



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DANE K. MORGAN
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**IN RE: DONNELL A. BONNEÉ
NO. P040057744**

This matter is before the Louisiana Gaming Control Board on appeal by the Office of State Police, Gaming Enforcement Division (“Division”), from the Hearing Officer’s decision dated July 18, 2011. The Hearing Officer ordered the approval of Donnell A. Bonneé’s non-key gaming employee permit application. The Division appeals this decision and requests that the Board reverse the Hearing Officer’s decision and uphold the denial of Mr. Bonneé’s non-key gaming employee permit application.

The Office of State Police is authorized to issue non-key gaming employee permits. La. R.S. 27:20(A)(1)(d)(i). Mr. Donnell A. Bonneé applied for such a permit and was denied. The basis for the denial was Mr. Bonneé’s failure to disclose his criminal history and the determination that he is unsuitable.

Mr. Bonneé requested an administrative hearing. The Hearing Officer found that Mr. Bonneé’s failure to disclose his criminal record was reasonable under the circumstances and that Mr. Bonneé is “a man of integrity and responsible character.”

FINDINGS OF FACT

Mr. Bonneé did not say that he failed to read the questions regarding his criminal history.

He claims to have forgotten the incidents at the time of application because he “didn’t have time to sit and prepare or even think about ... different things, especially because it was 10 years ago and one of them 11 or 12 years ago. I didn’t have time to sit and think and try to recall this stuff.” This is not credible. One does not forget charges of aggravated battery, domestic violence or simple battery, and disturbing the peace by threats.

LEGAL ANALYSIS

Louisiana Revised Statute 27:28 outlines the suitability standards to be used in determining an applicant’s eligibility to obtain a permit. For a person to be found suitable under the provisions of La. R.S. 27:28, he must demonstrate that he is, *inter alia*:

- (1) A person of good character, honesty, and integrity.
- (2) A person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or carrying on of the business and financial arrangements incidental thereto.

...

- (4) Not disqualified pursuant to the provisions of Subsection B of this Section.¹

Subsection B of La. R.S. 27:28 provides, in pertinent part, that a permit may not be issued to a person who is disqualified for his “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.” La. R.S. 27:28(B)(4).

The Board has previously held that the criminal record of an individual is material to a suitability determination even if the criminal record does not contain an automatic disqualifying event. *In Re: Lanormandie Lounge, LCGB Decision, 8/20/1997*. The Board has also looked to the applicant’s intention to deceive in determining if the omission rises to the level of

¹ Louisiana Revised Statute 27:28(A)

unsuitable conduct. See *In Re: Carolyn Ansley, LGCB Decision, 3/17/1998; In Re: Glenda Graves, LGCB Decision, 1/20/1998; In Re: Tyrone Howard, LGCB Decision, 1/20/1998; In Re: Jimmy Johnson, LGCB Decision, 1/20/1998; In Re: Glenn A. Viggiano, 1/20/1998; and In Re: James Taylor, LGCB Decision, 1/20/1998.*²

It is not credible that Mr. Bonneé forgot his criminal history at the time of application. His failure to provide this information was intentional and thus he is unsuitable and ineligible to receive a non-key gaming employee permit.

The Hearing Officer's decision should be reversed and the Division's denial of Donnell A. Bonneé's application should be upheld.

ORDER


This matter having been considered by the Louisiana Gaming Control Board in open meeting of September 15, 2011:

IT IS ORDERED THAT the decision of the Hearing Officer is **REVERSED** and the denial of Donnell A. Bonneé's non-key gaming employee permit application is **UPHELD**.

THUS DONE AND SIGNED on this the *15th* day of *September, 2011*.

LOUISIANA GAMING CONTROL BOARD
BY: 
DANE K. MORGAN, CHAIRMAN

DKM/gac

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 16th DAY
OF September, 2011
APPEAL DOCKET CLERK


² Suitability standards and qualifications for permittees were then found in La. R.S. 27:70 and 76, respectively.