



*State of Louisiana*  
*Gaming Control Board*

*BOBBY JINDAL*  
GOVERNOR

*DANE K. MORGAN*  
CHAIRMAN

**DECISION OF THE  
LOUISIANA GAMING CONTROL BOARD**

**IN RE: NAN, INCORPORATED D/B/A RANDAZZO'S DELI & CATERING  
NO. 2600213600A**

This is an appeal by Nan, Incorporated d/b/a Randazzo's Deli & Catering from the decision of the Hearing Officer of the Louisiana Gaming Control Board, rendered on August 5, 2009, revoking its Type 2 Video Draw Poker license based on the licensee's operation of the video gaming devices without a valid ATC permit.

**FINDING OF FACTS**

Randazzo's Deli & Catering's ATC permits expired on February 28, 2007 and remained invalid at the time of the hearing on this matter, May 27, 2009. State Police was not notified of the expiration of the ATC permits. Approximately \$25, 820 was generated in net gaming revenue during the period that Randazzo's operated without valid ATC permits.

In its appeal, Randazzo's is asking to be allowed to pay any fees and be given a 6 month probation period.

**LEGAL ANALYSIS**

Only certain types of establishments may obtain a license to operate video gaming devices and each type of establishment must meet certain criteria in order to be considered a qualified establishment for the operation of video gaming devices. La. R. S. 27:306(A)(1) and La. R.S. 27:301(B)(8). An establishment which has been granted a Class A-Restaurant permit to sell alcoholic beverages for

consumption on the premises of a restaurant is one type which is recognized by the legislature. La. R. S. 27:306(A)(2)(a) and La. R. S. 27:301(B)(12).

Louisiana Revised Statute 27:310(C) provides, in pertinent part, that “[a]ll licensees and persons required to be qualified ... shall have a continuing duty to inform the Division of any action which they believe would constitute a violation” of the video gaming laws.

The legislature has expressed its desire that “video draw poker gaming activities are conducted honestly and are free from criminal and corruptive elements” and its interest “in providing strict regulation of all persons, practices, associations, and activities related to the operation of licensed establishments.” La. R.S. 27:306(A)(1).

The licensed establishment was no longer qualified to operate video gaming devices after the expiration of its ATC permits. The permits expired in February 2007 and remained invalid at the time of the hearing, May 2009.

Louisiana Revised Statute 27:308(B)(1) states, in pertinent part, “The board ... shall not levy a penalty, condition the license ... or reinstate the license ... of any person ... unless and until the person ... meets all the criteria and requirements to be licensed ... .”

## ORDER

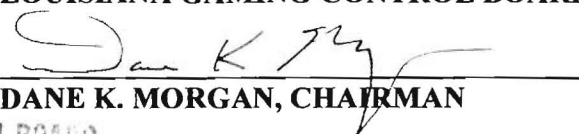
This matter having been considered by the Louisiana Gaming Control Board in open meeting of November 17, 2009:

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

**THUS DONE AND SIGNED** on this the 17<sup>th</sup> day of *November, 2009*

**LOUISIANA GAMING CONTROL BOARD**

BY:

  
**DANE K. MORGAN, CHAIRMAN**

DKM/gac

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPIES HAS BEEN MAILED OR SERVED ON  
18th DAY  
OF November 2009  
BY [Signature]