



*State of Louisiana*  
*Gaming Control Board*

*BOBBY JINDAL*  
*GOVERNOR*

*RONNIE JONES*  
*CHAIRMAN*

**DECISION OF THE  
LOUISIANA GAMING CONTROL BOARD**

**IN RE: JAMES R. TAYLOR  
NO. P040021163**

This matter is before the Louisiana Gaming Control Board on appeal by James R. Taylor, Permit No. P040021163, from the Hearing Officer's decision dated July 17, 2013, in which the Hearing Officer revoked Mr. Taylor's permit finding Mr. Taylor unsuitable. The finding of unsuitability was based on Mr. Taylor's pending felony charge and his failure to notify the Division of the charge.

Mr. Taylor alleged at the time of his arrest that the drug found in his car belonged to his mother-in-law. According to the police report, the name Mr. Taylor gave for his mother-in-law was not the name on the prescription bottle. At the hearing on this matter, Mr. Taylor introduced evidence consisting of: 1) a note from a doctor stating that Jimmie Jasmine, a patient, was prescribed Oxycodone; 2) a notarized document of Jimmie Jasmine indicating that the pill found in her son-in-law's, Mr. Taylor's, car belonged to her; and 3) a copy of Mr. Taylor's marriage license showing his mother-in-law to be Jimmie Mae Griffin.

Mr. Taylor's criminal case is pending. At the hearing, Mr. Taylor requested a continuance until the criminal matter is resolved. The Division objected and the

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request was denied.

The Division argues that Mr. Taylor is statutorily disqualified due to his pending felony charge and requests the decision of the Hearing Officer be affirmed.

The relevant provisions regarding suitability are found in La. R.S. 27:28 as follows:

B. 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:

(1) The conviction or a plea of guilty or nolo contendere by the applicant or any person required to be suitable under the provisions of this Title for any of the following:

(a) Any offense punishable by imprisonment of more than one year.

...

(2) There is a current prosecution or pending charge against the person in any jurisdiction for any offense listed in Paragraph (1) of this Subsection.

...

(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.

...

E. Any person whose license or permit has been revoked or who has been found unsuitable in this state or any other jurisdiction is not eligible to obtain any license or permit pursuant to the provisions of this Title for a period of five years from the date the revocation or finding of unsuitability becomes final.

Louisiana Revised Statute 27:28(F) allows the board to defer a finding of unsuitability when there is a pending criminal proceeding, as follows:

All licensees, all permittees, the casino gaming operator, and any other persons who have been found suitable or approved by the board or division shall maintain suitability throughout the term of the license, permit, casino operating contract, or approval. **In the event of a current prosecution of an offense as provided in R.S. 27:28(B)(2), the board, or division where applicable, shall have the discretion to defer a determination on a person's continuing suitability pending the outcome of the proceedings provided that if a decision is deferred pending such outcome the board, or division where applicable, may take such action as is necessary to protect the public trust, including the suspension of any license or permit.** (Emphasis added.)

Mr. Taylor presented evidence of a defense that was admitted at the hearing. He requested that the matter be continued in order to resolve the criminal proceedings. Under the circumstances of the instant matter, we will set aside the decision of the Hearing Officer and defer a determination of Mr. Taylor's suitability and suspend his permit pending the outcome of the criminal proceedings. Mr. Taylor will be required to request a hearing with the Hearing Officer to lift the suspension or the Division may request a hearing at the completion of the criminal proceedings. At that time, the Hearing Officer will set the matter for hearing on the merits of the recommendation of revocation allowing either party to present testimony and evidence. The Hearing Officer may also consider the imposition of a civil penalty for failure to timely inform the Division of the arrest as required by L.A.C. 42:III.2901(B)(4). Either party may appeal from the Hearing Officer's decision.

If the criminal proceedings are not resolved and the permit is in a suspended status at the time for renewal, the permit will expire and Mr. Taylor would be required to reapply.

## ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of September 19, 2013:

**IT IS ORDERED THAT** the Hearing Officer's decision is **SET ASIDE**, consideration of the recommendation of revocation is **DEFERRED**, and the permit is **SUSPENDED** under the terms and for the reasons set forth in this decision.

**THUS DONE AND SIGNED** on this the *19<sup>th</sup>* day of *September, 2013*.

LOUISIANA GAMING CONTROL BOARD

BY:

  
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RONNIE JONES, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 23<sup>rd</sup> DAY  
OF September, 2013  
APPEAL DOCKET CLERK