



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

ANNE LACOUR NEEB
EXECUTIVE DIRECTOR

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**FINISH LINE MANAGEMENT CORPORATION D/B/A
FINISH LINE /HOUMA
VP5500400539**

RULING ON APPLICATION FOR REHEARING

The matter before the Louisiana Gaming Control Board ("Board") is a request for rehearing of the revocation of Finish Line Management Corporation d/b/a Finish Line/Houma's ("Finish Line/Houma") video gaming license No. 5500400539.

A "Notice of Recommendation of Administrative Action" was sent by certified mail to Finish Line/Houma. It was received on March 20, 2004, as evidenced by the signed return receipt. The recommendation was based on the allegation that the licensee failed to include the required toll-free problem gambling telephone number in its advertisements as required by La. R.S. 27:27.3. The licensee was notified that it had 10 days to request an administrative hearing regarding the recommendation and informed that failure to request a hearing would result in the revocation of its license without further proceedings. The licensee did not request a hearing.

A "Notice of Revocation" was issued. Finish Line/Hourma requested a rehearing citing a "misunderstanding of a conversation with an attorney in the Attorney General's Office" for its failure to request a hearing and as grounds for the rehearing.

LEGAL ANALYSIS

Louisiana Revised Statutes 49:959 provides in pertinent part:

A. A decision or order in a case of adjudication shall be subject to rehearing, reopening, or reconsideration by the agency, within ten days from the date of its entry. The grounds for such action shall be either that:

- (1) The decision or order is clearly contrary to the law and the evidence;
- (2) The party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing;
- (3) There is a showing that issues not previously considered ought to be examined in order properly to dispose of the matter; or
- (4) There is other good ground for further consideration of the issues and the evidence in the public interest.

"Adjudication" is defined as the agency process for the formulation of a decision or order. La. R.S. 49:951(1).

Finish Line/Hourma has presented grounds for a rehearing.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of May 17, 2004:

IT IS ORDERED THAT the request for rehearing is **GRANTED** and the matter is **FORWARDED** to the Louisiana Gaming Control Board Hearing Office for action in accordance with this decision.

THUS DONE AND SIGNED this the 17 day of May, 2004.

LOUISIANA GAMING CONTROL BOARD

BY:



H. CHARLES GAUDIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 18th DAY
OF May 2004
APPEAL DOCKET CLERK

