

LOUISIANA GAMING CONTROL BOARD

Minutes of December 13, 2005

The Louisiana Gaming Control Board held a meeting on Tuesday, December 13, 2005, 10:00 a.m., in Senate Room A of the Louisiana State Capitol, Baton Rouge, LA. Present at this meeting were: H. Charles Gaudin, Chairman, Judge Robert Fleming, William Lastrapes, Marcia Morgan, Rupert Richardson, Mervin Simoneaux, and ex-officio member Col. Henry Whitehorn. Absent were board members James Boyer, Dennis Kinchen and ex-officio member Sec. Cynthia Bridges.

The meeting was called to order. It was moved by Ms. Richardson to waive the reading and approve the minutes of the November meeting. That motion was seconded by Mr. Simoneaux and unanimously approved by the Board.

Ms. Donna Jackson, State Police Gaming Audit Division, presented the revenue reports for the riverboats and slots at the tracks. Ms. Donna Stevens, also with the Audit Division, reported on the statistics for video poker.

Mr. Tom Warner, Asst. Attorney General in the Gaming Division, addressed the Board with reference to the adoption of amendments to video poker rules LAC 42:XI.2403 (Definitions), 2411 (Regulatory, Communication and Reporting Responsibilities) and 2413 (Devices).

Following his discussion, it was moved by Mr. Lastrapes to adopt the amendments to the above stated rules. That motion was seconded by Ms. Richardson and unanimously approved by the Board.

The Board deferred action on consideration of an amendment to the Compulsive Gaming Program until the next meeting.

Representatives from the gaming industry in the hurricane affected areas updated the Board concerning their respective properties.

The next item on the agenda dealt with consideration of a Proposed Fifth Amendment to the Amended and Renegotiated Casino Operating Contract between the State of Louisiana and Jazz Casino Company, L.L.C. (Harrah's) as a result of Hurricane Katrina. Mr. John Campbell, Special Asst. Attorney General, addressed the Board concerning this item. He stated the amendment, if approved by the Board and the Joint Legislative Committee on the Budget, would allow for a phased reopening of the casino with a minimum of 1250 employees and a bi-weekly payroll of one million dollars. The Casino Operator would work diligently to reach a level of 1800 employees and eventually back to the original 2400 level established in the Amended Casino Operating Contract. The phased reopening will commence on or about February 17,

2006 or as soon as practicable. Harrah's has been and will continue to make the daily Minimum Payments to the State throughout the reopening.

Following discussion, it was moved by Mr. Simoneaux to approve the Fifth Amendment to the Amended and Renegotiated Casino Operating Contract. That motion was seconded by Mr. Lastrapes and unanimously approved by the Board.

The Board considered a request by Pinnacle Entertainment, Inc. for approval of a Second Amended and Restated Credit Agreement. Following discussion, it was moved by Mr. Simoneaux to approve the request. That motion was seconded by Ms. Richardson and unanimously approved by the Board.

The Board considered a second request by Pinnacle for a modification of gaming space for Boomtown Casino-Harvey. It was moved by Mr. Lastrapes to approve the request for modification of gaming space. That motion was seconded by Ms. Morgan and unanimously approved by the Board.

The next item on the agenda dealt with a discussion of policy change with reference to truckstop licensing. It was moved by Judge Fleming to defer action until the January meeting with reference to this matter. That motion was seconded by Mr. Lastrapes and unanimously approved by the Board.

The Board acted on the following truckstop applications:

1. **In Re: Riverbend Truckstops & Palace Casinos, Inc. d/b/a Minden Truckstop & Casino – No. 6000514525** – Motion by Mr. Simoneaux to approve the application. That motion was seconded by Ms. Richardson and unanimously approved by the Board.
2. **In Re: Harlaicyn, LLC d/b/a Avondale Truck Stop – No. 2600511909** – Motion by Ms. Richardson to approve the transfer of interest. That motion was seconded by Mr. Simoneaux and unanimously approved by the Board.

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

1. **In Re: Mo's Pizza, LLC d/b/a Mo's Pizza – No. 2600212974** – Motion by Ms. Morgan to approve the \$1,000.00 penalty for submission of improperly notarized documents. That motion was seconded by Mr. Lastrapes and unanimously approved by the Board.
2. **In Re: North Louisiana Amusement & Gaming L.L.C. d/b/a North Louisiana Amusement & Gaming – No. 0801612412** - Motion by Mr. Lastrapes to approve the \$10,000.00 penalty for selling poker machines to an unlicensed person, and approval of the Division withdrawal of recommendation that Leon S. Miletello be found unsuitable. That motion was seconded by Ms. Morgan and unanimously approved by the Board.

3. **In Re: Storetech, Inc. d/b/a Derrick Too Restaurant – No. 0900214061** – Motion by Judge Fleming to affirm the decision of the hearing officer approving the gaming license. That motion was seconded by Ms. Morgan but failed because of a three to three vote. Voting for the motion were: Judge Fleming, Ms. Morgan and Chairman Gaudin. Voting against the motion were: Mr. Lastrapes, Ms. Richardson and Mr. Simoneaux. There was a substitute motion by Mr. Lastrapes to reverse the decision of the hearing officer and deny the application. That motion was seconded by Ms. Richardson and approved three to two. Voting for the motion were: Mr. Lastrapes, Ms. Richardson and Mr. Simoneaux. Voting against the motion were: Judge Fleming and Ms. Morgan. Chairman Gaudin abstained from voting.
4. **In Re: Getaway Tours & Clark Travel – No. P086502439** – Motion by Judge Fleming to dismiss the appeal by Getaway Tours and Clark Travel. That motion was seconded by Mr. Lastrapes and unanimously approved by the Board. Mr. Lastrapes also moved to reverse the portion of the decision by the hearing officer which did not find Wilfredo Hernandez unsuitable. That motion was seconded by Ms. Morgan and unanimously approved by the Board.
5. **In Re: Chad Wayne Diven – No. P040027035** – Motion by Ms. Morgan to reverse the decision of the hearing officer revoking the non-key permit. That motion was seconded by Ms. Richardson and approved five to one. Voting against the motion was Mr. Simoneaux.

There being no public comments, it was moved by Ms. Richardson to adjourn. That motion was seconded by Ms. Morgan and was unanimously approved by the Board.

The meeting was adjourned.