



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

RONNIE JONES
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**IN RE: JOHANNA HAYES
NO. V000019712**

This matter is before the Louisiana Gaming Control Board on appeal by Johanna Hayes, Permit No. V000019712, from the Hearing Officer's decision dated March 3, 2015, in which he revoked Ms. Hayes' video draw poker employee permit. He based his decision on Ms. Hayes' pending criminal charges.

LEGAL ANALYSIS

Johanna Hayes was arrested on September 7, 2014 and charged with theft of goods and obstruction of justice. A Bill of Information later charged Ms. Hayes with Theft of Goods and Possession of Marijuana. The charges were pending at the time of the hearing on this matter. Ms. Hayes failed to notify the Louisiana Office of State Police ("Division") of the charges within 10 calendar days as required by L.A.C. 42:XI.2417(B)(4).

The Division recommended that administrative action be taken against Ms. Hayes due to her failure to timely notify the Division of the charges. A hearing was held at which the Division requested that the Hearing Officer impose a \$250 penalty for the lack of notification. The only

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evidence relating to the incident introduced at the hearing was the Arrest Report, Bill of Information, and Ms. Hayes' testimony that she didn't steal anything.

The Hearing Officer revoked Ms. Hayes video gaming employee permit. He found that since charges were pending against Ms. Hayes, she was unsuitable "pursuant to Louisiana law." He also stated that "[r]evocation is the usual administrative action taken in the current situation."

It appears that the Hearing Officer was applying the suitability criteria of casino gaming law which is different from video gaming law. Casino gaming law provides that a person is disqualified if there is a current prosecution or pending charge for certain offenses including theft. La. R.S. 27:28(B). There is no such provision in video gaming law.

An individual may obtain and retain a video draw poker employee permit if she has demonstrated that she is suitable. La. R.S. 27:447. Suitability requirements for a video draw poker employee permit are found in La. R.S. 27:427. A person is ineligible and thus unsuitable for a video draw poker employee permit if she has been convicted of an enumerated crime and less than ten years has elapsed since the completion or service of the sentence, deferred adjudication, or period of probation or parole. A person is also unsuitable if not of good moral character, honesty and integrity; is not likely to comply with gaming law; or whose activities, criminal record, reputation, habits and associations pose a threat to the public interest of the state or to the effective regulation of video poker.

Revocation is the usual action for a pending charge if the individual holds a casino employee permit. It is not the usual action for a video gaming employee.

The revocation was in error.

Ms. Hayes had a duty to timely notify the Division of her arrest and charges. She did not do so. At the hearing, Ms. Hayes testified that she was unaware that she was required to report the charges. In her appeal, she cites her mother's illness as the reason she didn't report. She did not testify at the hearing regarding her mother's illness.

We find that a \$250 civil penalty 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 ordering revocation 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 permit 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

LOUISIANA GAMING CONTROL BOARD

BY:


RONNIE JONES, CHAIRMAN

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

ALL PARTIES THIS 19th DAY
OF May, 2015


APPEAL DOCKET CLERK