



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**IN RE: DAVID HOLDEN
No. P040005573**

This is an appeal by David Holden, P040005573, of the Hearing Officer's decision revoking Mr. Holden's non-key gaming employee permit.

ORDER

Based on the facts and for the reasons assigned in the decision of the Hearing Officer which we attach hereto and adopt as our own:

IT IS ORDERED that the decision of the Hearing Officer revoking David Holden's non-key gaming employee permit, No. P040005573, is **AFFIRMED**.

THUS DONE AND SIGNED on this the 20th 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**



**STATE OF LOUISIANA
GAMING CONTROL BOARD**

**ADMINISTRATIVE HEARING
NOVEMBER 11, 2003**

**HEARING OFFICER
JOSEPH E. ANZALONE, JR.**

**IN RE: DAVID HOLDEN
#P040005573**

TRUE COPY

Representative
Louisiana Gaming Control Board

IN RE: DAVID HOLDEN
P040005573

APPEARANCES:

For the State of Louisiana:
Ms. Karen White
Assistant Attorney General
339 Florida Street
Suite 500
Baton Rouge, LA 70801

For David Holden:
Mr. David Holden
3318 Irish Circle
Shreveport, LA 71119
In Proper Person

STATEMENT OF THE CASE:

The Louisiana State Police, Casino Gaming Division, recommends the revocation of the non-key gaming employee permit of Mr. David Holden alleging that on June 19, 2003, the Division received information from the Shreveport Police Department regarding a felony warrant for Mr. Holden charging him with unauthorized entry of an inhabited dwelling, and offense punishable by imprisonment of more than one year.

STATE'S EVIDENCE AND CONTENTIONS:

Counsel for the Division contends that Mr. Holden is statutorily disqualified because of his criminal charges and requests revocation of the non-key gaming employee permit.

The State has offered, filed, and introduced into evidence an exhibit file marked S-1 (in globo) and containing the following documents:

3. Certified Copy of Court Minutes from First Judicial District Court; Parish of Caddo dated October 31, 2003, reflecting that on August 11, 2003, a Bill of Information was filed against Mr. Holden charging him with Unauthorized Entry of an Inhabited Dwelling.

LICENSEE'S EVIDENCE AND CONTENTIONS:

The licensee has offered, filed, and introduced into evidence the following documents:

1. Correspondence dated October 30, 2003, from Lori C. Graham reflecting that Mr. Holden is scheduled to appear on January 7, 2004, in the First Judicial District Court;

Mr. Holden testified he believed the charges would eventually be dismissed during his court appearance scheduled for January 7, 2004.

FINDINGS OF FACT:

Mr. Holden currently faces charges for unauthorized entry of an inhabited dwelling in the First Judicial District Court, Parish of Caddo.

APPLICABLE LAW:

La. R.S. 27:28(A) provides in pertinent part:

No person shall be eligible to obtain a license or permit . . . unless the applicant has demonstrated by clear and convincing evidence to the board or division, where applicable, that he is suitable. For purposes of this Title, "suitable" means the . . . permittee. . . is:

- (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.

La. R.S. 27:28 (B) provides in pertinent part:

The board or division, where applicable, shall not grant a license or permit . . . 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.
 - (b) Theft or attempted theft, illegal possession of stolen things, or any offense or attempt involving the misappropriation of property or funds.
- (2) There is current prosecution or pending charge against the person in any jurisdiction for any offense listed in Paragraph (1) of this Subsection.

La. R.S. 27:28 (F) provides:

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 decision 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.

La. R.S. 27:58(9) provides:

The division shall:

(9) Ensure that licenses or permits are not issued to or held by a disqualified person, and that there is no material involvement, directly or indirectly, with a licensee by a disqualified person in accordance with R.S. 27:28.

REASONS FOR DECISION:

La. R.S. 27:28(B)(2) provides that pending charges in any jurisdiction render an applicant statutorily disqualified and unsuitable for holding a non-key gaming employee permit.

Mr. Holden faces charges unresolved criminal charges and is, therefore, statutorily disqualified from participating in the gaming industry in Louisiana.

The charges are pending. Justice demands the revocation be without prejudice.

IN RE: DAVID HOLDEN
P040005573

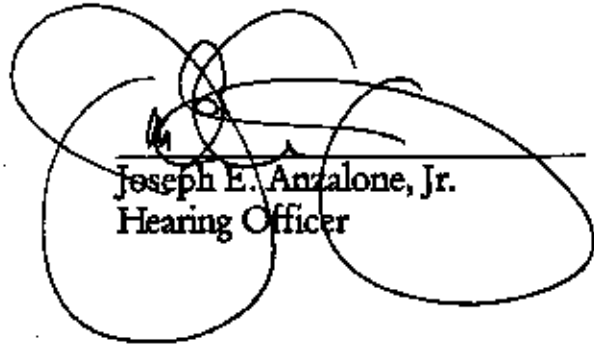
JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the non-key gaming employee permit currently held by David Holden, is hereby REVOKED without prejudice.

Baton Rouge, Louisiana, this 8 day of December, 2003.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 8th DAY
OF December 2003
Rosanne Hayes
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: David Holden
Karen White
St. Dean


Joseph E. Anzalone, Jr.
Hearing Officer

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA December 8, 2003
Rosanne Hayes
BY: CLERK