



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: EVANGELINE DOWNS RACETRACK AND CASINO
NO. CGD050485B**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of October 17, 2006. The Hearing Officer's order dated September 27, 2006, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," No. CGD050485B, by and between Evangeline Downs Racetrack and Casino, License No. T012802160, and the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, which is attached hereto and incorporated herein, is **APPROVED.**

THUS DONE AND SIGNED on this the 17 day of October, 2006.

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 October, 2006

APPEAL DOCKET CLERK


STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

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ADMINISTRATIVE HEARING OFFICE

RE: EVANGELINE DOWNS RACETRACK AND CASINO

NO. CGD050485b

**JOINT MOTION FOR APPROVAL OF COMPROMISE AND
SETTLEMENT AGREEMENT**

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

COME NOW State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter the "Division") and Evangeline Downs Race Track and Casino (hereinafter "EDRC"), who file this Joint Motion for Approval of Compromise and Settlement Agreement, and in support thereof would respectively requests as follows:

1.

The Division and EDRC are desirous of compromising and settling all disputes between them relative to the referenced administrative proceeding. In connection therewith, the parties have entered into a compromise and settlement agreement which by its terms will become effective upon approval by the Administrative Hearing Office and the Louisiana Gaming Control Board.

2.

A true and correct copy of the proposed Compromise and Settlement Agreement is attached hereto as Exhibit "A" and incorporated by reference for all purposes.



WHEREFORE, PREMISES CONSIDERED, the Division and EDRC respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully submitted,

BRANTLEY & ASSOCIATES, A.P.L.C.

**CHARLES C. FOTI, JR.,
ATTORNEY GENERAL**

By:

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STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RE: EVANGELINE DOWNS RACETRACK AND CASINO NO. CGD050485b

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter the "Division") and Evangeline Downs Racetrack and Casino (hereinafter "EDRC") do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to EDRC alleging certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by the said Notice of Recommendation of Administrative Action are set for hearing on September 26, 2006 at 9:00 a.m., before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the Division and EDRC are desirous of fully and finally compromising and settling all issues and disputes arising out of and in connection with the said Notice of Recommendation of Administrative Action;

NOW, THEREFORE, in consideration of the foregoing, the parties hereto do hereby agree and stipulate as follows:

STIPULATIONS

1. In or about February 2004, the person who is the subject of the Notice (the "Patron") was placed on the State's Voluntary Exclusion List. The Patron stated that she was a

compulsive gambler and wished to be excluded from all riverboat casinos in the State of Louisiana.

2. On September 21, 2005, Sgt. J.L. Franks of the Division was notified by Nathalie Montgomery, Director of Compliance for EDRC, that the excluded Patron had gained access to the gaming floor and attempted to make a cash transaction. Following EDRC self-reporting the incident, the Division's investigation revealed that the Patron had also gained access to the gaming floor on September 19 and 20, 2005. Documented cash transactions totaling \$1,600.00 for the dates are as follows:

- a) September 19, 2005 – Cage 3 - \$600.00
- b) September 20, 2005 – Cage 3 - \$400.00
- c) September 21, 2005 – Cage 3 - \$600.00

3. On April 19, 2006, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action (the "Notice") to EDRC alleging certain violations of Louisiana Gaming Control Law.

4. EDRC represents that it has implemented procedures to protect against similar situations in the future, all as outlined in the attached Exhibit "B".

TERMS AND CONDITIONS

1. In lieu of administrative action against EDRC, EDRC agrees to pay to the State of Louisiana the aggregate and complete sum of TWELVE THOUSAND FIVE HUNDRED AND NO/100 (\$12,500.00) DOLLARS, and pay to the Compulsive Gaming Fund the sum of ONE THOUSAND SIX HUNDRED AND NO/100 (\$1,600.00) DOLLARS.

2. Subject to the approval of the Hearing Officer of the Louisiana Gaming Control Board, the Division hereby agrees to accept EDRC's payment of the above stated amount in full and final settlement of this Notice of Recommendation of Administrative Action.

3. It is expressly understood that this proposed settlement, if approved by the Hearing Officer, is not executory and will be submitted to the Louisiana Gaming Control Board for its determination as to whether the matter should be heard by the Hearing Officer. The parties hereby consent to this procedure. In the event this settlement is not so approved, it shall be null and void and nothing herein shall be an admission or waiver of any position by or of any party.

4. The Division reserves the right to take into consideration these stipulated facts in connection with any future investigation, violation, assessment of penalty or the ongoing suitability of EDRC.

5. The Division and EDRC waive their rights to appeal this Stipulation if the Order is signed by the Hearing Officer and is accepted by the Louisiana Gaming Control Board.

6. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.

7. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and EDRC pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

I have read this entire Compromise Settlement Agreement and agree to all stipulations and terms and conditions hereof.



**Joseph P. Brantley, IV, Duly Authorized Representative
of Evangeline Downs Racetrack and Casino**

**Tom Warner, Assistant Attorney General on behalf of
State of Louisiana
Department of Public Safety & Corrections,
Office of State Police**

Exhibit "B"

See Attached

I. Exclusions Procedures

Statutory reference: La. R.S. 27:27.1 (A)(1)

Rule reference: LAC 42:III.301E(1)(a) also LAC 42:III.303

Summary of rule: **301. Self Exclusions:** Prevent employees from willfully permitting a self-excluded person from engaging in gaming activities

303. Board Excluded Persons: Persons required to be excluded; Prevent employees from willfully permitting a person who has been excluded pursuant to the Louisiana Gaming Control Law from engaging in gaming activities.

A. State Exclusions and Board Exclusions (“State Exclusions”)

1. Evangeline Downs Racetrack & Casino (“Casino”) will receive periodic updated exclusion lists from the Louisiana State Police Casino Gaming Division (“Division”). These updates contain the excluded person’s identifying information and a photo of the excluded person.
2. The Casino will maintain a database for all exclusions, both State Exclusion and Casino Self Exclusion (as defined below). The Compliance Department will ensure the changes to the State Exclusion lists are reflected in the Casino exclusion database. The Security, Surveillance, and Marketing Departments are notified of additions or deletions from the Casino exclusion database. Surveillance will then enter the information and picture into the facial recognition program for future reference. Marketing will adjust the mail code consistent with the State excluded person’s change in status.
3. Casino exclusion database access will be maintained in a secure manner at each point of entry to the gaming area and referenced when needed.
4. Casino exclusion database access will be maintained at the cage and other cash/credit locations within the gaming area that interact directly with patrons.
5. Prior to issuance of credit, check cashing or cash advance, cage personnel will consult the Casino exclusion database to ensure none of these services are extended to excluded persons.
6. Copies of State Exclusions received from the Division are sent to the Compliance Department and kept on file for a minimum of five (5) years.

B. The Casino shall provide the following procedures designed to prevent employees from willfully permitting a person identified on a State Exclusion list from engaging in gaming activities at the licensed establishment or facility.

1. Upon recognizing an excluded person from one of the provided lists, the employee shall contact the Security Shift Manager on duty, who will respond to the patron’s location.
2. Surveillance should be contacted as well. The Surveillance Department shall, if possible, videotape the excluded person until such time as they are escorted from the casino gaming establishment.
3. Security will then escort the patron from the gaming floor to the Security Shift Manager’s office to obtain the necessary information to complete an incident report. Copies of all reports and corresponding evidence will be forwarded to the Compliance Department.
4. The Security Shift Manager shall contact the Louisiana Casino Gaming Division Enforcement Agent (the “Agent”) on duty; or if not available, contact the St. Landry Sheriff’s Department. If neither are able to respond then the necessary

information shall be collected and the reports forwarded to the Compliance Department and the excluded person immediately ejected from the Casino property. Compliance will ensure the Division and the Agent receive the information necessary to follow up on the complaint.

5. While in the Shift Manager's office a photograph will be taken of the patron to be attached to the incident report.
6. The Casino shall attempt to identify the means by which the excluded person gained access to the designated gaming area.
7. The Casino shall attempt to determine if the excluded person obtained any gaming winnings or losses which shall be forfeited per La. R.S. 27:27.1(E). All funds confiscated or remitted from excluded patrons shall be submitted to the Division for deposit into the Compulsive and Problem Gaming Fund.

C. Casino Self Exclusions (non-State Exclusions)

1. A patron may make the request to be excluded from the Casino to any Casino employee. That employee will contact the Security Shift Manager on duty, who will respond to the patron's location.
2. Security will then escort the patron to the Security Shift Manager's office to obtain the necessary information to complete an incident report.
3. While in the Shift Manager's office a photograph will be taken of the patron to be attached to the incident report.
4. The patron will then be advised by the Security Shift Manager that they are permanently excluded for a minimum of 5 years and if they return to the property they may be arrested for criminal trespass.
5. The patron will be given a packet of written materials on Compulsive / Problem Gaming approved by the Division and the phone number to the Louisiana State Police Casino Gaming Division in order that they may be placed on the State Exclusion list, if they so desire.
6. The incident report along with the photo will be forwarded to the Compliance Department for filing and entering into the Casino exclusion database. The Casino exclusion database shall be available at all entrances to gaming areas and at all Cage and Casino Credit locations. Security, Surveillance, and Marketing will be notified of additions or deletions to the Casino exclusion database. Surveillance will then enter the information and picture into the facial recognition program for future reference. Marketing will adjust the mail code consistent with the Casino excluded person's change in status.
7. If the excluded person returns to the property they are subject to be arrested for criminal trespass. If this occurs the Security department should contact the Agent on duty or if not available, then contact the St. Landry Parish Sheriff's Department.

II. Credit, Check Cashing, Cash Advances, Club Benefits and Complimentary Services

Statutory reference: La. R.S. 27:27.1 (A)(11)

Rule reference: LAC 42:III.301E(1)(k)

Summary of rule: Prevent a self-excluded person (State or Casino) from having access to credit, check cashing, Cash Advances, club benefits and complimentary services.

Advertising

Statutory reference: La. R.S. 27:27.1 (A)(7)

Rule reference: LAC 42:III.301E(1)(a)

Summary of rule: Prevent an excluded person from receiving any advertisements, promotions or other targeted mailing after 90 days of receiving notification that the person has placed themselves on the list.

- A. The Compliance Department shall ensure that the Marketing Department is provided with additions and deletions to the Casino exclusion database, which includes both State and Casino exclusions.
- B. Upon receipt of an addition or deletion, the Marketing Department shall update its marketing database and remove from the database or otherwise identify such excluded persons so as to prevent them from receiving such marketing.
- C. The Marketing Department shall review its database every 30 days to ensure it is consistent with the Casino exclusion database.
- D. The Casino shall share a list of excluded patrons drawn from the marketing database with any parent entity that performs marketing activities on behalf of the Casino.
- E. Cage personnel shall require positive identification from those patrons seeking to cash a check or obtain a cash advance and shall consult the Casino exclusion database prior to cashing any check for, or making a cash advance to a patron.
- F. Shift Managers, pit supervisors, Table Games Managers shall consult the Casino exclusion database prior to approving any check presented by a patron at locations other than the cashier's cage.
- G. The Casino shall require positive identification and consult the Casino exclusion database prior to processing any application for credit or cash advance.

III. Program Implementing and Monitoring

Statutory reference: La. R.S. 27:27.1

Rule reference: LAC 42:III.301E(2) and 304D(4)

Summary of rule: Provide for the designation of a person responsible for implementing and monitoring the Exclusion Program.

- A. The on-duty Security Shift Manager / Supervisor shall be designated as the person responsible for the day to day implementation of the Exclusion Program.
- B. The Casino's Compliance Department shall receive State Exclusion updates from the Division and ensure the Casino exclusion database is updated within five (5) days of receipt from the Division.

IV. Program for Patron Self-Limit

Statutory reference: La. R.S. 27:27.1 (C)

Rule reference: LAC 42:III.301E(3)(a)

Summary of rule: Comprehensive program allowing a patron to self-limit issuance of credit, check cashing and direct mail marketing.

- A. The Division shall supply the Casino with forms allowing a patron to identify those amenities which they wish to self-limit.
- B. The Compliance Department shall ensure the Marketing Department is provided with the current list of self-limited persons.
- C. Upon receipt of the list, the Marketing Department shall update its marketing database and remove from the database or otherwise identify such self-limited persons so as to prevent them from receiving such marketing, credit, cash advances and/or check cashing.

- D. The Marketing Department shall review its database every 30 days to ensure it is consistent with the list distributed.
- E. The Casino shall share, with any parent entity that performs marketing activities on behalf of the Casino, a list of current self-limited persons drawn from its Marketing database.
- F. Cage personnel shall require positive identification from those patrons seeking to cash a check and shall consult the Marketing database prior to approving any cash advance or cashing any check for a patron.
- G. Shift Managers, shall consult the Marketing database prior to approving any cash advance or approving any check presented by a patron at locations other than the cashier's cage.
- H. The Casino shall require positive identification and consult the Marketing database prior to processing any application for credit.

V. Distribution of Self-Exclusion Information**Statutory reference:** La. R.S. 27:27.1 (D)**Rule reference:** LAC 42:III.301E(3)(b)**Summary of rule:** Procedures for distributing to patrons information to explain the self-exclusion process using form provided by the Division.

- A. The Compliance Department shall coordinate with the Human Resources and Security Departments to ensure that at least one person per shift is knowledgeable about the State and Casino excluded persons procedures including, but not limited to, how a person may request to be placed on the list, conduct prohibited while on the list and the procedure for removal from the list.
- B. At least one person per shift shall be familiar with the forms produced by the Division to allow a patron to be placed on the list and shall be designated to assist a patron seek self-exclusion with identifying the necessary forms and providing them to the patron.

VI. Confidentiality of Lists / Reports**Statutory reference:** La. R.S. 27:27.1.D.4**Rule reference:** LAC 42:III.304.E(1.d)**Summary of Rule:** To prevent disclosure of the name and information on exclusion lists to unauthorized personnel.

- A. The Casino shall disclose the name and information on excluded lists only to employees and agents of the Casino whose duties and functions require access to such information.
- B. The Casino may disclose the name of and information about excluded persons to other casino licensees in Louisiana for the purpose of alerting other casinos that an excluded person has tried to gamble or obtain gaming related privileges or benefits in a casino gaming establishment.

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RE: EVANGELINE DOWNS RACETRACK AND CASINO NO. CGD050485b

ORDER


BE IT REMEMBERED that on the 26th day of September, 2006, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the parties having appeared by and through their respective attorneys of record, and the Hearing Officer having considered the pleadings on file, the proposed Settlement Agreement, and the said Motion, and it appearing to the Hearing Officer that the said Compromise and Settlement Agreement should be approved; it is, therefore,

ORDERED, ADJUDGED, AND DECREED that the Compromise and Settlement Agreement attached to the parties' Joint Motion for Approval of Compromise and Settlement Agreement be, and the same is hereby, APPROVED.

SIGNED AND ENTERED this ~~26th~~^{27th} day of September, 2006, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 27th DAY
OF September 2006
Gill Demery
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Joseph P. Brantley
Tom Warner
Sgt Ireland Falcon



HONORABLE WILLIAM H. BROWN
HEARING OFFICER
LOUISIANA GAMING CONTROL BOARD

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 9/27/06

Gill Demery
BY: CLERK