



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

RONNIE JONES
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**IN RE: DENNIS L. BROWN
NO. P040061570**

This matter is before the Louisiana Gaming Control Board on appeal by Dennis L. Brown, Permit No. P040061570, from the Hearing Officer's decision dated January 8, 2015, in which his non-key gaming employee permit was revoked. At the time of the hearing, Mr. Brown had pled guilty to a felony, Improper Photography, which rendered Mr. Brown disqualified from holding a permit under the provisions of La. R.S. 27:28(B).¹

At the hearing, Mr. Brown introduced letters regarding his good character from his co-workers but the Hearing Officer did not consider these. The Hearing Officer found that a determination as to Mr. Brown's character and general suitability under the provisions of La. R.S. 27:28(A)² was not needed because Mr. Brown was statutorily disqualified from holding a

¹ Louisiana Revised Statute 27:28(B)(1)(a) provides:

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.

² Louisiana Revised Statute 27:28 (A) provides:

A. No person shall be eligible to obtain a license or permit, enter into a casino operating contract with the state, or obtain any other approval pursuant to the provisions of this Title unless the applicant has demonstrated by clear and convincing evidence to the

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permit.

In his appeal, Mr. Brown alleges that the statute under which he was charged and pled guilty has since been declared unconstitutional. He attached a Judgment of Acquittal in his criminal case wherein the court ordered that Mr. Brown was not guilty of the charged offense. Mr. Brown argues that he is no longer statutorily disqualified.

We cannot consider evidence which is not part of the record with the Hearing Office.

The Office of State Police (the "Division") asks that the Board uphold the Hearing Officer's decision or, in the alternative, remand this matter for consideration of new evidence and consideration of Mr. Brown's general suitability under the provisions of La. R.S. 28(D).

The Division argues that Mr. Brown does not meet the general suitability criteria of La. R.S. 27:28(A).

We agree with the Division that Mr. Brown does not meet the general suitability requirements and will affirm the Hearing Officer's decision to revoke Mr. Brown's permit.

board or division, where applicable, that he is suitable. For the purposes of this Title, "suitable" means the applicant, licensee, casino gaming operator, permittee, or other person 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.
- (3) Capable of and likely to conduct the activities for which the applicant, licensee, permittee, casino gaming operator, or licensed eligible facility is licensed, permitted, or approved pursuant to the provisions of this Title.
- (4) Not disqualified pursuant to the provisions of Subsection B of this Section.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of March 19, 2015:

IT IS ORDERED THAT the Hearing Officer's decision is **AFFIRMED**.

THUS DONE AND SIGNED on this the *19th* day of *March, 2015*.

LOUISIANA GAMING CONTROL BOARD

BY:



RONNIE JONES, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD

I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON

ALL PARTIES THIS 20th DAY

OF March, 2015



APPEAL DOCKET CLERK