



State of Louisiana

Gaming Control Board

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

HILLARY J. CRAIN
CHAIRMAN

DECISION OF THE LOUISIANA GAMING CONTROL BOARD

IN RE: JASON D. GOSS NO. P040017254

This is an appeal by the State of Louisiana, Office of State Police, Casino Gaming Division "Division", of the decision of the Hearing Officer which dismissed the recommendation of revocation of Jason D. Goss' non-key gaming employee permit, No. P040017254, and denied the Division's request for the imposition of a \$250.00¹ penalty for Mr. Goss. The recommendation of revocation was based on the failure of Mr. Goss to obtain and timely submit a tax clearance from the Louisiana Department of Revenue.

Mr. Goss requested a hearing. At the hearing, Mr. Goss presented evidence of a tax clearance dated September 19, 2003. The Division presented evidence that Mr. Goss's tax clearance was denied on April 28, 2003; that a Division letter was sent to Mr. Goss dated April 10, 2003, informing him that the tax clearance must be submitted within thirty days or a recommendation of denial, revocation, or suspension would issue; and the letter of recommendation of revocation alleging that the Division had not received the tax clearance as of July 22, 2003.

¹ The hearing record indicates that the Division requested a \$200.00 fine. The decision states \$250.00.

The Division did not object to the dismissal of the recommendation of revocation but requested the imposition of a \$200.00 penalty. The Hearing Officer denied the penalty request stating that it was beyond his authority.

LEGAL ANALYSIS

Louisiana Revised Statute 27:15 provides, in pertinent part:

...

(B) The board shall:

(1) Have all regulatory authority, control, and jurisdiction, including investigation, licensing, and enforcement, and all power incidental or necessary to such regulatory authority, control, and jurisdiction over all aspects of gaming activities and operations as authorized pursuant to the provisions of the Louisiana Riverboat Economic Development and Gaming Control Act, the Louisiana Economic Development and Gaming Corporation Act, and the Video Draw Poker Devices Control Law, except as otherwise specified in this Title. Further, the board shall have all regulatory, enforcement, and supervisory authority which exists in the state as to gaming on Indian lands as provided in the provisions of Act No. 888 of the 1990 Regular Session of the Legislature and Act No. 817 of the 1993 Regular Session of the Legislature.

...

D. In addition to or in lieu of the revocation or suspension of a license issued pursuant to the provisions of the Louisiana Riverboat Economic Development and Gaming Control Act, the board may impose upon any riverboat gaming licensee a civil penalty not to exceed one hundred thousand dollars for each violation of any provision of the Louisiana Riverboat Economic Development and Gaming Control Act, this Chapter, or any rule or regulation of the board. Payment of the civil penalty shall be a requirement for the retention of any permit, certificate, or license held by the entity which violated any such provisions. If the licensee contests the imposition of the civil penalty, the penalty shall be imposed only after an adjudicatory hearing is conducted pursuant to R.S. 27:25 and a basis for imposition of the penalty is determined to exist.

...

Louisiana Revised Statute 27:57(B) provides, in pertinent part:

...

(B) The division² and its agents may:

...

7) In enforcing the provisions of this Chapter:

- (a) Deny an application.
- (b) Limit or restrict a license or a permit.
- (c) Suspend or revoke a license or a permit.
- (d) Issue such orders as deemed necessary to carry out the intent of this Chapter.
- (e) Impose a penalty on a person licensed or previously approved.

The Board has the authority to impose a penalty and may do so in lieu of revocation. This is implicit in statutory provisions addressing license and permit enforcement.

For Mr. Goss' failure to timely submit his tax clearance as required by law and in lieu of revocation, we find a penalty of \$250 appropriate.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of November 18, 2003:

IT IS ORDERED THAT the Hearing Officer's decision is **AMENDED** to impose a penalty of \$250.00 in lieu of revocation.

THUS DONE AND SIGNED on this the 18th day of November, 2003.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 20th DAY
OF November 2003
Genevieve Carls
APPEAL DOCKET CLERK

BY:

LOUISIANA GAMING CONTROL BOARD


HILLARY J. CRAIN, CHAIRMAN

² The Louisiana Gaming Control Board was given the authority previously held by the Division pursuant to La. R.S. 27:31.