



## State of Louisiana

**KATHLEEN BABINEAUX BLANCO**  
GOVERNOR

Gaming Control Board

**HILLARY J. CRAIN**  
CHAIRMAN

# NOTICE OF DECISION

**IN RE: MINK P., L.L.C. D/B/A PARLAY'S  
NO. VP3601112150**

**TO:** Jill Gautreaux, Esq.  
One Lakeway Center  
3900 N. Causeway, Ste. 605  
Metairie, LA 70002

**CERTIFIED MAIL: 7003 1680 0000 7626 8291  
RETURN RECEIPT REQUESTED**

Michael Daniels, AAG  
1885 North 3<sup>rd</sup> Street, Ste. 500  
Baton Rouge, LA 70802

**CERTIFIED MAIL: 7003 1680 0000 7626 8307  
RETURN RECEIPT REQUESTED**

Lt. Jules Pinero, LSP  
7919 Independence Boulevard  
Baton Rouge, LA 70806

**CERTIFIED MAIL: 7003 1680 0000 7626 8314  
RETURN RECEIPT REQUESTED**

**NOTICE IS HEREBY** given that on March 17, 2004, the decision of the Louisiana Gaming Control Board was signed in the above entitled matter. (SEE COPY OF THE ENCLOSED DECISION)

An appeal from any decision of the Board shall be filed within ten (10) days of notice of the decision in the Nineteenth Judicial District Court and shall be reviewed solely on the record as provided by La. R.S. 27:26.

Louisiana Gaming Control Board, Baton Rouge, Louisiana this 17<sup>th</sup> day of March, 2004.

**Gerilyn A. Coleman**  
*Appeal Docket Clerk*

### NOTIFIED:

Jill Gautreaux, Esq.  
Michael Daniels, AAG  
Lt. Jules Pinero, LSP, Video Gaming Division

3/19/04



## State of Louisiana

Gaming Control Board

KATHLEEN BABINEAUX BLANCO  
GOVERNOR

HILLARY J. CRAIN  
CHAIRMAN

# DECISION OF THE LOUISIANA GAMING CONTROL BOARD

## IN RE: MINK P., L.L.C. D/B/A PARLAY'S NO. VP3601112150

This is an appeal from the decision of the Hearing Officer for the Louisiana Gaming Control Board ordering denial of the video gaming license application of Mink P., L.L.C. d/b/a Parlay's (Parlay's).

Ms. Chong Downing is the sole member of the applicant. She is also the sole owner of two other businesses which are licensed for the operation of video poker, 3551 18<sup>th</sup> Street Corporation d/b/a Illusions (Illusions) and Code, Inc. d/b/a She-She's (She-She's). On three occasions the Office of Alcohol and Tobacco Control issued Notices of Violation<sup>1</sup> to She-She's for violating numerous provisions of Title 26<sup>2</sup> of the Louisiana Revised Statutes, entitled "Liquors-Alcoholic Beverages."

<sup>1</sup> ATC Violation No. 14191 was issued August 17, 2001, the plea agreement was entered and the Commissioner's Findings and Order was rendered November 28, 2001. ATC Violation Nos. 52146 and 52147 were issued December 19, 2001. ATC violation No. 52148 was issued December 21, 2001, the plea agreement was entered and the Commissioner's Findings and Order was rendered April 24, 2002. ATC Violation No. 54569 was issued November 21, 2002, the administrative hearing was held May 14, 2003 and the Commissioner's Findings and Order was rendered June 24, 2003.

<sup>2</sup> La. R.S. 26:90 provides in pertinent part:

A. No person holding a retail dealer's permit and no agent, associate, employee, representative, or servant of any such person shall do or permit any of the following acts to be done on or about the licensed premises:

(4) Permit any prostitute to frequent the licensed premises or to solicit patrons for prostitution on the licensed premises.

(9) Fail to keep the premises clean and sanitary.

(13) Permit any disturbance of the peace or obscenity, or any lewd, immoral, or improper entertainment, conduct, or practices on the licensed premises.

B. The following acts or conduct on licensed premises are deemed to constitute lewd, immoral, or improper entertainment as prohibited by this Section and therefore no on-sale permit for beverages of high alcoholic content shall be held at any premises where such conduct or acts are permitted:

(1) Employment or use of any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume, or clothing as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.

(2) Employment or use of the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume, or clothing as described in Paragraph (1) of this Subsection.

(3) Encouraging or permitting any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus, or genitals of any other person.

(4) Permitting any employee or person to wear or use any device or covering, exposed to view, which stimulates the breast, genitals, anus, pubic hair, or any portion thereof.

C. Acts or conduct on licensed premises in violation of this Section are deemed to constitute lewd, immoral or improper entertainment as prohibited by this Section and therefore no on-sale permit for beverages of high alcoholic content shall be held at any premises where such conduct and acts are permitted.

D. Live entertainment is permitted on any licensed premises, except that no permittee shall permit any person to perform acts of or acts which simulate:

(1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

(2) The touching, caressing or fondling of the breast, buttocks, anus, or genitals.

(3) The display of pubic hairs, anus, vulva, genitals, or nipple of the female breast.

E. Subject to the provisions of Subsection D of this Section, entertainers whose breasts or buttocks are exposed to view shall perform only upon a stage at least eighteen inches above the immediate floor level and removed at least three feet from the nearest patron.

La. R.S. 26:286 provides in pertinent part:

A. No person holding a retail dealer's permit and no servant, agent, or employee of the permittee shall do any of the following acts upon the licensed premises:

(4) Permit any prostitute to frequent the licensed premises, or to solicit patrons for prostitution on the licensed premises.

(13) Permit any disturbance of the peace or obscenity, or any lewd, immoral, or improper entertainment, conduct, or practices on the licensed premises.

B. The following acts or conduct on licensed premises are deemed to constitute lewd, immoral, or improper entertainment as prohibited by this Section and therefore no on-sale permit for beverages of low alcoholic content shall be held at any premises where such conduct or acts are permitted:

(1) Employment or use of any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume, or clothing as to expose to view any portion of the female

She-She's entered into a plea agreement to ATC Violation No. 14191 (State Exhibit No. 20) agreeing to the payment of a \$3000.00 fine and acknowledging the commission of the following violations: La.R.S.26:90(A)(13) and 286(A)(13) - second offense, four counts; La.R.S.26:90(B)(3) and 286(B)(3) - four counts; La.R.S.26:90(D)(2) and 286(D)(2) - four counts; La.R.S.26:90(D)(3) and 286(D)(3) - four counts and La.R.S.26:90(E) and 286(E) - four counts.

She-She's also entered into a plea agreement to ATC Violation Nos. 52146, 52147 and 52148 (State Exhibit No. 18), agreeing to a \$4,400.00 fine, a 3-day suspension and acknowledging the commission of the following violations: La.R.S.26:90(A)(13) and 286(A)(13) - second offense; La.R.S.26:90(B)(3) and 286(B)(3); La.R.S.26:90(A)(4) and 286(A)(4); La.R.S.26:90(D)(2) and 286(D)(2) - second offense; La.R.S.26:90(D)(2) and 286(D)(2) - second offense; La.R.S.26:90(E) and 286(E) - second offense; La.R.S.26:71.1 and 271.2; La.R.S.26:90(A)(9); L.A.C. 55:VII.305(A);

---

breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals.

(2) Employment or use of the services of any hostess or other person to mingle with the patrons while such hostess or other person is unclothed or in such attire, costume, or clothing as described in Paragraph (1) of this Subsection.

(3) Encouraging or permitting any person on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person.

C. Acts or conduct on licensed premises in violation of this Section are deemed to constitute lewd, immoral, or improper entertainment as prohibited by this Section and therefore no on-sale permit for beverages of low alcoholic content shall be held at any premises where such conduct and acts are permitted.

D. Live Entertainment is permitted on any licensed premises, except that no permittee shall permit any person to perform acts of or acts which simulate:

(1) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts which are prohibited by law.

(2) The touching, caressing, or fondling of the breast, buttocks, anus, or genitals.

(3) The displaying of the pubic hair, anus, vulva, genitals, or nipple of the female breast.

E. Subject to the provisions of Subparagraph (b)(i) of Subsection D of this Section, entertainers whose breasts or buttocks are exposed to view shall perform only upon a stage at least eighteen inches above the immediate floor level and removed at least three feet from the nearest patron.

La.R.S.26:90(D)(1) and 286(D)(1); La.R.S.26:90(C) and 286(C); La.R.S.26:912(b) and La.R.S.26:91(A)(1) and 287(A)(8).

After an administrative hearing regarding ATC Violation No. 54569 (State Exhibit No. 14), the Commissioner of the Office of Alcohol and Tobacco Control rendered a decision finding She-She's guilty of the following violations: La.R.S.26:90(A)(13) and 286(A)(13) - second offense, six counts; La.R.S.26:90(B)(1) and 286(B)(1)-six counts; La. R.S. 26:90(B)(2) and 286(B)(2)-second offense, six counts; La.R.S.26:90(C) and 286(C) - second offense, six counts; La.R.S.26:90(D)(1) and 286(D)(1) - second offense, six counts; La.R.S.26:90(D)(2) and 286(D)(2) - third offense, six counts; La. R.S.26:90(D)(3) and 286(D)(3) and La.R.S.26:90(A)(4) and 286(A)(4). The Commissioner imposed a \$6000.00 penalty and a 6-day suspension.

Not only should this Board consider Ms. Downing's failure to notify the Division of the issuance of the notices of violation and the administrative penalties imposed against She-She's, we should also consider the nature of the violations, the number of counts per violation and the fact that some of the violations were a second offense.

The record also reveals that on several occasions both She-She's and Illusions were the subject of police investigations in which criminal charges were brought against employees of the establishments. In one instance Ms. Downing failed to notify the Division that on March 23, 2002, the Jefferson Parish Sheriff's Office conducted a vice raid at Illusions, arrested approximately 5 employees on the premises and charged them with lewd conduct. At least 2 of those employees subsequently pled guilty to disturbing the peace. One of the persons arrested was a designated representative of Illusions. The Division was not apprized of that fact.

In enacting the Louisiana Gaming Control Law, the legislature found and declared it to be the public policy of the state that the development of a controlled gaming industry is important to promote the economic development of the state. La. R.S.27:2(A). The success and growth of gaming is dependent upon public confidence and trust that video gaming activities are conducted honestly and are free from criminal and corruptive elements. In furtherance of this policy, the state has a legitimate interest in strictly regulating all persons, locations, practices, associations, and activities related to the operation of licensed and qualified gaming establishments. La. R.S. 27:306(A).

Ms. Downing has demonstrated both her unwillingness to conduct business in compliance with the video gaming laws and regulations and her failure to meet the requirements of La. R.S. 27:310(B) and (C). Accordingly, for the reasons stated above and for the reasons cited by the Hearing Officer, we conclude that the decision of the Hearing Officer ordering denial of the video gaming license application should be affirmed.

## ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of March 15, 2004:

**IT IS ORDERED THAT** the Hearing Officer's decision is **AFFIRMED** and the video gaming license is **DENIED**.

**THUS DONE AND SIGNED** this the 16<sup>th</sup> day of March, 2004.

**LOUISIANA GAMING CONTROL BOARD**

**LOUISIANA GAMING CONTROL BOARD** BY:

I HEREBY CERTIFY THAT A CERTIFIED COPY HAS BEEN MAILED OR SERVED ON ALL PARTIES THIS 17<sup>th</sup> DAY OF March 2004

  
HILLARY J. CRAIN, CHAIRMAN

APPEAL DOCKET CLERK  
