

1: 1 LOUISIANA GAMING LOUISIANA CONTROL BOARD

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4 BOARD OF DIRECTORS' MEETING

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8

9 January 17, 2013

10

11 Louisiana State Capitol

12 House Committee Room 1

13 Baton Rouge, Louisiana

14

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16

17 TIME: 10:00 A.M.

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2

1 APPEARANCES

2

DALE A. HALL

3 Chairman (At Large)

Sixth Congressional District

4 June 30, 2012

5

6 VELMA ROGERS

Vice Chair (At Large)

7 Third Congressional District

June 30, 2012

8

9 FRANKLIN AYRES BRADFORD

(Economic Planner)

10 Fifth Congressional District

June 30, 2013

11

12 ROBERT G. JONES

(MBA/CPA)

13 Seventh Congressional District

June 30, 2013

14

15 MARK STIPE

(Attorney)

16 Seventh Congressional District

June 30, 2014

17

18 DENISE NOONAN

(At Large)

19 First Congressional District

June 30, 2015

20

21 MAJOR CLAUDE MERCER

(Law Enforcement)

22 Fifth Congressional District

June 30, 2018

23

24 CLAUDE D. JACKSON

(At Large)

25 Fourth Congressional District

3

1 APPEARANCES CONTINUED

2

3 MAJOR MARK NOEL

Ex-Officio Board Member

4 Louisiana State Police

5

6

7 LANA TRAMONTE

Executive Assistant to the Chairman

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9 REPORTED BY:

SHELLEY G. PAROLA, CSR, RPR

10 Baton Rouge Court Reporters

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22 V000018041 32

23 VIII. ADJOURNMENT 50

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1 I. CALL TO ORDER

2 CHAIRMAN HALL: Good morning,  
3 everyone. How are you? I'd like to try  
4 and get started, if we could, and I  
5 apologize. We're actually two minutes  
6 late. I know it's a terrible thing, but  
7 I hate being late. They'll dog my pay.  
8 Just in case anyone is wondering, there  
9 are no gun control issues in this room  
10 today, because I know the Capitol is  
11 full, but there are no gun control  
12 issues here today.

13 Okay. If you would, I'd like to  
14 call the meeting to order.  
15 Miss Tramonte, would you call the roll.

16 THE CLERK: Chairman Hall?

17 CHAIRMAN HALL: Here.

18 THE CLERK: Ms. Rogers?

19 MS. ROGERS: Here.

20 THE CLERK: Mr. Bradford?

21 MR. BRADFORD: Here.

22 THE CLERK: Mr. Jones?

23 MR. JONES: Here.

24 THE CLERK: Mr. Stipe?

25 MR. STIPE: Here.

6

1 THE CLERK: Mr. Singleton? [No

2 response.] Miss Noonan?

3 MS. NOONAN: Here.

4 THE CLERK: Major Mercer?

5 MAJOR MERCER: Here.

6 THE CLERK: Mr. Jackson?

7 MR. JACKSON: Here.

8 THE CLERK: Colonel Edmonson?

9 MAJOR NOEL: Major Noel for Colonel

10 Edmonson.

11 THE CLERK: Secretary Barfield? [No

12 response.]

13 II. PUBLIC COMMENTS

14 CHAIRMAN HALL: We have more than

15 five members and a quorum, so if we'd

16 like to start, are there any public

17 comments on issues that are before the

18 Board today?

19 MS. NOONAN: I just want to welcome

20 back Lana and hope she's feeling better.

21 CHAIRMAN HALL: Yes, it's good to

22 have Lana back, and we're keeping a

23 close eye on her and make sure she

24 doesn't do something she shouldn't; and

25 so we're glad to have her back.

1 THE CLERK: Thank you.

2 III. APPROVAL OF THE MINUTES

3 CHAIRMAN HALL: All right. Could I  
4 have a motion to waive the reading and  
5 approve the minutes, please.

6 MS. NOONAN: I'll motion.

7 MS. ROGERS: I'll second.

8 CHAIRMAN HALL: Miss Noonan and  
9 Miss Rogers. Anyone opposed? No one  
10 opposed, the motion carries. The  
11 minutes from the last meeting are  
12 approved.

13 IV. REVENUE REPORTS

14 CHAIRMAN HALL: The next item on the  
15 agenda will be Revenue Reports.  
16 Miss Jackson, good morning.

17 MS. JACKSON: Good morning,  
18 Mr. Chairman, Board Members. My name is  
19 Donna Jackson, Louisiana State Police.

20 CHAIRMAN HALL: Hold on. Do you  
21 have a green light at all? Okay.

22 MS. JACKSON: My name is Donna  
23 Jackson with Louisiana State Police  
24 Gaming Audit Section.

25 The riverboat revenue report for

1 December 2012 is shown on page one of  
2 your handout. During December, the 13

3 operating riverboats generated Adjusted  
4 Gross Receipts of \$143,520,015, up  
5 almost \$11 million or 8 percent from  
6 last month, and up \$5 million or  
7 4 percent from last December.

8 Adjusted Gross Receipts for fiscal  
9 year 2012-2013 to date are \$815 million,  
10 an increase of 1 percent or \$6 million  
11 from fiscal year 2011-2012.

12 During December the State collected  
13 fees of \$30,856,803. As of  
14 December 31st, 2012, the State has  
15 collected \$175 million in fees for  
16 fiscal year 2012-2013.

17 Next is a summary of the  
18 December 2012 gaming activity for  
19 Harrah's New Orleans found on page  
20 three. During December, Harrah's  
21 generated \$34,685,815 in gross gaming  
22 revenue. That's up \$6 million or  
23 22 percent from last month, and up  
24 \$2.6 million or 8 percent from last  
25 December. Fiscal year-to-date gaming

9

1 revenues for 2012-2013 to date are  
2 \$164 million, an increase of 1 percent  
3 or \$1 million from fiscal year  
4 2011-2012.

5 During December, the State received



6 \$5,095,890 in minimum daily payments.

7 As of December 31st, 2012, the State has  
8 collected \$30 million in fees for fiscal  
9 year 2012-2013.

10 Slots at the Racetracks revenues are  
11 shown on page four. During December the  
12 four racetrack facilities combined  
13 generated Adjusted Gross Receipts of  
14 \$33,192,998, an increase of \$1.5 million  
15 or 5 percent from last month, and an  
16 increase of \$2 million or 6 percent from  
17 last December.

18 Adjusted Gross Receipts for fiscal  
19 year 2012-2013 to date are \$195 million,  
20 an increase of 1 percent or \$3 million  
21 from fiscal year 2011-2012.

22 During December, the State collected  
23 fees of \$5 million. As of December 31,  
24 2012, the State has collected almost  
25 \$30 million in fees for fiscal year

10

1 2012-2013.

2 Overall in December, Riverboats,  
3 Land-based and Slots at the Racetracks  
4 combined generated \$211 million in  
5 Adjusted Gross Receipts, which is \$9.5  
6 million or 5 percent more than the  
7 previous December.

8 Are there any questions before I

9 present the Harrah's employee count and  
10 payroll information?

11 MR. STIPE: I just -- I'm looking at  
12 the riverboat comparison by market. For  
13 Lake Charles December '12 versus  
14 December '11 -- oh, I'm sorry. Okay.  
15 My fault. I'm misreading.

16 MS. JACKSON: Okay. Any other  
17 questions?

18 CHAIRMAN HALL: Nope. Continue  
19 please.

20 MS. JACKSON: Harrah's New Orleans  
21 is required to maintain at least 2,400  
22 employees and a bi-weekly payroll of  
23 \$1,750,835. This report covers the two  
24 pay periods in December 2012. For the  
25 first pay period, the Audit Section

11

1 verified 2,464 employees with a payroll  
2 of \$2,004,000. For the second pay  
3 period, the Audit Section verified 2,463  
4 employees with a payroll of \$1,995,000.  
5 Therefore, Harrah's met the employment  
6 criteria during December. Questions?

7 CHAIRMAN HALL: I don't see any.  
8 Thank you. Appreciate it, ma'am.

9 MR. BOSSIER: Good morning.

10 CHAIRMAN HALL: Hello there. Good  
11 morning.

12 MR. BOSSIER: Good morning, Chairman  
13 Hall and Board Members. My name is Jim  
14 Bossier with Louisiana State Police  
15 Gaming Audit Section. I'm reporting  
16 video gaming information for  
17 December 2012 as shown on page one of  
18 your handout.

19 During December 2012, sixteen new  
20 video gaming licenses were issued: Nine  
21 bars, five restaurants and two device  
22 owners'. Twenty-two [sic] new  
23 applications were received by the Gaming  
24 Enforcement Division during December and  
25 are currently pending in the field:

12

1 Eleven bars, seven restaurants, one  
2 truckstop and one device owner.

3 The Gaming Enforcement Division  
4 assessed \$100 and collected \$7,000 in  
5 penalties in December. There are  
6 currently \$8,100 in outstanding fines.  
7 Please refer to page two of your  
8 handout.

9 There are presently 14,197 video  
10 gaming devices activated at 2,071  
11 locations.

12 Net device revenue for December 2012  
13 was \$52,942,987, a \$2.9 million increase  
14 or 5.8 percent when compared to net

15 device revenue for November 2012, and a  
16 \$1 million increase or 1.9 percent when  
17 compared to December 2011.

18 Net device revenue for fiscal year  
19 2013 is \$295,871,964, a \$4 million  
20 dollar increase or 1.4 percent when  
21 compared to net device revenue for  
22 fiscal year 2012. Page three of your  
23 handout shows a comparison of net device  
24 revenue.

25 Total franchise fees collected for

13

1 December 2012 were \$15,814,760, a  
2 \$866,000 increase when compared to  
3 November 2011 [sic], and a \$308,000  
4 increase when compared to December 2011.

5 Total franchise fees for fiscal year  
6 2013 are \$88,347,889, a \$1.3 million or  
7 1.6 percent increase when compared to  
8 last year's franchise fees. Page four  
9 of your handout shows a comparison of  
10 franchise fees. Does anybody have any  
11 questions?

12 CHAIRMAN HALL: Any questions? I  
13 don't see any. Thank you. Appreciate  
14 it.

15 MR. BOSSIER: Thank you.

16 V. CASINO GAMING ISSUES

17 A. Project Update of Ameristar Lake Charles,

18 L.L.C., No. R016502995

19 CHAIRMAN HALL: All right. Next up  
20 on the agenda we're going to look at  
21 some casino gaming issues, and based on  
22 the fact that we have two large projects  
23 going on in the State of Louisiana, I  
24 thought it would be a good time for us  
25 to have an update on those two projects.

14

1 And the first, if we could, just have an  
2 update on Ameristar Lake Charles  
3 project. Morning, gentlemen.

4 MR. DUNCAN: Good morning,  
5 Mr. Chairman, Members of the Board.  
6 Kelly Duncan from Jones Walker Law Firm.  
7 With me is Jack Mohn, who is the  
8 Vice-President of Design and  
9 Construction from Ameristar. You've  
10 heard him speak before, and he is here  
11 today to give you a brief update of the  
12 status of the construction.

13 CHAIRMAN HALL: Good morning.

14 MR. MOHN: Good morning, ladies and  
15 gentlemen. I just wanted to give you a  
16 quick update of where we're at.  
17 Construction is moving forward. We  
18 have -- obviously, the vast majority of  
19 our work that we've been doing out on  
20 the site is placing pilings in the

21 ground. You know, it's a somewhat  
22 challenging site. We have completed all  
23 of our pilings at this point for our  
24 high-rise construction and are nearly  
25 complete with all the pile caps for

15

1 those. So very shortly we're going to  
2 be able to start vertical construction  
3 for the high-rise portions of the  
4 building. So we're going to start  
5 seeing things coming up out of the  
6 ground here shortly.

7 As far as the low rise portion,  
8 we're about 80 percent complete with  
9 placing the pilings and getting ready to  
10 start the pile caps for those sections,  
11 also.

12 In the basin, the pilings have been  
13 completed down in the basin. The slab,  
14 we've poured approximately 30 percent of  
15 the basin slab at this point, and we're  
16 about 25 percent of the basin walls at  
17 this point.

18 The barge construction itself is  
19 being precast in a separate yard. The  
20 wall panels have been complete. We're a  
21 hundred percent complete with the wall  
22 panels. They're going to start casting  
23 the wafer slabs, and those will be ready

24 to bring on-site as soon as the basin is  
25 ready to start accepting those.

16

1 We have continued with construction  
2 out on the golf course. We're  
3 continuing to bring in fill. We have to  
4 build up quite a bit of area there  
5 for -- mainly the tees and greens to get  
6 up out of the flood plane, and that's  
7 moving forward, as weather permits at  
8 this point in time.

9 So that's where we're kind of at  
10 right now in the process.

11 CHAIRMAN HALL: Are you -- for your  
12 own timeline for construction, are y'all  
13 on --

14 MR. MOHN: We have lost a little bit  
15 of time recently. As all of you are  
16 aware, the weather has been challenging  
17 lately. I'm not sure if we're building  
18 a water park or a casino out there right  
19 now, but we have slipped a little bit  
20 due to the site conditions and weather  
21 right now. We're looking at what that  
22 really means as far as methods to  
23 recover and do that. We're going to  
24 start bringing in, later this week, some  
25 soil binders to try and firm up the

17

1 ground to try and help us with -- with  
2 conditions. It's pretty muddy out there  
3 right now, so we're exploring the  
4 different -- different ways of trying to  
5 regain some of that time and get us back  
6 some of the weather days that we've  
7 lost. You know, our biggest challenge  
8 is to get, you know, out of the ground  
9 with the foundation system that we have,  
10 so, you know, that will take a little  
11 bit longer before we take the site out  
12 of our, you know, risk element at that  
13 point.

14 CHAIRMAN HALL: Does anybody have  
15 any questions?

16 MR. JONES: Yeah.

17 CHAIRMAN HALL: Mr. Jones.

18 MR. JONES: Has there been any  
19 alteration of any kind in your  
20 proceeding with construction in light of  
21 the possible acquisition?

22 MR. MOHN: No. At this point in  
23 time, we are moving forward, you know,  
24 with our project as it has always been  
25 designed and presented at this point.

18

1 MR. JONES: And I know in your -- in  
2 your third quarter update, you gave --  
3 the conference call you gave a rundown,



4 and at that time, you were looking at  
5 total bottom line expense of, like, 560  
6 to 580 million, in that range.

7 MR. MOHN: Correct.

8 MR. JONES: Not counting capitalized  
9 interest and the like.

10 MR. MOHN: Correct.

11 MR. JONES: Is that still --

12 MR. MOHN: That is still, you know,  
13 what we're on track for.

14 MR. JONES: Yeah.

15 CHAIRMAN HALL: Any other questions?

16 Gentlemen, thank you very much. I  
17 appreciate you.

18 MR. DUNCAN: Thank you.

19 B. Project Update of Bossier Casino Venture, Inc.,  
20 No. R011000841

21 CHAIRMAN HALL: Next up, if we can  
22 have a little update, please, on the  
23 Bossier Casino Venture, Margaritaville.  
24 Good morning.

25 MS. HARKINS: Good morning,

19

1 Mr. Chairman. My name is Deborah  
2 Harkins. I'm with the law firm of  
3 McGlinchey Stafford, and I represent  
4 Bossier Casino Venture. And we're happy  
5 to be here today. With me today is  
6 Barry Regula, our new General Manager

7 and Senior Vice-President, who is  
8 prepared to give you a short  
9 presentation and update on what's going  
10 on in Bossier.

11 MR. REGULA: Good morning,  
12 Mr. Chairman and Members of the Board.  
13 As Deb mentioned, I am Barry Regula,  
14 Senior Vice-President and General  
15 Manager of Margaritaville Resort Casino  
16 in Bossier City, Louisiana, and I'm  
17 pleased to be here to tell you about our  
18 project which is going on time and on  
19 budget at this point.

20 So a little under eleven months ago  
21 we broke ground on this \$2,000,000,  
22 395-room, single level resort casino  
23 with a 900 seat showroom and a spa and  
24 salon. We announced a very aggressive  
25 timeline on this ambitious project,

20

1 which would get us up and running by the  
2 summer of 2013.

3 So we began laying the foundation in  
4 the springtime on land adjacent to the  
5 Bass Pro Shop at the foot of the  
6 Louisiana Boardwalk, and then over the  
7 summer, you can see the various aspects  
8 of the project taking shape. If you  
9 look at the slide on the bottom left,

10 you'll see the foundation of the casino  
11 on the left-hand side. You'll see the  
12 hotel tower rising in the background,  
13 and to the right, you'll see the hotel  
14 core taking place.

15 Then in the right-hand picture, you  
16 get a better sense of our amenity  
17 package with the expansive hotel, pool  
18 and pool deck in the foreground, and  
19 then the fitness center and spa and  
20 salon rising just to the -- behind it on  
21 top.

22 We reached a significant milestone  
23 in November when we topped off our hotel  
24 tower 18 stories high. We topped it  
25 off, had a celebration with all our

21

1 construction workers and lifted a tree  
2 in the traditional manner to the roof of  
3 the casino facility, and then where we  
4 are now is that we've just about  
5 completed the envelope of the hotel  
6 tower. So we have about three more  
7 floors to glass in, and you can see the  
8 substantial progress that's taking place  
9 on the entertainment center in the  
10 foreground.

11 So all that's led me to be able to  
12 say today that in spite of the recent

13 weather problems -- we've had cold  
14 weather, we've had rain, but we've been  
15 able to work because our foundation and  
16 structural steel is largely in place --  
17 we've been able to keep our pace of  
18 building up, and our contractor is  
19 projecting a substantial completion date  
20 of June 2013. And then we would be able  
21 to open shortly thereafter, pending  
22 regulatory approval.

23 So briefly I'd like to give you a  
24 couple closer looks at some of the  
25 developments on the site. So on the

22

1 pictures to the bottom left you can see  
2 the hotel corridor shaping up. You can  
3 see the drywall and the various things  
4 being done in the rooms on the lower  
5 levels of the hotel, and on the  
6 right-hand side, you start to get a feel  
7 for the great and spectacular views our  
8 guests are going to have from the corner  
9 suites of the hotel. And the hotel  
10 tower's the only tower in  
11 Shreveport/Bossier City that has  
12 wraparound balconies from the ninth  
13 floor up.

14 In this shot, you're looking across  
15 the casino floor into the space that

16 will be our signature 400-seat  
17 Margaritaville restaurant. To the  
18 bottom left, workers are finishing the  
19 surfacing on the casino floor, and in  
20 the bottom right picture, you're seeing  
21 workers install the superstructure for a  
22 signature volcano feature, which is the  
23 center piece of the Margaritaville  
24 restaurant.

25 In other developments,

23

1 Margaritaville has presented the Board  
2 with a supplemental filing regarding  
3 parking for the facility. Our new plans  
4 simply takes advantage of land that  
5 became available that is both closer and  
6 more convenient for our guests. So this  
7 diagram shows our own parking -- our old  
8 parking plan, and you can see that a  
9 portion of our parking was in a remote  
10 lot away from the facility.

11 So in the revised plan, you can see  
12 that the parking is contiguous and more  
13 convenient, and we will have the same  
14 number of spaces as originally promised  
15 or more in this new plan and this new  
16 configuration.

17 To further awareness of our brand  
18 and build on the excitement in the area

19 for our coming into the market, we  
20 recently opened the Margaritaville  
21 retail store and welcome center. What  
22 this facility does is it gives our fans  
23 and our visitors a chance to see what  
24 kind of fun Margaritaville will be and  
25 also gives them a chance to see the

24

1 casual elegance that will be  
2 incorporated into the resort when we  
3 open in June 2013.

4 And then lastly, I can't emphasize  
5 enough the support and enthusiasm we're  
6 receiving from the local community in  
7 Shreveport/Bossier. From the elected  
8 officials to the business community to  
9 the people that are going to be our team  
10 members to the people that are going to  
11 come and use the facility, this is the  
12 most highly anticipated enterprise to  
13 hit the area in decades.

14 This week -- this is an excerpt from  
15 an article in the paper, Mayor "Lo"  
16 Walker was predicting in his opinion  
17 that we will become the number one  
18 tourist attraction in Shreveport/Bossier  
19 and help bring back business from Dallas  
20 and Fort Worth that was previously going  
21 to Oklahoma.

22           So in -- to wrap up, I'm thankful  
23           for the opportunity to give you this  
24           update and would be happy to entertain  
25           any questions.

25

1           CHAIRMAN HALL: Mr. Jones, if you  
2           would go ahead. I don't know if we can  
3           control anything up here now. It looks  
4           like we've lost everything, and the  
5           committee's come back up -- one of the  
6           legislative committees.

7           MR. JONES: I'm kind of excited  
8           about it, too. I think it's going to be  
9           a great project. Do you have an idea,  
10          have you kind of penciled in when the  
11          grand opening might be?

12          MR. REGULA: Well, again, it would  
13          be pending our regulatory opening  
14          process. We have a date of June 15 in  
15          mind.

16          MR. JONES: Is that a weekend?

17          MR. REGULA: That would be mid-week,  
18          and then we would have the grand opening  
19          on a subsequent weekend.

20          MR. JONES: Okay.

21          MR. REGULA: Also, pending Jimmy  
22          Buffet's travel schedule.

23          CHAIRMAN HALL: Any other questions?

24          [No response.] Thank you very much. I

25 appreciate it.

26

1 MS. HARKINS: Thank you. Thank you  
2 for the opportunity.

3 C. Overview of Proposed Merger of Ameristar  
4 Casino, Inc., and Pinnacle Entertainment, Inc.

5 CHAIRMAN HALL: If we could next,  
6 I've asked the Attorney General's  
7 Office -- Leonce, I believe, is going to  
8 do it -- to give us a status on the  
9 proposed merger between Ameristar and  
10 Pinnacle.

11 MR. GAUTREAU: Good morning,  
12 Chairman and Members of the Board. As  
13 Chairman Hall said, he asked me to give  
14 a quick status of the pending merger  
15 between Pinnacle and Ameristar, and it's  
16 relatively brand-new, so there's not a  
17 whole lot to say at this point.

18 But the agreement and planned merger  
19 between the two was entered in  
20 December 20th of 2012. It calls for  
21 Pinnacle to acquire Ameristar -- all the  
22 outstanding shares of Ameristar for  
23 \$26.50 a share. By doing this, they'll  
24 acquire all the current operating  
25 entities of Ameristar, which consist of

27

1 eight throughout the United States.



2           As with all mergers, these are  
3           subject to conditions precedent being  
4           fulfilled. Important to us is that all  
5           gaming regulatory approvals are obtained  
6           before they can consummate it, including  
7           approval from this Board. Also, the  
8           Ameristar shareholders will have to vote  
9           on the proposed merger and approve it.

10          They formally filed a petition  
11          before this Board on December 28th,  
12          2012. It's going to be investigated in  
13          normal course as the transfer of  
14          interest and change of control like we  
15          do for all of these transactions, and we  
16          will report back to the Board when that  
17          investigation is complete for any  
18          necessary actions.

19          As Mr. Jones already asked and I  
20          just wanted to reiterate, Ameristar is  
21          currently the holder of the license and  
22          is subject to the conditions that this  
23          Board placed upon the license in the  
24          project and is expected to abide by  
25          those conditions and continue to build

28

1          toward completing the project during the  
2          course of this pending transaction.

3          CHAIRMAN HALL: Is there any  
4          estimate of a -- I guess, a potential

5 closing date?

6 MR. GAUTREAU: They are looking to  
7 close in the third quarter, according to  
8 the merger agreement, of this year, but,  
9 of course, they'll have -- again, have  
10 to obtain all regulatory approvals which  
11 will be from six or seven jurisdictions.  
12 I don't remember exactly how many.

13 CHAIRMAN HALL: Okay.

14 MS. ROGERS: In your opinion, is  
15 this a done deal?

16 MR. GAUTREAU: It's -- they have to  
17 get all their approvals. I mean, I  
18 can't take a guess on whether that will  
19 happen or not.

20 MS. ROGERS: Just curious.

21 MR. JONES: Also, there could be  
22 another bid come in.

23 MR. GAUTREAU: (Shakes head.)

24 CHAIRMAN HALL: Miss Noonan.

25 MS. NOONAN: Will Ameristar cease to

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1 exist after this? Are they acquiring  
2 everything from Ameristar?

3 MR. GAUTREAU: They're acquiring  
4 everything from Ameristar. The way it's  
5 set up -- and, again, we're just getting  
6 into this -- but the way I understand  
7 this is Ameristar will become a

8 wholly-owned subsidiary of Pinnacle.

9 MS. NOONAN: So the license stays  
10 with -- I mean, we issued the license to  
11 Ameristar, correct?

12 MR. GAUTREAUX: It will be Ameristar  
13 Casinos Lake Charles, LLC, who is the  
14 holder of the license and will continue  
15 to be the holder of the license.

16 MS. ROGERS: That was my question.

17 CHAIRMAN HALL: Mr. Bradford. I  
18 can't control it.

19 MR. BRADFORD: I should have asked  
20 this to Kelly and Jack earlier, but I'll  
21 ask it now. What's the target  
22 completion date of the Ameristar  
23 project?

24 MR. GAUTREAUX: Under the  
25 conditions, if I remember correctly,

30

1 July 20, 2014, is the substantial  
2 completion date at this point.

3 MR. BRADFORD: Okay.

4 CHAIRMAN HALL: That's correct. Any  
5 other questions? Thank you,  
6 Mr. Gautreaux. I appreciate you very  
7 much.

## 8 VI. RULEMAKING

9 A. Consideration of Final Adoption of  
10 Amendment to LAC 42:XI.2415 (Truckstop

11 Travel Lanes)

12 CHAIRMAN HALL: Okay. Next up for  
13 consideration are rulemaking. It's an  
14 amendment to Administrative Code Title  
15 42 in reference to the Truckstop Travel  
16 Lanes. Mr. Earl Pitre of the Attorney  
17 General's Office is here.

18 MR. PITRE: Chairman, Board Members,  
19 I'm Assistant Attorney General, Earl  
20 Pitre, Jr., in the matter of rule  
21 adoption for Item Number VI.

22 During the Board's October meeting,  
23 y'all instituted the rulemaking  
24 procedures. The notice of intent was  
25 published in the November 2012 edition

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1 of the Louisiana Register. The time  
2 delays for public hearings has passed.

3 The reports to the Board's oversight  
4 committees from the House and Senate  
5 were submitted to them. They did not  
6 act during the 30-day period, so the  
7 only action left is for the Board to  
8 make a motion to adopt the rule.

9 CHAIRMAN HALL: Okay. And I need an  
10 order to be able to do that. I need for  
11 a motion for the adoption of the final  
12 rule.

13 MAJOR MERCER: I move.

14 CHAIRMAN HALL: Mr. Claude Mercer  
15 moves the adoption. Do I have a second?

16 MR. JONES: Second.

17 CHAIRMAN HALL: Seconded by  
18 Mr. Jones. Is there any --

19 MR. STIPE: Just a question. This  
20 is applicable to new applicants?

21 MR. PITRE: It applies to everyone.

22 MR. STIPE: Thank you.

23 CHAIRMAN HALL: All right. Is there  
24 any objection to the rule change --  
25 adoption of the rule change? Hearing

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1 none, the rule change is adopted.

2 Motion carries. Thank you.

3 VII. APPEAL FROM HEARING OFFICER'S DECISION

4 1. In Re: Tianna Taylor - No. V000018041

5 CHAIRMAN HALL: Last item on the  
6 agenda is we have an appeal of a ruling  
7 by the hearing office for Miss Tianna  
8 Taylor. Miss Taylor, you're here  
9 representing yourself?

10 MS. TAYLOR: Yes, sir.

11 CHAIRMAN HALL: Thank you. Good  
12 morning, how are you, sir?

13 MR. TYLER: Good morning, Chairman  
14 Hall, Board Members, Assistant Attorney  
15 General, Michael Tyler, appearing here  
16 in the matter of the appeal brought by

17 Miss Tianna Taylor. This matter comes  
18 after the issuance of a decision by  
19 Hearing Officer Reynolds denying the  
20 original application submitted by Miss  
21 Tianna Taylor for a video draw poker  
22 employee permit.

23 With that being said, I will, I  
24 guess, turn this matter over to Miss  
25 Taylor since it is her appeal.

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1 CHAIRMAN HALL: Right. If you  
2 would, Miss Taylor -- and just the way  
3 this generally goes, just so you know,  
4 you can relax. You'll fill out and say  
5 what you need to say and what you would  
6 consider that the Board needs to hear.  
7 I would ask you, though, that  
8 technically we're supposed to hear the  
9 record, what has already been introduced  
10 in the hearing. So I would ask you, if  
11 you would, please, as you make your  
12 presentation that it be -- you know,  
13 that it be directed toward what was  
14 discussed during your original hearing.

15 So you may go ahead and say whatever  
16 you would like to say to us.

17 MS. TAYLOR: Okay. In my regular  
18 hearing, I was denied -- I applied for  
19 my video draw poker permit, and they

20 denied me of my pass. And I come here  
21 today to let y'all know that I'm not  
22 that type of person that they put up in  
23 the -- in the writing, and I've been  
24 employed with a Cash Magic for, like, a  
25 year and something; and I don't think

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1 I'm a threat to the public.

2 I handle money from \$3,000 to  
3 \$16,000 a day there, and I haven't taken  
4 no money or nothing. And I'm just  
5 asking if y'all -- if y'all have it in  
6 your heart to allow me and give me a  
7 chance, and I can show y'all just like I  
8 showed my managers. And they asking me,  
9 you know, not to give up and keep on --  
10 keep on, you know, appealing and  
11 fighting it.

12 CHAIRMAN HALL: Okay. And your  
13 application was for a Certified  
14 Technician Level I, Video Poker  
15 Technician Level I, right?

16 MS. TAYLOR: Yes, sir.

17 CHAIRMAN MORGAN: That was your  
18 application. And where are you  
19 currently employed? You're working  
20 right now?

21 MS. TAYLOR: Yes, sir. I'm working  
22 right now.

23 CHAIRMAN HALL: And who are you  
24 working for right now?

25 MS. TAYLOR: Cash Magic.

35

1 CHAIRMAN HALL: Okay. Is there  
2 anything else you'd like to say at this  
3 moment? You'll have a chance to speak  
4 again. Is there anything else you'd  
5 like to say right now before the  
6 attorney speaks?

7 MS. TAYLOR: No, sir.

8 MR. TYLER: Thank you very much,  
9 Chairman. Just on behalf of the  
10 Division, we would just like to request  
11 that the hearing officer's decision be  
12 affirmed. Given the evidence that was  
13 presented at the hearing, the statements  
14 that were made, including statements  
15 from the witness that was presented,  
16 Sergeant Cuti, that statements were made  
17 to him, representations were made to him  
18 attesting to the fact that the money was  
19 taken by Miss Taylor. He stated that he  
20 reviewed the surveillance video and saw  
21 where the actual act took place.

22 I think from the standpoint of the  
23 reason why the Division denied this  
24 particular application, the evidence is  
25 there to support, substantiate such a



1 decision to deny this particular app,  
2 and the hearing officer found such. An  
3 incident in the past, when you are  
4 entrusted with being around money and  
5 then to just show the ability to not  
6 stay clear from taking anything, is  
7 pretty serious when it comes to this  
8 industry and the fact that you will be  
9 working around a lot of money, and  
10 whoever knows, even like circumstances,  
11 you might revert back. Regardless of  
12 how you are today, you might revert  
13 back, and we have to look at prior  
14 history in order to make that particular  
15 decision, say that there is a  
16 possibility for an individual to be  
17 prone to do such.

18 So with that, we just ask that this  
19 particular decision be affirmed and this  
20 matter be resolved.

21 MS. NOONAN: I have a question.

22 CHAIRMAN HALL: Miss Noonan, please.

23 MS. NOONAN: Miss Taylor, is there a  
24 statute of limitations where she can  
25 reapply once her -- is there a certain

1 point where her convictions will no  
2 longer come into play for this license,

3 or will this always be there? Isn't  
4 this a law? Is she in violation of the  
5 law for applying for the license?

6 MR. TYLER: Well, from the  
7 standpoint of suitability, the Division,  
8 the Board can still consider all arrests  
9 moving forward. Given time frames,  
10 there might be some mitigating factors  
11 to not put so much weight on an arrest  
12 if it's very old, but any and everything  
13 within that person's background that is  
14 revealed and found can be utilized.

15 MS. ROGERS: She can reapply. Isn't  
16 that a ten-year?

17 MR. TYLER: There's no statutory  
18 prohibition in this particular case that  
19 would have invoked a ten-year bar of any  
20 type here. This was a general  
21 suitability argument based upon the  
22 background, so, therefore, even with  
23 this denial moving forward, there's a  
24 finding of unsuitability. If she does  
25 decide to apply moving forward later on,

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1 State Police can invoke that they  
2 denied, that you were found unsuitable  
3 and bring this particular fact up again.

4 CHAIRMAN HALL: Yes, sir.  
5 Mr. Stipe.

6 MR. STIPE: Miss Taylor, you were  
7 present at the hearing?

8 MS. TAYLOR: Yes, sir.

9 MR. STIPE: The administrative law  
10 judge gave you the opportunity to  
11 question the witnesses brought by the  
12 department?

13 MS. TAYLOR: Question witnesses on?

14 MR. STIPE: Question the witnesses  
15 that testified in this hearing. You  
16 were able to question them?

17 MS. TAYLOR: Was I able to?

18 MR. STIPE: Yes, ma'am.

19 MS. TAYLOR: No.

20 MR. STIPE: The record kind of  
21 indicates that you were given an  
22 opportunity to question witnesses. The  
23 transcript of the hearing indicates you  
24 were given an opportunity to call  
25 witnesses. You called some witnesses.

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1 MS. TAYLOR: Oh, called witnesses.  
2 Well, my aunt was present during that  
3 time, you know, came -- came there with  
4 me, but now she's out sick.

5 MR. STIPE: But she was able to  
6 testify at the hearing?

7 MS. TAYLOR: Yes, sir.

8 MR. STIPE: You were able to testify

9 at the hearing.

10 MS. TAYLOR: Yes, sir.

11 MR. STIPE: You were able to hear  
12 the evidence that was presented against  
13 you?

14 MS. TAYLOR: Yes, sir.

15 MR. STIPE: You were able to talk  
16 with the administrative law judge or  
17 speak to the administrative law judge  
18 about your version of the events that  
19 were brought and made an issue?

20 MS. TAYLOR: Not personally. Yes.  
21 Like, when he was there, yes, I was  
22 able.

23 MR. STIPE: All right. And you  
24 received a copy of the decision that the  
25 administrative law judge drafted --

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1 MS. TAYLOR: Yes, sir.

2 MR. STIPE: -- he wrote? Okay. Is  
3 there any particular fact or -- any  
4 particular fact that you believe is  
5 incorrect in his decision?

6 MS. TAYLOR: Yes, I do.

7 MR. STIPE: Okay. What is that  
8 particular fact?

9 MS. TAYLOR: Okay. The incident  
10 that happened in 2007. In my eyesight,  
11 the money that I -- that I seen in my

12 eyesight was lost, and, you know, to me  
13 I found it. And, you know, I see that I  
14 made a mistake on that and stuff not  
15 reading my policy. I didn't read my  
16 policy when I was employed at Walmart,  
17 and now I have learned from that. And I  
18 live with this every day.

19 And so now I'm just asking, you  
20 know, you-all to just allow me a chance,  
21 and I can show y'all just like I showed  
22 my managers and everyone at my job that  
23 I'm employed with now. I just hope  
24 y'all have in your heart to allow me a  
25 chance, and I can show y'all. And I

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1 think I'm suitable and trustworthy.

2 MR. TYLER: If I could just clarify  
3 something with respect to what was  
4 stated during the questioning. At the  
5 administrative hearing, all procedural  
6 aspects of the hearing were adhered to.  
7 The ability to question witnesses was  
8 provided to both sides, so, therefore,  
9 there were no abnormalities or  
10 irregularities conducted at the meeting.  
11 I just wanted to clear that up.

12 MR. STIPE: That's all I have.

13 CHAIRMAN HALL: Mr. Jones.

14 MR. JONES: Yes, I just had a

15 question. To me it's a relatively small  
16 amount of money, and it was a good while  
17 ago. The other incident concerns me a  
18 little bit more. Everything was  
19 dismissed. We're talking about a lot  
20 more money; and maybe she was involved,  
21 maybe she wasn't. What was the ultimate  
22 outcome of that one?

23 MR. TYLER: The incident, I believe  
24 you're talking about, was the burglary  
25 arrest that Miss Taylor had.

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1 MR. JONES: Yeah.

2 MR. TYLER: The ultimate charge for  
3 Miss Taylor on that was ultimately  
4 reduced or dismissed by the district  
5 attorney. The gentleman that was also  
6 charged in that, I believe he was  
7 prosecuted and incarcerated, if I'm  
8 correct. I did not look too much into  
9 that because he was not the applicant.

10 In this particular case, I was  
11 looking at Miss Taylor's, and with that  
12 she did have information showing that  
13 the charge was absolutely refused,  
14 rejected or dismissed with respect to  
15 her.

16 MR. JONES: There was a charge  
17 against her, but it was dismissed?

18 MR. TYLER: Correct.

19 CHAIRMAN HALL: If I could, the  
20 charge for simple battery and disturbing  
21 the peace in 2008?

22 MR. TYLER: The charge was -- it was  
23 the simple burglary, I believe, charge.

24 CHAIRMAN HALL: That was in 2009.

25 MR. TYLER: Where she was not the  
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1 principal, correct.

2 CHAIRMAN HALL: There was another  
3 simple battery and disturbing the peace  
4 arrest on the -- oh, I'm sorry. She had  
5 an arrest on January 23rd, 2008, for  
6 simple battery --

7 MR. TYLER: Right.

8 CHAIRMAN HALL: -- and disturbing  
9 the peace, and an arrest on  
10 October 20th, 2009, for the simple  
11 burglary.

12 MR. TYLER: Right. That's correct.

13 And the one with the substantial amount  
14 of money was the burglary charge, and I  
15 believe that's the one you were speaking  
16 of.

17 MR. JONES: Right.

18 MR. TYLER: Yes. And with that one,  
19 the charge was refused, denied or  
20 rejected with respect to Miss Taylor.

21 MR. BRADFORD: If this Board affirms  
22 the hearing office and denies the  
23 license -- in other words, the permit --  
24 what is her ability to reapply? If she  
25 is denied suitability by this Board, can

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1 she reapply in a month or a year or just  
2 anytime or --

3 MR. TYLER: Well, generally, dealing  
4 with video poker with respect to  
5 reapplication, I know there was a  
6 five-year bar if there's a revocation in  
7 this respect, which it's not. Before  
8 we've had instances where this Board has  
9 denied and the person has been able to  
10 come back within a particular of time  
11 that the Board specified to be able to  
12 reapply.

13 Again, more than likely, we try to  
14 adhere to a five-year particular time  
15 period for a person to abstain, but  
16 there has been instances where a person  
17 has just come back after the denial  
18 period and the rest of their procedural  
19 remedies are waned, which includes  
20 filing for judicial review time period,  
21 and the person has been allowed to come  
22 back and -- I won't say "allowed." The  
23 person has come back and reapplied, and



24 it's gone through the same process; and  
25 the denial has been issued based upon

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1 the same facts.

2 MR. BRADFORD: Miss Taylor, you're  
3 applying for this video poker technician  
4 permit to work at the same place where  
5 you're working now?

6 MS. TAYLOR: Yes, sir.

7 MR. BRADFORD: So that would be a  
8 promotion for you? That would allow you  
9 to have a better paying job, or is it  
10 still kind of the same thing you're  
11 doing now?

12 MS. TAYLOR: It's the same thing I'm  
13 doing now. It just -- the only thing  
14 just holding me back, they just keep  
15 denying my application -- my video draw  
16 poker application permit; and I'm a  
17 single parent of four children, and I  
18 just don't want them just to hold that  
19 against me, my past, you know, what had  
20 happened. And I just don't want to give  
21 up, and my managers tell me don't give  
22 up neither and stuff. And they trust  
23 me. They don't think I'm a threat to  
24 the public, and I know I'm not a threat  
25 to the public. And, you know --

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1 MR. BRADFORD: Well, our past does  
2 come back to haunt us sometimes, and  
3 it's very difficult for this Board --  
4 having been denied twice, once by the  
5 State Police and once by the hearing  
6 office, and obviously it ultimately  
7 comes here, but to overrule those two  
8 authorities who have looked very deeply  
9 into this matter would be very  
10 difficult. I can't speak for everybody,  
11 but it would be difficult for this Board  
12 to do that.

13 MR. TYLER: And I just want to chime  
14 in and state that a suitability  
15 finding -- although the question was  
16 sort of job specific, a suitability  
17 finding is not always just job specific.  
18 A suitability finding means that you're  
19 able to function within the industry as  
20 a whole. And so, therefore, we want to  
21 try not to sort of make it more job  
22 specific, which almost mitigates the  
23 effect, but look at it across the  
24 spectrum and show that, you know, a  
25 suitability finding means you are within

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1 the industry.

2 MS. NOONAN: I have a question.

3 CHAIRMAN HALL: Yes, ma'am.

4 MS. NOONAN: If she was to receive a  
5 license, could she go someplace else  
6 with this license and work, or is this  
7 specific to this specific place?

8 MR. TYLER: She can go somewhere  
9 else.

10 MS. NOONAN: So it's industry wide.

11 MR. TYLER: Yes.

12 CHAIRMAN HALL: Any other questions?  
13 Do I have a motion?

14 MS. NOONAN: I'll motion to affirm  
15 the hearing officer's decision.

16 CHAIRMAN HALL: Do I have a second?  
17 I'll second -- well, by Mr. Jackson.

18 MS. NOONAN: I'd like to make a  
19 comment, though --

20 CHAIRMAN HALL: Please.

21 MS. NOONAN: -- to Miss Taylor.  
22 They mentioned five years. What we'd  
23 like for you to do is we want to help  
24 you, but you have to help yourself. Go  
25 stay at your job, prove to us that

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1 you're going to do what you're supposed  
2 to. Reapply in the next few years, and  
3 we'll take it from there. We have to  
4 uphold the law.

5 This is not just for this specific  
6 job. It's for industry wide, and if we

7 let you do this now and maybe you have  
8 not fully learned your lesson and  
9 something else temps you, it's going to  
10 be on us; and we want to project you as  
11 well. We want you to have a job; but we  
12 have to follow the rules, and we have to  
13 follow our protocol.

14 So we'd like for you to go and do  
15 the best you can and maybe come back to  
16 us in a few years, and we'll see where  
17 we are from there.

18 CHAIRMAN HALL: All right. Before  
19 we go any further, I need -- is there  
20 any opposition? We have a motion and a  
21 second to affirm the hearing officer's  
22 decision. Is there any opposition to  
23 that? Hearing none, that motion  
24 carries.

25 And I agree, Miss Taylor. I believe

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1 that if you have changed and you're a  
2 good employee, your employer will find  
3 suitable work for you even with or  
4 without this license. There are things  
5 that you can do for your employer that  
6 are positive and show that you're moving  
7 in the right direction so that you can  
8 reapply and be considered again by the  
9 authorities that are regulating this

10 industry, but I agree with Mr. Bradford  
11 and Miss Noonan's statements that it's  
12 hard for us to overturn, absent some  
13 glaring error or what we consider to be  
14 a -- you know, something that was not  
15 considered before, some judgment that  
16 should have been looked at that was not  
17 considered. It's difficult for me to  
18 overturn that hearing officer and the  
19 State Police in their recommendation of  
20 suitability.

21 So unfortunately for you, we have  
22 affirmed the hearing officer's decision;  
23 and your application is denied, and you  
24 have been found unsuitable. Okay?

25 MR. TYLER: Thank you.

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1 VIII. ADJOURNMENT

2 CHAIRMAN HALL: That's all the  
3 business on the agenda. If no one else  
4 had anything, Mr. Mercer moves that we  
5 adjourn; Mr. Jones seconds. Anybody  
6 object? Hearing none, the meeting is  
7 adjourned. Thank you very much, folks.  
8 We'll see y'all in a month, if not  
9 before.

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1 REPORTER'S PAGE

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3 I, SHELLEY PAROLA, Certified Shorthand  
4 Reporter, in and for the State of Louisiana, the  
5 officer before whom this sworn testimony was  
6 taken, do hereby state:

7 That due to the spontaneous discourse of this  
8 proceeding, where necessary, dashes (--) have been  
9 used to indicate pauses, changes in thought,  
10 and/or talkovers; that same is the proper method  
11 for a Court Reporter's transcription of a  
12 proceeding, and that dashes (--) do not indicate  
13 that words or phrases have been left out of this  
14 transcript;

15 That any words and/or names which could not

16 be verified through reference materials have been  
17 denoted with the word "(phonetic)."

18

19

20

21

22

23

24 SHELLEY PAROLA

Certified Court Reporter #96001

25 Registered Professional Reporter

52

1 I, Shelley G. Parola, Certified Court  
2 Reporter in and for the State of Louisiana,  
3 Certificate No. 96001, as the officer before whom  
4 this hearing was taken, do hereby certify that on  
5 January 17, 2013, the proceedings, as hereinbefore  
6 set forth in the foregoing 51 pages, were reported  
7 by me in the Stenotype reporting method, was  
8 prepared and transcribed by me or under my  
9 personal direction and supervision, and is a true  
10 and correct transcript to the best of my ability  
11 and understanding; that the transcript has been  
12 prepared in compliance with transcript format  
13 guidelines required by statute or by rules of the  
14 board, that I have acted in compliance with the  
15 prohibition on contractual relationships, as  
16 defined by Louisiana Code of Civil Procedure  
17 Article 1434 and in rules and advisory opinions of

18 the board; that I am not related to counsel or to  
19 the parties herein, nor am I otherwise interested  
20 in the outcome of this matter. Baton Rouge,  
21 Louisiana, this 15th day of February, 2013.

22

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23

SHELLEY G. PAROLA, CCR, RPR

24