



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DANE K. MORGAN
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**IN RE: DRAGON LAIR OF LA, LLC D/B/A DRAGON LAIR
NO. 2601116274**

Dragon Lair of LA, LLC d/b/a Dragon Lair ("Dragon Lair") applied for a video gaming license. Glory D. Truong is the sole owner of the applicant. The Hearing Officer's decision, dated October 24, 2011, denied the application and found Glory D. Truong unsuitable. Glory D. Truong and Dragon Lair appeal the decision.

We adopt the Hearing Officer's "Findings of Fact" and "Applicable Law" and agree with his decision.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of December 14, 2011:

IT IS ORDERED THAT the Hearing Officer's decision is **AFFIRMED**.

THUS DONE AND SIGNED on this the *14th* day of *December, 2011*.

LOUISIANA GAMING CONTROL BOARD
BY: 
DANE K. MORGAN, CHAIRMAN

**STATE OF LOUISIANA
GAMING CONTROL BOARD**

**ADMINISTRATIVE HEARING
SEPTEMBER 12, 2011**

**HEARING OFFICER
RICHARD L. REYNOLDS**

**IN RE: DRAGON LAIR OF LA, LLC
D/B/A DRAGON LAIR
#2601116274**

TRUE COPY
Stacy A. Givon
Representative
Louisiana Gaming Control Board

**IN RE: DRAGON LAIR OF LA, LLC
D/B/A DRAGON LAIR
CASE NO: 2601116274**

APPEARANCES:

For the State of Louisiana
Dawn Himel
Assistant Attorney General
1885 North 3rd Street, Ste. 500
Baton Rouge, LA 70802

Dragon Lair of LA, LLC
d/b/a Dragon Lair
(Not Present at Hearing)

STATEMENT OF THE CASE:

On September 30, 2010, Dragon Lair of LA, LLC d/b/a Dragon Lair submitted an original Type 1 Video Gaming Application to the Louisiana Office of State Police. The application listed Glory D. Truong as sole owner/member of Dragon Lair of LA, LLC d/b/a Dragon Lair. As part of the license application process, Ms. Truong was required to complete a Personal History Questionnaire. On the Personal History Questionnaire, Ms. Truong disclosed that she had been arrested once for Possession and Operation of Illegal Slot Machines and had pled guilty to this charge on March 25, 1999. No other arrests, summons, or citations were disclosed by Ms. Truong on her Personal History Questionnaire.

The investigation of Dragon Lair of LA, LLC d/b/a Dragon Lair by the Louisiana Office of State Police revealed that in addition to the arrest disclosed by Ms. Truong on her submitted Personal History Questionnaire, she had also been arrested on February 14, 1980 for shoplifting and a summons had been issued dated February 22, 1979. The nature for the issuance of the summons as well as the disposition of the summons is unknown.

On July 18, 2011, the Louisiana Gaming Control Board issued a Notice of Recommendation of Denial of Original Application and Finding of Unsuitability for the Type 1 Video Gaming Application submitted by Dragon Lair of LA, LLC d/b/a Dragon Lair. The Notice of Recommendation of Denial of Original Application and Finding of Unsuitability was issued due to the arrests and criminal record of Glory D. Truong, the sole owner/member of Dragon Lair of LA, LLC

d/b/a Dragon Lair. Ms. Truong failed to fully disclose her arrests in the Personal History Questionnaire for a Type 1 video draw poker gaming license.

This matter was set for hearing and a hearing was held on September 12, 2011 at the request of Glory D. Truong. Neither Ms. Truong, nor a representative for Ms. Truong was present at the scheduled hearing regarding the Type 1 Video Poker License Application submitted for Dragon Lair of LA, LLC d/b/a Dragon Lair.

STATE'S EXHIBITS:

1. Notice of Recommendation of Denial of Original Application and Finding of Unsuitability
2. Certified Mail Return Receipt
3. Video Gaming Application (received September 30, 2010)
4. Personal History Questionnaire for Glory D. Truong (July 16, 2010)
5. Investigative Report of Criminal History Record Check for Dung T. Duong a/k/a Dung T. Truong a/k/a Glory D. Truong based on State of Louisiana Database (June 8, 2011)
6. Bill of Information for Dung Thi Truong from the 24th Judicial District Court, Parish of Jefferson, State of Louisiana (theft on February 14, 1980)
7. Arrest Warrant for Dung T. Duong from the Orleans Criminal District Court, Parish of Orleans, State of Louisiana (April 7, 1998)
8. Incident Report for Dung T. Duong from the New Orleans Police Department (April 9, 1998)
9. Arrest Report for Dung T. Duong from the Louisiana State Police, Video Gaming Division (April 14, 1998)
10. Docket Master for Dung T. Truong from the Orleans Parish Criminal District Court (June 1, 1999)

PERMITTEE'S EXHIBITS:

None

FINDINGS OF FACT:

On September 30, 2010 the Louisiana Office of State Police received a Type 1 Video Gaming Application from Dragon Lair of LA, LLC d/b/a Dragon Lair. A background investigation was performed by the Louisiana Office of State Police revealing that Ms. Truong had been issued one summons and arrested twice.

On the Personal History Questionnaire, Ms. Truong disclosed she had been arrested on April 9, 1998 for Possession and Operation of Illegal Slot Machines. She pled guilty to this charge on March 25, 1999. The two illegal gambling devices subject of the arrest were in operation at Wolf Supermarket at 8301 Apple Street in New Orleans. Wolf Supermarket, at the time in question, was owned by Vanna Enterprises, Inc., of which Ms. Truong was listed as the President and 100% owner.

On April 9, 1998, Louisiana Office of State Police Officers raided Wolf Supermarket and during the raid two video poker machines were seized, as well as related evidence. The illegal gaming activity that occurred at Wolf Supermarket resulted in Ms. Truong being arrested and formally charged by the District Attorney for Orleans Parish on May 7, 1998 with violation of La. R.S. 14:90, Possession and Operation of Illegal Slot Machines. On March 25, 1999, Ms. Truong entered a plea of guilty to this offense under the provisions of LA CCRP Art. 893.

In addition to the arrest disclosed in her Personal History Questionnaire, Ms. Truong was arrested on February 14, 1980 for shoplifting under the alias of Dung T. Truong. The criminal history record of Ms. Truong also revealed she was issued a summons on February 22, 1979 for. According to the Jefferson Parish Clerk's Office, the shoplifting charge against Ms. Truong was dismissed and the nature and disposition of the summons issued to Ms. Truong is unknown.

Ms. Truong failed to disclose the existence of her February 14, 1980 arrest and her February 22, 1979 summons on her Personal History Questionnaire. Ms. Truong told the Louisiana Office of State Police when questioned about the shoplifting arrest that she had never been arrested for shoplifting. Fingerprints taken in conjunction with the shoplifting match the fingerprints submitted by Ms. Truong as part of her application for a video poker gaming license. When questioned about the summons, Ms. Truong told the investigating trooper that she had never been issued a summons.

APPLICABLE LAW:

La. R.S. 27:309(A) provides regarding Video draw poker crimes and penalties; unauthorized devices

“A. Any person who intentionally makes, causes to be made, or aids, assists, or procures another to make a false statement in any report disclosure, application, permit form, or any other document required by this Chapter may, upon conviction, be imprisoned, with or without hard labor, for not more than ten years or be fined not more than ten thousand dollars, or both.”

Regarding Suitability requirements, La. R.S. 27:310 B(1)(a), (b), (c) provides:

“B. (1) No person shall be granted a license under the provisions of this Chapter unless the applicant has demonstrated to the division that he is suitable for licensing. For purposes of this Chapter, suitability means the applicant or licensee is:

(a) A person of good character, honesty, and integrity.

(b) A person whose prior activities, arrest or criminal record if any, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation of video draw poker, and do not create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and operations in the activities authorized by this Chapter and financial arrangements incidental thereto.

(c) Likely to conduct business as authorized by this Chapter in complete compliance with the provisions of this Chapter.”

Regarding suitability requirements, La. R.S. 27:310(B)(2) further provides:

“B. (2) An applicant who is not disqualified from making application or licensure as a result of Subsection A of this Section shall still be required to demonstrate to the division that he otherwise meets the remaining requirements for suitability, particularly those contained in Subparagraphs (1)(a), (b), and (c) of this Subsection. Evidence of or relating to an arrest, summons, charge, or indictment of an applicant, or the dismissal thereof, shall be considered by the division even if the arrest, summons, charge, or indictment results in acquittal, deferred adjudication, probation, parole, or pardon.”

Regarding application and license, LAC 42:XI.2405 B(1)(a) further provides:

“B. Requirements for Licensing

1.a.No person shall be granted a license, and no license shall be renewed unless the applicant demonstrates to the division that he is suitable for licensing, and thereafter continues to maintain suitability, as provided in the Act.”

REASONS FOR DECISION:

La. R.S. 27:28 places the burden of proof with the applicant for establishing the suitability of an individual to receive a video poker license. It is not the Division’s burden to prove an applicant is either suitable or unsuitable. Rather, the law positions the Division as the party who must evaluate the suitability claims of those seeking a gaming permit.

As such, when the Division opts to deny an initial application, they are not finding the applicant unsuitable. Rather, they are asserting that the applicant has not met his/her burden of proof in establishing suitability. Therefore, when a denied applicant requests a review hearing before this Court, the applicant is not asking for the Court to overturn a finding of unsuitability; rather, it is a request for an opportunity to prove that they are indeed suitable to receive a video poker gaming license.

Procedural issues aside, the case at hand (as do all cases involving initial applications) begins with the forms prescribed by the Louisiana Gaming Control Board. These forms are very specific in the information they request of all applicants. In Medina v. Rudman, 545 F.2d 244, 253 (CA.1 (N.H.) 1976) the court held that “gambling is traditionally suspect in our society, and investment in such an enterprise when permitted at all, is plainly open to the strictest kind of supervision.” The state has a legitimate and compelling interest in (1) protecting those citizens who choose to participate in gaming; (2) protecting the revenue derived from the industry; and (3) investigating and determining the suitability of persons who desire licenses or who have the ability to significantly influence the activity of those applying for a gaming license. The licensing requirements at issue unquestionably promote the above interests. They ensure the integrity of the industry, assure the public confidence in the ability of the State Police to

sufficiently regulate the industry and exclude those persons who are not qualified to engage in the gaming industry.

La. R.S. 27.2 (B) provides: "It is the express intent, desire, and policy of the legislature that no gaming operator, nor any applicant for a license, permit, or other thing existing, issued, or let as a result of this Title, shall have any right of action to obtain any license, casino operating contract, permit, or the granting of the approval or affirmative board action sought except as provided for and authorized by this Title. Any license, casino operating contract, permit, approval, or thing obtained or issued pursuant to the provisions of this Title or any other law relative to the jurisdiction of the board is expressly declared by the legislature to be a pure and absolute revocable privilege and not a right, property or otherwise, under the constitution of the United States or of the state of Louisiana. Further, the legislature declares that no recipient of any such license, casino operating contract, permit, any other thing, or affirmative board action or approval acquires any vested interest or right therein or thereunder."

Glory D. Truong failed to completely disclose her arrest history in her personal history questionnaire. Her notarized signature on the personal history questionnaire for the video gaming application for Dragon Lair of LA, LLC d/b/a Dragon Lair is documentation that Ms. Truong read, understands and agrees to comply with the statutes which govern video draw poker gaming that are contained within La. R.S. 27:1 et seq., as well as the corresponding regulations contained within LAC 42:III.101 et seq., and LAC 42:XI.2401 et seq. Ms. Truong executed this statement voluntarily with the knowledge that any failure to provide the correct information is cause for denial of the application.

Glory D. Truong has failed to establish her suitability for possession of a Type 1 Video Gaming License and her ability to act in a manner that ensures the integrity and public confidence in the Louisiana gaming industry. Accordingly, Glory D. Truong is deemed unsuitable regarding the video poker license application of Dragon Lair of LA, LLC d/b/a Dragon Lair.

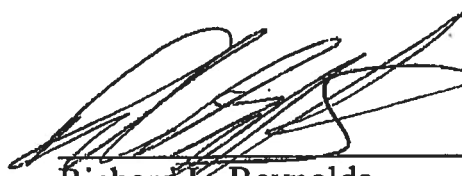
Accordingly, after considering all factors in this matter, Ms. Truong is not qualified to possess a Type 1 Video Gaming License.

ORDER

IT IS HEREBY ORDERED that the Type 1 Video Gaming License Application of Dragon Lair of LA, LLC d/b/a Dragon Lair, Case No. 2601116274, be **DENIED**.

IT IS FURTHER ORDERED THAT Glory D. Truong is found to be unsuitable for possession of a Type 1 Video Gaming License.

Baton Rouge, Louisiana this 24th day of October, 2011.



Richard L. Reynolds
Hearing Officer

LOUISIANA GAMING CONTROL BOARD
ALL COPIES OF THIS ORDER AT A CERTIFIED
MAIL TO THE ADDRESSES LISTED BELOW SERVED ON
ALL PARTIES ON 24th DAY
OF October 2011
April Dunge
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Glory D. Truong
Dawn Hmel
Sgt. Leonell Sebety

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 10.24.11
April Dunge
BY: CLERK