.

Major Mercer recognized Marcia Morgan's service on the board, and welcomed James Singleton, the newest member.

It was moved by Ms. Minor to waive the reading and approve the minutes of the February meeting. That motion was seconded by Ms. Rogers and unanimously approved by the Board.

Mr. Stipe made a motion to approve the contract with Baton Rouge Court Reporters. That motion was seconded by Ms. Minor and unanimously approved by the Board.

Mr. Stipe made a motion to approve the contract with Judge Brown as a Hearing Officer. That motion was seconded by Ms. Minor and unanimously approved by the Board. Mr. Stipe also made a motion to approve the contract with Richard Reynolds as a Hearing Officer. That motion was seconded by Mr. Jones and unanimously approved by 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. Donna Stevens, also with the Gaming Audit Division, presented the statistics for video poker.

Ms. Mesa Brown, Asst. Attorney General in the Attorney General's Gaming Division, presented the compliance reports dealing with racetracks for the Fourth Quarter of 2008.

The Board acted on amendments to the Multi Jurisdictional Personal History Disclosure Form and the Louisiana Supplemental Form, DPSSP number 0074/0077/0092. It was moved by Ms. Rogers to approve the amendments. That motion was seconded by Mr. Bradford and unanimously approved by the Board.

The Board acted on the following truckstop applications:

1. **In Re: Lott Oil Company, Inc. d/b/a Lott's O Luck #3 – No. 4101515762** – Motion by Mr. Jones to approve the application. That motion was seconded by Ms. Minor and unanimously approved by the Board.

2. **In Re: Grand Palace Casino, LLC d/b/a Kenner Airport Casino – No. 2605515782** – Motion by Ms. Minor to approve the application. That motion was seconded by Mr. Bradford and unanimously approved by the Board.
3. **In Re: Rebecca Truck Plaza & Casino, LLC d/b/a Rebecca Casino – No. 5500515748** – Motion by Mr. Juneau to approve the application. That motion was seconded by Mr. Jones and unanimously approved by the Board.

Mr. Lawrence Orlansky, counsel on behalf of Pinnacle Entertainment, Inc., provided an update to board members concerning both the Baton Rouge and Lake Charles projects. He stated that with reference to the Baton Rouge project, they were meeting with parish and city officials and the zoning application should be filed in April.

With reference to Sugarcane Bay in Lake Charles, Mr. Orlansky stated work is ongoing on underground infrastructure, storm drainage and remaining underground utilities. The road is being widened from two lanes to four lanes. He stated that the paving of the road should be completed by mid July.

Mr. Jonathon Wagner, Asst. Attorney General in the Gaming Division, addressed board members with reference to various rules.

The first rule dealt with internal controls. It was moved by Mr. Bradford to institute the rulemaking procedures for adoption of amendments to LAC 42:VII.2723, 42:IX.2723 & 42:XIII.2723, Internal Controls; Slots. That motion was seconded by Ms. Minor and unanimously approved by the Board.

The second rule concerned self exclusion. It was moved by Mr. Juneau to institute the rulemaking procedures for adoption of amendments to LAC 42:III.304, Self Exclusion. That motion was seconded by Ms. Rogers and unanimously approved by the Board.

The third rule dealt with operating standards. It was moved by Mr. Jones to institute the rulemaking procedures for adoption of amendments to LAC 42:VII.2927.D, LAC 42:IX.2919.D, and LAC 42:XIII.2927.D, Operating Standards. That motion was seconded by Ms. Rogers and unanimously approved by the Board.

The fourth rule concerned adoption of amendments to internal controls. It was moved by Mr. Juneau to approve the rulemaking procedures for adoption of amendments to LAC 42:VII.2729.U, LAC 42:IX.2729.U, and LAC 42:XIII.2729.U. That motion was seconded by Ms. Minor and unanimously approved by the Board.

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

1. **In Re: Round Midnight Bar, L.L.C. d/b/a Three Legged Dog – No. 360112508** - Motion by Mr. Bradford to approve the \$500 penalty for failure to remain eligible for tax clearances. That motion was seconded by Mr. Juneau and unanimously approved by the Board.

2. **In Re: Royale Gaming Services, Inc. d/b/a Royale Gaming Services – No. 2600601625** - Motion by Ms. Rogers to approve the \$500 penalty for failure to timely remove video gaming devices. That motion was seconded by Mr. Juneau and unanimously approved by the Board.
3. **In Re: Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys – No. 4500214192** – Motion by Mr. Juneau to approve the \$7000 penalty for operating without an ATC permit and for failure to notify the Division. That motion was seconded by Mr. Stipe and unanimously approved by the Board.
4. **In Re: Big Easy Evangeline Lounge, LLC d/b/a Evangeline Bar & Restaurant – No. 3601114989; Adolph J. Gerhold, Jr. – No. 08008** – Motion by Mr. Bradford to grant the rehearing. That motion was seconded by Mr. Jones and approved by a vote of 5 to 3. Voting for the motion was: Ms. Rogers, Ms. Minor, Mr. Bradford, Mr. Jones and Mr. Singleton. Voting against the motion was: Major Mercer, Mr. Stipe and Mr. Juneau.

Following the rehearing, it was moved by Mr. Bradford to affirm the decision of the hearing officer denying the video gaming license and finding Adolph Gerhold, Jr. unsuitable. That motion was seconded by Mr. Stipe and unanimously approved by the Board.

5. **In Re: Diem Thuy Nguyen d/b/a False River Seafood – No. 3902213822A** - Motion by Mr. Bradford to affirm in part and amend in part the decision of the hearing officer, granting the establishment 90 days from date of activation of machines to pay the civil penalty in the amount of \$12,000. Failure to timely remit the penalty would result in revocation of the license. That motion was seconded by Mr. Jones and approved by a vote of 7 to 1. Voting against the motion was Mr. Stipe.
6. **In Re: Chad R. Pellerin – No. P040031526** – Motion by Mr. Juneau to dismiss the appeal. That motion was seconded by Mr. Jones and unanimously approved by the Board.
7. **In Re: Flora Dupree – No. P040011176** – Motion by Mr. Bradford to affirm in part and amend in part the decision of the hearing officer to suspend Flora Dupree's non-key gaming permit until she submits all required tax clearances, and to waive the \$250 penalty. That motion was seconded by Ms. Rogers and approved by a vote of 7 to 1. Voting against the motion was Major Mercer.

There being no further comments, it was moved by Ms. Minor to adjourn the meeting. That motion was seconded by Ms. Rogers and unanimously approved by the Board.

The meeting was adjourned.