



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

RONNIE JONES
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**IN RE: JONELLE FLUENCE
NO. V000018824**

This matter is before the Louisiana Gaming Control Board on appeal by Jonelle Fluence, Application No. V000018824, from the Hearing Officer's decision dated September 11, 2013, in which he upheld the State of Louisiana, Office of State Police, Gaming Enforcement Division's ("Division's"), denial of Ms. Fluence's video draw poker employee permit application. The Division found that Ms. Fluence did not truthfully answer questions on her application regarding her criminal history. Ms. Fluence did not prove her suitability and her application was denied.

FINDINGS OF FACT

The video draw poker employee permit application contains the following question:

Have you ever been detained, issued a summons or citation, arrested, charged, indicted or forfeited bail for any criminal offense or violation for any reason whatsoever? If YES, provide details in the boxes below. All detentions, summonses and citations, arrests, charges, and indictments shall be included even if the final result was the dismissal of charges or expungement. You should include all DWI/DUI charges; however, minor traffic violations need not be included. Attach certified copies of documents relating to each matter to this application. If additional space is needed, provide this information on a separate sheet of paper and attach it to this application.

Ms. Fluence answered "NO."

LGCB-2446-13-C

Ms. Fluence swore before a Notary Public that:

I, Jonelle Fluence, being duly sworn, depose and say that I have read the foregoing application, and hereby represent and warrant that the statements and responses provided herein are true and correct to the best of my knowledge, information, and belief, and represent a complete and accurate account of the requested information. ... I have executed this statement voluntarily with the knowledge that any failure to provide the correct information is cause for the denial of any original ... application.

Ms. Fluence was arrested twice. On October 21, 2010, Ms. Fluence was arrested for theft and on February 6, 2013, she was arrested on a warrant for failure to appear for the theft charge. Ms. Fluence submitted her application on March 18, 2013, wherein she stated that she had never been arrested.

Ms. Fluence testified that she knew, when she completed the application, that she had been arrested. She states that she answered the question incorrectly because “they told me to. I put the information and they asked me to fill it out differently because it was an open case and that maybe it wouldn’t come up or something and I did as I was told.” Ms. Fluence stated that her manager, Jerry Bobb, told her to do this.

LEGAL ANALYSIS

Louisiana Revised Statute 27:447 (formerly La. R.S. 27:311.3) provides, in pertinent part:

A. No person shall be issued a video draw poker employee permit unless the applicant has demonstrated to the division that he is suitable for the issuance of a video draw poker employee permit.

B. For the purposes of this Chapter, suitable for the issuance of a video draw poker employee permit means:

(1) The applicant has met the suitability requirements provided for in R.S. 27:427(A) and R.S. 27:427(B)(1)(a), (b), (c), and (d).

...

The relevant provisions of La. R.S. 27: 310 are now found in La. R.S. 27:427 and read:

B.(1) No person shall be granted a license under the provisions of this Chapter unless the applicant has demonstrated to the board that he is suitable for licensing. For purposes of this Chapter, suitability means the applicant or licensee is:

(a) A person of good moral character, honesty, and integrity.

(b) A person whose prior activities, arrest or 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 of video draw poker, and do not create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and operations in the activities authorized by this Chapter and financial arrangements incidental thereto.

(c) Likely to conduct business as authorized by this Chapter in complete compliance with the provisions of this Chapter.

...

(2) An applicant who is not disqualified from making application or licensure as a result of Subsection A of this Section shall still be required to demonstrate to the board or division, where applicable, that he otherwise meets the remaining requirements for suitability, particularly those contained in Subparagraphs (1)(a), (b), and (c) of this Subsection. Evidence of or relating to an arrest, summons, charge, or indictment of an applicant, or the dismissal thereof, shall be considered by the board or division, where applicable, even if the arrest, summons, charge, or indictment results in acquittal, deferred adjudication, probation, parole, or pardon.

...

An individual must demonstrate that she is suitable. La. R.S. 27:427(B)(1). Suitability means that the applicant is a person of good moral character, honesty, and integrity. La. R.S. 27:427(B)(1)(a). The board has previously found that a “person of good character, honesty and integrity would answer truthfully to questions on the gaming application which specifically ask whether the individual has ever been arrested or charged for any criminal offense regardless of the disposition.” *In Re: Lanormandie Lounge, LGCB Decision, 8/20/1997.*

Ms. Fluence testified that she knew she was supplying a false statement on her application but did as she was told by her manager because "maybe it wouldn't come up."

We find that Ms. Fluence did not demonstrate her suitability and agree that her application should be denied.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of November 21, 2013:

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

THUS DONE AND SIGNED on this the *21st* day of *November, 2013*.

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 25th DAY
OF November, 2013
APPEAL DOCKET CLERK
