



## 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: THOMAS L. MARTINEZ  
NO. P040034925

## RULING ON APPLICATION FOR REHEARING

The matter before the Louisiana Gaming Control Board ("Board") is a request for rehearing of the revocation of Thomas L. Martinez non-key gaming employee permit, No. P040034925.

A "Notice of Recommendation of Revocation" was sent by certified mail to the permittee. It was received on July 29, 2003, as evidenced by the signed return receipt. The recommendation was based on the alleged failure of Mr. Martinez' to file state tax returns and pay state taxes owed. The permittee was notified that he had 10 days to request an administrative hearing regarding the recommendation and informed that failure to request a hearing would result in the revocation of his permit without further proceedings.

The permittee did not request a hearing. As a result, on August 28, 2003, the Board issued a "Notice of Revocation." The notice was received by the permittee, as evidenced by the signed return receipt of the certified mailing. Mr. Martinez timely requested a rehearing of the revocation.

Mr. Martinez contends that he has a tax clearance and there was a mix up with his paperwork.

### LEGAL ANALYSIS

Louisiana Revised Statutes 49:959 provides in pertinent part:

A. A decision or order in a case of adjudication shall be subject to rehearing, reopening, or reconsideration by the agency, within ten days from the date of its entry. The grounds for such action shall be either that:

- (1) The decision or order is clearly contrary to the law and the evidence;
- (2) The party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing;
- (3) There is a showing that issues not previously considered ought to be examined in order properly to dispose of the matter; or
- (4) There is other good ground for further consideration of the issues and the evidence in the public interest.

“Adjudication” is defined as the agency process for the formulation of a decision or order.

La. R.S. 49:951(1).

Thomas L. Martinez has presented grounds for reconsideration. Therefore, this matter will be forwarded to the Louisiana Gaming Control Board Hearing Office for the scheduling of an administrative hearing on the “Notice of Recommendation of Revocation” before the Hearing Officer where evidence may be introduced and a determination can be made as to the appropriate action to be taken.

## ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of September 16, 2003:

**IT IS ORDERED THAT** the request for rehearing is **GRANTED** and the matter is **FORWARDED** to the Louisiana Gaming Control Board Hearing Office for action in accordance with this decision.

**THUS DONE AND SIGNED** on this the 16<sup>th</sup> day of September, 2003.

**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 \_\_\_\_\_ DAY  
 OF September 2003

**APPEAL DOCKET CLERK**  
