



# 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: JEFFERY FULLER P040003292

This is an appeal by Jeffery Fuller from the decision of the Hearing Officer for the Louisiana Gaming Control Board ordering the denial of his non-key gaming employee permit renewal application.

Mr. Fuller submitted a renewal application on February 28, 2002, therein disclosing that he was arrested on September 3, 2001, for the offense of aggravated assault, he subsequently appeared in Shreveport City Court and pled not guilty to the charge and trial on the matter was set for June 19, 2002. By letter dated June 6, 2002, Mr. Fuller was notified by the Division of the denial of his renewal application. The denial was based on Mr. Fuller's statutory disqualification pursuant to La. R.S. 27:28(B)(1)(e) and (B)(2) due to the pending aggravated assault charge. Mr. Fuller timely requested an administrative hearing on the matter which was held on September 10, 2002.

La. R.S. 27:28(B) provides in pertinent part:

B. The Board or Division, where applicable, shall not grant a license or permit, enter into a casino operating contract, or issue any other approval pursuant to the provisions of this Title to any person who is disqualified on the basis of the following criteria:

(1). The conviction or a plea of guilty or nolo contendere by the applicant or any person required to be suitable under the provisions of this Title for any of the following:

....

(e) A crime of violence as defined in R.S. 14:2 (13).

(2) There is a current prosecution or pending charge against the person in any jurisdiction for any offense listed in Paragraph (1) of this Subsection.

Aggravated assault is a crime of violence enumerated in La. R.S. 14:2(13)(g).

A review of the record indicates that on June 19, 2002, Mr. Fuller was placed on "DA's Probation" by the City Prosecutor for 180 days on the condition that he pay administrative costs of \$76.50, that he attend anger management sessions and that the weapon would be confiscated and destroyed. Under this type of program, upon successful completion of the probationary period the prosecutor dismisses the charges against the individual, thus diverting prosecution.

The Hearing Officer reasoned that because the probationary period had not been completed at the time of the administrative hearing, the charge remains pending until dismissed by the prosecutor. Thus, Mr. Fuller was statutorily disqualified pursuant to La. R.S. 27:28(B). We are in agreement. Accordingly, Mr. Fuller's non-key gaming employee permit renewal application should be denied.

## ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of December 17, 2002:

**IT IS ORDERED THAT** the non-key gaming employee permit renewal application is **DENIED WITHOUT PREJUDICE.**

THUS DONE AND SIGNED this 17<sup>th</sup> day of December, 2002

LOUISIANA GAMING CONTROL BOARD

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 19<sup>th</sup> DAY  
OF December 2002

APPEAL DOCKET CLERK  
*[Signature]*

*[Signature]*  
HILARY J. CRAIN, CHAIRMAN