



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

RONNIE JONES
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

REHEARING

**IN RE: JEFFREY D. FOLTZ
NO. P040059828**

The matter before the Louisiana Gaming Control Board ("Board") is an application for rehearing of the revocation of the non-key gaming employee permit of Jeffrey D. Foltz.

A "Notice of Recommendation of Revocation" dated April 8, 2014, was sent by certified mail to Mr. Jeffrey Foltz. A signed return receipt was received by the Board Hearing Office indicating that the notice was received on April 11, 2014, and signed for by someone other than Mr. Foltz.

The "Notice of Recommendation" informs the permittee that he has within 10 calendar days to request a hearing and that failure to do so will result in the revocation of his permit. Mr. Foltz did not request a hearing. He was informed of the revocation of his permit for failure to timely request a hearing by letter dated April 29, 2014.

Mr. Foltz alleges, in his request for rehearing, that an unauthorized individual who works in the office of his apartment complex signed the certified mail receipt for the "Notice of Recommendation" but did not give the letter to Mr. Foltz. Mr. Foltz also alleges that the letter was returned to the post office.

LEGAL ANALYSIS

Louisiana Revised Statute 49:959 enumerates the grounds upon which an agency may rehear,

reopen, or reconsider 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.

Mr. Foltz has presented grounds for reconsideration. The Louisiana Office of State Police does not object. Therefore, this matter will be forwarded to the Board Hearing Office for an administrative hearing on the recommendation of revocation.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of May 19, 2014:

IT IS ORDERED THAT the request 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 *19th* day of *May, 2014*.

LOUISIANA GAMING CONTROL BOARD

BY:



RONNIE JONES, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS *20th* DAY
OF *May*, *2014*
APPEAL DOCKET CLERK
