



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: PATRICK D. MOUTON NO. P040016426

This is an appeal by Patrick D. Mouton from the decision of Honorable Joseph E. Anzalone, Jr., Hearing Officer for the Louisiana Gaming Control Board, rendered on March 10, 2003, ordering revocation of Mr. Mouton's non-key gaming employee permit.

On October 1, 1999, Mr. Mouton filed an application for renewal of his non-key gaming employee permit. His permit was renewed on October 15, 2001, with the expiration date of January 16, 2004. By letter dated October 21, 2002, the Casino Gaming Division notified Mr. Mouton of the recommended revocation of his permit. The basis for the recommendation was Mr. Mouton's alleged statutory disqualification under La. R.S. 27:28(B)(1)(a) and (b) and his failure to disclose the criminal proceedings preceding the guilty plea, in violation of La. R.S. 27:28(B)(4).

A review of the record reveals that the United States Attorney's Office filed a Bill of Information against Mr. Mouton on November 8, 1999, charging Mr. Mouton with one count of bank theft in violation of 18 U.S.C. 2113(b). Mr. Mouton was charged with stealing and purloining approximately \$9,500 from Hibernia National Bank of Lake Charles. On March 22, 2000, Mr. Mouton, the United States Attorney's Office and the U.S. Probation Office executed a Pre-Trial Diversion Agreement whereby Mr. Mouton was placed in a Pre-Trial Diversion Program. As a result,

the Bill of Information was dismissed without prejudice. Mr. Mouton subsequently violated the terms of the Pre-Trial Diversion Agreement. The United States Attorney's Office refiled the Bill of Information on December 13, 2001. On January 4, 2002, Mr. Mouton pled guilty in the United States District Court for the Western District of Louisiana to bank theft of a sum greater than \$1,000 in violation of 18 U.S.C. 2113(b). On April 4, 2002, Mr. Mouton was sentenced to 5 years probation (subject to certain enumerated conditions) and assessed a fine of \$5,000.

APPLICABLE LAW

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

B. The Board or Division, where applicable, shall not grant a license or permit, enter into a casino operating contract, 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.

....

(4) The 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.

18 U.S.C. sec. 2113(b) provides in pertinent part:

(b) Whoever takes and carries away, with intent to steal or purloin, any property or money or any other thing of value exceeding \$1,000 belonging to, or in the care, custody, control, management, or possession of any bank, credit union, or any savings and loan association, shall be fined under this title or imprisoned not more than ten years, or both.

Mr. Mouton is thus statutorily disqualified from being permitted as a nonkey gaming employee pursuant to La. R.S. 27:28(B)(1)(a) and (b). Accordingly, the Hearing Officer's decision should be affirmed.¹

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of April 23, 2003:

IT IS ORDERED that the decision of the Hearing Officer is **AFFIRMED** and the non-key gaming employee permit is **REVOKED**.


THUS DONE AND SIGNED this 23rd day of April, 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 24th DAY
OF April, 2003
APPEAL DOCKET CLERK


¹ Having determined that Mr. Mouton is statutorily disqualified under La. R.S. 27:28(B)(1)(a)-(b), we need not determine whether he violated La. R.S. 27:28(B)(4).