



State of Louisiana

KATHLEEN BABINEAUX BLANCO
GOVERNOR

Gaming Control Board

H. CHARLES GAUDIN
CHAIRMAN

ANNE LACOUR NEEB
EXECUTIVE DIRECTOR

DECISION OF THE LOUISIANA GAMING CONTROL BOARD

IN RE: PETER'S SEAFOOD D/B/A HANK'S SEAFOOD NO. 3601207976A

This is an appeal by Peter's Seafood D/B/A Hank's Seafood from the decision of the Hearing Officer of the Louisiana Gaming Control Board, rendered on August 12, 2004, revoking its video gaming license.

Based on the facts and for the reasons assigned by the Hearing Officer which we hereby attach to this decision and adopt as our own, we conclude that the decision of the Hearing Officer should be affirmed.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of November 16, 2004:


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

THUS DONE AND SIGNED on this the 22nd day of November, 2004.

LOUISIANA GAMING CONTROL BOARD

BY:


H. CHARLES GAUDIN, CHAIRMAN

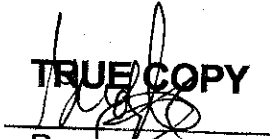
LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 23rd DAY
OF November, 2004
APPEAL DOCKET CLERK


**STATE OF LOUISIANA
GAMING CONTROL BOARD**

**ADMINISTRATIVE HEARING
AUGUST 10, 2004**

**HEARING OFFICER
WILLIAM H. BROWN**

**IN RE: PETER' S SEAFOOD, INC. D/B/A
HANKS' S SEAFOOD
#3601207976A**

TRUE COPY

Representative
Louisiana Gaming Control Board

**IN RE: PETER'S SEAFOOD, INC.
D/B/A HANK'S SEAFOOD
NO. 3601207976A**

APPEARANCES:

For the State of Louisiana

Karen D. White
Assistant Attorney General
1885 North 3rd Street, Ste. 500
Baton Rouge, LA 70802

For Peter's Seafood, Inc.

B. Kyle Kershaw
Attorney at Law
P. O. Box 4852
Baton Rouge, LA 70821

STATEMENT OF THE CASE:

On April 29, 2004 the Louisiana Gaming Control Board issued a Notice of Recommendation of Revocation to Peter's Seafood, Inc. d/b/a Hank's Seafood ("Permittee") of its Type 2 Video Gaming License. The denial was based on Mr. and Mrs. Tran's failure to disclose a felony conviction of their son for possession of stolen things valued over \$500.00.

STATE'S EXHIBITS:

1. Personal History Questionnaire of Hop Tran
2. Personal History Questionnaire of Thuy Tran
3. Minute Entry, 22nd Judicial District Court
4. Hearing Officer's Decision In Re: Dennis & Mindy, LLC
5. Personal History Questionnaire of Mindy Tran
6. Notice of Recommendation of Denial of Original Application of Dennis & Mindy, LLC
7. July 22, 2003 letter from Attorney Christopher G. Young

PERMITTEE'S EXHIBITS:

None

FINDINGS OF FACT:

The personal history questionnaires filed by Hop Q. Tran and Thuy T. Tran required them to list all children, step-children and adopted children. Both of the applicants listed Dennis Tran as a child.¹ Page 6, Question K provides:

"Has your spouse or any family member listed in Section 4 ever been convicted of a felony in any state (including Louisiana), municipality, country, or other jurisdiction (including Federal)? If yes, list below. Provide details on a separate sheet of paper and label as Question PHQ-7K, if additional space is needed."

Both applicants answered Question K as "No".

The Division introduced into evidence Exhibit 3, an extract of the minutes of the 22nd Judicial District Court showing that on May 30, 1996 Hoa T. Tran entered a guilty plea to a felony, violation of La. R.S. 14:69 Illegal Possession of Stolen Things in excess of \$500.00. Hoa T. Tran and Dennis Tran are the same person.

Mr. Tran testified that he did not know his son, Dennis, had been convicted of a felony. He stated that he did not involved Dennis in the ownership and management of Hank's Seafood for he knew Dennis had done something wrong, " a small wrong". He did not know that it was a "big wrong". He stated he thought had Dennis committed a felony, then he would have spent time in jail.

Trooper Ann Marie Dusang interviewed Mr. Tran on July 31, 2003, approximately two months after Mr. Tran executed the affidavit on the personal questionnaire wherein he sworn that he had read the questions and certify that answers are true and correct. Mr. Tran testified that he had received a Notice of Recommendation of Denial of Original Application on Orleans Seafood & Grill,² an establishment he owned, prior to his interview with Trooper Dusang. The denial notice stated:

¹ See Exhibits 1 & 2, pages 2, Sections 4 Family Information.

² See Exhibit 6

"On February 11, 2002, the Louisiana State Police, Video Gaming Division, began a background investigation into the applicant. It was discovered that on September 8, 1995, Hop Tran's son, Dennis Tran, was arrested and plead guilty under the alias of Hoa Thai Tran for possession of stolen things over \$500.00."

When asked how he could testify that he had no knowledge about his son's felony conviction inasmuch as the Notice of Denial letter disclosed the information. His response was that he did not read the Notice of Denial (Exhibit 6); that upon receiving it, he gave it to the device owner of the machines in the Orleans Seafood & Grill establishment.

Mr. Eric Eilers testified that he is a service manager for Redman of Louisiana, Inc., a gaming device owner. He stated Mr. Tran contacted him about the Notice of Denial in the Hank's Seafood, however, he was not aware of the Notice of Denial in the Orleans Seafood & Grill case.

APPLICABLE LAW:

La. R.S. 27:310 (B)(1)(a) provides:

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.**

La. R.S. 27:28(B)(4) provides:

The board or division, where applicable, shall not grant a license or permit, enter into a casino operating contract, or issue any other approval pursuant to the provisions of this Title to any person who is disqualified on the basis of the following criteria:

(4) The failure to provide information and documentation to reveal any fact material to a suitability determination, or the supplying of information which is untrue or misleading as to a material fact pertaining to the suitability criteria.

LAC 42:XI.2405A (15) provides:

A. Initial and Renewal Applications

(15) Any false statement, including improperly notarized documents, contained in any report, disclosure, application, permit form, or any report, disclosure, application, permit form, or any other document required by this Section shall be a violation of these rules and the act.

REASONS FOR JUDGMENT:

It is a proven fact that Mr. and Mrs. Trans' answer to question K, page 6 of their personal questionnaire is false. Their son, Dennis Tran had been convicted of a felony at the time the application was signed. Mr. Tran seeks to justify his wrong answer by simply stating he did not know of the felony conviction. However, he did testify that he knew his son had committed a "small wrong" but never checked into the circumstances of the wrong. Perhaps this answer could have been accepted, but the evidence shows that when Trooper Dusang interviewed him on July 31, 2003 he had already received a Notice of Denial of the Orleans Seafood & Grill which notice disclosed that Dennis Tran had been convicted of a felony. However, Mr. Tran seeks to avoid this knowledge by stating he did not read the notice.

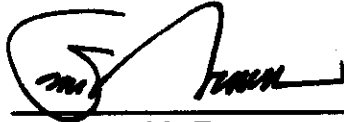
I believe the public interest in the integrity of gaming is threatened if applicants can stick their heads in the sand and not venture to seek the truth.

ORDER

Considering the foregoing;

IT IS ORDERED that the Type 2 Video Gaming License of Peter's Seafood, Inc. d/b/a Hank's Seafood is revoked.

Baton Rouge, Louisiana this 12th day of August 2004.



William H. Brown
Hearing Officer

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 13th DAY
OF August, 2004
Jill Domingue
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Kyle Kershaw
Kalen White
Sabrina Ballard

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 8/13/04
Jill Domingue
BY: CLERK