



State of Louisiana

Gaming Control Board

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

HILLARY J. CRAIN
CHAIRMAN

RULING ON PETITION FOR DECLARATORY RULING OF NITRO GAMING, INC.

Nitro Gaming, Inc. ("Nitro") filed a petition requesting the Louisiana Gaming Control Board ("Board") for a declaratory ruling on the application of La. R.S. 27:306(A)(5)(a) which reads:

The qualified truck stop facility shall be owned or leased by a person who meets all the personal qualifications for a Class A-General retail permit or a Class A-Restaurant permit, as defined in Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to serve or sell alcoholic beverages for on-premises consumption. However, when no such permit is obtainable or available, no such permit shall be required.

Nitro represents that it desires to develop a truck stop facility on property located in the city limits of Shreveport within an Industrial Park Overlay District where sale and/or dispensing of alcoholic beverages is prohibited by a zoning ordinance. Nitro further alleges that this prohibition prevents it from obtaining a state permit to sell or serve alcoholic beverages for on-premises consumption. Nitro requests a ruling from the Board that in this circumstance, La. R.S. 27:306(A)(5)(a) applies and, if it meets all other qualifications for a truck stop facility, it is eligible for licensing.

It is the ruling of the Louisiana Gaming Control Board that if a lawful zoning ordinance prohibiting the sale of alcoholic beverages is the reason for the denial or prevention of the issuance of a Class A-General retail permit or a Class A-Restaurant permit, as defined in Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to serve or sell alcoholic beverages for

on-premises consumption, La. R.S. 27:306(A)(5)(a) is applicable. In this circumstance, if a truck stop facility meets all other qualifications under the Louisiana Gaming Control Law, it is eligible for video gaming licensure.

This matter was considered by the Louisiana Gaming Control Board in open meeting of April 15, 2002.

THUS DONE AND SIGNED this 16th day of April, 2002.

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 April, 2002
APPEAL DOCKET CLERK
