

LOUISIANA GAMING CONTROL BOARD

Minutes of June 21, 2012

The Louisiana Gaming Control Board conducted a meeting on Thursday, June 21, 2012, 10:00 a.m. in House Committee Room 1 of the Louisiana State Capitol. Present at the meeting were: Dale Hall, Chairman; Velma Rogers, Ayres Bradford, James Singleton and Denise Noonan. Absent were members Robert Jones and Mark Stipe and ex-officio members, Col. Mike Edmonson and Sec. Jane Smith.

The meeting was called to order. It was moved by Mr. Singleton to waive the reading and approve the minutes of the May meeting. That motion was seconded by Mr. Bradford and unanimously approved by the Board.

Mr. Jim Bossier, State Police Gaming Audit Division, presented revenue reports for the riverboats, landbased casino, slots at the track, video poker, and employment numbers for the landbased casino.

The Board acted on a petition by Creative Casinos of Louisiana, LLC for a transfer of membership interest to Ameristar Casinos, Inc. Following discussion, it was moved by Chairman Hall to adopt the resolution approving the transfer of membership interest to Ameristar Casinos, Inc. That motion was seconded by Mr. Singleton and unanimously approved by the Board.

The next item was consideration of approval of the Escrow Agreement for Creative Casinos of Louisiana, LLC pursuant to license condition 16. Following discussion, it was moved by Mr. Singleton to approve the escrow agreement. That motion was seconded by Ms. Rogers and unanimously approved by the Board.

The Board acted on the following truckstop applications:

1. **Lott Oil Company, Inc. d/b/a Lott's O'Luck #2 – No. 1602515760** – Motion by Mr. Bradford to approve the stock transfer. That motion was seconded by Mr. Singleton and unanimously approved by the Board.
2. **Lott Oil Company, Inc. d/b/a Lott's O'Luck #3 – No. 4101515762** – Motion by Mr. Bradford to approve the stock transfer. That motion was seconded by Mr. Singleton and unanimously approved by the Board.
3. **St. Martin Truck & Casino Plaza, LLC d/b/a St. Martin Truck & Casino Plaza, LLC – No. 5000516580** – Motion by Ms. Noonan to approve the application. That motion was seconded by Mr. Bradford and unanimously approved by the Board.

4. **Breaux Bridge Truck and Casino Plaza, LLC d/b/a Breaux Bridge Truck and Casino Plaza – No. 5000516581** – Motion by Chairman Hall to approve the application. That motion was seconded by Ms. Rogers and unanimously approved by the Board.
5. **Monicarlo Casino, LLC d/b/a Monicarlo Casino – No. 4800516569** – Motion by Mr. Singleton to approve the application. That motion was seconded by Ms. Noonan and unanimously approved by the Board.
6. **Buddy’s Casino, LLC d/b/a Gillis Truck Stop and Buddy’s Casino, LLC – No. 1000516320** - Motion by Chairman Hall to approve the application. That motion was seconded by Ms. Noonan and unanimously approved by the Board.

The next item was consideration of petition by Cajun Land Travel Plaza, L.L.C. for Declaratory Ruling. Following discussion, it was moved by Chairman Hall and seconded by Mr. Singleton to adopt the ruling attached to these minutes as Exhibit A.

The Board acted on the following rules:

Motion by Ms. Noonan to adopt the consolidated and re-designation of LAC 42:VII, Pari-Mutuel Live Racing Facility Slot Machine Gaming; LAC 42:IX, Landbased Casino Gaming; and LAC 42:XIII, Riverboat Gaming. That motion was seconded by Ms. Rogers and unanimously approved by the Board.

Motion by Ms. Rogers to institute rulemaking procedures for promulgation of LAC 42:III.401, LAC 42:III.402, & LAC 42:III.403; and to amend LAC 42:III.111, LAC 42:XI.2403, LAC 42:XI.2405, LAC 42:XI.2407, LAC 42:XI.2409, LAC 42:XI.2417 and LAC 42:XI.2424, (Electronic Submissions). That motion was seconded by Mr. Singleton and unanimously approved by the Board.

The Board acted on Proposed Settlements/Appeals in the following:

1. **In Re: Logansport Gaming, LLC d/b/a Logansport Truckstop – No. 1601502532** – Motion by Mr. Bradford to approve the \$50,000 penalty for failure to timely notify the Division of the closure of its restaurant and the continued operation of the game room. That motion was seconded by Mr. Singleton and unanimously approved by the Board.
2. **In Re: Viet Le – No. P040057269** – Motion by Mr. Bradford to approve the \$250 penalty for failure to notify the Division of an arrest. That motion was seconded by Ms. Noonan and unanimously approved by the Board.
3. **In Re: Big Easy Gaming, LLC d/b/a Big Easy Gaming, LLC – No. 4400615410** – Motion by Ms. Noonan to affirm the decision of the Hearing Officer finding Mr. Charles Loescher unsuitable and revoking Big Easy’s device owner license. That motion was seconded by Mr. Singleton and unanimously approved by the Board.

4. **In Re: Sicilian Foods, LLC d/b/a Frank's Restaurant – No. 3601216030** – Motion by Chairman Hall to affirm the decision of the Hearing Officer finding Frank Gagliano, Jr. and Anna Saputo unsuitable and denying the license application of Frank's Restaurant. That motion was seconded by Mr. Singleton and unanimously approved by the Board.

Chairman Hall announced that the Louisiana Gaming Control Board's office was moving to 7901 Independence Blvd., Building A, Baton Rouge, LA 70806 during the week of June 25th and advised everyone to check the Board's web page for further information.

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

The meeting was adjourned.



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DALE A. HALL
CHAIRMAN

EXHIBIT A

**RULING ON PETITION FOR
DECLARATORY ORDER**

CAJUN LAND TRAVEL PLAZA, L.L.C.

Pursuant to LAC 42:III.116, Cajun Land Travel Plaza, L.L.C. ("Cajun Land") filed a petition for declaratory ruling on the applicability of La. R.S. 27:419, La. R.S. 27:422, and L.A.C. 42:XI.2405 to its particular factual circumstances and asks the Louisiana Gaming Control Board to rule that:

1. it has complied with the publication, press release, and notice requirements found in La. R.S. 27:419;
2. if it files an application for licensure as a truck stop facility on or before August 1, 2012, although the truck stop facility is not completely constructed by that date, and it obtained a building permit prior to January 1, 2008, it is subject to the 500 foot prohibited distance requirement found in La. R.S. 27:422(D)(1)(a); and
3. the facility need not be completely constructed and open for operations at the time application is made but must be completed and open for business 120 days from making application for a video gaming license as a qualified truck stop facility pursuant to L.A.C. 42:XI.2405(A)(5)(c).

ANALYSIS

The Video Draw Poker Devices Control Law is currently found in Chapter 6 of Title 27 of the Revised Statutes. Act 161 of the 2012 Regular Session of the Louisiana Legislature replaces Chapter 6 of Title 27 with Chapter 8 of Title 27 effective August 1, 2012.

There are three issues Cajun Land asks this board to address. First, Cajun Land asks this board to find that it has complied with the publication, press release, and notice requirements of La. R.S. 27:419.

Louisiana Revised Statute 27:419 replaces La. R.S. 27:306(A)(6) and contains identical language which provides the requirements for publication of a notice of intent to build a qualified truck stop facility, notification to the local governing authority, and issuance of a press release.

Cajun Land has attached exhibits which purport to show compliance with the requirements of 27:306(A)(6) and 419. We are unable to determine the sufficiency or authenticity of the documents which will be investigated by the Office of State Police, Gaming Division, and reviewed by the Attorney General's Gaming Division, when application is made.

Second, Cajun Land asks this board to declare that if it files an application for licensure as a truck stop facility on or before August 1, 2012, although the truck stop facility is not completely constructed by that date, and it obtained a building permit prior to January 1, 2008, it is subject to the 500 foot prohibited distance requirement found in La. R.S. 27:422(D)(1)(a).

Louisiana Revised Statute 27:422(D)(1)(a) provides:

- (1) For locations on which a truck stop facility has not been completely constructed, if application for licensing is made on or before August 1, 2012, the prohibited distance shall be in accordance with the following:
 - (a) For facilities which applied for or were issued a certificate of compliance or a valid building permit on or before January 1, 2008 – five hundred feet from any property on the National Register of Historic Places, any public playground, or a building used primarily as a church, synagogue, public library, or school.

We find that if Cajun Land has complied with the publication, notice, and press release requirements found in La. R.S. 27:419, has obtained a building permit prior to January 1, 2008, and files an application for licensure on or before August 1, 2012, although it is not completely constructed on that date, it is subject to the 500 foot prohibited distance requirement in La. R.S. 27:422(D)(1)(a).

Lastly, Cajun Land asserts that the truck stop facility need not be completely constructed and open for operations at the time of application but must be finished and open for business within 120 days of the filing of the application pursuant to L.A.C. 42:XI.2405(A)(5)(c).

Cajun Land is correct in that a truck stop facility need not be completely constructed and open for operations at the time of application. L.A.C. 42:XI.2405(5) requires that all licensed establishment applications be for an existing and operating business. An exception to this requirement is found in L.A.C. 42:XI.2405(5)(c) which provides:

- i. An applicant for a Type V license may submit Form DPSSP 0031 and all other forms and fees required by the Board within 120 days of the planned completion of the truck stop facility and commencement of operations. Upon submission of these forms and fees, the Division may commence its investigation of the facility and all persons required to meet suitability.
- ii. The applicant shall notify the Division in writing of all changes to any information provided on the application or required forms within 10 business days of the change.
- iii. An application shall be considered withdrawn and the application fee forfeited if completion of the truck stop facility and commencement of operations does not occur within 180 days of the date the application is filed with the Division. The Division may grant an extension for good cause shown.

Although an applicant is allowed to submit an application with all required forms and fees within 120 days of the planned completion of the truck stop facility and commencement of operations, the applicant has 180 days to complete the facility and commence operations. The Division may grant an extension upon a showing of good cause.

THUS DONE AND SIGNED on this the 21st day of June, 2012.

LOUISIANA GAMING CONTROL BOARD

BY:



DALE A. HALL, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 26th DAY
OF June, 2012

APPEAL DOCKET CLERK
