



State of Louisiana

M. J. "MIKE" FOSTER, JR.
GOVERNOR

Gaming Control Board

HILLARY J. CRAIN
CHAIRMAN

DECISION OF THE LOUISIANA GAMING CONTROL BOARD

**IN RE: RICHCORE ENTERPRISES D/B/A THE SPECKLED PUPPY
NO. VP1200109600**

RULING ON APPLICATION FOR REHEARING

The matter before the Louisiana Gaming Control Board ("Board") is a request for rehearing of the revocation the Type 1 video gaming license of Richcore Enterprises d/b/a The Speckled Puppy (Speckled Puppy).

A "Notice of Recommendation of Revocation" of the video gaming license of The Speckled Puppy, was sent by certified mail, return receipt requested to the licensee. The notice was sent to the attention of Mr. Richard Abshire at the mailing address provided by the licensee. It was received on May 28, 2003, as evidenced by the signed return receipt of certified mail, initialed "R. A." The recommendation was based on the alleged statutory disqualification of Mrs. Jessica Abshire, who purchased the 50% partnership interest in the licensee from Mr. Corey Billedeaux. Mrs. Abshire is the spouse of Mr. Richard Abshire, the remaining 50% owner. 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. As a result, on June 18, 2003, the Board issued a "Notice of Revocation." The return receipt of certified mail indicates that on June 23rd Mrs. Jessica Abshire signed for the delivery. On behalf of the licensee, Mr. Abshire timely requested a rehearing of the revocation.

Mr. Abshire contends that after realizing the length of time it would take to obtain a gold seal pardon

for his spouse, Jessica Abshire, she (Mrs. Abshire) sold her partnership interest to a third party. Shortly thereafter Mr. Abshire filed a renewal application, including the information about the new owner on the application. He apparently did not request a hearing because he mistakenly thought the problem had been resolved.

LEGAL ANALYSIS

La R.S. 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).

The Speckled Puppy 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 on the “Notice of Recommendation of Revocation” before the Hearing Officer where evidence may be introduced and a determination can be made as to the appropriate action to be taken.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of July 15, 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 15th day of July, 2003.

LOUISIANA GAMING CONTROL BOARD

BY:



HILLARY J. CRAIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 15th DAY
OF July 2003


APPEAL DOCKET CLERK