



*State of Louisiana*  
*Gaming Control Board*

*BOBBY JINDAL*  
GOVERNOR

*RONNIE JONES*  
CHAIRMAN

**DECISION OF THE  
LOUISIANA GAMING CONTROL BOARD**

*Rehearing*

**IN RE: FERNANDO M. THOMAS  
NO. P040009418**

The matter before the Louisiana Gaming Control Board (“Board”) is an application for reconsideration or rehearing of the revocation of the Fernando M. Thomas’ non-key gaming employee permit, No. P040009418.

A “Notice of Recommendation of Revocation” dated April 30, 2015, was sent by certified mail to Mr. Thomas. A signed return receipt was received by the Board’s Hearing Office indicating that the notice was received on May 2, 2015. The recommendation was based on the permittee’s criminal history and activity. The notice advised that the permittee had ten (10) calendar days to request a hearing and that failure to do so would result in the revocation of his permit without further proceedings. Mr. Thomas did not request a hearing.

By letter dated May 18, 2015, Mr. Thomas was notified that his permit was revoked. Mr. Thomas timely filed a request for reconsideration or rehearing. He alleges that neither he nor his wife signed for the certified mail containing the “Notice of Recommendation of Revocation” and did not receive the notice until on or about May 20, 2015. He also alleges that the recent charges referenced in the recommendation have been dismissed.

## LEGAL ANALYSIS

Louisiana Revised Statute 49:959 enumerates the grounds upon which an agency 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.

Mr. Thomas has presented grounds for reconsideration. This matter will be forwarded to the Board Hearing Office for an administrative hearing on the recommendation of revocation.

## ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of June 8, 2015:

**IT IS ORDERED THAT** the request 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 *8th* day of *June, 2015*.

**LOUISIANA GAMING CONTROL BOARD**

I HEREBY CERTIFY THAT A CERTIFIED COPY HAS BEEN MAILED OR SERVED ON

ALL PARTIES THIS 8<sup>th</sup> DAY OF June, 2015.

[Signature]  
APPEAL DOCKET CLERK

**LOUISIANA GAMING CONTROL BOARD**

[Signature]  
RONNIE JONES, CHAIRMAN