



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**IN RE: BRIDGET MARIE MILES
NO. P040041213**

RULING ON APPLICATION FOR REHEARING

The matter before the Louisiana Gaming Control Board ("Board") is a request for rehearing of the revocation of the non-key gaming employee permit of Ms. Miles.

A "Notice of Recommendation of Revocation" of Ms. Miles' permit was issued on August 23, 2003, notifying the permittee that failure to request an administrative hearing within 10 days of receipt of the notice would result in revocation of the permit without further proceedings. The basis for the recommendation was the failure of Ms. Miles to obtain a tax clearance from the Louisiana Department of Revenue. Domiciliary service was made at the address on record with the Division (3030 Albany St., Kenner) and acceptance was signed for by Samuel Miles, Ms. Miles' brother.

No hearing was requested. As a result, on December 2, 2003, the Board issued a "Notice of Revocation." The notice was sent by certified mail to the Kenner address. The name Bridget Miles appears on the return receipt. The date of receipt as it appears on the "green card" is December 4, 2003.

On December 19, 2003, Ms. Miles was apparently informed by her employer that her permit had been revoked. Later on that same date she was personally served with a copy of the "Notice of Revocation" by a Division agent at the Division office in Metairie. From the Division office Ms. Miles faxed

a request for rehearing of the revocation alleging that she never received the "Notice of Revocation." She stated that if the notice was mailed to the Albany St. address, someone else must have signed her name to the "green card" or return receipt of certified mail because on September 1st she moved in with a friend at 2609 Wilton St., New Orleans to be closer to her job and moved from there to a new address on December 1st. The signatures on the "green card" and the rehearing request do not appear to be the same.

LEGAL ANALYSIS

Louisiana Revised Statute 49:959 enumerates the grounds upon which an agency or Board 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.

"Adjudication" is defined as the agency process for the formulation of a decision or order. La. R.S. 49:951(1).

Ms. Miles has presented grounds for reconsideration. Therefore, this matter will be forwarded to the Louisiana Gaming Control Board Hearing Office for scheduling of an administrative hearing before the Hearing Officer for further proceedings.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of January 20, 2004:

IT IS ORDERED THAT the request for rehearing 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 21st day of January, 2004.

LOUISIANA GAMING CONTROL BOARD

BY:



HILLARY J. CRAIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 21st DAY
OF January, 2004

APPEAL DOCKET CLERK
