

Louisiana Gaming Control Board Meeting
February 16, 2023

LOUISIANA GAMING CONTROL BOARD MEETING

THURSDAY, FEBRUARY 16, 2023

LOUISIANA STATE CAPITOL
HOUSE COMMITTEE ROOM 1
900 NORTH 3RD STREET
BATON ROUGE, LOUISIANA

TIME: 10:00 A.M.

APPEARANCES

1
2 RONNIE S. JOHNS, CHAIRMAN
3 (At-Large)
4 June 30, 2025

5 JULIE BERRY, VICE-CHAIRMAN
6 (CPA)
7 Third Congressional District
8 June 30, 2024

9 CLAUDE D. JACKSON
10 (At-Large)
11 Fourth Congressional District
12 June 30, 2027

13 O. LAMAR POOLE, JR.
14 (Economic/Community Planner)
15 Sixth Congressional District
16 June 30, 2025

17 JULIE A. LEWIS
18 (Investigative and Law Enforcement)
19 Fifth Congressional District
20 June 30, 2024

21 FRANCESCA HAMILTON-ACKER
22 (Attorney)
23 Third Congressional District
24 June 30, 2026

25 RONALD J. SHOLES
(Public/Business Administration)
Second Congressional District
June 30, 2026

ASHLEY A. TRAYLOR
(At-Large)
First Congressional District
June 30, 2022

HEATHER HOOD
Principal Assistant

KEVIN RICHARD, SECRETARY
Department of Revenue

REPORTED BY:

Karla H. Mayers, CCR
U.S. Legal Support

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Louisiana Gaming Control Board Meeting
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1 I. CALL TO ORDER

2 CHAIRMAN JOHNS:

3 Okay. Good morning, everyone.

4 Welcome to the February 16, 2023, Louisiana Gaming
5 Control Board meeting. Ms. Hood, would you call
6 the roll, please?

7 MS. HOOD:

8 Chairman Johns?

9 CHAIRMAN JOHNS:

10 Here.

11 MS. HOOD:

12 Mr. Avant?

13 (NO RESPONSE)

14 MS. HOOD:

15 Ms. Berry?

16 MS. BERRY:

17 Here.

18 MS. HOOD:

19 Mr. Jackson?

20 MR. JACKSON:

21 Here.

22 MS. HOOD:

23 Ms. Lewis?

24 MS. LEWIS:

25 Here.

1 MS. HOOD:

2 Mr. Poole?

3 MR. POOLE:

4 Here.

5 MS. HOOD:

6 Ms. Hamilton-Acker?

7 MS. HAMILTON-ACKER:

8 Here.

9 MS. HOOD:

10 Judge Sholes?

11 MR. SHOLES:

12 Here.

13 MS. HOOD:

14 Ms. Traylor?

15 MS. TRAYLOR:

16 Here.

17 MS. HOOD:

18 Colonel Davis?

19 (NO RESPONSE)

20 MS. HOOD:

21 Secretary Richard?

22 SECRETARY RICHARD:

23 Here.

24 MS. HOOD:

25 We have a quorum.

1 CHAIRMAN JOHNS:

2 Okay. Thank you, Ms. Hood. We do
3 have a quorum. Thank you, Members, for being here
4 today with us. I know we're expecting some bad
5 weather. We're going to try and run through our
6 agenda as well as we can.

7 II. PUBLIC COMMENTS

8 CHAIRMAN JOHNS:

9 Ladies and gentlemen, this is the
10 point of our meeting that we call for any public
11 comments. If there's anyone in the audience that
12 would like to make a public comment in regard to
13 our meeting today, now is the time to come
14 forward.

15 (NO RESPONSE)

16 CHAIRMAN JOHNS:

17 Okay. I see no one with public
18 comments.

19 III. APPROVAL OF MINUTES

20 CHAIRMAN JOHNS:

21 Members, we will now move into the
22 approval of minutes I would ask for a motion to
23 waive the reading and approve the minutes of the
24 January 19, 2023, meeting.

25 MS. BERRY:

1 Motion.

2 CHAIRMAN JOHNS:

3 Ms. Berry has made that motion.

4 MR. SHOLES:

5 (Indicating)

6 CHAIRMAN JOHNS:

7 And Judge Sholes has seconded that
8 motion. Is there any opposition to that motion?

9 (NO RESPONSE)

10 CHAIRMAN JOHNS:

11 Hearing none, that motion carries.

12 IV. REVENUE REPORTS

13 CHAIRMAN JOHNS:

14 We're now moving to the revenue
15 reports. Ms. Jackson, good morning.

16 MS. JACKSON:

17 Good morning, Chairman Johns, Board
18 Members. My name is Donna Jackson with Louisiana
19 State Police, Gaming Audit Section. In January
20 the 14 operating riverboats generated adjusted
21 gross receipts of \$147,800,039. The State
22 collected fees totaling \$31,777,008 during
23 January.

24 Fiscal year to date adjusted gross
25 receipts are \$1 billion, 4.5 million, a decrease

1 of 1.5 percent from last fiscal year. As of
2 January 31, 2023, the State collected almost
3 \$216 million in fees for fiscal year 2023.

4 Page 2 shows the riverboat revenue
5 broken down by regional market. This month's
6 revenues represent a decrease from December of
7 approximately \$15 million, or 9.2 percent, but a
8 slight increase of \$1.9 million, or 1.3 percent,
9 compared to the same month last year.

10 Next is a summary of the January 2023
11 gaming activity for Harrah's New Orleans found on
12 page 3. Harrah's generated \$20,145,396 in gross
13 gaming revenue. These revenues represent a
14 decrease from last month of \$2.8 million, or
15 12 percent, but an increase of \$2.4 million, or
16 13.6 percent, from last January. During January
17 the State received \$5.5 million in minimum daily
18 payments.

19 Fiscal year to date adjusted gross
20 receipts are \$153.7 million, an increase of
21 32 percent from last fiscal year. As of
22 January 31, 2023, the State collected
23 \$38.3 million in fees for fiscal year 2023.

24 Next I will present the revenues for
25 slots at the racetracks. During January the four

1 racetrack facilities combined generated adjusted
2 gross receipts of \$25,033,342, a decrease of
3 \$1 million, or 4 percent, from December 2022 but a
4 slight increase of 1.8 percent when compared to
5 the same month last year. During January the
6 State collected \$3.8 million in fees.

7 Fiscal year to date adjusted gross
8 receipts are \$180.5 million, a decrease of
9 \$5.5 million, or 3 percent, from last fiscal year.
10 As of January 31, 2023, the State has collected
11 \$27.4 million in fees for fiscal year 2023.

12 I will now move to the video gaming
13 information. There are 12,191 video gaming
14 devices activated at 1,411 locations. Net device
15 revenue for January 2023 was \$62,125,271, a
16 decrease of \$4.4 million, or 6.6 percent, when
17 compared to December 2022 and a decrease of
18 \$3.4 million, or 5.2 percent, when compared to
19 last January. Total franchise fees for January
20 2023 totaled \$18.8 million.

21 Fiscal year to date net device
22 revenue is \$446.6 million, a decrease of
23 \$22.8 million, or 4.9 percent, when compared to
24 last fiscal year. As of January 31, 2023, the
25 State has collected \$135.3 million in franchise

1 fees for fiscal year 2023.

2 Next I'll present the January revenue
3 for sportsbook. During January the 18 retail
4 sportsbooks accepted \$37 million in sorts wagers,
5 resulting in net proceeds of \$6 million and
6 \$604,000 in state taxes. The eight mobile
7 sportsbook operators accepted \$245 million in
8 sports wagers, resulting in net proceeds of
9 approximately \$22 million and \$2.7 million in
10 taxes paid to the State.

11 Finally, for daily fantasy sports,
12 gross revenues for January were \$1.6 million, with
13 net revenue of approximately \$173,000 and taxes of
14 \$14,000.

15 Are there any questions?

16 CHAIRMAN JOHNS:

17 Thank you, Ms. Jackson. I appreciate
18 your -- your report. Are there any questions from
19 the board members? Any -- any questions?

20 (NO RESPONSE)

21 CHAIRMAN JOHNS:

22 Members, I -- as I look through the
23 reports, it's interesting, and I think -- glad
24 to -- to say this. In the Lake Charles market,
25 the Horseshoe Casino has been open a couple of

1 months, and they've actually grown the market.
2 They have not cannibalized the market with the
3 other two properties that are -- that are there,
4 and I think that's -- I think that's good news for
5 the state; so I'm very, very, very pleased with
6 that.

7 Another thing to note is that in
8 January, in the sportsbook numbers, the
9 promotional play tax credits kicked in again. So
10 those run on a fisc -- no, excuse me, on a
11 calendar year. Not fiscal year but on a calendar
12 year. So those platforms were able to take
13 advantage of the promotional play tax credits once
14 again, but those will play out pretty quickly.

15 So any other questions for
16 Ms. Jackson?

17 (NO RESPONSE)

18 CHAIRMAN JOHNS:

19 If not, thank you very much --

20 MS. JACKSON:

21 Thank you.

22 CHAIRMAN JOHNS:

23 -- Ms. Jackson. Appreciate your hard
24 work.

25 MS. JACKSON:

1 Thank you.

2 V. COMPLIANCE REPORTS

3 CHAIRMAN JOHNS:

4 Okay. Okay. We now move into the
5 compliance reports. Good morning.

6 MR. GATHE:

7 Good morning, Chairman Johns, Board
8 Members. I'm Assistant Attorney General
9 Jeremy Gathe. Today I'll present the staff
10 reports on the riverboat and racetrack casino
11 licensees' compliance with employment and
12 procurement conditions for the fourth quarter of
13 2022.

14 I'll begin with the riverboats. The
15 fourth quarter reports are taken from figures
16 reported by the 15 operating riverboats to the
17 Louisiana Gaming Control Board. In the fourth
18 quarter of 2022, approximately 8,999 people were
19 employed by the riverboat industry. Of that
20 number, 8,751 were Louisiana residents, 5,542 were
21 minorities, and 4,989 were women. One of the
22 licensees achieved total compliance this quarter,
23 and that licensee is Golden Nugget of
24 Lake Charles.

25 Next I'll address employment. Eleven

1 licensees did not meet their total employment
2 goals, and they are: DiamondJacks Casino &
3 Resort, which achieved 37 out of a goal of 650;
4 Sam's Town Hotel & Casino, which achieved 380 out
5 of a goal of 700; L'Auberge Baton Rouge, which
6 achieved 751 out of a goal of 800; Horseshoe
7 Casino & Hotel, which achieved 562 out of a goal
8 of 1,000; Boomtown New Orleans, which achieved 444
9 out of a goal of 555; Belle of Baton Rouge Casino,
10 which achieved 154 out of a goal of 350; Treasure
11 Chest Casino, which achieved 315 out of -- out of
12 a goal of 500; Hollywood Casino, which achieved
13 282 out of a goal of 450; Amelia Belle, which
14 achieved 167 out of a goal of 325; Boomtown Casino
15 Bossier, which achieved 304 out of a goal of 650;
16 and Bally's Shreveport, which achieved 661 out of
17 a goal of 950.

18 All licensees either met or exceeded
19 their goals in all of the subcategories under the
20 main category of employment with the exception of
21 Belle of Baton Rouge, which achieved 51.3 percent
22 out of a goal of 51.8 percent under the same
23 category of female employment, and Treasure Chest
24 Casino, which achieved 46 percent out of a goal of
25 51.86 percent under the same category.

1 Next I'll address procurement.
2 Licensees are grouped according to three
3 subcategories which appear in your report. Those
4 subcategories are Louisiana, minority, and female
5 procurement. Under Louisiana procurement, three
6 licensees did not achieve compliance with their
7 voluntary conditions, and those licensees are:
8 Amelia Belle Casino, which achieved 57.8 percent
9 out of a goal of 80 percent; Margaritaville Resort
10 Casino, which achieved 81.7 out of a goal of
11 90 percent; and L'Auberge Lake Charles, which
12 achieved 79.6 out of a goal of 80 percent.

13 Under the subcategory of minority
14 procurement, six licensees did not achieve
15 compliance with their voluntary conditions, and
16 those licensees are: DiamondJacks, which achieved
17 0 percent out of a goal of 10 percent; Sam's Town
18 Hotel & Casino, which achieved 8.7 out of a goal
19 of 25 percent; Treasure Chest, which achieved
20 12.2 percent out of a goal of 15 percent; Amelia
21 Belle Casino, which achieved 11.4 percent out of a
22 goal of 30 percent; Horseshoe Lake Charles, which
23 achieved .4 percent out of a goal of 10 percent;
24 and Bally's Shreveport which achieved 4.9 percent
25 out of a goal of 25 percent.

1 For female procurement, three
2 licensees did not achieve compliance with their
3 voluntary conditions, and those licensee are:
4 Treasure Chest Casino, which achieved 12.8 percent
5 out of a goal of 15 percent; Horseshoe Lake
6 Charles, which achieved .6 percent out of a goal
7 of 10 percent; and Bally's Shreveport which
8 achieved 9.6 percent out of a goal of 10 percent.

9 Are there any questions regarding the
10 riverboats?

11 CHAIRMAN JOHNS:

12 Any questions, Members? Any
13 questions?

14 (NO RESPONSE)

15 CHAIRMAN JOHNS:

16 Okay.

17 MR. GATHE:

18 Okay. I'll now move on to the
19 racetracks. In the fourth quarter of 2022,
20 approximately 1,209 people were employed by the
21 racetrack casino industry. Of that number, 1001
22 were Louisiana residents, 637 were minorities, and
23 711 were women. Two racetrack casinos achieved
24 total compliance this quarter, and they are
25 Evangeline Downs and Fair Grounds. Delta Downs

1 did not achieve it's Louisiana employment
2 condition. It achieved 61.5 out of the 80 percent
3 condition. And Louisiana Downs did not achieve
4 its female employment condition. It achieved 57.8
5 out of the 60 percent condition.

6 Under procurement, Delta Downs did
7 not achieve its minority procurement condition.
8 It achieved 4 percent out of the 5 percent
9 condition. Louisiana Downs did not achieve its
10 female procurement condition. It achieved
11 5.5 percent out of the 6 percent condition.

12 Are there any questions regarding the
13 racetracks?

14 CHAIRMAN JOHNS:

15 Any questions, Members, on the
16 racetracks?

17 (NO RESPONSE)

18 CHAIRMAN JOHNS:

19 Okay.

20 MR. GATHE:

21 Thank you.

22 CHAIRMAN JOHNS:

23 All right. Members, as you know, we
24 have adopted a whole new set of goals for the
25 industry which go into effect, actually, April 1

1 of 2023, but I want you to know I continue to have
2 conversations with general managers and the
3 management teams from all the licensees on these
4 goals. Even though they're voluntary goals, we
5 surely expect a sincere effort by them to meet
6 those goals; so . . .

7 Okay. Any other questions on that
8 report?

9 (NO RESPONSE)

10 CHAIRMAN JOHNS:

11 Hearing none, we're going to move on.
12 Okay.

13 VI. CASINO GAMING ISSUES

14 CHAIRMAN JOHNS:

15 Okay, Members. We're going to move
16 into casino gaming issues. First on the agenda
17 today is the consideration of approval of the
18 modification of a previously approved debt
19 transaction for Louisiana Riverboat Gaming Company
20 LLC, doing business as DiamondJacks Casino &
21 Resort.

22 MS. FICKLIN:

23 Good morning, Mr. Chairman --

24 CHAIRMAN JOHNS:

25 Good morning.

1 MS. FICKLIN:

2 -- and Board Members. I'm
3 Evie Ficklin. I'm an auditor with Louisiana State
4 Police. Louisiana Riverboat Gaming Company, LLC,
5 or LRGC is requesting approval of a modification
6 to its Development Loan Agreement with VICI
7 LendCo, LLC, and other lenders that are party to
8 the development loan. The requested modification
9 increases the amount of the development loan,
10 previously approved by the Board on December 15,
11 2022, by 10 million, or from 135 million to
12 145 million. LRGC and the lenders have not yet
13 closed on the development loan.

14 LRGC is requesting approval of the
15 additional funds to increase the number of hotel
16 rooms that will be renovated by 155, or from 405
17 rooms to 560 rooms.

18 Additional changes to the development
19 loan include a Right of First Offer option to VICI
20 LendCo that, if exercised, would allow VICI LendCo
21 the opportunity to finance 20 million of the
22 40 million permitted under the loan terms for FF&E
23 financing. VICI LendCo is a REIT subsidiary and
24 would only finance the FF&E that would be
25 REIT-eligible.

1 The parties also modified the
2 development loan to allow LRGC to appoint a
3 springing member. The loan terms require that the
4 person or the entity that LRGC appoints as a
5 springing member would have to be suitable to the
6 Board. The springing member will only become a
7 member of LRGC immediately prior to the withdrawal
8 or dissolution of the last remaining member of
9 LRGC. Currently, Louisiana -- I'm sorry.
10 Currently, Foundation Gaming & Entertainment, LLC,
11 is LRGC's only member. LRGC has not yet selected
12 the individual or the entity to serve as the
13 springing member.

14 In conclusion, no financial issues
15 came to Audit's attention so as to preclude the
16 Board's approval of the modification of the
17 development loan to increase the loan amount from
18 135 -- 135 million to 145 million. If the Board
19 chooses to approve the debt transaction, the
20 Attorney General's Office has prepared a
21 resolution for your consideration.

22 CHAIRMAN JOHNS:

23 Okay. Any -- any questions -- any
24 questions from the Board?

25 (NO RESPONSE)

1 CHAIRMAN JOHNS:

2 It appears that they're going to
3 renovate a lot more rooms than originally
4 anticipated. So I can see where that cost comes
5 in, which is a good -- a good thing for us.

6 MS. FICKLIN:

7 Yes.

8 CHAIRMAN JOHNS:

9 So -- and so the Audit Division feels
10 comfortable with -- with the way that this has
11 been submitted from Foundation?

12 MS. FICKLIN:

13 We do.

14 CHAIRMAN JOHNS:

15 Okay. Any questions, Members? Any
16 questions?

17 MR. JACKSON:

18 Motion to approve.

19 CHAIRMAN JOHNS:

20 Okay. We actually will have a
21 resolution that will have to be voted on, but we
22 do have a motion from Mr. Jackson to adopt the
23 resolution. Do I have a second?

24 MR. POOLE:

25 (Indicating)

1 CHAIRMAN JOHNS:

2 Mr. Poole has seconded that motion.

3 And, Ms. Hood, would you read the resolution,
4 please?

5 MS. HOOD:

6 On the 16th day of February 2023,
7 Louisiana Gaming Control Board did, in a duly
8 noticed public meeting, consider the issue of the
9 Notice of Amendment to Debt Transaction submitted
10 by Louisiana Riverboat Gaming Company, LLC, doing
11 business as DiamondJacks Casino & Resort, and upon
12 motion duly made and seconded, the Board adopted
13 this resolution:

14 Whereas, on December 15, 2022, the
15 Board approved a \$135 million development loan to
16 be entered into by the licensee and VICI LendCo,
17 LLC, and the granting of a security interest of
18 the -- on the equity interest in the licensee as
19 collateral to fund the construction of a landside
20 facility and redevelopment of the licensee's
21 property as set forth in the Resolution adopted by
22 the Board and on that date; and

23 Whereas, the licensee proposes to
24 increase the total principal amount of the
25 development loan to 145 million, which requires

1 prior Board approval.

2 Now, therefore, be it resolved that
3 the \$10 million increase in the total principal
4 amount of the development loan from 135 million to
5 145 million and the transactions contemplated
6 thereby are hereby approved.

7 Thus done and signed in Baton Rouge
8 on this 16th day of February 2023.

9 CHAIRMAN JOHNS:

10 Okay. Thank you, Ms. Hood. So we do
11 have a motion by Mr. Jackson, seconded by
12 Mr. Poole, to adopt this resolution. And,
13 Ms. Hood, would you call the roll, please?

14 MS. HOOD:

15 Ms. Berry?

16 MS. BERRY:

17 Yes.

18 MS. HOOD:

19 Mr. Jackson?

20 MR. JACKSON:

21 Yes.

22 MS. HOOD:

23 Ms. Lewis?

24 MS. LEWIS:

25 Yes.

Louisiana Gaming Control Board Meeting
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1 MS. HOOD:

2 Mr. Poole?

3 MR. POOLE:

4 Yes.

5 MS. HOOD:

6 Ms. Hamilton-Acker?

7 MS. HAMILTON-ACKER:

8 Yes.

9 MS. HOOD:

10 Mr. Sholes?

11 MR. SHOLES:

12 Yes.

13 MS. HOOD:

14 Ms. Traylor?

15 MS. TRAYLOR:

16 Yes.

17 MS. HOOD:

18 Chairman Johns?

19 CHAIRMAN JOHNS:

20 Yes. By unanimous vote that
21 resolution is hereby adopted.

22 Okay. Next on the agenda is the
23 consideration of a Petition for Approval as
24 Institutional Investor for CDI Holdings LLC, by
25 Churchill Downs Louisiana Horseracing Company.

1 Good morning.

2 MS. SIZEMORE:

3 Good morning.

4 MR. WAGUESPACK:

5 Good morning.

6 CHAIRMAN JOHNS:

7 Good morning.

8 MS. SIZEMORE:

9 Good morning Chairman Johns, Members
10 of the Board. I'm Assistant Attorney General
11 Shanna Sizemore, and we're here in the matter of
12 Churchill Downs Louisiana Horseracing Company LLC,
13 doing business as Fair Grounds Race Course &
14 Slots. They've petitioned to the Board requesting
15 approval for CDI Holdings LLC, to qualify as an
16 institutional investor pursuant to Louisiana
17 Revised Statute 27:313(I) and Louisiana Revised
18 Statute 27:27.

19 Currently, Fair Grounds holds a
20 Temporary Certificate of Authority to conduct
21 business as a sports wagering licensee, and its
22 license application will be presented to the Board
23 during this month's meeting.

24 Fair Ground was acquired by Churchill Downs,
25 Incorporated, in 2004, and is wholly owned by

1 Churchill. Churchill shares are listed as CHDN on
2 the NASDAQ and are available for trading by
3 investors. Public stockholders and officers of
4 Churchill own 66.44 percent shares. There are
5 several institutional investors, namely, Fidelity
6 Management and Research Company, LLC, who own
7 12.22 percent shares. The Vanguard Group,
8 Incorporated, owns 8.87 percent shares, and
9 BlackRock Institutional Trust Company owns
10 7.12 percent shares. The remaining 5.35 percent
11 shares are owned by CDI Holdings LLC. As a
12 result, the Division requested that a suitability
13 application be submitted on behalf of CDI Holdings
14 LLC. In response, Fair Grounds petitioned the
15 Board requesting that CDI Holdings LLC, be
16 certified as an institutional investor.

17 Pursuant to Louisiana gaming law, an
18 institutional investor, otherwise required to be
19 found suitable, shall be presumed suitable or
20 qualified upon submitting documentation sufficient
21 to establish qualifications as an institutional
22 investor.

23 Under Act 725 of the 2022 Louisiana
24 Legislative Session, the Board, in its sole
25 discretion, may qualify a non-regulated investor

1 with non-publicly traded investments as an
2 institutional investor on a case-by-case basis and
3 consistent with the provisions of Title 27.

4 Previously, the board was limited to only
5 considering regulated investors. Although
6 regulation by a federal regulatory body is not a
7 requirement for an investor to qualify as an
8 institutional investor, it is a compelling factor
9 for Board approval and given the responsibilities
10 under -- in compliance with federal regulations.

11 It's also important to note that
12 considerations as to whether an entity qualifies
13 as an institutional investor are very specific as
14 to the facts and circumstances related to each
15 petition, and if the Board determines an entity
16 qualifies as an institutional investor in
17 connection to one licensee or permittee, said
18 approval or qualification may not extend -- extend
19 to the same investor under all circumstances.

20 In support of its request that
21 CDI Holdings LLC, should qualify as an
22 institutional investor, Fair Grounds provided
23 several documents to the Division, including the
24 SEC filings of Churchill Downs, Incorporated. If
25 approved by the Board, Fair Grounds intends to

1 submit an institutional investor form for
2 CDI Holdings LLC, in connection to Fair Ground's
3 sports wagering license application.

4 There are representatives here from
5 Churchill Downs, Incorporated, to present. And if
6 you have any questions after their presentation,
7 State Police Audit is also here to answer any
8 financial questions.

9 CHAIRMAN JOHNS:

10 Okay. And gentlemen, good morning.

11 MR. WAGUESPACK:

12 Good morning. Good morning,
13 Chairman Johns. David Waguespack on behalf of
14 Fair Grounds and CDI Holdings and I have with me
15 Lou Frascogna from Louisville, in-house counsel
16 with Churchill Downs. I'm going to turn it over
17 to Mr. Frascogna first.

18 MR. FRASCOGNA:

19 Mr. Chairman and Board, thank you for
20 having us here today. As David introduced, I'm
21 Lou Frascogna. I'm senior counsel. I'm the
22 corporate compliance officer for Churchill Downs,
23 Incorporated.

24 You're all fairly familiar with
25 Churchill Downs, I presume. It's -- obviously, it

1 operates the Kentucky Derby and has run that for
2 148 years, though we are a quite different company
3 than we were 148 years ago. Today we operate
4 gaming facilities across the United States as far
5 north as New York and as far south as Florida now.

6 Going back in time a little bit, when
7 Churchill Downs entered into an agreement to
8 acquire Arlington about 20 years ago, as part of
9 that transaction, Arlington and specifically
10 Richard Duchossois acquired 31 percent of
11 Churchill Downs at that time.

12 Since then, the CDI Holdings which
13 has no affiliation with CDI or Churchill Downs,
14 Incorporated, despite the name, has gradually
15 reduced its ownership percentage in Churchill
16 Downs, Incorporated, to the current amount, which
17 is at 5.35 percent.

18 Churchill -- CDI Holdings has no
19 board seats. They initially acquired them during
20 the Arlington merger, but they have since given
21 those up. They hold no position of executive --
22 no -- they're not an executive with Churchill
23 Downs, Incorporated, nor do they have any
24 employment with Churchill Downs, Incorporated.

25 CDI Holdings does -- while they're

1 not regulated by the SEC, they do make regular
2 filings based on their percentage ownership, and
3 so you can find their Board of Directors and their
4 ownership percentage on -- from the SEC; but,
5 ultimately, no individual with CDI Holdings has
6 sole dispositive power over those shares.

7 Given the relationship between CDI
8 and CDI Holdings, that they no longer have any
9 authority other than their common stock shares --
10 they do not have any preferred shares. They do
11 not have any special voting rights. They, for the
12 purposes of the Louisiana Statute, operate largely
13 as an institutional investor, and that is why we
14 have presented this petition for approval as an
15 institutional investor.

16 CHAIRMAN JOHNS:

17 Okay. Well, thank you for being
18 here, and thanks -- special thanks to Churchill
19 Downs for their commitment to -- to Louisiana.
20 You know, they've been -- Fair Grounds has been
21 here a long time.

22 MR. FRASCOGNA:

23 Uh-huh.

24 CHAIRMAN JOHNS:

25 So it's an institution in our state,

1 and we greatly appreciate the commitment that
2 y'all have made.

3 So, Members, any questions for
4 Ms. Sizemore or the -- the gentlemen at the table?
5 Judge, you have some?

6 MR. SHOLES:

7 Not for today but on another day I
8 would like to inquire about the percentage of
9 revenue from the Fair Grounds that's reinvested
10 into the Fair Grounds versus the percentage of
11 revenue that's taken away from the state.

12 Certainly, it's not a question for today, but I
13 do -- I am curious. Thank you, Mr. Chairman.

14 CHAIRMAN JOHNS:

15 Okay. And if you could get us some
16 information on that, we would greatly appreciate
17 it. Forward it on to the Board Office, and --

18 MR. FRASCOGNA:

19 Absolutely, Chairman.

20 CHAIRMAN JOHNS:

21 -- we would appreciate that. So,
22 Mr. Waguespack, anything else today or --

23 MR. WAGUESPACK:

24 That will be all, Your Honor. Thank
25 you.

1 CHAIRMAN JOHNS:

2 Mr. Shipley, I see you in the
3 audience, and thank you for being here, and thank
4 you for your hard work down at Fair Grounds. We
5 greatly appreciate that.

6 So, Ms. Sizemore, according to -- to
7 y'all's report, all qualifications for suitability
8 have been met, then?

9 MS. SIZEMORE:

10 If they are accepted as an
11 institutional investor, then they do not need to
12 meet suitability.

13 CHAIRMAN JOHNS:

14 Oh, okay. You're comfortable with
15 the arrangement, then?

16 MS. SIZEMORE:

17 State Police Audit is present for
18 questions if you do have some specific questions.

19 CHAIRMAN JOHNS:

20 Okay. I really don't; so -- so I
21 would entertain a motion to adopt a resolution
22 that we have here at the table.

23 MS. HAMILTON-ACKER:

24 (Indicating)

25 MR. SHOLES:

1 So moved.

2 CHAIRMAN JOHNS:

3 Ms. Hamilton-Acker has moved that we
4 adopt the resolution, and Judge Sholes has
5 seconded that motion. And, Ms. Hood, would you
6 read the resolution?

7 MS. HOOD:

8 On the 16th day of February 2023, the
9 Louisiana Gaming Control Board did, in a duly
10 noticed public meeting, consider Churchill Downs
11 Louisiana Horseracing Company LLC, doing business
12 as Fair Grounds Race Course & Slots' petition for
13 approval of CDI Holdings, LLC, to qualify as an
14 institutional investor, and upon motion -- motion
15 duly made and seconded, the Board adopted this
16 resolution:

17 Be it resolved that CDI Holdings,
18 LLC, is hereby determined to be an institutional
19 investor in accordance with Louisiana Revised
20 Statute 27:313(I) solely in connection with
21 ownership in Churchill Down, Incorporated.

22 Be it further resolved that the
23 presumption of suitability afforded to
24 CDI Holdings, LLC, as an institutional investor
25 pursuant to Louisiana Revised Statute 27:27 shall

1 not preclude the Board from investigating the
2 suitability and qualifications of CDI Holdings
3 should the Board or the Gaming Enforcement
4 Division of Louisiana State Police become aware of
5 facts which may result in CDI Holdings being found
6 unsuitable or disqualified from participating in
7 gaming or from a determination as an institutional
8 investor.

9 This done and signed in Baton Rouge,
10 Louisiana, this 16th day of February 2023.

11 CHAIRMAN JOHNS:

12 Okay. We have a motion by
13 Ms. Hamilton-Acker, seconded by Judge Sholes, to
14 adopt this resolution. And, Ms. Hood, would you
15 call the roll, please?

16 MS. HOOD:

17 Ms. Berry?

18 MS. BERRY:

19 Yes.

20 MS. HOOD:

21 Mr. Jackson?

22 MR. JACKSON:

23 Yes.

24 MS. HOOD:

25 Ms. Lewis?

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1 MS. LEWIS:

2 Yes.

3 MS. HOOD:

4 Mr. Poole?

5 MR. POOLE:

6 Yes.

7 MS. HOOD:

8 Ms. Hamilton-Acker?

9 MS. HAMILTON-ACKER:

10 Yes.

11 MS. HOOD:

12 Judge Sholes?

13 MR. SHOLES:

14 Yes.

15 MS. HOOD:

16 Ms. Traylor?

17 MS. TRAYLOR:

18 Yes.

19 MS. HOOD:

20 Chairman Johns?

21 CHAIRMAN JOHNS:

22 Yes. By unanimous vote this
23 resolution is hereby adopted. Gentlemen, thank
24 y'all for being with us today. Ms. Sizemore,
25 thank you for your work.

1 MS. SIZEMORE:

2 Thank you.

3 MR. WAGUESPACK:

4 Thank you, Mr. Chairman.

5 MR. FRASCOGNA:

6 Thank you very much.

7 CHAIRMAN JOHNS:

8 Okay. Next on our agenda,
9 consideration of a Petition for the Approval of
10 Modification of Louisiana Gaming Control Board
11 Resolution for the Gaming and Leisure Properties,
12 Incorporated, GLPI, and Catfish Queen, LLC, doing
13 business as Belle of Baton Rouge Casino. Good
14 morning, Ms. Landry.

15 MR. LANDRY:

16 Good morning, Chairman Johns and
17 Board Members. I'm Assistant Attorney General
18 Lisha Landry, here with Josh McDiarmid, counsel
19 for Gaming and Leisure Properties, Inc.

20 On January 31, 2023, GLPI filed a
21 petition to modify the Board's September 15, 2022,
22 Resolution for Catfish Queen, LLC, doing business
23 as Belle of Baton Rouge Casino's landside facility
24 construction and relocation approval. The
25 September 15 resolution imposes construction

1 standards, obligations, and deadlines upon the
2 licensee and GLPI. GLPI owns or holds a leasehold
3 interest on the real property of the licensee in a
4 real estate investment trust and is funding up to
5 28 million of the cost to construct the licensee's
6 landside facility.

7 In its petition, GLPI has notified
8 the Board that GLPI is only funding the
9 construction of the landside facility and will
10 have no involvement in approving construction
11 timelines, architectural blueprints, detailed
12 plans of design, or contracts for the licensee's
13 landside facility. As GLPI is only funding the
14 construction of the facility, GLPI has requested
15 that it and its subsidiaries be removed from the
16 construction requirements and standards imposed on
17 the licensee detailed in Provision 2 of the
18 Board's September 15 Resolution. The licensee
19 will still be required to adhere to all
20 requirements imposed on the licensee by the Board.

21 The Attorney General's Office has
22 reviewed this request and finds no issue with
23 modifying Provision 2 of the Board's September 15
24 Resolution because the modification does not
25 change any obligation, standard, or deadline

1 imposed upon the licensee related to the
2 construction of the landside facility and approved
3 project.

4 If it's the Board's pleasure to
5 approve GLPI's request to modify the Board's
6 Resolution for Catfish Queen, LLC, doing business
7 as Belle of Baton Rouge Casino, a resolution has
8 been prepared for the Board's adoption and the
9 Chairman's signature.

10 CHAIRMAN JOHNS:

11 Thank you, Ms. Landry. Any questions
12 for Ms. Landry?

13 (NO RESPONSE)

14 CHAIRMAN JOHNS:

15 Good morning, sir.

16 MR. McDIARMID:

17 Good morning, Chairman Johns.

18 CHAIRMAN JOHNS:

19 Anything you would like to add this
20 morning?

21 MR. McDIARMID:

22 I don't want to taint Ms. Landry's
23 excellent presentation; so nothing for me.

24 CHAIRMAN JOHNS:

25 Thank you. Members, I want to share

1 with you, I have personally walked through the
2 construction site at the Belle of Baton Rouge.
3 They have some challenges, to say the least,
4 particularly in the hotel area, but they're
5 committed to -- to those challenges, and they --
6 they are moving forward with their project; so
7 I've been very satisfied with -- with their game
8 plan of their renovations. So any further
9 questions?

10 (NO RESPONSE)

11 CHAIRMAN JOHNS:

12 If not, I would entertain a motion to
13 adopt the resolution that will be read.

14 MS. BERRY:

15 So moved.

16 CHAIRMAN JOHNS:

17 Ms. Berry has moved that we adopt the
18 resolution.

19 MR. POOLE:

20 (Indicating)

21 CHAIRMAN JOHNS:

22 Mr. Poole has seconded that motion.
23 And, Ms. Hood, would you read the resolution,
24 please?

25 MS. HOOD:

1 On the 16th day of February 2023, the
2 Louisiana Gaming Control Board did, in a duly
3 noticed public meeting, consider the Petition for
4 Approval of Modification, the board resolution
5 filed by Gaming and Leisure Properties, regarding
6 construction of the landside facility for Catfish
7 Queen, LLC, doing business as Belle of
8 Baton Rouge, No. R011700009, and upon motion duly
9 made and seconded, the Board adopted this
10 resolution:

11 Whereas, on September 15, 2022, the
12 Board approved Catfish Queen's request to relocate
13 its gaming operations to a newly constructed
14 landside facility as part of the approved project
15 and adopted a resolution containing Provision 2,
16 which imposes certain reporting requirements and
17 deadlines upon Catfish Queen and GLPI regarding
18 construction of the approved project; and

19 Whereas, GLPI's subsidiary,
20 GLP Capital, LP, owns or holds a leasehold
21 interest in Catfish Queen's real estate property
22 upon which it operates in a real estate investment
23 trust; and

24 Whereas, GLPI is funding a portion of
25 the construction of the landside facility as part

1 of the approved project; and

2 Whereas, on January 31, 2023, GLPI
3 notified the Board that neither GLPI nor its
4 subsidiaries are involved in the actual
5 construction of the approved project and thus
6 requested that Provision 2 of the resolution be
7 amended to adequately reflect -- reflect GLPI's
8 involvement in the approved project; and

9 Whereas this request does not affect
10 the standards, requirements, and obligations
11 imposed on Catfish Queen for the construction of
12 the approved project as set forth in the
13 resolution adopted by the Board on September 15,
14 2022.

15 Now, therefore, be it resolved that
16 Provision 2 of the September 15, 2022, Board
17 Resolution as amended by the November 17, 2022,
18 Board Resolution is hereby amended to remove GLPI
19 and its subsidiaries from the requirements and
20 standards imposed on Catfish Queen related to the
21 construction of the approved project contained in
22 Provision 2 as follows:

23 Catfish Queen, LLC, shall abide by
24 the following standards of construction of the
25 approved project:

1 No later than February 17, 2023, to
2 submit architectural blueprints and a detailed
3 plan of design and construction of the approved
4 project to the Board for review and acceptance.
5 The architectural plans and specifications shall
6 comply with all applicable laws and regulations,
7 including but not limited to environmental, fire,
8 and safety codes. Failure to meet this deadline
9 or to timely receive an extension from the Board
10 may result in a forfeiture of all privileges to
11 the license.

12 To enter into all necessary contracts
13 for construction of the approved project and to
14 submit copies of the contracts to the Board for
15 acceptance no later than 90 days after the passage
16 of the Board's Resolution accepting the plans and
17 specifications. All contracts related to the
18 approved project shall be let only by Catfish
19 Queen or its parent company.

20 To complete construction of the
21 approved project and commence gaming operations in
22 the facility within 24 months of this resolution's
23 date. Failure to meet this deadline or to receive
24 an extension may result in forfeiture of all
25 privileges to the license.

1 To submit a work-in-progress report
2 on the construction of the approved project to the
3 Board by the 20th of every month. Said report
4 shall include a detailed narrative on the status
5 of all work up to the date of the report and a
6 progress payment report listing all payments made
7 up to the date of the report.

8 Thus done and signed in Baton Rouge
9 this 16th day of February 2023.

10 CHAIRMAN JOHNS:

11 Thank you, Ms. Hood. Members, we
12 have a resolution before you that's been offered
13 by Ms. Berry, seconded by Mr. Poole. And,
14 Ms. Hood, would you call the roll, please?

15 MS. HOOD:

16 Ms. Berry?

17 MS. BERRY:

18 Yes.

19 MS. HOOD:

20 Mr. Jackson?

21 MR. JACKSON:

22 Yes.

23 MS. HOOD:

24 Ms. Lewis?

25 MS. LEWIS:

1 Yes.

2 MS. HOOD:

3 Mr. Poole?

4 MR. POOLE:

5 Yes.

6 MS. HOOD:

7 Ms. Hamilton-Acker?

8 MS. HAMILTON-ACKER:

9 Yes.

10 MS. HOOD:

11 Judge Sholes?

12 MR. SHOLES:

13 Yes.

14 MS. HOOD:

15 Ms. Traylor?

16 MS. TRAYLOR:

17 Yes.

18 MS. HOOD:

19 Chairman Johns?

20 CHAIRMAN JOHNS:

21 Yes. By unanimous vote, this
22 resolution is hereby adopted. So thank you very
23 much for being with us today, sir. Ms. Landry,
24 thank you for your work.

25 MR. McDIARMID:

1 Thank you, Board Members.

2 CHAIRMAN JOHNS:

3 Okay. Members, I thought it would be
4 very important that we get an update from the
5 Horseshoe Casino in Lake Charles that we know
6 opened in December of this year. It was the first
7 property in the state of the old Legacy riverboats
8 to take advantage of the legislative action from
9 2018 that allowed the Legacy riverboats to go
10 land-based. So very proud that that has happened,
11 and a lot of challenges were met, and -- but
12 highly successful. Ms. Berry and I had the
13 privilege of attending the -- the opening, and I
14 can tell you it's beyond, I think, both of our
15 expectations, of what we saw.

16 So, gentlemen, thank y'all for being
17 here. Mr. Favre, I appreciate you being here,
18 Mr. Barbin. So who would like to jump it off?

19 MR. BARBIN:

20 Just to introduce us, if you don't
21 mind, Chairman Johns and Board Members, I'm
22 Jeff Barbin representing Caesars and Horseshoe
23 Gaming in Lake Charles, and to my left is
24 Jeff Favre, the General Manager. We have some
25 slides that we're going to run through. I'm not

1 sure you'll be able to see them on the big screen,
2 but you should have a handout. I'll turn it over
3 to Jeff.

4 MR. FAVRE:

5 Chairman, Members of the Board,
6 thanks for having us here today. I have a -- as
7 Jeff said, I have a quick presentation dec to go
8 through, and at the end, if you have any
9 questions, I would be happy to entertain those.

10 As you recall, you know, due to the
11 riverboat task force and then Senator Johns'
12 efforts, legislation was passed that allowed
13 riverboats to go onto land, and we were the first
14 to get approved to go onto land, which we were
15 also the first to actually open on land.

16 We had some challenges. We started
17 construction in January of 2020. The COVID
18 pandemic hit in March, and we suspended the
19 construction indefinitely. Then, of course,
20 Hurricane Laura struck in August, and we did not
21 open until recently, on December 12 of last year.

22 Expansion of the Horseshoe brand:
23 The Horseshoe brand is a very important brand to
24 Caesars Entertainment. We had several properties
25 throughout the country, but we have -- we have

1 expanded and continuing to expand that brand.
2 We've expanded in Indianapolis, Indiana,
3 St. Louis, Missouri, and Black Hawk and Las Vegas
4 and most recently here in Lake Charles.

5 The grand reopening on December 12
6 was a very hectic day, to say the least. It
7 was -- it was with a lot of mixed emotions, but it
8 was definitely a day to remember. You know, we
9 have highlighted it, as you can see, Chairman and
10 Ms. Berry. It was a -- it was a very exciting
11 day, and I can tell you that getting our team
12 members back to work and welcoming guests back
13 through the doors was just a pleasure to see.
14 The Chairman making some remarks.

15 It was well-attended. We -- you
16 know, we had -- we had a lot of traffic. I think
17 we backed up I-10. We had people parking in
18 places that I didn't even know you could park, and
19 it was -- it was all the way to the interstate.
20 We were well-attended by our senior management
21 team. And, of course, a lot of people behind me
22 here was also there to help out, and some of you
23 here was to help out, and I certainly appreciate
24 it. I could not have done it without, you know,
25 your help and your assistance; so it's much

1 appreciated.

2 Here, you know, being involved in the
3 community and being a good community partner is
4 always something that's very special to us. It's
5 something that's, you know, near and dear to the
6 heart. The Chancellor far Sowela, Neil
7 Aspinwall -- Dr. Neil Aspinwall. We made a
8 \$25,000 contribution to the Sowela Foundation.
9 We've also partnered with them in -- in other
10 ways. They're doing their grand -- grand opening,
11 or ribbon cutting, later this month, which I'll
12 attend for their hospitality school, which is
13 going to have a dealing school, which we set up
14 for them prior to us opening, because they helped
15 us administer some of our training and do our
16 orientation, because we were still under
17 construction, and, you know, it was pretty much
18 the entire property was a construction site; so we
19 couldn't do construction -- I mean do training at
20 the property because, you know, we had to wear
21 hard hats, safety goggles, and safety vests; so it
22 made things a little difficult.

23 As I said, it was well-attended.
24 That's our President and Chief Operating Officer,
25 Anthony Carano, celebrating with a lot of the

1 guests trying to get in. You know, when you have
2 something like that, there's no such thing as
3 lines or -- or control. They -- I think they
4 would run over most anybody that was -- that was
5 there once we opened the doors. It was kind of
6 crazy. Even our CEO, Tom Reeg, was in attendance,
7 and our Chairman of the Board, also, and
8 Gary Carano was in attendance, and they were all
9 very pleased with the outcome, and we're still --
10 we're still working at it.

11 Sportsbook, our first bet was made
12 by, of course, no other than Mattress Mack, a
13 million dollars on the Houston Cougars to win the
14 Final Four. I wish him all the best. And he's --
15 he's made several bets since then.

16 So we'll just kind of go through,
17 and -- for those of you that -- that could not
18 attend, just kind of go through and give you a
19 glimpse of -- of what we've developed. This is a
20 view coming from -- actually looking from the east
21 kind of to the west from our pavilion atrium area
22 into the casino. Floor area, primary table games
23 area. You can see Player Services in the back,
24 which is the cage. We're actually going to change
25 that sign to say, "Cage," or, "Cashier Services."

1 Just another view.

2 We're about, I would say, 80 percent
3 complete with the punch list items for the casino.
4 A lot of the big issues have been addressed.
5 We're still working through them, but we're not --
6 we're not out of the woods yet. We're still --
7 we're still making improvements each and every
8 day. Go ahead Jeff. Just another view. Another
9 view.

10 Poker rooms. It's probably one of
11 the nicest poker rooms I've ever operated. World
12 Series of Poker. Very nice. We have ten tables.
13 Overall we have approximately 160 slots or
14 electronic table games, or electronic gaming
15 devices, 42 tables, as I said, ten poker.

16 That's a view of the high limit room,
17 which we will actually do a reconfiguration we'll
18 submit to State Police here in -- in the near
19 future to make that room more presentable and more
20 attractive to our players.

21 Caesars Rewards Center. Basically,
22 you can conduct transactions, mostly from the
23 marketing side, and enrollment into the club. You
24 can get a new card. You can print comps, things
25 of that nature.

1 7 Seven Noodle Bar. This is the only
2 food venue that we have operated by a third party.
3 It's -- it's been received very well. It's right
4 next to our -- our Asian Pit offerings, and
5 we're -- we're doing well with that venue, as well
6 as the Asian Pit offerings.

7 Sliced Pizza. This is a proprietary
8 concept to Caesars Entertainment. I think we were
9 the sixth or seventh one to open. You can grab a
10 piece of pizza. You can get a whole pizza. You
11 can get, you know, spaghetti, some -- some pasta
12 dishes, and a few -- few deserts, cannolis,
13 et cetera.

14 Brew Brothers proprietary again to
15 Caesars Entertainment. Brew Brothers is
16 actually -- you can see the silhouette. It is
17 actually the brothers -- the Carano brothers.
18 It's Gary, Gene, Glenn, and Greg. And this --
19 this is our sportsbook venue as well, and it's
20 been received very well. It's kind of like a
21 micro brewery. We don't brew our own beer, but
22 the other ones -- some of the other ones do.

23 Four Suits Bar. This is a -- kind of
24 a circular bar. Half of it is on the casino side;
25 the other half is on the hotel registration side.

1 You cannot pass through from one side to the
2 other. If you're going to go to the casino side,
3 you have to go through a checkpoint -- security ID
4 checkpoint to get in, and then, if you go to the
5 hotel side, you just go through the Registration.

6 Our hotel, we're -- we're about 23
7 rooms shy of being complete with our inventory,
8 253 in total. We would -- we would be there with
9 the exception of the buck -- the buck hoist rooms,
10 which is the elevator that carries all the
11 materials and supplies. They had to attach the
12 buck hoist to the balcony rooms, which has kind
13 of, you know, delayed us a little bit. The other
14 ones, we had some leaks that leaked down into
15 rooms below that we had to fix.

16 One thing I would like to point out
17 I've noticed is you can see in the backdrop behind
18 the bed is a mural of the I-10 bridge, which all
19 rooms have that, and it's one of the features that
20 the Horseshoe brand has tried to do is take in the
21 local -- something that is, you know, really --
22 really neat with the local environment or the --
23 indigenous to the area, and portray that and put
24 that towards the, you know, design elements.

25 Coming on line will be Dunkin' Donuts

1 and Baskin Robins. We're trying to finalize the
2 equipment package with them as we speak, and we'll
3 make that -- we'll place that order to procure
4 that equipment, and we expect to open sometime
5 around August 10.

6 And then to the left of that will
7 actually be Gordon Ramsey Steak, which we have
8 started construction for it. We started
9 demolition this week, and firming up the outside,
10 which is actually where the ramp to the boat used
11 to be that got blown out and tore up when the boat
12 ripped away. I'm sure most of you remember the
13 boat being under the I-10 bridge. But we're
14 fixing that as we speak and trying to get the
15 outside skin completed, and we look to open up,
16 you know, Gordon Ramsey Steak, I think, around
17 August 18.

18 The pool should be completed before
19 May 1. We're waiting on the Department of Health
20 to give us our final approval there. The fitness
21 center should be done as soon as the equipment --
22 the equipment has been ordered. We're just
23 waiting for it to arrive. Once it arrives we'll
24 do the install, and that will be complete. And we
25 expect the 23 rooms that we have out of inventory

1 to be back in inventory hopefully by the end of
2 this month, by the first of March; so . . .

3 Employment, we have about 700 and, I
4 think, 51 employed right now with about 95 percent
5 of those from Louisiana, and I think even -- let's
6 see. What is it? It is 91 percent from
7 Calcasieu Parish, 42 percent male, 58 percent
8 female, and 44 percent African-American and
9 46 percent white and 10 percent other.

10 Casino revenue has been good. As you
11 noted earlier in the reports, we were up in
12 December, 53 percent to December of '19. It's not
13 a fair comparison for '20, '21. We wasn't in the
14 market; so -- '22 we wasn't in the market, and --
15 but we were up despite, you know, opening up
16 December 12 and only being open roughly 19, 20
17 days. So business has been good. The future
18 looks bright, and I want to thank you for
19 having -- having us here today.

20 CHAIRMAN JOHNS:

21 Well, thank you, Mr. Favre and
22 Mr. Barbin, both, for taking time to be with us
23 today. I just thought it was important that --
24 that the Board got a glimpse of what y'all have
25 accomplished in Lake Charles. And I can tell you

1 I -- I just speak for myself right now, but I
2 couldn't be more pleased with -- with the final
3 product.

4 I remember standing there with
5 Chairman Jones when we actually broke ground
6 initially, and then along comes COVID, then
7 Hurricane Laura, and your boat ends up underneath
8 the I-10 bridge, which made social media all over
9 the country. People wanted to know if -- if the
10 boat had taken out the bridge and -- but,
11 seriously, the challenges that y'all had were --
12 were enormous, and we appreciate the hard work.

13 I want to publicly commend Louisiana
14 State Police, Gaming Division, and the Attorney
15 General's Gaming Division for their hard work to
16 get this -- this open and done. There were a
17 couple of moments there, Mr. Favre, I didn't know
18 if we were going to make it, --

19 MR. FAVRE:

20 That makes two of us, Chairman.

21 CHAIRMAN JOHNS:

22 -- or did you; so -- but we --

23 MR. FAVRE:

24 And I would like to say thank you as
25 well.

1 CHAIRMAN JOHNS:

2 Right.

3 MR. FAVRE:

4 Much appreciated.

5 CHAIRMAN JOHNS:

6 Yeah. They -- they did an
7 outstanding job to -- to get -- to get this --
8 this property open, and I think it's just a real
9 compliment to the gaming market in -- in the state
10 of Louisiana; so . . .

11 And I'm glad that you mentioned the
12 new facility at Sowela. Members, Sowela Community
13 College in Lake Charles is opening a new culinary
14 and hospitality building -- property on
15 February 28. I'm going to actually be there,
16 along with the governor, for the grand opening of
17 that. But it will have a gaming component in it.
18 Is that right, Mr. Favre?

19 MR. FAVRE:

20 Yes, sir, that is correct. The new
21 building is approximately 35,000 square feet.
22 It's a fabulous building. It's got two hotel
23 rooms built into it. It's got multiple kitchens,
24 classroom space, and then also a dealing school.
25 They'll do several different programs within the

1 Casino Division.

2 CHAIRMAN JOHNS:

3 Well, I think that's going to be a
4 huge asset to -- to the gaming operations all
5 across the state; so -- so kudos to Dr. Aspinwall
6 and them for doing that.

7 So, Members, any questions for -- for
8 Mr. Favre? Any comments from anybody? Ms. Berry?

9 MS. BERRY:

10 I would just like to also extend my
11 congratulations to y'all. As I said before, from
12 seeing it before to seeing it after, can't even
13 begin to comment on how wonderful it is. And I
14 appreciate all your hard work in our area to
15 expand the gaming market in Lake Charles, which is
16 just blowing and going. And I hope you've caught
17 up on your sleep.

18 MR. FAVRE:

19 Thank you.

20 MS. BERRY:

21 But it's -- and I'm sure that the --
22 it will be complete very soon ahead. But, once
23 again, congratulations for expanding the gaming in
24 our area of the state. So --

25 MR. FAVRE:

1 Thank you.

2 MS. BERRY:

3 -- thanks for everything. It was
4 beautiful.

5 CHAIRMAN JOHNS:

6 So please express our thanks to
7 Mr. Reed and to the Carano family for their
8 commitment to -- to the state of Louisiana. We
9 greatly appreciate it, and -- but thank y'all for
10 your -- your hard work, and continue to grow that
11 market, Mr. Favre. We --

12 MR. FAVRE:

13 Thank you.

14 CHAIRMAN JOHNS:

15 We would appreciate --

16 MR. FAVRE:

17 Yes, sir.

18 CHAIRMAN JOHNS:

19 We would appreciate that; so . . .

20 Okay. Any other questions? Any comments?

21 (NO RESPONSE)

22 CHAIRMAN JOHNS:

23 Okay. Hearing none. Thank y'all for
24 being here.

25 MR. BARBIN:

1 Thank you.

2 MR. FAVRE:

3 Thank you.

4 CHAIRMAN JOHNS:

5 Greatly appreciate it. Good report.

6 VII. SPORTS WAGERING ISSUES

7 CHAIRMAN JOHNS:

8 Okay. Moving along into sports
9 wagering issues, consideration of a sports
10 wagering license application by Churchill Downs
11 Louisiana Horseracing Gaming Company LLC, doing business
12 as Fair Grounds Race Course and Slots. Good
13 morning.

14 MASTER TROOPER DANIEL:

15 Good morning.

16 MS. SIZEMORE:

17 Good morning. Chairman Johns,
18 Members of the Board, Assist Attorney General
19 Shanna Sizemore, appearing with Ms. Evie Ficklin,
20 with Louisiana State Police, Gaming Audit
21 Division, and Trooper Michael Daniel with the
22 Gaming Enforcement Division. A representative of
23 the applicant is also here today and will provide
24 a presentation. We're here in the matter of the
25 consideration of the sports wagering license

1 application of Churchill Downs Louisiana
2 Horseracing Company LLC, doing business as
3 Fair Grounds Race Course and Slots.

4 Pursuant to Louisiana Revised
5 Statute 27:602, et seq, the Board is charged with
6 issuing or denying applications for sports
7 wagering licenses. The applicant is eligible to
8 apply for a sports wagering license due to its
9 licensure at a -- as a slots-at-the-track
10 facility, and this Board issued a Temporary
11 Certificate of Authority to the applicant to
12 conduct business as a sports wagering licensee
13 with an effective date of May 25, 2022. The TCOA
14 expires on February 23, 2023.

15 State Police's Gaming Division has
16 reviewed and investigated the application and will
17 now report its findings to the Board.

18 MS. FICKLIN:

19 Good morning again. I'm
20 Evie Ficklin, an auditor with Louisiana State
21 Police. Churchill Downs Louisiana Horseracing
22 Company, LLC, the Fair Grounds, is requesting
23 board approval for a license to conduct sports
24 wagering at its facility in New Orleans. The
25 company, a subsidiary of Churchill Downs,

1 Incorporated, Churchill, has been operating as a
2 sports wagering licensee under a Temporary
3 Certificate of Authority, or TCOA, issued by the
4 Board May 25, 2022. Fair Grounds' TCOA is due to
5 expire February 23, 2023; and, if approved by the
6 Board, Fair Grounds' sports wagering license will
7 expire five years from the TCOA effective date, or
8 May 25, 2027.

9 Louisiana's sports wagering statute
10 allows sports wagering licensees to operate their
11 own respective sportsbooks or contract with a
12 sportsbook provider to perform those services.
13 Fair Grounds has contracted with an affiliate,
14 Churchill Downs Interactive Gaming, LLC, or
15 TwinSpires, to serve as its platform provider.

16 Fair Grounds' and TwinSpires'
17 contract, the Online and Retail Sports Wagering
18 Agreement, dated October 3, 2021, was made
19 effective on Fair Grounds "go live date" May 26,
20 2022. Although the terms in the contract address
21 both online and retail sportsbook wagering,
22 Churchill announced on February 24, 2022, that it
23 only plans to retain its retail sports wagering
24 business. It will exit the direct online sports
25 and casino business and pursue to monetize the

1 online market access licenses.

2 The contract has an initial term of
3 five years but provides for 2 five-year extensions
4 upon written notice from TwinSpires at least 90
5 days prior to the expiration of the then-current
6 term. The contract provides that Fair Grounds and
7 TwinSpires allocate the profits from its retail
8 sports wagering operations 50/50. The allocation
9 of the profits is determined as shown in the
10 schedules on page 7.

11 Fair Grounds and TwinSpires conduct
12 sports wagering in the sports lounge, Fair
13 Grounds' sportsbook. A description of the
14 \$525,000 sports lounge is on page 4 in our report.
15 A profile of Churchill Downs begins on page 12.

16 The corporation has been going
17 through a period of expansion. On November 1,
18 2022, Churchill acquired Peninsula Pacific
19 Entertainment, LLC, for 2.75 billion. A schedule
20 of Churchill's current properties is shown on
21 page 14 of our report.

22 Churchill stock trades on the NASDAQ
23 Global Select Market. As of closing on
24 February 15, 2023, its stock was trading at
25 \$249.81 per share. Churchill's long-term debt is

1 shown on the schedule on page 21. No financial
2 issues came to Audit's attention to preclude the
3 Board from issuing Fair Grounds a five-year sports
4 wagering license.

5 Master Trooper Michael Daniel will
6 now present the results of Licensing's
7 investigation.

8 MASTER TROOPER DANIEL:

9 Good morning, Chairman Johns and
10 Members of the Board. I'm Master Trooper
11 Michael Daniel with Louisiana State Police, Gaming
12 Enforcement Division.

13 On November 4, 2021, the Louisiana
14 State Police, Gaming Enforcement Division,
15 received a sports wagering license application
16 submitted on behalf of Churchill Downs Louisiana
17 Horseracing Company, LLC, doing business as
18 Fair Grounds Race Course and Slots. In accordance
19 with the rules and regulations of the Gaming
20 Enforcement Division, a background investigation
21 was conducted on Churchill Downs, Incorporated,
22 its shareholders, subsidiaries, officers,
23 directors, and persons with five percent or more
24 of ownership or economic interest in the license.

25 The background investigation included

1 inquiries to federal, state, and local law
2 enforcement agencies, civil jurisdictions, gaming
3 regulatory agencies, and the Louisiana Department
4 of Revenue. Inquiries were also made through a
5 computerized criminal history database. During
6 the suitability investigation, no information was
7 found to preclude the Board from approving
8 Churchill Downs Louisiana Horseracing Company,
9 LLC, doing business as Fair Grounds Race Course
10 and Slots' sports wagering license.

11 CHAIRMAN JOHNS:

12 Okay. Thank -- thank the three of
13 you for your reports. And, Churchill Downs, do
14 you have a presentation this morning or --

15 MR. SHIPLEY:

16 Yes, sir.

17 CHAIRMAN JOHNS:

18 Okay. Thank you. Allow a couple of
19 those seats to --

20 MS. FICKLIN:

21 Oh.

22 CHAIRMAN JOHNS:

23 -- open up.

24 MS. FICKLIN:

25 Okay.

1 MR. SHIPLEY:

2 Good morning, Mr. Chairman --

3 CHAIRMAN JOHNS:

4 Good morning, Mr. Shipley.

5 MR. SHIPLEY:

6 -- and Board Members. I'm

7 Doug Shipley, President of Churchill Downs

8 Louisiana Gaming Operations, and we just have a

9 brief overview of our operation as it relates to

10 the sports wagering.

11 Fair Grounds Race Course and Slots

12 opened TwinSpires' sportsbook lounge on -- excuse

13 me. I'm getting over a cold -- on May 26, 2022.

14 Our capital investment in the location was

15 approximately \$520,000. Our additional staffing

16 was about an addition of about seven additional

17 team members. The sportsbook is comprised of 19

18 betting kiosks, 14 of which are in the room, and

19 the other 5 are on the casino floor. Excuse me.

20 As an overview, on the next page --

21 playing catch up?

22 MR. WAGUESPACK:

23 Yeah, I'm trying.

24 MR. SHIPLEY:

25 I'll slow down.

1 MR. WAGUESPACK:

2 Yeah.

3 MR. SHIPLEY:

4 It's the next one. Okay. What this
5 overview reflects is the space, which is
6 approximately 1800 square feet, and reflects two
7 entrances. We have an entrance into the -- off
8 the paddock, as well as off our main first floor.

9 And the -- we'll go to the next page.
10 Okay. And as you can see on here, our sports
11 wagering complex, or space, I should say -- it's
12 not necessarily a complex. It's only 1800 square
13 feet -- is located in between our pari-mutuel
14 betting location or, as we call, the OTB, as well
15 as the gaming floor. It's about -- it's right
16 around the corner, about 25 steps to pari-mutuel
17 wagering and then about 100 steps, or 100 feet, to
18 the gaming entrance.

19 This next picture just reflects what
20 the outside looks like, and then the next one is
21 the interior. And I just want to point out, like
22 I -- Churchill spent about 520,000. This space,
23 unlike probably many of the other sportsbooks, you
24 know, we had a location already built out that we
25 were using for meeting space; so it was quite

1 economical for us to build this thing out. And I
2 also want to point out a lot of the furniture came
3 from other locations that we did have when we sold
4 Arlington. It had just a -- just an amazing group
5 of furniture that we managed to get our hands on
6 to incorporate into this space.

7 And then the other picture is just
8 some examples of -- it's just an example of some
9 of our interior marketing material. And that's
10 it.

11 CHAIRMAN JOHNS:

12 Okay. Well, thank you, Mr. Shipley.
13 And so this will be strictly a retail operation,
14 no -- no mobile?

15 MR. SHIPLEY:

16 Yes, sir.

17 CHAIRMAN JOHNS:

18 Okay. All right. And anything else,
19 Mr. Waguespack, or . . .

20 MR. WAGUESPACK:

21 No, thank you. Thank you,
22 Chairman Johns. I appreciate the Board's
23 consideration, again.

24 CHAIRMAN JOHNS:

25 Any questions from the Board?

1 Judge Sholes.

2 MR. SHOLES:

3 Maybe you can enlighten me. I
4 understand there's a dispute as to whether or not
5 certain pari-mutuel betting is actually gaming
6 or -- are you guys familiar with that dispute?

7 MR. WAGUESPACK:

8 I am, Judge Sholes. The -- the issue
9 is the historical horseracing machines, which have
10 been approved by the Legislature. It's a form of
11 pari-mutuel wagering, but there have been -- there
12 is a lawsuit that was filed by truckstop interests
13 that contest that.

14 MR. SHOLES:

15 That is just beginning in its -- the
16 litigation stage. Is that right?

17 MR. WAGUESPACK:

18 That's correct.

19 MR. SHOLES:

20 Thank you.

21 CHAIRMAN JOHNS:

22 And, Judge, as you know, we don't
23 regulate the historical horseracing machines.
24 That -- that is under the purview of the
25 Racing Commission, and so it's a -- it's an issue

1 that's statewide right now; so . . .

2 Any further questions? Any
3 questions? Any questions from the Board for the
4 Attorney General's Office or State Police?

5 (NO RESPONSE)

6 CHAIRMAN JOHNS:

7 If not, Ms. Sizemore?

8 MS. SIZEMORE:

9 If it's the Board's pleasure to
10 approve the application of Churchill Downs
11 Louisiana Horseracing Company, LLC, doing business
12 as Fair Grounds Race Course and Slots, a
13 resolution has been prepared for the Board's
14 adoption and signature.

15 CHAIRMAN JOHNS:

16 Okay. All right, Members. I would
17 need a motion to adopt this resolution.

18 JUDGE SHOLES:

19 (Indicating)

20 MS. HAMILTON-ACKER:

21 (Indicating)

22 CHAIRMAN JOHNS:

23 Judge Sholes has made that motion,
24 and Ms. Hamilton-Acker has seconded that motion.
25 And, Ms. Hood, would you read the resolution,

1 please?

2 MS. HOOD:

3 On the 16th day of February 2023, the
4 Louisiana Gaming Control Board did, in a duly
5 noticed public meeting, consider the Sports
6 Wagering License Application of Churchill Downs
7 Louisiana Horseracing Company, LLC, doing business
8 as Fair Grounds Race Course and Slots, and upon
9 motion duly made and seconded, the Board adopted
10 the following resolution:

11 Be it resolved that Churchill Downs
12 Louisiana Horseracing Company, LLC, doing business
13 as Fair Grounds Race Course and Slots, be approved
14 for a sports wagering license for a term of five
15 years, commencing May 25, 2022.

16 Thus done and signed in Baton Rouge,
17 Louisiana, this 16th day of February 2023.

18 CHAIRMAN JOHNS:

19 Okay. Members, we have a motion by
20 Judge Sholes, seconded by Ms. Hamilton-Acker that
21 we adopt this resolution. And, Ms. Hood, would
22 you call the role, please?

23 MS. HOOD:

24 Ms. Berry?

25 MS. BERRY:

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1 Yes.

2 MS. HOOD:

3 Mr. Jackson?

4 MR. JACKSON:

5 Yes.

6 MS. HOOD:

7 Ms. Lewis?

8 MS. LEWIS:

9 Yes.

10 MS. HOOD:

11 Mr. Poole?

12 MR. POOLE:

13 Yes.

14 MS. HOOD:

15 Ms. Hamilton-Acker?

16 MS. HAMILTON-ACKER:

17 Yes.

18 MS. HOOD:

19 Judge Sholes?

20 MR. SHOLES:

21 Yes.

22 MS. HOOD:

23 Ms. Traylor?

24 MS. TRAYLOR:

25 Yes.

1 MS. HOOD:

2 Chairman Johns?

3 CHAIRMAN JOHNS:

4 Yes. By unanimous vote this
5 resolution is hereby adopted. And then the next
6 item is the consideration of Sports Wagering
7 Platform Provider Permit by Churchill Downs
8 Interactive Gaming, LLC, doing business as
9 TwinSpires.

10 MS. SIZEMORE:

11 Chairman Johns, Members of the Board,
12 Assistant Attorney General Shanna Sizemore,
13 appearing with Ms. Evie Ficklin with Louisiana
14 State Police, Gaming Audit Division, and
15 Master Trooper Michael Daniel with the Gaming
16 Enforcement Division. We're here in the matter of
17 the consideration of the Sports Wagering Platform
18 Provider Permit Application of Churchill Downs
19 Interactive Gaming, LLC, doing business as
20 TwinSpires.

21 Pursuant to the Louisiana Sports
22 Wagering Act, the Board is charged with issuing or
23 denying applications for Sports Wagering Platform
24 Provider Permits. The Board issued a Temporary
25 Certificate of Authority to the applicant to

1 conduct business as a sports wagering platform
2 provider, with an effective date of
3 May 25, 2022. The TCOA was set to expire on
4 November 25, 2022; however, after a request was
5 made by the applicant for an extension of time,
6 the expiration of the TCOA was extended for 90
7 days, beginning November 25, 2022. The TCOA
8 expires on February 23, 2023.

9 State Police's Gaming Division has
10 reviewed and investigated the application and will
11 now report its findings to the Board.

12 MS. FICKLIN:

13 Mr. Chairman and Board Members, I'm
14 Evie Ficklin, an auditor with Louisiana State
15 Police.

16 Churchill Downs Interactive Gaming,
17 LLC, or TwinSpires, is a direct subsidiary of its
18 ultimate parent, Churchill Downs, Incorporated,
19 and currently serves as Fair Grounds' platform
20 provider. The Board issued TwinSpires a TCOA
21 authorizing the company to conduct business as a
22 platform provider concurrently with the Board's
23 issuance of the TCOA to Fair Grounds on May 25,
24 2022. TwinSpires is seeking Board approval for a
25 five-year permit to serve as a platform provider.

1 If approved, TwinSpires' permit will expire
2 concurrently with Fair Grounds' license on May 25,
3 2027.

4 In addition to serving as Fair
5 Grounds' platform provider, TwinSpires also serves
6 as the platform provider for five other Churchill
7 Downs' retail sports wagering operations and a
8 tribal property in Arizona. As stated earlier
9 today in the Fair Grounds report, ultimate parent
10 Churchill plans to retain its retail sports
11 operations but intends to exit its direct online
12 sports and casino business.

13 In addition to sports wagering,
14 TwinSpires accepts pari-mutuel wagering through
15 advanced deposit wagering from customers in
16 certain states and high dollar wagering by
17 international customers via Velocity, TwinSpires'
18 mobile and online wagering business listed --
19 license under TwinSpires.

20 TwinSpires, along with live and
21 historical horseracing machines and gaming,
22 comprise Churchills' three operating segments that
23 meet the requirements to disclose their results
24 separately as reportable segments. Churchill's
25 consolidated statement of comprehensive income is

1 shown on page 10. The financial results of
2 Churchill's three operating segments are
3 segregated in this statement for comparison
4 purposes.

5 No financial issues came to Audit's
6 attention to preclude the Board from issuing
7 TwinSpires a five-year permit, expiring May 25,
8 2027, to serve as a platform provider of sports
9 wagering.

10 Master Trooper Michael Daniel will
11 now present the results of Licensing's
12 investigation.

13 MASTER TROOPER DANIEL:

14 Chairman Johns and Members of the
15 Board, I'm Master Trooper Michael Daniel with the
16 Louisiana State Police, Gaming Enforcement
17 Division.

18 On November 4, 2021, Churchill Downs
19 Interactive Gaming, LLC, doing business as
20 TwinSpires, submitted a sports wagering platform
21 provider application. TwinSpires applied for a
22 permit to provide retail market access to sports
23 wagering operations on behalf of Churchill Downs
24 Louisiana Horseracing Company doing business as
25 Fair Grounds Race Course and Slots.

1 In accordance with the rules and
2 regulations of the Gaming Enforcement Division, a
3 background investigation was conducted on
4 Churchill Downs, Incorporated, its shareholders,
5 subsidiaries, officers, directors, and persons
6 with five percent or more ownership or economic
7 interest in the permit.

8 The background investigation included
9 inquiries to federal, state, and local law
10 enforcement agencies, civil jurisdictions, gaming
11 regulatory agencies, and the Louisiana Department
12 of Revenue. Inquiries were also made through a
13 computerized criminal history database. During
14 the suitability investigation, no information was
15 found that would preclude the Board from approving
16 Churchill Downs Interactive Gaming, LLC, doing
17 business as TwinSpires' sports wagering platform
18 provider permit.

19 CHAIRMAN JOHNS:

20 Okay. Thank you very much. Any
21 questions, Members, for the Attorney General or
22 State Police?

23 (NO RESPONSE)

24 MS. SIZEMORE:

25 If it's the Board's pleasure to

1 approve the Sports Wagering Platform Provider
2 Permit Application of Churchill Downs Interactive
3 Gaming, LLC, doing business as TwinSpires, a
4 resolution has been prepared for the Board's
5 adoption and signature.

6 CHAIRMAN JOHNS:

7 Okay. Thank you. So I would
8 entertain a motion to adopt this resolution.

9 JUDGE SHOLES:

10 (Indicating)

11 MS. BERRY:

12 (Indicating)

13 CHAIRMAN JOHNS:

14 Judge Sholes has made that motion,
15 and Ms. Berry has seconded that motion. Ms. Hood,
16 would you read the resolution?

17 MS. HOOD:

18 On the 16th day of February 2023, the
19 Louisiana Gaming Control Board did, in a duly
20 noticed public meeting, consider the Sports
21 Wagering Platform Provider Permit Application and
22 the Comprehensive Compulsive and Problem Gambling
23 Program of Churchill Downs Interactive Gaming,
24 LLC, doing business as TwinSpires, and upon the
25 motion duly made and seconded, the Board adopted

1 this resolution:

2 Be it resolved that Churchill Downs
3 Interacting -- Interactive Gaming, LLC, doing
4 business as TwinSpires, be approved for a Sports
5 Wagering Platform Provider Permit for a period of
6 five years, commencing on May 25, 2022.

7 Be it resolved that the Comprehensive
8 Compulsive and Problem Gambling Program submitted
9 by Churchill Downs Interactive Gaming, LLC, doing
10 business as TwinSpires, is hereby approved.

11 Thus done and signed in Baton Rouge
12 this 16th day of February 2023.

13 CHAIRMAN JOHNS:

14 Okay. Members, we have a resolution
15 before you, offered by Judge Sholes, seconded by
16 Ms. Berry. Ms. Hood, would you call the roll,
17 please?

18 MS. HOOD:

19 Ms. Berry?

20 MS. BERRY:

21 Yes.

22 MS. HOOD:

23 Mr. Jackson?

24 MR. JACKSON:

25 Yes.

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1 MS. HOOD:

2 Ms. Lewis?

3 MS. LEWIS:

4 Yes.

5 MS. HOOD:

6 Mr. Poole?

7 MR. POOLE:

8 Yes.

9 MS. HOOD:

10 Ms. Hamilton-Acker?

11 MS. HAMILTON-ACKER:

12 Yes.

13 MS. HOOD:

14 Judge Sholes?

15 MR. SHOLES:

16 Yes.

17 MS. HOOD:

18 Ms. Traylor?

19 MS. TRAYLOR:

20 Yes.

21 MS. HOOD:

22 Chairman Johns?

23 CHAIRMAN JOHNS:

24 Yes. By unanimous vote, this
25 resolution is hereby adopted. Thank you very much

1 for your work. And, Churchill Downs, thank you
2 very much for being here today and for your
3 commitment, and glad to get this out. I
4 personally visited the site where the sportsbook
5 is going to be, and I think it's going to be a
6 great addition to Churchill Downs -- to the Fair
7 Grounds, as you say; so thank y'all very much for
8 being here.

9 Ms. Hood, the good news is that's
10 your last resolution; so . . .

11 VIII. CONSIDERATION OF APPEALS

12 CHAIRMAN JOHNS:

13 Members, we have three appeals that
14 are on our agenda today. Let me make note to the
15 Board and to everyone in the audience that no new
16 evidence may be introduced at any time on these
17 appeals this morning. So the first one is
18 Juanita Darnell. Is Ms. Darnell in the room? Is
19 Ms. Darnell in attendance?

20 (NO RESPONSE)

21 CHAIRMAN JOHNS:

22 Okay. I don't see her. Okay. Good
23 morning.

24 MR. JAMES:

25 Good morning, Mr. Chairman and Board

1 Members. I'm Assistant Attorney General
2 Elroy James, present before the Board in the
3 matter of Juanita Darnell, Permit No. P040019439.
4 This matter comes to you pursuant to appeal by the
5 applicant from a decision by the hearing officer
6 that determined the applicant unsuitable to
7 possess a non-key gaming employee permit and that
8 denied her non-key gaming permit application.

9 Ms. Darnell sought approval of a
10 non-key gaming employee permit from the Division
11 on September 28, 2022. Approximately eight days
12 after her filing of the application with the
13 Division, she was arrested by the Shreveport
14 Police Department and charged with theft.

15 On October 10, 2022, the Division
16 denied -- issued a Notice of Denial of Original
17 Application to Ms. Darnell. The Division denied
18 the non-key gaming employee permit application
19 because she failed to prove she was suitable to
20 possess a gaming permit in the state and because
21 the theft charge is currently pending against her
22 in Shreveport City Court. Ms. Darnell requested a
23 hearing to the Division's denial.

24 On November 9, 2022, the Hearing
25 Office conducted a hearing on the Division's

1 denial, as requested by Ms. Darnell; however,
2 Ms. Darnell did not attend the hearing or was not
3 represented by legal counsel. During the hearing,
4 evidence was presented to show that on June 28,
5 2022, the General Manager of Magic Cash Casino, at
6 the time Ms. Darnell's employer, reported a theft
7 incident to Shreveport Police Department.

8 Ms. Darnell was the sole suspect to this incident.

9 Evidence was further introduced to
10 show that on July 25, 2022, after a finding of
11 probable cause, a city court judge for the City of
12 Shreveport issued a warrant for Ms. Darnell's
13 arrest for the charge of theft. During the
14 November 9, 2022, hearing, the evidence introduced
15 showed Ms. Darnell was booked into custody in
16 Caddo Parish Correctional Center with an
17 arraignment date of February 28, 2023.

18 It is well-settled that this
19 Honorable Board cannot consider new evidence, and
20 it's bound by the record created during the
21 administrative hearing. The evidence presented
22 during the hearing showed that an arrest warrant
23 was issued and active at the time of Ms. Darnell's
24 September 20, 2022, non-key -- non-key gaming
25 employee application; and, in fact, when she filed

1 the gaming -- non-key gaming employee application
2 with the Division, eight days later Ms. Darnell
3 was arrested. The evidence clearly shows that
4 Ms. Darnell was arrested for the charge of theft
5 and that the charge was currently pending at the
6 time of the -- at the time of the hearing.

7 Under Louisiana gaming law, theft is
8 considered a statutory disqualification for
9 possessing or holding a gaming permit. Under
10 gaming law the burden is on the applicant to show
11 by clear and convincing evidence that she is
12 suitable. Louisiana Revised Statute 28:20 --
13 27:28(A) requires that an applicant, for a gaming
14 permit, demonstrate her suitability for licensing.

15 Ms. Darnell was not present, nor was
16 a legal representative present -- present, during
17 the administrative hearing; so there can be no
18 question as to whether or not Ms. Darnell
19 provided, by clear and convincing evidence, her
20 suitability. The fact is she clearly did not meet
21 that standard.

22 In the matter of Shanika --
23 Shaquita Thomas, this Honorable Board affirmed the
24 decision of the hearing officer which found the
25 permittee unsuitable and disqualified possessing a

1 non-key gaming permit because she was arrested for
2 illegal possession of stolen things, and at the
3 time of the hearing, the charges were still
4 pending against the permittee.

5 In the matter of Kiara Davis, this
6 Honorable Board again affirmed the decision of the
7 hearing officer that found the permittee, who was
8 arrested for theft and possession of marijuana,
9 was not eligible to hold a permit because of the
10 pending charges. The Board further found that the
11 permittee was not a person of good character, as
12 her criminal activities possessed -- pose a threat
13 to the public interest and the effective
14 regulation of gaming and enhance the danger of
15 unsuitable activities in the state.

16 For these reasons, the Division
17 requests that this Honorable Board affirm the
18 hearing officer's decision and finding that
19 Ms. Juanita Darnell is unsuitable to possess a
20 non-key gaming permit, and further the Division
21 requests that this Honorable Board affirm the
22 decision of the hearing officer that finds Ms. --
23 the finding that denies Ms. Darnell's non-key
24 gaming permit application.

25 CHAIRMAN JOHNS:

1 Okay. Any questions, Members? Any
2 questions from the Board? Mr. Jackson?

3 MR. JACKSON:

4 Yes, sir. Could you repeat that
5 permit number?

6 MR. JAMES:

7 Permit No. 040019439.

8 MR. JACKSON:

9 I have "8" on my document.

10 MS. BERRY:

11 I do, too.

12 MS. HOOD:

13 It's just a misprint.

14 MR. JACKSON:

15 Okay. Okay.

16 CHAIRMAN JOHNS:

17 Let's let the record --

18 MR. JAMES:

19 Let me make sure. I have --

20 MS. HOOD:

21 Well, on the opposition it also has
22 438.

23 MR. JAMES:

24 The permit number as per the
25 application is shown as P040019438. Excuse me.

1 CHAIRMAN JOHNS:

2 438.

3 MR. JAMES:

4 Yes.

5 CHAIRMAN JOHNS:

6 Okay. Thank you, Mr. Jackson.

7 MR. JACKSON:

8 Thank you.

9 CHAIRMAN JOHNS:

10 Okay. Any further questions? I
11 would entertain a motion on this appeal.

12 MR. JACKSON:

13 I'll make a motion to reaffirm the --
14 the hearing officer.

15 MS. LEWIS:

16 (Indicating)

17 CHAIRMAN JOHNS:

18 Okay. And Ms. Lewis has seconded
19 that motion. So Mr. Jackson has moved that we
20 affirm the hearing officer's decision. Ms. Lewis
21 has seconded that motion. Is there any discussion
22 on the motion? Any opposition to that motion?

23 (NO RESPONSE)

24 CHAIRMAN JOHNS:

25 Hearing none, the hearing officer's

1 decision on Juanita Darnell is hereby affirmed.

2 Thank you very much.

3 MR. JAMES:

4 Thank you.

5 CHAIRMAN JOHNS:

6 Second appeal is Mr. -- I think,

7 Tahj Horton. Is Mr. Horton here?

8 MR. LEWIS:

9 Yes, he's here, Your Honor --

10 Chairman.

11 CHAIRMAN JOHNS:

12 Good morning.

13 MR. LEWIS:

14 Good morning. Assistant Attorney

15 General Kanick Lewis, Jr., here on behalf of the

16 Division.

17 CHAIRMAN JOHNS:

18 Good morning, Mr. Horton. How are

19 you this morning?

20 MR. HORTON:

21 I'm doing good. Good morning.

22 CHAIRMAN JOHNS:

23 Good. We're going to allow you to go

24 first with any comments you would like to make. I

25 have to remind you once again that no new evidence

1 can be introduced before this Board this morning
2 that was not part of your hearing with the hearing
3 officer. So you may proceed. And identify
4 yourself for the record, please.

5 MR. HORTON:

6 My name is Tahj Horton.

7 CHAIRMAN JOHNS:

8 Yeah, pull the microphone a little
9 closer to your mouth. Just -- there you go.

10 Thank you.

11 MR. HORTON:

12 My name is Tahj Horton, and I had
13 recently, in June of 2022, made a mistake and got
14 arrested for possession of a firearm, as well as
15 marijuana. The firearm was in my name. It was
16 legal, in my name. I presented documentation at
17 the last hearing for that, and I did admit to the
18 crime of possession of marijuana. I had, not --
19 not court-ordered, inducted myself into a
20 rehabilitation program. I had showed proof that I
21 had entered that program, and I completed that
22 program. I'm not allowed to present new evidence
23 of showing that I completed that program, but the
24 last time, at the other hearing, I did present an
25 enrollment and that I did have negative and

1 positive drug screens for that program, as well as
2 the Court order I had was given a plea deal, and
3 the plea deal --

4 MR. LEWIS:

5 I would like to object. This is new
6 information.

7 CHAIRMAN JOHNS:

8 New information. Okay.

9 MR. LEWIS:

10 Yes.

11 CHAIRMAN JOHNS:

12 Sorry, Mr. Horton. We cannot accept
13 any new -- new evidence here that was not part of
14 the original hearing.

15 MR. HORTON:

16 Okay.

17 CHAIRMAN JOHNS:

18 Okay. Anything else you would like
19 to add or . . .

20 MR. HORTON:

21 No, sir.

22 CHAIRMAN JOHNS:

23 Okay. Okay. Thank you for being
24 here this morning. Mr. Kanick, if you would . . .

25 MR. LEWIS:

1 Thank you. As I stated earlier, I'm
2 Assistant Attorney General Kanick Lewis, Jr., here
3 in the matter of the appeal of Mr. Tahj M. Horton.
4 Chairman Johns, Board Members, this appeal is
5 taken by the permittee for the revocation of his
6 non-key gaming employee permit for the pending
7 criminal charge for the illegal carrying of
8 weapons in the presence of a controlled dangerous
9 substance. The permittee admitted to carrying the
10 weapon and to having the drugs in his possession.
11 This information, along with the Bill of
12 Information showing that the charge against him
13 was pending, was submitted by the Division as
14 evidence at the revocation hearing.

15 At this hearing Mr. Horton argued
16 that he was changing his behavior and was
17 participating in a drug rehabilitation program.
18 He submitted the paperwork, as he noted here
19 earlier, which indicated that he had to complete
20 eight weeks and have three negative drug screens.
21 On the date of the hearing, which was October 5,
22 he provided results of a drug test taken on
23 September 27, 2022, and it was positive for
24 marijuana. This was eight days before the hearing
25 and four months after his arrest.

1 And it's important to note that you
2 also -- I ask that you also note and consider the
3 fact that he lied to the police. When he was
4 initially stopped, Mr. Horton told the police he
5 had approximately two grams of marijuana and there
6 were no weapons in the vehicle. A search later
7 proved the amount of marijuana was much higher,
8 and a pistol was found in the vehicle. This was a
9 danger not only to the police but to people
10 at-large and is further proof that Mr. Horton is
11 not a person of good character, honesty, and
12 integrity, which are the criteria of suitability.

13 Gaming law requires permittees to be
14 suitable to hold a gaming permit, and it places
15 that burden with the permittee. In this case
16 Mr. Horton failed to prove his suitability by
17 clear and convincing evidence. The hearing
18 officer was correct in revoking the non-key gaming
19 employee permit based on the pending criminal
20 charge.

21 The Division contends this Honorable
22 Board should not remand the matter or render a
23 decision contrary to the hearing officer's
24 decision and order. There are grounds upon which
25 an agency may rehear, reopen, or reconsider its

1 decision. The grounds for such action shall be
2 either that, one, the decision or order is clearly
3 contrary to the law and the evidence; two, the
4 party has discovered since the hearing evidence
5 important to the issues, which it could not have,
6 with due diligence, obtained before or during the
7 hearing; three, there is a showing that issues not
8 previously considered ought to be examined in
9 order to properly dispose of the matter; or, four,
10 there is other good grounds for further
11 consideration of the issues and the evidence in
12 public interest. None of these apply here.

13 Mr. Horton was billed with the
14 illegal carrying of weapons in the presence of a
15 control dangerous substance. The hearing
16 officer's decision is not contrary to the law and
17 evidence, and is, in fact, supported by several
18 cases heard on appeal by this Honorable Board. In
19 these prior cases, the parties had pending
20 criminal charges, and the hearing officer's
21 decision was affirmed. It was proper then and it
22 is proper now to affirm the hearing officer's
23 decision.

24 Further, the Board should not remand
25 this case because a charge that is punishable by a

1 term greater than one year was pending at the time
2 of the hearing and, under gaming law, is a
3 statutory disqualifier to holding a gaming permit.
4 Additionally, there are no good grounds for
5 further consideration of the issues or any other
6 evidence to consider.

7 The Division avers that Mr. Horton's
8 conduct poses a threat to gaming and public
9 interest. Because gaming permits are strictly
10 regulated, any questionable criminal activities
11 subject an individual's gaming permit to possible
12 revocation. The Division asserts and the evidence
13 supports the hearing officer's decision to revoke
14 the permit of Mr. Horton based not only on the
15 pending criminal charge but also on his
16 unsuitability.

17 It is important to remember that
18 holding a non-key gaming employee permit is a
19 privilege, not a right. As such, the Division
20 respectfully requests that this Honorable Board
21 affirm the hearing officer's decision to revoke
22 the non-key gaming employee permit issued to
23 Mr. Horton. Thank you.

24 CHAIRMAN JOHNS:

25 Thank you, Mr. Kanick. Mr. Horton,

1 I'm going to allow you to make a closing statement
2 before I open it up for questions to the -- to the
3 board. If -- if you would like to say something,
4 you -- you're welcome to at this time.

5 MR. HORTON:

6 I would just like to say that,
7 regardless of the decision that y'all make -- or
8 that had been made in motion, I would like to
9 thank y'all for giving me another opportunity to
10 obtain my gaming license, as well as I respect the
11 decision that y'all have made. It is my mistake.
12 I take accountability -- full accountability for
13 that, and I will use y'all's judgment and decision
14 to further better my life and become the person
15 that I can be.

16 CHAIRMAN JOHNS:

17 Okay. Any questions from the board
18 members for either of the two gentlemen at the
19 table?

20 (NO RESPONSE)

21 CHAIRMAN JOHNS:

22 Okay. No questions. Okay. At this
23 time I would entertain a motion on this appeal.
24 Mr. Jackson?

25 MR. JACKSON:

1 I'll have to make a motion that we
2 uphold the hearing officer.

3 CHAIRMAN JOHNS:

4 Okay. Mr. Jackson has made a motion
5 that we uphold the decision of the hearing
6 officer.

7 MS. LEWIS:

8 (Indicating)

9 CHAIRMAN JOHNS:

10 And Ms. Lewis has seconded that
11 motion. Is there any discussion? Judge Sholes?

12 MR. SHOLES:

13 Mr. Chairman, I want to know whether
14 or not we've explained to this gentleman
15 whether -- is this a lifetime ban, or what -- is
16 there any way that he can come back later on to
17 rehabilitate himself and get another shot at this?

18 MR. LEWIS:

19 Yes, he can reapply. If the
20 charges change -- if that changes, he has the
21 opportunity to reapply.

22 MR. SHOLES:

23 Thank you. No further questions.

24 CHAIRMAN JOHNS:

25 Okay. No further questions. Thank

1 you, Judge Sholes. Okay. We have a motion by
2 Mr. Jackson to affirm the hearing officer's
3 decision, seconded by Ms. Lewis. Is there any
4 discussion on that motion? Is there any objection
5 to that motion?

6 (NO RESPONSE)

7 CHAIRMAN JOHNS:

8 Hearing none, that motion carries,
9 and the decision of this Board, Mr. Horton, is to
10 uphold the hearing officer's decision. Should you
11 be found innocent of these charges, you're surely
12 welcome to -- to -- at the appropriate time to
13 reapply.

14 And I just have to share with you
15 that our gaming laws in Louisiana are very, very
16 strict, as they have to be. That's very, very
17 important to the integrity of the gaming industry
18 in our state. So best of luck to you, but as
19 passed by this board, the hearing officer's
20 decision is hereby affirmed. Thank you very much
21 for being here.

22 MR. HORTON:

23 Thank you.

24 CHAIRMAN JOHNS:

25 Our last appeal is

1 Brandi N. Bradbury. Is Ms. Bradbury in
2 attendance? Please come forward. Thank you for
3 being here this morning, Ms. Bradbury. And,
4 again, I have to note that no new evidence may be
5 introduced at this time. So I would like to allow
6 you the opportunity to say a few words to the
7 Board.

8 MS. BRADBURY:

9 Good morning. Thank you for the
10 opportunity to be here. In August, on the 24th in
11 2022, I was arrested. I'm a little nervous,
12 y'all. I'm sorry.

13 CHAIRMAN JOHNS:

14 That's okay.

15 MS. BRADBURY:

16 My neighbors in my neighborhood
17 called, of course, the police officers -- the
18 local police department to respond to -- I'm
19 assuming it was, like, initially a domestic issue.
20 I was not there when they arrived. Myself, as
21 well as my children's father, reside in the home
22 together. I did leave. There was a -- you know,
23 an altercation, or words were exchanged, outside
24 the home, and I intended to leave with the
25 children.

1 And I called his mother to just go
2 and get them out of the house, because I did not
3 want to pursue, like, a physical altercation or
4 anything. You know, I have small children. I
5 don't know if this counts as new evidence or not.
6 I'm not sure. Please stop me if it is, but we
7 were not actively pursuing the --

8 MS. JAMES:

9 That is --

10 MS. BRADBURY:

11 -- relationship --

12 MS. JAMES:

13 That is new evidence.

14 MS. BRADBURY:

15 Okay. Well, I apologize. At our
16 revocation hearing, I did have a lawyer in my
17 case, and he recommended me not to say anything,
18 so I didn't say anything; so I really don't have a
19 whole lot to work with here. But when all of this
20 happened, like I said, when the police arrived, I
21 was not home. They informed me that they had went
22 into the home because my door was open, and they
23 had found weapons and drugs in my home.

24 If I do recall, in the arrest report,
25 they said that it was in a specific room in the

1 house. It's not res -- a room where I reside at
2 all or -- nor do my children.

3 MS. JAMES:

4 New evidence, Your Honor.

5 MS. BRADBURY:

6 I'm sorry. They said it was in a --
7 I believe the report says that it was in a
8 specific room in the house. I believe the report
9 also reflects me informing them that I -- I was
10 not aware of these things in my home, and they --
11 one of the -- one of the guns that was in the room
12 with the drugs came back stolen. I, too, was not
13 aware, but I did inform them that I was not aware,
14 and -- but I was the only one there, and he was
15 not there. It was just me. I returned, and they
16 ended up booking me for it.

17 I'm not sure what I'm supposed to
18 say, but I truly was not aware. I don't really
19 have a whole lot of evidence -- evidence, you
20 know, to back what I'm saying. All I can do is
21 tell you that I was not aware, and I do -- I did
22 try to do the right thing, to inform you guys of
23 what was occurring along the way, because, you
24 know, I truly am, you know, innocent, and I'm just
25 looking for an opportunity to continue doing what

1 I've been doing for the last four years, working
2 at the casino in the gaming industry, because I do
3 love it, and I do truly believe that I will be
4 cleared of these charges, because I am innocent.

5 There is other evidence that came up,
6 but if I was able to get to -- back to the
7 revocation court, maybe I could present that
8 evidence and it would, you know, make you guys
9 feel more comfortable about allowing me to
10 continue my career in the gaming industry. That's
11 all I've got.

12 CHAIRMAN JOHNS:

13 Where -- where were you employed?

14 MS. BRADBURY:

15 L'Auberge Lake Charles.

16 CHAIRMAN JOHNS:

17 L'Auberge Lake Charles. Okay.

18 Anything further?

19 MS. BRADBURY:

20 No, sir.

21 CHAIRMAN JOHNS:

22 Okay. Thank you for being here.

23 Good morning.

24 MS. JAMES:

25 Good morning. Chairman and Board

1 Members, I am Assistant Attorney General
2 Lekiesha James here on behalf of the Division. As
3 you all know, we are here today because
4 Ms. Bradbury filed an appeal to the hearing
5 officer's decision revoking her non-key gaming
6 employee permit based on the finding that she is
7 unsuitable for and disqualified from holding said
8 permit.

9 As outlined in the Division's
10 memorandum, the hearing officer was correct in
11 revoking Ms. Bradbury's permit based on her
12 statutorily disqualifying pending criminal
13 charges. The law requires permittees to be found
14 suitable, and it places the burden of proving
15 suitability on the permittee.

16 On November 9, 2022, Ms. Bradbury did
17 attend the revocation hearing, and as she stated,
18 she presented no evidence to demonstrate her
19 suitability; however, the Division did present a
20 copy of the Bill of Information showing
21 Ms. Bradbury's currently pending charges of
22 Possession of Controlled Dangerous Substance with
23 Intent to Distribute, Illegal Possession of a
24 Stolen Firearm, and Illegal Use, Possession,
25 Control of Weapons in the Presence of Controlled

1 Dangerous Substance, all three of which are
2 punishable by more than one year imprisonment,
3 which is a statutory disqualifier from holding a
4 non-key gaming employee permit, and that Bill of
5 Information was filed just one week prior to the
6 hearing.

7 On December 7, 2022, the hearing
8 officer issued her Written Decision of Revocation.
9 The hearing officer was correct in finding that
10 Ms. Bradbury's non-key gaming employee permit be
11 revoked based on her pending criminal charges of
12 four crimes that are punishable by more than one
13 year imprisonment.

14 It's important to remember that
15 holding a gaming permit is a privilege and not a
16 right. Permittees are afforded a due process by
17 receiving official notice and having an
18 opportunity to be heard. The law positions the
19 Division with the responsibility of evaluating
20 claims of suitability, and the Division is given
21 statutory guidelines to evaluate these claims.
22 Pending criminal charges and associations with
23 criminal actors are only some of those statutory
24 guidelines that demonstrate unsuitability.

25 We cannot ignore the three currently

1 pending charges that are statutory disqualifiers
2 because they are all punishable by more than one
3 year imprisonment, nor can we ignore the amount of
4 items that were found in the permittee's home.
5 Yes, she stated that she had no idea; however,
6 just as ignorance of the law is no excuse,
7 ignorance of what is in your home is also no
8 excuse.

9 In the permittee's home, they found a
10 plastic container holding eight clear plastic
11 bags, each containing marijuana, a medium plastic
12 container holding one plastic bag of marijuana, a
13 large plastic container holding one vacuum-sealed
14 bag of marijuana, a large plastic container
15 holding another large vacuum bag sealed of --
16 vacuum-sealed bag of marijuana, a functional
17 digital scale, a vacuum sealer, an AR magazine
18 with 30 rounds, a short 12 gauge magazine with two
19 12 gauge shells, a shotgun magazine with 10
20 shotgun shells, a 12 gauge shotgun, an AR rifle,
21 and as the permittee mentioned, another rifle that
22 had been reported stolen.

23 An appeal hearing is not a place to
24 present new evidence, as repeatedly stated. In
25 the matter before you, there is no new evidence

1 that has arisen since the revocation hearing to
2 justify a remand. All previous cases remanded by
3 this Board were because they were considering new
4 evidence that developed after the hearing, not to
5 consider evidence that existed at the time of the
6 hearing but was just not presented.

7 Let me remind you, this case -- these
8 criminal charges are still currently pending. It
9 is a statutorily disqualifier from holding a
10 non-key gaming permit for pending charges
11 punishable by more than one year imprisonment.
12 For these reasons, the Division respectfully
13 requests that this Honorable Board -- Honorable
14 Board affirm the hearing officer's decision. I
15 will take any questions.

16 CHAIRMAN JOHNS:

17 Okay. Ms. Bradbury, would you like
18 to make a closing statement at this time?

19 MS. BRADBURY:

20 I just want to say that I appreciate
21 the opportunity to, you know, speak on my behalf,
22 and I appreciate Ms. James for commenting, and,
23 you know, I know she's not, you know, my counsel,
24 but I appreciate it. She's very educating.

25 CHAIRMAN JOHNS:

1 Okay. Thank you very much. Any
2 questions from the board members? Any questions?
3 Any comments? Any . . .

4 (NO RESPONSE)

5 CHAIRMAN JOHNS:

6 Okay. If not, I would entertain a
7 motion on this appeal.

8 MR. POOLE:

9 (Indicating)

10 CHAIRMAN JOHNS:

11 Mr. Poole?

12 MR. POOLE:

13 Yes, I would like to uphold.

14 CHAIRMAN JOHNS:

15 Mr. Poole has made a motion that we
16 affirm the hearing officer's decision.

17 MS. BERRY:

18 Second.

19 CHAIRMAN JOHNS:

20 And Ms. Berry has seconded that
21 motion. Is there any discussion by the Board on
22 the motion? Is there any opposition to the
23 motion?

24 (NO RESPONSE)

25 CHAIRMAN JOHNS:

1 Hearing none, the decision of this
2 Board, Ms. Bradbury, is that the hearing officer's
3 decision is hereby affirmed. We wish you the best
4 of luck in your court proceedings; and, hopefully,
5 that will go better for you, but thank you for
6 being here today.

7 MS. BRADBURY:

8 Thank you.

9 CHAIRMAN JOHNS:

10 Thank you very much. Thank you very
11 much for your --

12 MS. JAMES:

13 Thank you.

14 CHAIRMAN JOHNS:

15 -- for your work. Okay, Members. I
16 have nothing else on the agenda. I would --

17 MR. SHOLES:

18 Mr. Chairman, --

19 CHAIRMAN JOHNS:

20 Yes.

21 MR. SHOLES:

22 -- I would be remiss if I didn't, at
23 this time, acknowledge the presence of the
24 President of the Zulu Social Aid and Pleasure
25 Club. I really want to point this out for one

1 particular reason. Mr. Elroy James, our
2 President, has the ability to get the witch doctor
3 to adjust the weather. He's made it so that on
4 Mardi Gras Day, the weather is going to be
5 perfect. And I just want to ask him if he can do
6 the same thing to get us safe out of this rain so
7 we can get home.

8 CHAIRMAN JOHNS:

9 So, Mr. James, you want to respond to
10 any of that?

11 MR. JAMES:

12 I have no response, but thank you,
13 Judge.

14 CHAIRMAN JOHNS:

15 You know, we -- we do appreciate --

16 MS. BERRY:

17 Thank you.

18 CHAIRMAN JOHNS:

19 -- the Zulu coconut here, and I may
20 have to report this to the Ethics Board. But the
21 very best -- the very best of luck to you with
22 Mardi Gras Day. Let's see. I think we've got one
23 more down here. Mr. Hebert?

24 MR. HEBERT:

25 Good morning. Is that okay?

1 CHAIRMAN JOHNS:

2 Wait. You've got your -- there you
3 go.

4 MR. HEBERT:

5 Okay. Good morning, Chair, Members
6 of the Board. I would like to clear up something
7 that was asked earlier by Board Member Sholes
8 regarding the ability to reapply. And I'm going
9 to read this directly from the statute. It's
10 27:28(E). "A person who has been found unsuitable
11 or whose license, permit, or approval has been
12 revoked in the state or any other jurisdiction,
13 may not apply for a license, permit, or approval
14 or a finding of suitability for five years from
15 the date there was a finding of unsuitability, or
16 the license, permit, or approval was revoked,
17 unless the board allows the application for good
18 cause" -- "good cause shown. The board shall
19 promulgate rules necessary to carry out the
20 provisions of this Section."

21 So "good cause," as -- which has been
22 found previously by this Board, applies where
23 there is a change -- where the revocation was
24 strictly on the basis of a pending charge. In the
25 instance where that revocation was based on a

1 finding of general -- of unsuitability, in other
2 words, the hearing officer, after hearing the
3 facts, made a determination that the person was
4 not of good character, honesty, and integrity,
5 that has not been found to be good cause such that
6 that individual, if there was a -- if there was a
7 change in a pending charge, could then come back
8 and say, "This is good cause for me to come back
9 within the five years." Okay? In other words,
10 only the pending charge would trigger the good
11 cause shown; so I just want to make that clear.

12 CHAIRMAN JOHNS:

13 Okay. Well, thank you Mr. Hebert.
14 Is there any discussion from the Board on that?
15 Ms. Acker?

16 MS. HAMILTON-ACKER:

17 For clarification purposes, in an
18 instance where the hearing officer makes a general
19 determination, if, in the case of one of the cases
20 that came before us, it was under advice by
21 counsel for there not to be any evidence
22 presented, would that factor into -- as a possible
23 good cause consideration?

24 MR. HEBERT:

25 Board Member Acker, good question,

1 but we have to -- we -- we cannot -- I have --
2 need I remind you that under gaming law, there is
3 no right to a license. Okay? That individual
4 must make that determination on their own, whether
5 or not it's important enough for them to keep
6 their gaming license, whether they want to
7 disclose information that may help them or may
8 not. I understand your point as attorneys that an
9 individual does have a right, you know, against
10 self-incrimination in certain instances; however,
11 a gaming license, they have no right to. So
12 that's a personal determination they have to make.

13 MS. HAMILTON-ACKER:

14 Thank you.

15 CHAIRMAN JOHNS:

16 Ms. -- excuse me. Ms. Berry?

17 MS. BERRY:

18 I have a question to Mr. Richard
19 [sic]. In one of the cases, I believe, we
20 affirmed the hearing officer's decision because
21 there was pending charges. Well --

22 MR. HEBERT:

23 Go ahead. I'm not certain which case
24 you're talking about, but --

25 MS. BERRY:

1 I'm -- well -- if --

2 MR. HEBERT:

3 You might want to go back and get --

4 I don't think that case was just on pending

5 charges.

6 MS. BERRY:

7 Oh, okay.

8 MR. HEBERT:

9 It was pending charges plus a finding
10 of general unsuitability on an individual.

11 MS. BERRY:

12 Oh, okay.

13 MR. HEBERT:

14 And that's why I wanted to make sure
15 that we cleared that up.

16 MS. BERRY:

17 So if --

18 MR. HEBERT:

19 Where it's just pending charges and
20 those charges are then perhaps dismissed, --

21 MS. BERRY:

22 Dismissed.

23 MR. HEBERT:

24 -- that's --

25 MS. BERRY:

1 Thank you.

2 MR. HEBERT:

3 -- those are grounds.

4 MS. BERRY:

5 Not guilty.

6 MR. HEBERT:

7 But where there is a determination of
8 general unsuitability by the hearing officer who
9 has heard all of those facts, that is not good
10 cause.

11 MS. BERRY:

12 So it's the general unsuitability.
13 Okay. That explains it. Thank you.

14 CHAIRMAN JOHNS:

15 Thank you for the clarification,
16 Mr. Hebert. Any further comments by the Board?

17 MS. HAMILTON-ACKER:

18 One additional inquiry.

19 CHAIRMAN JOHNS:

20 Okay.

21 MS. HAMILTON-ACKER:

22 For matters that we have already made
23 a decision on, just for purposes of -- also
24 future --

25 MR. HEBERT:

1 Uh-huh.

2 MS. HAMILTON-ACKER:

3 -- purposes, for knowing, is it
4 possible in a scenario where an appeal comes
5 before us and there's new evidence that has come
6 about that we can remand it back to the hearing
7 officer to receive that new evidence?

8 MR. HEBERT:

9 Absolutely. Absolutely. And that
10 has been done for years and years.

11 MS. HAMILTON-ACKER:

12 I motion for a reconsideration of one
13 of the matters that we heard.

14 CHAIRMAN JOHNS:

15 Okay. You have a motion?

16 MR. SHOLES:

17 I'll second.

18 MS. HAMILTON-ACKER:

19 A motion for reconsideration.

20 CHAIRMAN JOHNS:

21 Okay. And on which case was that?

22 MS. HAMILTON-ACKER:

23 That would be for
24 Ms. Brandi Bradbury.

25 CHAIRMAN JOHNS:

1 Okay. And, Judge Sholes, you have
2 made a motion to reconsider the decision by the
3 Board on the case of Ms. Brandi Bradbury. Is that
4 correct?

5 MS. HAMILTON-ACKER:

6 Right. And, if I'm not mistaken, I
7 believe in the Tahj Horton matter, there was new
8 evidence that was made note of as well.

9 CHAIRMAN JOHNS:

10 Okay. Mr. Hebert, would you make --
11 do you have anything else to add to this motion?

12 MR. HEBERT:

13 No. It's not our motion; so I have
14 nothing to add.

15 CHAIRMAN JOHNS:

16 Okay. I didn't know if you --

17 MR. HEBERT:

18 I just want clarity. Are you asking
19 to remand, or what is the motion?

20 CHAIRMAN JOHNS:

21 The motion is --

22 MS. HAMILTON-ACKER:

23 A motion for reconsideration, --

24 CHAIRMAN JOHNS:

25 -- for reconsideration.

1 MS. HAMILTON-ACKER:

2 -- to have it come back before the
3 Board.

4 MR. HEBERT:

5 I would just ask what the grounds are
6 for the reconsideration.

7 MS. HAMILTON-ACKER:

8 Considerations for possibly remanding
9 it back to the hearing officer to receive new
10 evidence.

11 CHAIRMAN JOHNS:

12 Okay. We --

13 MR. SHOLES:

14 Mr. Chairman?

15 CHAIRMAN JOHNS:

16 We have a -- let me get you
17 Mr. Sholes.

18 MR. SHOLES:

19 Mr. Chairman, I think the concern
20 that some of us may -- the trepidation we have is
21 that the young lady stated that she, by the advice
22 of counsel, did not make any statements, and I
23 understand that this is a -- this is not a right;
24 it's a privilege. The concern is that she stated
25 that there is new evidence that was not presented

1 that would have totally exonerated her.

2 Now, while I believe that the amount
3 of material in that house is going to be a very
4 difficult challenge for them to reach, if, in
5 fact, there is such a thing that is going to give
6 her -- some evidence that was not presented, and I
7 can think of a number of hypothetical situations
8 that might have changed it, maybe she ought to be
9 given this opportunity to fight her battle one
10 last time.

11 I'm not sure that it's going to be
12 successful, but I'm in favor of giving the hearing
13 officer an opportunity to hear what she possibly
14 has to say. For that reason, I second the motion
15 for reconsideration.

16 CHAIRMAN JOHNS:

17 Mr. Hebert, do you have something
18 to -- to add?

19 MR. HEBERT:

20 Yes, that the motion for
21 consideration has to come from the party itself,
22 not the Board making a motion on its own for
23 reconsideration.

24 CHAIRMAN JOHNS:

25 So you want to further explain that?

1 MS. HIMEL:

2 Hi. Assistant Attorney General
3 Dawn Himel. As the Board has already voted on
4 this, a motion for remand can't be considered
5 right now, and the Board cannot, on its own
6 motion, make a motion for reconsideration. The
7 appellant could ask for reconsideration, or she
8 can appeal to the 19th with regards to the hearing
9 that was done today.

10 CHAIRMAN JOHNS:

11 Okay. So the --

12 MS. HAMILTON-ACKER:

13 I'm going to just note or maybe add
14 more clarification. Speaking particularly with
15 regards to my vote was to vote in favor of the
16 motion. And so being that I now have a change --
17 a possible change of position, my motion of
18 reconsideration is based on my affirmative vote,
19 which should allow for the matter to be
20 reconsidered at least for me to record my new
21 position. So it's not based on the substance of a
22 reconsideration, the substance of the appellee.
23 It's based on my submitted position possibly being
24 changed.

25 MS. HIMEL:

1 I'm processing through procedurally.
2 I'm trying to think if there's any way that the
3 Board could reopen the matter and recall the
4 hear -- not recall the hearing but reopen the
5 matter today if the permittee is still here and
6 present, but I'm still proc -- I'm processing
7 through the procedure of that since it was already
8 voted on and closed and ended. It's not that it
9 was left open or recessed; so . . .

10 CHAIRMAN JOHNS:

11 Any further comment, Mr. Hebert?

12 MR. HEBERT:

13 No further comment. At this --

14 CHAIRMAN JOHNS:

15 No --

16 MR. HEBERT:

17 At this point it's strictly for the
18 Board's consideration. I mean, there's no --
19 we've made our argument.

20 CHAIRMAN JOHNS:

21 Okay.

22 MS. HIMEL:

23 I think the most that you could do
24 would be a motion to reopen that case if the
25 permittee is still here --

1 CHAIRMAN JOHNS:

2 Okay.

3 MS. HIMEL:

4 -- or reopen, recess, and set it for
5 next month.

6 CHAIRMAN JOHNS:

7 And set it for next month?

8 MS. HIMEL:

9 Uh-huh.

10 CHAIRMAN JOHNS:

11 Okay. Ms. Acker, would you consider
12 that -- that motion?

13 MS. HAMILTON-ACKER:

14 Yes, Chairman, that would be fine.

15 And let me just make a note that this is really
16 largely based on the clarification that Mr. Hebert
17 provided to us with regards to the ability to be
18 able to reapply and what is taken into account.
19 With that clarification, I think that maybe we
20 were all a little bit more enlightened and so --
21 just to note for the record.

22 CHAIRMAN JOHNS:

23 Okay. So your motion would be to
24 reopen this particular case with it being on the
25 agenda next month?

1 MS. HAMILTON-ACKER:

2 That's correct.

3 CHAIRMAN JOHNS:

4 Okay. And, Judge Sholes, I presume
5 you want to --

6 MR. SHOLES:

7 Second.

8 CHAIRMAN JOHNS:

9 -- second that? Okay. Is there any
10 discussion by the Board on -- on this motion?

11 MS. HOOD:

12 Clarify which one we're reopening.

13 Clarify which one we're reopening.

14 CHAIRMAN JOHNS:

15 Oh, excuse me. We will -- excuse me.

16 We will be reopening the case of Brandi Bradbury,

17 Permit No. P0 -- well, excuse me. Let me get back

18 to the case number here. My apologizes. Okay.

19 The appeal number would be P040066150,

20 Brandi N. Bradbury. So the motion is to reopen

21 this appeal to be heard at the March meeting of

22 the Gaming Control Board and seconded by

23 Judge Sholes. Is there any discussion on the

24 motion?

25 (NO RESPONSE)

1 CHAIRMAN JOHNS:

2 Is there any opposition to the
3 motion?

4 MS. LEWIS:

5 (Indicating)

6 CHAIRMAN JOHNS:

7 Ms. Lewis has objected to the motion.
8 Ms. Lewis, would you like to comment?

9 MS. LEWIS:

10 Yes. And maybe it's because I'm not
11 an attorney. I may not understand the full
12 procedures of it, but my understanding of this is
13 that she was denied on general unsuitability, and
14 that could be due to association, and that
15 association was in her home; so that doesn't
16 negate that fact.

17 CHAIRMAN JOHNS:

18 Okay. So any further discussion?

19 (NO RESPONSE)

20 CHAIRMAN JOHNS:

21 Okay. We have a motion by
22 Ms. Hamilton-Acker, --

23 MS. HIMEL:

24 Chair --

25 CHAIRMAN JOHNS:

1 -- seconded by Judge Sholes, objected
2 to by Ms. Lewis.

3 MS. BERRY:

4 Can I ask one more question?

5 CHAIRMAN JOHNS:

6 Ms. Berry.

7 MS. BERRY:

8 One more question for the
9 non-attorneys here. If -- when she goes for her
10 hearing, or her trial, or -- and this new evidence
11 comes into play and she's found not guilty, if --
12 or if she was found not guilty, she would have the
13 right to reapply because it wasn't due to
14 unsuitability?

15 MS. HIMEL:

16 So I really -- I don't know if, you
17 know, the Board should recess for a moment while
18 we look at this. You know, The Robert's Rules of
19 Court apply. I'm not even sure that this motion
20 to open is technically proper, or procedurally
21 proper, and I don't know that we can actually get
22 into the facts or the circumstances of the case.

23 I will say that, generally, you know,
24 permittees have a right to go to a hearing. They
25 have a right to present evidence. In fact,

1 pleading the Fifth in gaming is actually grounds
2 for revocation or denial in and of itself. They
3 are required to answer every question, you know,
4 if they are called to the stand. If they're not
5 called to the stand, they don't have to go up
6 there. They don't have to testify. You guys look
7 at the evidence and the testimony that is
8 presented.

9 If somebody is revoked only on a
10 pending charge, DWI, you know, something that's
11 punishable by more than one year or something
12 that's disqualifying and that is dropped, then
13 they do have grounds to reapply and ask the Court
14 for good cause. That's based on LAC 42:III.113 as
15 the rule that lays forth the grounds to be able to
16 reapply. If it's on suitability that is
17 nonstatutory or because they are not of good
18 character, honesty, and integrity, it is their
19 burden to prove by clear and convincing evidence
20 that they are suitable for a gaming license or a
21 permit.

22 If they do not do that for a
23 nonstatutory disqualifier or for reasons other
24 than statutory disqualifiers and they are proven
25 to be unsuitable, then they do not have the

1 grounds to reapply for good cause. They can
2 reapply after five years.

3 So good cause, you can reapply for
4 one -- after one year of being revoked or found
5 unsuitable if you can prove there's good cause and
6 you meet one of those regulatory requirements. If
7 not, you are banned for five years. So either
8 way, you do have the ability to reapply. It's
9 just is it one year or five years.

10 CHAIRMAN JOHNS:

11 Okay. Anything else, Ms. Berry?

12 MS. BERRY:

13 No, that's it.

14 CHAIRMAN JOHNS:

15 Okay. Ms. Himel, you're asking the
16 Board to recess for a few minutes?

17 MS. HIMEL:

18 I would ask the motion to be tabled
19 just until we can, you know, research this and
20 maybe come back next month on the motion.

21 CHAIRMAN JOHNS:

22 So, again, you -- you would like this
23 to be discussed next month?

24 MS. HIMEL:

25 The motion for reopening or

1 reconsideration or just -- you know, if you could
2 table that. And, also, the problem is that
3 there's no motion on the agenda as far as that; so
4 if we could just table this until next month and
5 come back. I'm --

6 CHAIRMAN JOHNS:

7 Okay.

8 MS. HIMEL:

9 -- thinking procedurally but . . .

10 CHAIRMAN JOHNS:

11 And vote on it next month?

12 MS. HIMEL:

13 Yes.

14 CHAIRMAN JOHNS:

15 Okay.

16 MS. BERRY:

17 Do we need a motion to table it?

18 CHAIRMAN JOHNS:

19 Yes.

20 MS. BERRY:

21 Okay. I'll make a motion to table
22 it.

23 CHAIRMAN JOHNS:

24 Okay. Ms. Berry has made a motion
25 that we table this motion to reopen, --

1 MS. BERRY:

2 Until we get further explanation.

3 CHAIRMAN JOHNS:

4 -- until the March meeting and allow
5 the Attorney General's Office and our staff to
6 research the legalities of this, and we will
7 address it at the March board meeting. Do I have
8 a second on that motion?

9 MS. TRAYLOR:

10 (Indicating)

11 CHAIRMAN JOHNS:

12 Ms. Traylor has made a second on that
13 motion. Is there any objection to Ms. Berry's
14 motion to table? Ms. Hamil -- Ms. Acker?

15 MS. HAMILTON-ACKER:

16 Chairman, just for a matter of, I
17 guess, procedural inquiry, we've already passed a
18 motion for the matter to be reopened and put on
19 the agenda for the next meeting; so tabling it --

20 CHAIRMAN JOHNS:

21 No. We --

22 MR. HEBERT:

23 No, we did not --

24 CHAIRMAN JOHNS:

25 We have not. We have not passed that

1 motion.

2 MS. HAMILTON-ACKER:

3 Okay.

4 CHAIRMAN JOHNS:

5 We had objection to the motion, --

6 MS. HAMILTON-ACKER:

7 Sure.

8 CHAIRMAN JOHNS:

9 -- which we did not vote on.

10 MS. HAMILTON-ACKER:

11 Okay.

12 CHAIRMAN JOHNS:

13 So the motion -- Ms. Berry's motion
14 is in order.

15 MS. HAMILTON-ACKER:

16 Okay.

17 CHAIRMAN JOHNS:

18 So is there any objection to
19 Ms. Berry's motion?

20 (NO RESPONSE)

21 CHAIRMAN JOHNS:

22 Okay. Hearing none, this -- this
23 item is tabled until the March 2023 board meeting
24 on the appeal by Brandi Bradbury. Okay? Thank
25 you very much. Thank you members for your

1 patience on this, and thank you for your advice
2 from the Attorney General's Office.

3 Okay. Members, and to the public, I
4 want to do announce that the April and May
5 meetings will be held in the Lasalle Building
6 being that the Legislature will be in session
7 making sausage once again; so . . .

8 MR. SHOLES:

9 The most dangerous time in the state
10 of Louisiana.

11 CHAIRMAN JOHNS:

12 But any further business to come
13 before the Board?

14 (NO RESPONSE)

15 IX. ADJOURNMENT

16 CHAIRMAN JOHNS:

17 If not, Mr. Jackson has moved that we
18 adjourn.

19 MS. BERRY:

20 (Indicating)

21 CHAIRMAN JOHNS:

22 And Ms. Berry has seconded that
23 motion. Is there any objection to adjourning?

24 (NO RESPONSE)

25 CHAIRMAN JOHNS:

1 Hearing none, we are hereby
2 adjourned. Members, thank you very much for your
3 patience.

4 (PROCEEDINGS CONCLUDED AT 12:02 P.M.)

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REPORTER'S CERTIFICATE

I, Karla H. Mayers, a Certified Court Reporter in and for the State of Louisiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings held at this Louisiana Gaming Control Board meeting on the 16th day of February, 2023, as set forth in the forgoing 129 pages.

I further certify that said testimony was reported by me in the Stenotype reporting method, was prepared and transcribed by me or under my direction to the best of my ability and understanding.

I further certify that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board and that I have been informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services.

I further certify that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board.

I further certify that I am not an attorney or counsel for any of the parties, that I am neither related to nor employed by any attorney or counsel connected with this action, and that I have no financial interest in the outcome of this matter.

This certification is valid only for this transcript accompanied by my original electronic signature on this page.



Karla H. Mayers, CCR
Certificate No. 94023

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