



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: JOHN HAYES NO. P040027451

This is an appeal by John D. Hayes of the Hearing Officer's decision denying the renewal of Mr. Hayes' non-key riverboat gaming employee permit. Mr. Hayes was notified of the recommendation of the Louisiana State Police, Riverboat Gaming Division ("Division"), that his permit be revoked because he was statutorily disqualified from holding a permit under La. R.S. 27:76. The basis for the recommendation was Mr. Hayes' 1993 conviction of a crime punishable by imprisonment of more than one year and his failure to disclose this information on his gaming employee applications Mr. Hayes timely requested a hearing after which the Hearing Officer mistakenly denied the renewal of Mr. Hayes' permit rather than revoking it.¹

ANALYSIS

Louisiana Revised Statute 27:76 provides, in pertinent part:

A. The Division or the Louisiana Gaming Control Board shall not award a license or permit to any person who is disqualified on the basis of any of the following criteria:

(1) Failure of the applicant to prove by clear and convincing evidence that he is qualified in accordance with the provisions of this Chapter.

¹ Mr. Hayes' permit was renewed in April 2000, and does not expire for two years. The matter before the Hearing Officer was the recommendation of revocation by the Division.

(2) Failure of the applicant to provide information and documentation to reveal any fact material to qualification, or the supplying of information which is untrue or misleading as to a material fact pertaining to the qualification criteria.

(3) The conviction of or a plea of guilty or nolo contendere by the applicant, or of any person required to be qualified under this Chapter as a condition of a license, for an offense punishable by imprisonment of more than one year, or theft or any offense involving false statements or declarations, or gambling as defined by the laws or ordinances of any municipality, any parish, any state, or of the United States.

...

B. In the awarding of a license or permit, a conviction or a plea of guilty or nolo contendere shall not constitute an automatic disqualification as otherwise required pursuant to the provisions of Paragraph A)(3), (5), or (6) of this Section if ten or more years has elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period or probation or parole. These provisions shall not apply to any person convicted of a crime of violence as defined in R.S. 14:2(13). The Louisiana Gaming Control Board may consider the seriousness and circumstances of the offense and subsequent arrests.

A criminal records check produced certified court documents of Carteret County, North Carolina, indicating that Mr. Hayes was arrested on January 10, 1993, for Attempted First Degree Burglary and on January 21, 1993, convicted of a misdemeanor, Injury to Real Property under N.C. Gen. Stat. 14-127, which reads:

If any person shall willfully and wantonly damage, injure or destroy any real property whatsoever, either of a public or private nature, he shall be guilty of a misdemeanor and shall be punished by fine or imprisonment or both, in the discretion of the court.

North Carolina General Statute 14-3 provides, in pertinent part:

(a) Except as provided in subsections (b) and (c), every person who shall be convicted of any misdemeanor for which no specific punishment is prescribed by statute shall be punishable by fine, by imprisonment for a term not exceeding two years, or by both, in the discretion of the court.

...

Mr. Hayes was sentenced to twenty-four months imprisonment, given two years probation, and paid costs of \$60.00 and restitution of \$30.00. Mr. Hayes was also ordered not to go on the premises of Kings Terrace Apartments and not to communicate with Shanovia Bryant.

Mr. Hayes testified that he was arrested for the incident, jailed, and released two or three days later. He stated that he did not go to trial, was not on probation, and does not recall paying costs or restitution.

The Hearing Officer found that Mr. Hayes was convicted of an offense that was punishable by imprisonment of more than one year. This is supported by N.C. Gen Stats. 14-3 and 14-127 and the certified court documents. We agree and find that Mr. Hayes is disqualified from holding a non-key riverboat gaming employee permit under La. R.S. 27:76(A)(3) and (B) as less than ten years has elapsed from the period of probation and the date of application.²


ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of January 16, 2001:

IT IS ORDERED THAT the non-key riverboat gaming employee permit of John D. Hayes, No. P040027451, is **REVOKED**.


THUS DONE AND SIGNED this 21st day of February, 2001.

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 22nd DAY
OF February, 2001

APPEAL DOCKET CLERK

 If it is unnecessary to address the issue of failure to disclose information regarding the incident.