



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: LINDA G. SWIFT
NO. P040002419

RULING ON APPLICATION FOR REHEARING

The matter before the Louisiana Gaming Control Board ("Board") is a request for rehearing of the revocation of the non-key gaming employee permit of Ms. Swift.

On August 18, 2003, a "Notice of Recommendation of Revocation" was received by Ms. Swift, as evidenced by the signed receipt of proof of personal service. The recommendation was based on the permittee's alleged statutory disqualification pursuant to La. R.S. 27:28(B). The permittee was notified that an administrative hearing must be requested within 10 days of receipt of the notice and informed that failure to request a hearing would result in the revocation of her permit without further proceedings.

Ms. Swift did not request a hearing. As a result, on September 29, 2003, the Board issued a "Notice of Revocation" which was received on October 2, 2003, as evidenced by the signed return receipt of certified mail. Ms. Swift timely requested a rehearing of the revocation, alleging that the charges pending against her were subsequently dropped.

LEGAL ANALYSIS

Louisiana Revised Statute 49:959 gives the grounds for an agency rehearing, reopening, or reconsidering its decision and 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).

Ms. Swift has presented grounds for reconsideration. Therefore, this matter will be forwarded to the Louisiana Gaming Control Board Hearing Office for the scheduling of an administrative hearing before the Hearing Officer where evidence may be introduced and a determination made as to the appropriate action to be taken and the penalty, if any, to be imposed.


ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of October 21, 2003:

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 on this the 22nd day of October, 2003.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 24th DAY
OF October 2003

APPEAL DOCKET CLERK


LOUISIANA GAMING CONTROL BOARD

BY:


HILLARY J. CRAIN, CHAIRMAN