



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: TAMIR, INC. D/B/A DJ'S
NO. VP4904112943**

RULING ON APPLICATION FOR REHEARING

The matter before the Louisiana Gaming Control Board ("Board") is a request for rehearing of the revocation of Tamair, Inc. d/b/a D.J.'s ("D.J.'s") video gaming license No. 4904112943.

A "Notice of Recommendation of Revocation" of D.J.'s license was sent by certified mail to the licensee. It was received on September 30, 2003, as evidenced by the signed return receipt. The recommendation was based on the allegations that the licensee no longer had operational devices and did not submit its 2003/2004 annual fee, processing fee, and local and state tax clearance certificates. The licensee was notified that it 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 its license without further proceedings.

The licensee did not request a hearing. As a result, on October 22, 2003, the Board issued a "Notice of Revocation." The notice was received by the licensee on or before October 28, 2003. D.J.'s timely requested a rehearing of the revocation.

Mr. John Miller, owner of the licensee, contends that he was ill at the time of the notice of recommendation of revocation and had surgery on October 9, 2003; that the

devices had been removed months before; and that he has surrendered his license. The Board received the surrendered license on October 29, 2003.

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).

Tamir, Inc. d/b/a DJ's 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 November 18, 2003:

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

THUS DONE AND SIGNED on this the 19th day of November, 2003.

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 20th DAY
OF November, 2003
APPEAL DOCKET CLERK

