



*State of Louisiana*  
*Gaming Control Board*

*BOBBY JINDAL*  
GOVERNOR

*DANE K. MORGAN*  
CHAIRMAN

**DECISION OF THE  
LOUISIANA GAMING CONTROL BOARD**

**IN RE: GARY BABIN  
NO. V000017686**

This matter is before the Louisiana Gaming Control Board on appeal by Gary Babin from the Hearing Officer's decision dated December 5, 2011. The Hearing Officer upheld the Office of State Police, Gaming Enforcement Division's denial of Mr. Babin's application for a video poker employee permit.

The Office of State Police is authorized to issue video draw poker employee permits. La. R.S. 27:311.1, et seq. Gary Babin applied for such a permit and was denied. The basis for the denial was Mr. Babin's failure to meet the suitability requirements of La. R.S. 27:310(A) and (B). Mr. Babin pled guilty to two felonies, bank fraud and possession of cocaine. He was sentenced to five years for each offense, the sentences were suspended and he was placed on probation. Mr. Babin's probation period for both offenses ended on January 10, 2005. Less than ten years has elapsed between the date of application and the conviction or completion of sentence or probation. La. R.S. 27:310(A). Additionally, the Division found that Mr. Babin submitted false information on his application by failing to include a large part of his criminal history. La. R.S. 27:310(B).

**FINDINGS OF FACT**

We agree with the facts as presented in the Division's "Notice of Denial" and the decision of the Hearing Officer.

## LEGAL ANALYSIS

Louisiana Revised Statute 27:310(A) and (B) outlines the suitability standards to be used in determining an applicant's eligibility to obtain a permit and provides:

A. No person may be eligible to apply or be granted a license under the provisions of this Chapter if he has been convicted in any jurisdiction of any of the following offenses within ten years prior to the date of the application or less than ten years has elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole for any of the following:

- (1) Any offense punishable by imprisonment for more than one year.
- (2) Theft or any crime involving false statements or declarations.
- (3) Gambling as defined by the laws or ordinances of any municipality, any parish, any state, or the United States.

B.(1) No person shall be granted a license under the provisions of this Chapter unless the applicant has demonstrated to the division that he is suitable for licensing. For purposes of this Chapter, suitability means the applicant or licensee is:

- (a) A person of good character, honesty, and integrity.
- (b) A person whose prior activities, arrest or criminal record if any, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation of video draw poker, and do not create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and operations in the activities authorized by this Chapter and financial arrangements incidental thereto.
- (c) Likely to conduct business as authorized by this Chapter in complete compliance with the provisions of this Chapter.
- (d) Not prohibited from making application or disqualified from licensure under the provisions of Subsection A of this Section.
- (e) A person who does not owe the state or local governing authority of the parish or municipality in which the establishment is located any delinquent sales taxes, penalties, or interest, excluding items under formal appeal or protest as provided by law.

(2) An applicant who is not disqualified from making application or licensure as a result of Subsection A of this Section shall still be required to demonstrate to the division that he otherwise meets the remaining requirements for suitability, particularly those contained in Subparagraphs (1)(a), (b), and (c) of this Subsection. Evidence of or relating to an arrest, summons, charge, or indictment of an applicant, or the dismissal thereof, shall be considered by the division even if the arrest, summons, charge, or indictment results in acquittal, deferred adjudication, probation, parole, or pardon.

Mr. Babin is disqualified from obtaining a permit as ten years has not elapsed between the conviction or completion of sentence or probation for two felonies and the date of application. Mr. Babin is applying for a certified technician level one employee permit. He has not shown that the exceptions found in La. R.S. 27:311.3 apply.<sup>1</sup>

Furthermore, Mr. Babin failed to disclose his extensive criminal history, the latest an arrest in 2010 for simple battery. Mr. Babin did not provide any explanation for this failure to truthfully answer the questions on the application concerning his criminal history. For the foregoing reasons, we find that Mr. Babin is unsuitable to hold a video draw poker employee permit.

## ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of February 16, 2012:

**IT IS ORDERED THAT** the Hearing Officer's decision is **AFFIRMED**.

**THUS DONE AND SIGNED** on this the *16<sup>th</sup>* day of *February*, 2012.

LOUISIANA GAMING CONTROL BOARD

BY:

  
DANE K. MORGAN, CHAIRMAN

<sup>1</sup> Louisiana Revised Statute 27:311.3 provides:

A. No person shall be issued a video draw poker employee permit unless the applicant has demonstrated to the division that he is suitable for the issuance of a video draw poker employee permit.

B. For the purposes of this Chapter, suitable for the issuance of a video draw poker employee permit means:

(1) The applicant has met the suitability requirements provided for in R.S. 27:310(A) and R.S. 27:310(B)(1)(a), (b), (c), and (d).

(2) The applicant can demonstrate to the division knowledge of the rules adopted by the division and applicable laws regarding the operation of video draw poker devices.

(3) The applicant has attended all hearings, meetings, seminars, and training sessions required by the division.

C. Notwithstanding the provisions of R.S. 27:311.1 through 311.6, a certified technician level two employee may be issued a video draw poker employee permit even though ten years have not elapsed since the successful completion or service of any sentence, deferred adjudication, or period of probation or parole as provided for in R.S. 27:310(A), if all of the following occur:

(1) The certified technician level two employee has been employed for ten or more years by a video draw poker licensee.

(2) The certified technician level two employee has had no further convictions during the ten-year period of employment.

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 16<sup>th</sup> DAY  
OF February, 2012  
APPEAL DOCKET CLERK  
