



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

RONNIE JONES
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**IN RE: WAG A PAK, INC. D/B/A CASH WAG'N CASINO
NO. 2900515907**

This matter is before the Louisiana Gaming Control Board on appeal by the State of Louisiana, Office of State Police (the "Division"), from the Hearing Officer's decision dated March 13, 2015, wherein he found that Wag A Pak, Inc. d/b/a Cash Wag'n Casino, License No. 2900515907, did not violate gaming regulations. The Division requests the reversal of the Hearing Officer's decision and the imposition of a \$250 civil penalty for violation of LAC 42:XI.2415(B)(1).

FINDINGS OF FACT

On October 22, 2014, the Division conducted a video gaming compliance inspection of the Type V licensee, Cash Wag'n Casino, a truck stop facility operating 40 video gaming devices. Joan Poindexter Brown, the security guard on duty, could not produce a security guard identification card at the time of the inspection.

The investigating trooper later contacted the security company which employed Ms. Brown. It was confirmed that Ms. Brown had been issued a temporary identification card at the time of the inspection although she did not carry it with her while on duty October 22, 2014.

A Violation/Inspection Report was issued citing Cash Wag'n Casino with violation of LAC 42:XI.2415(B)(1) and describing the violation as "No security guard identification card issued by the Louisiana State Board of Private Security Examiners while on duty at licensed establishment."

LGCB-3280-15-D

A witness for the licensee identified a sample temporary identification card and testified that Ms. Brown received a temporary identification card when she submitted her application for security officer with the Louisiana State Board of Private Security Examiners. The temporary registration card contains the statement, “This card must be carried at all times when working a post and is valid until receipt of a permanent Registration Card.”

LEGAL ANALYSIS

Louisiana Administrative Code 42:XI.2415(B)(1) provides, in pertinent part:

Licensed and insured uniformed security guards or off duty uniformed P.O.S.T. (Peace Officers Standards and Training) certified law enforcement officers shall be required in all Type IV and Type V establishments with more than 20 devices. Security guards, other than off duty P.O.S.T. certified law enforcement officers, shall possess a security guard identification card issued by the Louisiana State Board of Private Security Examiners at all times while on duty at the licensed establishment.

The Hearing Officer found that the word “possess” as used in LAC 42:XI.2415(B)(1) means to own. He found that the requirement to possess, in this regulatory context, does not require a security guard to have the identification card in her “*immediate possession.*”

We agree with the licensee that the meaning and intent of a law or regulation should be determined by considering the law or regulation in its entirety. In doing so, we disagree with the interpretation of the regulation by the Hearing Officer.

Rule 2415 requires that a security guard be licensed **and** requires that the guard possess an identification card at all times while on duty. The guard is required to be licensed. What purpose does the additional requirement of possession of an identification card serve if not to provide identification to another at the time requested or needed, i.e., “at all times while on duty.” This interpretation is reinforced by the language on the identification card, “This card must be carried at all times when working a post”

We find that LAC 42:XI.2415(B)(1) requires a licensed security guard to have in her possession at all times while on duty a security guard identification card issued by the Louisiana State Board of Private Security Examiners. We find that the licensee violated this provision and the imposition of a civil penalty of \$250 is appropriate.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of May 18, 2015:

IT IS ORDERED THAT the Hearing Officer's decision is **REVERSED** and a civil penalty of \$250.00 is imposed. Payment of the civil penalty shall be made by certified check, cashier's check, or money order, payable to the Louisiana Gaming Control Board, within thirty (30) days from rendition of this decision. Failure to pay the civil penalty within thirty days (30) will result in the immediate suspension of the license without further action until such time as the penalty is paid in full.

THUS DONE AND SIGNED on this the *18th* day of *May, 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 19th DAY
OF 19th May, 2015.



APPEAL DOCKET CLERK