

## **LOUISIANA GAMING CONTROL BOARD**

### **Minutes of July 15, 2003**

The Louisiana Gaming Control Board held a meeting on Tuesday, July 15, 2003, 10:00 a.m., in House Committee Room 6 of the Louisiana State Capitol. Present at this meeting were: Hillary J. Crain, Chairman; Robert M. Fleming, Vice-Chairman; James G. Boyer, Secretary/Treasurer; Gen. Sherian Cadoria, Dennis Kinchen, Dudley Lastrapes, Marcia Morgan, and Kelly Simoneaux. Absent was board member Rupert Richardson and ex-officio members, Col. Terry Landry, and Sec. Cynthia Bridges.

The meeting was called to order. It was moved by Gen. Cadoria to waive the reading and approve the minutes of the June meeting. That motion was seconded by Sec. 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. Racquel Francis with the State Police Audit Division, reported on the employee numbers and salaries for the landbased casino, and Ms. Donna Stevens, also with the Audit Division, reported on the statistics for video poker.

The Board acted on an Amended Petition for Modification of its Ownership Structure on behalf of PNK (Harvey). Representing PNK were Mr. James Perdigao, Mr. Wade Hundley and Mr. Cliff Kortman. Ms. Claudeidra Minor and Ms. Lonna Willingham spoke on behalf of the state.

Following discussion, it was moved by Sec. Boyer to approve the petition and allow 60 days to complete the transaction. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.

The representatives from PNK will report on the progress of the 15<sup>th</sup> license project at the August meeting. The delays previously granted remain in effect.

The Board considered a request by PNK for approval of the floor plan for their Lake Charles Casino. In connection with the proposal, it was moved by Sec. Boyer, seconded by Mr. Simoneaux and unanimously approved to adopt a new resolution dealing with designated gaming space. That resolution as attached as Appendix A. Vice-Chairman Fleming moved to approve the floor plans of PNK subject to Coast Guard approval. That motion was seconded by Ms. Morgan and unanimously approved by the Board.

Vice-Chairman Fleming also moved to postpone consideration of the video gaming application of The Oyster Bar, Inc. until the Alcohol Beverage Control Board rules on their alcohol permit. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.

The Board acted on the following truckstop applications:

1. **I-10 Duson Travel Center, L.L.C. d/b/a Miss Mamie's Casino - No. 0109511122**
2. **UNO Investment Group, Inc. d/b/a LJ's Casino - No. 0507510991**

These two applications involved ownership changes and were handled at the same time. It was moved by Mr. Lastrapes to approve the ownership changes in each truckstop. That motion was seconded by Ms. Morgan and unanimously approved by the Board.

3. **Mid-River Truck Stop, Inc. d/b/a Lucky Pierre's - No. 3902505855** - Motion by Sec. Boyer to approve the application. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.

Mr. Tom Warner, Asst. Attorney General, addressed the Board on various rules. Following discussion, it was moved by Gen. Cadoria to institute the rulemaking procedures for the amendment of LAC 42:VII.2953, IX.2922, XIII.2953 (Operating Standards, Promotions). That motion was seconded by Mr. Kinchen and unanimously approved by the Board.

It was moved by Mr. Lastrapes to go into Executive Session. That motion was seconded by Gen. Cadoria and unanimously approved by the Board.

Following the Executive Session, the Board returned to the Regular Session.

Ceridian Corporation had filed a petition for declaratory ruling with reference to furnishing goods or services to a licensee in an amount less than \$100,000.00 within five years of the denial of their non-gaming permit. Following discussion, it was moved by Vice-Chairman Fleming that: (1) since five years has elapsed since denial it is unnecessary to determine whether denial was the result of unsuitability; (2) Rule 2101 prohibits a gaming licensee or permittee from doing business with a person or entity that had been denied a permit, even for less than \$100,000.00; (3) the division or board can require Ceridian to undergo suitability without regard to whether the goods or services furnished exceed \$100,000.00. That motion was seconded by Sec. Boyer and was unanimously approved by the Board.

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

1. **In Re: The United States Playing Card Co. - No. CGD020425** - Motion by Gen. Cadoria to approve the settlement of \$20,000.00. That motion was seconded by Sec. Boyer and unanimously approved by the Board.
2. **In Re: Michael Laubach - No. P020026463** - Motion by Gen. Cadoria to approve the settlement of a thirty-day suspension. That motion was seconded by Sec. Boyer and unanimously approved by the Board.
3. **In Re: Joe's Place d/b/a The Locks - No. 2600112291** - Motion by Mr. Lastrapes to grant a rehearing and forward the matter to the Hearing Office. That motion was seconded by Gen. Cadoria and unanimously approved by the Board.

4. **In Re: T & D Ventures d/b/a Lucky Dollar Casino - No. 4701512880** - Motion by Gen. Cadoria to grant a rehearing and forward the matter to the Hearing Office. That motion was seconded by Sec. Boyer and unanimously approved by the Board.
5. **In Re: Richcore Enterprises d/b/a The Speckled Puppy - No. 1200109600** - Motion by Sec. Boyer to grant a rehearing and forward the matter to the Hearing Office. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.
6. **In Re: Mia Henderson - No. P040037746** - Motion by Ms. Morgan to affirm the decision of the Hearing Officer revoking the non-gaming permit. That motion was seconded by Gen. Cadoria and unanimously approved by the Board.
7. **In Re: Patricia Laird - No. P040034842** - Motion by Sec. Boyer to affirm the decision of the Hearing Officer denying the non-gaming permit. That motion was seconded by Vice-Chairman Fleming and unanimously approved by the Board.
8. **In Re: Café Mangeur - No. 4900512513** - Continued to August
9. **In Re: KRS, Inc., Kenneth R. Schexnider & Brenda Schexnider - No. P81002040A** - Motion by Gen. Cadoria to delay action and continue the matter until the August meeting to allow KRS to provide either their tax clearance or formal protest of taxes. That motion was seconded by Mr. Kinchen and approved by a five to two vote. Voting against the motion was Vice-Chairman Fleming and Ms. Morgan. Sec. Boyer abstained from voting.

There being no public comments, it was moved by Vice-Chairman Fleming to adjourn the meeting. That motion was seconded by Gen. Cadoria and unanimously approved by the Board.

The meeting was adjourned.

APPENDIX A

STATE OF LOUISIANA  
GAMING CONTROL BOARD

---

---

IN THE MATTER OF CONSIDERATION OF REQUEST BY PINNACLE  
ENTERTAINMENT OF DESIGN AND CONSTRUCTION CHANGES TO  
BOOMTOWN BELLE

---

---

RESOLUTION

On the 19th day of November, 2002, the Louisiana Gaming Control Board (“Board”) did in a public meeting consider the issue of REQUEST BY PINNACLE ENTERTAINMENT OF DESIGN AND CONSTRUCTION CHANGES TO BOOMTOWN BELLE, and upon motion duly made and seconded the Board passed a Resolution that future requests by riverboat casino licensees to have their designated gaming areas approved by the Board as required by LAC 42:XIII.1701 shall be governed by attachment 1 to that resolution.

**NOT BE IT RESOLVED** by the Board that, because of legislation enacted at the 2003 regular session of the Louisiana Legislature future requests by riverboat casino licensees to have their designated gaming areas approved by the Board as required by LAC 42:XIII.1701, the defined terms “designated gaming area” and “emergency evacuation route” shall be interpreted by the Board in accordance with standards set forth in Attachment 1 affixed hereto. This interpretation is designed solely for the regulatory purpose of determining designated gaming area and is not intended to abrogate or supplant any existing public safety laws, regulations, policies or orders. All licensed riverboat casinos should continue to adhere to all applicable local, state, and federal laws, ordinances and regulations.

***THUS DONE AND SIGNED IN BATON ROUGE, LOUISIANA, THIS 15<sup>TH</sup>  
DAY OF JULY, 2003***

\_\_\_\_\_  
**HILLARY J. CRAIN, CHAIRMAN  
LOUISIANA GAMING CONTROL BOARD**

**ATTEST:**

\_\_\_\_\_  
**ROBERT M. FLEMING, VICE-CHAIRMAN  
LOUISIANA GAMING CONTROL BOARD**

## ATTACHMENT 1

*Designated gaming area* for licensed riverboat casinos is defined in La. R.S. 27:44(4) and LAC 42:XIII.1701. Those definitions limit *designated gaming area* to the lesser of sixty percent (60%) of the total square footage of the passenger access area of the vessel or thirty thousand (30,000) square feet.

In determining “those portions of a riverboat in which gaming activities may be conducted”, this Board recognizes its resolution of January 15, 2002, wherein it interpreted an almost identical definition of *designated gaming area* from LAC 42:VII.1701 in connection with its approval of Delta Downs proposed placement of slot machines. Consistent with that January 15, 2002 interpretation, this Board interprets *designated gaming area* as defined in La. R.S. 27:44(4) and LAC 42:XIII.1701 to include:

1. The area within a minimum of thirty (30) inches of gaming equipment. Specifically, areas within a minimum thirty (30) inches of the front of electronic gaming devices and areas within a minimum of thirty (30) inches of a perimeter of any pit areas or table games. Any extensions of designated gaming area beyond thirty inches of a given electronic gaming device, pit area or table game is left to the sole discretion of the Board; and
2. Any other spaces in the contiguous *designated gaming area* that is not necessary to meet minimum applicable emergency evacuation standards, exclusive of the non-gaming areas enumerated in the definition of *designated gaming area*.

If a licensed riverboat casino seeks to exclude *emergency evacuation routes* from the calculation of *designated gaming area* in order to comply with La. R.S. 27:44(4) and LAC 42:XIII.1701, the following areas may be excluded from the *designated gaming area* calculation as *emergency evacuation routes* provided, in the sole opinion of the Board, the areas to be excluded as *emergency evacuation routes* are reasonable and designed for the evacuation of passengers and crew from the riverboat:

1. Evacuation routes of any width that meet or exceed the minimum size required by law; *gaming area* by the Board or these regulations;
2. Such minimum patron accessible queuing areas or waiting spaces as calculated in accordance with National Fire Protection Association 101, The Life Safety Code; and
3. Those areas, reasonable in size and design, in the sole opinion of the Board, immediately adjacent to patron accessible entrances to and exits from gaming areas.