

10/17/06
APPROVED

LOUISIANA GAMING CONTROL BOARD

Minutes of September 19, 2006

The Louisiana Gaming Control Board held a meeting on Tuesday, September 19, 2006, 10:00 a.m., in Senate Room A of the Louisiana State Capitol. Present at this meeting were: H. Charles Gaudin, Chairman, Judge Robert Fleming, James Boyer, Dennis Kinchen, William Lastrapes, Marcia Morgan, Rupert Richardson and M.J. "Kelly" Simoneaux. Absent were ex-officio members, Sec. Cynthia Bridges and Col. Henry Whitehorn.

The meeting was called to order. It was moved by Ms. Richardson to waive the reading and approve the minutes of the August meeting. That motion was seconded by Mr. Boyer 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 tracks. Ms. Donna Stevens, also with the Audit Division, reported on the video poker statistics.

Mr. Tom Warner, Asst. Attorney General in the Gaming Division, stated that a public hearing on Proposed Amendments to LAC 42:XI.2407, Operation of Video Draw Poker Devices, and the Proposed Adoption of XI.2430, Penalty Schedule would be held at the October 17th board meeting.

The Board acted on the following truckstop application:

1. **In Re: Miletello's Pit Stop, LLC d/b/a Dubberly I-20 Truck & Travel Center – No. 6000514785.** Motion by Mr. Boyer to approve the application. That motion was seconded by Ms. Richardson and unanimously approved by the Board.

The Board acted on a request by Wimar Tahoe for a change of the d/b/a name of Belle of Orleans, L.L.C. d/b/a Belle of Orleans Casino to Belle of Orleans, L.L.C. d/b/a Amelia Belle Casino. This change does not change the name of the licensee, only the d/b/a name.

Following discussion, it was moved by Judge Fleming to approve the request. The name of the casino is Belle of Orleans, L.L.C. d/b/a Amelia Belle Casino. That motion was seconded by Mr. Lastrapes and unanimously approved by the Board.

The next item dealt with consideration of the renewal of the license of Boyd Racing, L.L.C. d/b/a Delta Downs Racetrack and Casino. Ms. Olga Bogran, Asst. Attorney General, Ms. Michelle Danner-Bull, State Police Gaming Audit Division, and Trooper James Cormier, State Police Gaming Suitability, addressed the Board on this matter.

Following discussion, it was moved by Judge Fleming to renew the license of Boyd Racing, L.L.C. d/b/a Delta Downs Racetrack and Casino for a period of five years. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.

The Board acted on petitions for modification of gaming space for the following:

1. **Grand Palais Riverboat, Inc. d/b/a Isle of Capri-Grand Palais** – Motion by Mr. Lastrapes to approve the petition for modification. That motion was seconded by Ms. Morgan and unanimously approved by the Board.
2. **Horseshoe Entertainment, L.L.P. d/b/a Horseshoe Casino & Hotel** – Motion by Ms. Morgan to approve the petition for modification. That motion was seconded by Mr. Lastrapes and unanimously approved by the Board.
3. **Harrah's Bossier City Investment Company, L.L.C. d/b/a Harrah's Louisiana Downs** - Motion by Mr. Boyer to approve the petition for modification. That motion was seconded by Ms. Richardson and unanimously approved by the Board.

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

1. **In Re: Eldorado Casino Shreveport – No. CGD040127** – Motion by Mr. Boyer to approve the \$12,500 penalty to the State, and \$9,163 penalty to the Compulsive and Problem Gaming Fund for allowing a person on the Voluntary Exclusion List to gamble at the casino. That motion was seconded by Mr. Simoneaux and unanimously approved by the Board.
2. **In Re: LA Spuds, Inc. d/b/a Spudly's Super Spuds – No. 2600212010**
3. **In Re: Tastee Donuts #59, Inc. d/b/a Tastee # 59 – No. 4400205076**

The above two cases were handled in globo because they dealt with the same issue. It was moved by Mr. Kinchen to approve the \$1,000 penalty for each licensee for submission of improperly notarized documents. That motion was seconded by Ms. Richardson and unanimously approved by the Board.

4. **In Re: JCM American Corporation – Nos. P066501594 & P076501597** – Motion by Ms. Richardson to approve the \$20,000 penalty for failure to timely submit applications and requested information. That motion was seconded by Mr. Boyer and unanimously approved by the Board.
5. **In Re: Louisiana Interest, Inc. d/b/a OZ – No. 3601103654** – Motion by Judge Fleming to approve the \$38,500 penalty for failure to disclose stock transfers and misleading statements, \$1000 penalty for improper notarization, and \$500 penalty for failure to produce documents in a timely manner. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.

6. **In Re: Walton Roy Anderson Corporation Joint Venture – No. P080802382** – Motion by Ms. Morgan to approve the \$562.50 penalty for failure to timely submit annual fee and annual affidavit. That motion was seconded by Judge Fleming and unanimously approved by the Board.
7. **In Re: Pizza Town Café, L.L.C. d/b/a Pizza Town Café – No. 0904210745** – Motion by Mr. Boyer to approve the \$5,000 penalty for closing the establishment in violation of the statute and regulations. That motion was seconded by Ms. Richardson and unanimously approved by the Board.
8. **In Re: Southern Gaming, LLC d/b/a Joyce's Submarine Sandwiches – No. 2600211883** – Motion by Mr. Lastrapes to reverse the Hearing Officer's decision which suspended the license for 10 days and found Dennis P. Rivere suitable, and to revoke the license and find Mr. Rivere unsuitable. That motion was seconded by Ms. Richardson but failed because of a 4 to 4 vote. Voting for the motion were: Mr. Boyer, Mr. Kinchen, Mr. Lastrapes and Ms. Richardson. Voting against the motion were: Chairman Gaudin, Judge Fleming, Ms. Morgan and Mr. Simoneaux.
9. **In Re: The Old Evangeline Downs, LLC d/b/a Evangeline Downs Racetrack and Casino – No. CGD050222** – Motion by Mr. Boyer to affirm the decision of the Hearing Officer recalling the April 28, 2005 Significant Action Report, and dismissing the Notice of Recommendation of Administrative Action dated December 27, 2005. That motion was seconded by Ms. Morgan. There was a substitute motion by Mr. Simoneaux to propose a \$100 penalty per violation until such time when State Police can provide a standard that the Board could rely on for making future decisions. That motion was seconded by Mr. Lastrapes and failed by a five to two vote. Voting against the motion were: Judge Fleming, Mr. Boyer, Mr. Kinchen, Ms. Morgan and Ms. Richardson. Voting for the motion were Mr. Lastrapes and Mr. Simoneaux. The Chairman abstained from voting.

The Board then voted on the original motion to affirm the decision of the Hearing Officer. The motion passed by a five to three vote. Voting for the motion were Judge Fleming, Mr. Boyer, Mr. Kinchen, Ms. Morgan and Chairman Gaudin. Voting against the motion were: Mr. Lastrapes, Ms. Richardson and Mr. Simoneaux.
10. **In Re: 2029, Inc. d/b/a Brad's & Isadore C. LaBrosse III – No. 4400113499 and 06012** – Motion by Ms. Morgan to affirm the decision of the Hearing Officer revoking the license and finding Isadore C. LaBrosse III unsuitable. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.
11. **In Re: Thuan Ngoc Do – No. P082601514** – Motion by Ms. Morgan to affirm the decision of the Hearing Officer approving the \$812.50 penalty for failure to timely pay the annual renewal fee, annual fee and delinquency fee. That motion was seconded by Judge Fleming and unanimously approved by the Board.

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

The meeting was adjourned.