

# NOTICE OF INTENT

## Department of Public Safety and Corrections

### Louisiana Gaming Control Board

The Department of Public Safety and Corrections, Louisiana Gaming Control Board, in accordance with R.S. 27:15, R.S. 27:24, and the provisions of the Administrative Procedures Act, R.S. 49:950 et seq., hereby gives notice that it intends to amend LAC 42:III.103 – Hearings on Rule 102 Disputes, amend LAC 42:III.108 – Board Hearings, and adopt LAC 42:III.109 – Duties of Licensees, Permittees, and Applicants; Service. This rule change clarifies practices already required to take place in the industry and creates uniformity. The rule change modifies the requirements for service of notices and correspondence from the board, board hearing office, and division and the duties of licensees, permittees, and applicants for service and correspondence.

#### Title 42

#### LOUISIANA GAMING

#### Part III. Gaming Control Board

#### Chapter 1. General Provisions

#### §103. Hearings on Rule 102 Disputes

A. Any person required to be licensed or permitted by the department by authority of the Louisiana Gaming Control Law, 1996 Acts, First Extraordinary Session, Number 7, enacting R.S. 27:1 et seq., and whose license or permit, or the renewal thereof, has been denied by the department, may request a hearing by the board by filing a written request with the board. The request must be filed within 10 days of receipt of the certified mailing of the denial, or where the notice of denial has been personally served by the department, 10 days from service of the notice.

B.1. – 2. ....

C. The board may reverse or modify an action if it finds that the action of the department, under facts determined by the board, was contrary to any provisions of the Louisiana Gaming Control Law, 1996 Acts, First Extraordinary Session, Number 7, enacting R.S. 27:1 et seq., or was contrary to the Louisiana Riverboat Economic Development and Gaming Control Act, R.S. 27:41 et seq., the Video Draw Poker Devices Control Law, R.S. 27:301 et seq., or the Louisiana Economic Development and Gaming Corporation Act, R.S. 27:201 et seq., the Louisiana Fantasy Sports Contests Act, R.S. 27:301 et seq., the Louisiana Pari-Mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act, R.S. 27:351 et seq., or the Louisiana Sports Wagering Act, R.S. 27:601 et seq., and any rules promulgated in accordance therewith, when such laws and rules are not in conflict with the Louisiana Gaming Control Law, 1996 Acts, First Extraordinary Session, Number 7, enacting R.S. 27:1 et seq.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 22:1140 (November 1996).

#### §108. Board Hearings

A.1. Any person against whom an administrative action is proposed, and any person against whom an enforcement action is taken, may request a hearing by filing a written request with the board. The request shall be filed within 10 days of the date of receipt of the certified mailing or personal service of the notice of proposed action, or within 10 days of the date the enforcement action is taken. All hearings requested, and any matter the board determines should be heard in a public hearing, shall be conducted in accordance with this Section.

2. If service of the notice of proposed action cannot be made in accordance with, or service can be presumed to have been given in accordance with §109 of this Chapter, the hearing officer may conduct an ex-parte hearing on the merits upon petition by the division.

B.1. – C.1. ....

2. The requesting party shall be notified of the time, date and location of the hearing by certified mail or personal service. If notice of the hearing cannot be made by certified mail or personal service, the requesting party may be notified of the time, date and location of the hearing by United States Postal Service First Class mail or electronic means to the party's last provided physical or mailing or electronic mailing address.

D.1. – E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:1 et seq.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR 23:77 (January 1997), amended LR 24:2129 (November 1998).

**§109. Duties of Licensees, Permittees, and Applicants; Service**

A. Licensees, permittees, and applicants shall accept all correspondence from the board or division or hearing office.

B. Licensees, permittees, and applicants shall notify the division in writing of all changes of address, phone number, or electronic mail address within 10 days of the change.

C. Except as provided in Subsection D of this Section, notice of proposed administrative actions shall be served on licensees, permittees, and applicants by certified mail, registered mail, or certificate of mailing to the mailing address provided in the application, or latest amendment thereto, on file with the division.

1. If service cannot be made at the last provided mailing address by certified mail, one additional service attempt shall be made by:

a. First Class mail at either the licensee, permittee, or applicant's last provided physical address, if different than the last provided mailing address, or upon the registered agent if any exists; or

b. If service cannot be made in accordance with Subparagraph a of this Paragraph, electronic mail to the most recent electronic mail address provided to the division by the licensee, permittee, or applicant.

D. Notices containing an order of immediate emergency suspension

1. Applicable address is located in Louisiana

a. For permittees, notices containing an order of immediate emergency suspension shall be served by personal service at:

i. the last provided physical address of the permittee on record with the division; or

ii. the last known place of gaming employment if the casino permittee is still employed by a licensee or the casino operator.

b. For licensees, notices containing an order of immediate emergency suspension shall be served by personal service at the physical address of the licensed establishment.

2. Applicable address is located outside Louisiana

a. For permittees, notices containing an order of immediate emergency suspension shall be served by personal service at the last known place of gaming employment if the casino permittee is still employed by the a licensee or the casino operator.

b. For casino permittees no longer employed by a licensee or the casino operator in Louisiana and for all notices containing an order of immediate emergency suspension where the physical address is located outside of the State of Louisiana, service shall be made in accordance with Subsection C of this Section.

E. If the licensee, permittee, or applicant has supplied any incorrect or incomplete address to the division, or an updated address is not timely provided, such that service cannot be successfully completed or the licensee, permittee, or applicant fails or refuses to accept mail from the division or board, notice shall be presumed to have been given.

F. For service other than by certified or registered mail, service shall be evidenced by a certificate of the manner in which service was made by the party making service and the date of service and shall be considered proof of service and sufficient notice. If service is by electronic mail, a copy of the delivery receipt is also required and service is made on the date shown on the delivery receipt. Service by regular mail shall be considered made on the date the item was mailed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 27:15 and R.S. 27:24.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Gaming Control Board, LR.

**Public Comments**

Interested persons may submit written comments to Earl G. Pitre, Jr., Assistant Attorney General, Louisiana Department of Justice, Gaming Division, 1885 North Third Street, Fifth Floor, Baton Rouge, LA 70802. All comments must be submitted no later than the end of business day, central time zone, of June 10, 2022.



Ronnie S. Johns  
Chairman



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C. The board may reverse or modify an action if it finds that the action of the department, under facts determined by the board, was contrary to any provisions of the Louisiana Gaming Control Law, 1996 Acts, First Extraordinary Session, Number 7, enacting R.S. 27:1 et seq., or was contrary to the Louisiana Riverboat Economic Development and Gaming Control Act, R.S. 27:41 et seq., the Video Draw Poker Devices Control Law, R.S. 27:301 401 et seq., or the Louisiana Economic Development and Gaming Corporation Act, R.S. 27:201 et seq., the Louisiana Fantasy Sports Contests Act, R.S. 27:301 et seq., the Louisiana Pari-Mutuel Live Racing Facility Economic Redevelopment and Gaming Control Act, R.S. 27:351 et seq., or the Louisiana Sports Wagering Act, R.S. 27:601 et seq., and any rules promulgated in accordance therewith, when such laws and rules are not in conflict with the Louisiana Gaming Control Law, 1996 Acts, First Extraordinary Session, Number 7, enacting R.S. 27:1 et seq.

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2. If service of the notice of proposed action cannot be made in accordance with, or service can be presumed to have been given in accordance with §109 of this Chapter, the hearing officer may conduct an ex-parte hearing on the merits upon petition by the division.

B.1. – C.1. ...

2. The requesting party shall be notified of the time, date and location of the hearing by certified mail or personal service. If notice of the hearing cannot be made by certified mail or personal service, the requesting party may be notified of the time, date and location of the hearing by United States Postal Service First Class mail or electronic means to the party's last provided physical or mailing or electronic mailing address.

D.1. – E. ...

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C. Except as provided in Subsection D of this Section, notice of proposed administrative actions shall be served on licensees, permittees, and applicants by certified mail, registered mail, or certificate of mailing to the mailing address provided in the application, or latest amendment thereto, on file with the division.

1. If service cannot be made at the last provided mailing address by certified mail, one additional service attempt shall be made by:

a. First Class mail at either the licensee, permittee, or applicant's last provided physical address, if different than the last provided mailing address, or upon the registered agent if any exists; or

b. If service cannot be made in accordance with Subparagraph a of this Paragraph, electronic mail to the most recent electronic mail address provided to the division by the licensee, permittee, or applicant.

D. Notices containing an order of immediate emergency suspension

1. Applicable address is located in Louisiana

a. For permittees, notices containing an order of immediate emergency suspension shall be served by personal service at:

i. the last provided physical address of the permittee on record with the division; or

ii. the last known place of gaming employment if the casino permittee is still employed by a licensee or the casino operator.

b. For licensees, notices containing an order of immediate emergency suspension shall be served by personal service at the physical address of the licensed establishment.

2. Applicable address is located outside Louisiana

a. For permittees, notices containing an order of immediate emergency suspension shall be served by personal service at the last known place of gaming employment if the casino permittee is still employed by the a licensee or the casino operator.

b. For casino permittees no longer employed by a licensee or the casino operator in Louisiana and for all notices containing an order of immediate emergency suspension where the physical address is located outside of the State of Louisiana, service shall be made in accordance with Subsection C of this Section.

E. If the licensee, permittee, or applicant has supplied any incorrect or incomplete address to the division, or an updated address is not timely provided, such that service cannot be successfully completed or the licensee, permittee, or applicant fails or refuses to accept mail from the division or board, notice shall be presumed to have been given.

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Ronnie S. Johns  
Chairman