



State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

DECISION OF THE LOUISIANA GAMING CONTROL BOARD

IN RE: JOE'S PLACE, L.L.C. D/B/A THE LOCKS
NO. VP2600112291
Violation/Inspection Report 011633

RULING ON MOTION TO RECONSIDER AND DISMISS

The matter before the Louisiana Gaming Control Board ("Board") is a motion filed by Louisiana State Police Video Gaming Division to reconsider the revocation of the video gaming license of Joe's Place, L.L.C. d/b/a The Locks (The Locks) and subsequently dismiss the administrative proceedings against the licensee.

On April 16, 2003, a "Notice of Recommendation of Revocation or Suspension" regarding Violation/Inspection Report No. 011633 was received by the licensee as evidenced by the signed return receipt of certified mail. The licensee was notified that an administrative hearing must be requested within 10 days of its receipt of the notice and informed that failure to request a hearing would result in the revocation of its license without further proceedings. The licensee did not request a hearing. As a result, on May 8, 2003, the Board issued a "Notice of Revocation" which was received by the Division on May 12th and by the licensee on May 15th as evidenced by the signed receipts of certified mail.

The recommendation was based on the licensee's failure to notify the Division that Mr. Keith Taravella, a member and officer of the limited liability company which owns the licensee was allegedly

arrested on August 19, 2002 and plead guilty on December 12, 2002 to an offense punishable by greater than one year imprisonment.

On May 14th, counsel for the Division filed the motion before us today, alleging that on February 1, 2003, the Division received a copy of an act of transfer of Mr. Taravella's membership interest in Joe's Place, L.L.C., to Mr. Danny J. Pigott. The transfer of membership interest occurred prior to the issuance of the "Notice of Recommendation of Revocation or Suspension."

The Division seeks to have the Board accept the sale of Mr. Taravella's membership interest to Mr. Pigott, accept Mr. Taravella's removal as a member and manager of The Locks, reconsider the revocation of the license and to dismiss the administrative proceedings pending against the licensee.

The motion to reconsider is substantively a request for rehearing of the revocation which was timely filed.

LEGAL ANALYSIS

La R.S. 49:959 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).

The Division has presented grounds for reconsideration. Therefore, this matter will be forwarded to the Louisiana Gaming Control Board Hearing Office for the scheduling of an administrative hearing on the "Notice of Recommendation of Revocation or Suspension" before the Hearing Officer where evidence may be introduced and a determination made as to the appropriate action to be taken and the penalty, if any, to be imposed against the licensee.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of July 15, 2003:

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 15th day of July, 2003.

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 17th DAY
OF July, 2003
APPEAL DOCKET CLERK
