

LOUISIANA GAMING CONTROL BOARD

Minutes of January 20, 2004

The Louisiana Gaming Control Board held a meeting on Tuesday, January 20, 2004, 10:00 a.m., in House Committee Room 6 of the Louisiana State Capitol. Present at this meeting were: Hillary J. Crain, Chairman; Robert M. Fleming, Vice-Chairman; James G. Boyer, Secretary/Treasurer; Gen. Sherian Cadoria, Dennis Kinchen, Dudley Lastrapes, Marcia Morgan, Rupert Richardson and Kelly Simoneaux. Absent were ex-officio members, Col. Henry Whitehorn and Sec. Cynthia Bridges.

The meeting was called to order. It was moved by Gen. Cadoria to waive the reading and approve the minutes of the December meeting. That motion was seconded by Ms. Richardson and unanimously approved by the Board.

Ms. Donna Jackson, State Police Gaming Audit Division, presented the revenue reports for the riverboats, landbased casino, and slots at the tracks. Ms. Constance Wallace with the State Police Audit Division, reported on the employee numbers and salaries for the landbased casino, and Ms. Janice Adolph, also with the Audit Division, reported on the statistics for video poker.

It was moved by Sec. Boyer to approve revised Video Poker Form DPSSP 6503. That motion was seconded by Ms. Richardson and unanimously approved by the Board.

The Board acted on the following truckstop applications:

1. **AlyCo, L.L.C. d/b/a Love's Travel Stop #209 - No. 0906513699** - Motion by Mr. Kinchen to approve the application. That motion was seconded by Gen. Cadoria and unanimously approved by the Board.
2. **St. Martin Truckstop & Casino - No. 5000513178** - Motion by Mr. Lastrapes to approve the transfer of ownership. That motion was seconded by Ms. Morgan and unanimously approved by the Board.

The Board acted on a request by Harrah's Louisiana Downs for approval of Gaming Space for the second phase of their racing facility. Sgt. Ronnie Moore, Louisiana State Police Gaming Division, and Mr. Joe Messina with the State Fire Marshall's Office spoke on behalf of the state. Representing Harrah's was Mr. Anthony Sanfilippo, President of the Western Division of Harrah's Entertainment, Inc.

Following discussion, it was moved by Ms. Richardson to approve the Gaming Space of Phase 2 of Harrah's Louisiana Downs. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.

The Board acted on a Joint Petition from Jazz Casino Co., L.L.C. and JCC Holding Company. Ms. Anne Neeb, Asst. Attorney General, and Mr. Kevin Colomb, attorney for Jazz Casino Company, addressed the Board concerning this matter.

Following discussion, it was moved by Sec. Boyer to approve the Conversion of JCC from a Delaware corporation to a Delaware limited liability company. That motion was seconded by Vice-Chairman Fleming and unanimously approved by the Board.

The next item on the agenda dealt with rulemaking. Mr. Tom Warner, Asst. Attorney General, addressed the Board with reference to this item.

Following discussion, it was moved by Ms. Richardson to institute rule-making procedures for amendments to LAC 42:III.110, General Provisions, Quarterly Submissions. That motion was seconded by Gen. Cadoria and unanimously approved by the Board.

It was moved by Mr. Lastrapes to adopt the amendments to video poker rules LAC 42:XI.2403, LAC 42:XI.2405, LAC 42:XI.2407, LAC 42:XI.2409, LAC 42:XI.2411, LAC 42:XI.2413, LAC 42:XI.2417, LAC 42:XI.2419, LAC 42:XI.2421. That motion was seconded by Vice-Chairman Fleming and unanimously approved by the Board.

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

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

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

1. **In Re: Elbert T. Gardner d/b/a /Tony Hilltop - No. 0900112608** - Motion by Ms. Richardson to approve the \$250.00 settlement for not including the toll-free gambling hotline number in advertising. That motion was seconded by Gen. Cadoria and unanimously approved by the Board.
1. **In Re: Jack G. Fertitta d/b/a Tony's - No. 6100613196** - Motion by Gen. Cadoria to approve the \$500.00 settlement for failure to timely submit the annual form and fee. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.
1. **In Re: Grand Palais Riverboat, Inc. d/b/a Isle of Capri - No. CGD020429**
2. **In Re: St. Charles Gaming Company d/b/a Isle of Capri - No. CGD020430**

These two cases were handled in globo because they dealt with the same issue. There was a motion by Sec. Boyer to approve a \$100,000.00 settlement for each licensee for failure to exercise adequate diligence in their accounting, surveillance and sensitive key handling by not thoroughly investigating variances, failing to properly monitor activities involving slot machines, and failing to properly secure sensitive release keys. That motion was seconded by Mr. Lastrapes and unanimously approved by the Board.

5. **In Re: Infinium Software Inc. - No. P086501562** - Motion by Mr. Kinchen to approve the \$7,500.00 settlement for failure to timely submit requested information as mandated in La. R.S. 27:28(B)(4). That motion was seconded by Gen. Cadoria and unanimously approved by the Board.
6. **In Re: Flying J, Inc. - No. 0906505570A** - Motion by Gen. Cadoria to approve the \$250.00 settlement for failure to timely submit annual tax clearances. That motion was seconded by Ms. Richardson and unanimously approved by the Board.
7. **In Re: Liuzza's Restaurant & Bar, Inc. d/b/a Liuzza's Restaurant & Bar - No. 3601205280** - Motion by Ms. Morgan to approve the \$250.00 settlement for failure to submit annual tax clearances. That motion was seconded by Gen. Cadoria and unanimously approved by the Board.

It was moved by Vice-Chairman Fleming to amend the agenda to add an additional proposed settlement for consideration in the matter of Crackers, L.L.C. d/b/a Fuds, III. That motion was seconded by Ms. Morgan and unanimously approved by the Board.

- In Re: Crackers, L.L.C. d/b/a Fuds, III - No. 0904105490** - Motion by Ms. Morgan to approve the \$500.00 settlement for failure to timely submit annual form, fee and tax clearances. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.
8. **In Re: Green Park Industries, Inc. d/b/a Lakeview Lounge - No. 0800612464** - Motion by Gen. Cadoria to grant the rehearing and remand the case to the Hearing Office. That motion was seconded by Sec. Boyer and unanimously approved by the Board.
 9. **In Re: Morel G. Lemoine Distributor, Inc. d/b/a Café Mangeur - No. 4900512513** - Motion by Ms. Morgan to affirm the decision of the Hearing Officer recalling the Recommendation of Suspension. That motion was seconded by Sec. Boyer and approved by a 7 to 2 vote. Voting against the motion was Mr. Kinchen and Ms. Richardson.
 10. **In Re: David Holden - No. P040005573** - Motion by Vice-Chairman Fleming to affirm the decision of the Hearing Officer revoking the non-key permit. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.
 11. **In Re: Bridget Marie Miles - No. P040041213** - Motion by Gen. Cadoria to grant the rehearing and remand the case to the Hearing Office. That motion was seconded by Ms. Richardson and unanimously approved by the Board.
 12. **In Re: Miyon Wilson - No. P040041953** - Motion by Gen. Cadoria to grant the rehearing and remand the case to the Hearing Office. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.

13. **In Re: Clearview Restaurant Group L.L.C. d/b/a Semolina International Pasta Bar - No. 2600213127** - The appeal in this matter was withdrawn.
14. **In Re: Gator Tails Deli, L.L.C. d/b/a Gator Tails Deli - No. 5500612651**
15. **In Re: The Crawfish Shack, L.L.C. d/b/a The Crawfish Shack - No. 0100212930**

These two cases were handled in globo because they both dealt with the same issue. It was moved by Vice-Chairman Fleming to recall the administrative action in each case. That motion was seconded by Sec. Boyer and unanimously approved by the Board.

Mr. Wade Duty, Executive Director of the Casino Association of Louisiana, addressed the Board on the 2nd Annual Minority & Vendor Fair to be held in Bossier City on February 3 & 4.

There being no further comments, it was moved by Gen. Cadoria to adjourn the meeting. That motion was seconded by Sec. Boyer and unanimously approved by the Board.

The meeting was adjourned.