



State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

DECISION OF THE LOUISIANA GAMING CONTROL BOARD

**IN RE: ESPOS ENTERPRISES, INC. D/B/A LA FONDA
NO. VP3601113221**

RULING ON APPLICATION FOR REHEARING

The matter before the Louisiana Gaming Control Board ("Board") is a request for rehearing of the denial of the the Type 1 video gaming license of Espos Enterprises, Inc. d/b/a La Fonda.

A "Notice of Recommendation of Denial" of the video gaming license application of La Fonda was received by the applicant on June 27, 2003, as evidenced by the signed return receipt of certified mail. Therein the applicant was notified that it had 10 days to request an administrative hearing regarding the recommendation and informed that failure to request a hearing would result in the denial of its application without further proceedings.

The licensee did not request a hearing. As a result, on July 22, 2003, the Board issued a "Notice of Denial." On July 30, 2003, counsel for the Division timely requested a rehearing of the denial alleging that on June 24, 2003, the applicant requested a withdrawal of the application; on June 25, 2003, the Division informed counsel for the Division that the Division would not oppose the withdrawal; and on July 17, 2003 the applicant completed a withdrawal form.

LEGAL ANALYSIS

Louisiana Revised Statute 49:959 enumerates the grounds upon which an agency or Board may rehear, reopen, or reconsider its decision and provides, in pertinent part:

A. A decision or order in a case of adjudication shall be subject to rehearing, reopening, or reconsideration by the agency, within ten days from the date of its entry. The grounds for such action shall be either that:

- (1) The decision or order is clearly contrary to the law and the evidence;
- (2) The party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing;
- (3) There is a showing that issues not previously considered ought to be examined in order properly to dispose of the matter; or
- (4) There is other good ground for further consideration of the issues and the evidence in the public interest.

“Adjudication” is defined as the agency process for the formulation of a decision or order. La. R.S. 49:951(1).

The Division has presented grounds for reconsideration. Therefore, this matter will be forwarded to the Louisiana Gaming Control Board Hearing Office for the scheduling of an administrative hearing before the Hearing Officer for further proceedings.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of August 19, 2003:

IT IS ORDERED THAT the request for rehearing is **GRANTED** and the matter is **FORWARDED** to the Louisiana Gaming Control Board Hearing Office for action in accordance with this decision.

THUS DONE AND SIGNED on this the 20th day of August, 2003.

LOUISIANA GAMING CONTROL BOARD

BY: _____

HILLARY J. CRAIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 21st DAY
OF August 2003

APPEAL DOCKET CLERK
[Signature]