



State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

DECISION OF THE LOUISIANA GAMING CONTROL BOARD

RULING ON MOTION FOR REHEARING

**RDS, INC. D/B/A MR. GATTI'S
NO. V1001212129**

CONSOLIDATED WITH

**EIGHT THREE ONE, INC. D/B/A MR. GATTI'S
NO. V1002203463**

The matter before the Louisiana Gaming Control Board ("Board") is the "Motion for Rehearing and Reconsideration of Agency Action" filed by RDS, Inc. d/b/a Mr. Gatti's (RDS) and Eight Three One, Inc. d/b/a Mr. Gatti's (Eight Three One) regarding the September 18, 2002, decision of the Board affirming the Hearing Officer's decision ordering denial of the original video gaming application of RDS and denial of the renewal application of Eight Three One.

Louisiana Revised Statute 49:959(A) provides for a rehearing when:

- (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.

Petitioners have not asserted any grounds that warrant rehearing. Paragraph XXI of the lease of October 26, 1999 (p. 473 of the record), for the Ryan Street property between Richard Shetler, lessor, and RDS, lessee, required Eight Three One to maintain

“as closely as possible, the same menu and price structure as Lake Charles Mr. Gatti’s, so long as the menus and prices fall within Mr. Gatti’s Franchise guidelines set forth in the price agreement. Lessee will, if economically feasible, attempt to keep the menu and pricing structure within a 5% variance.”

The lease was subsequently amended and/or a new lease confectioned several times prior to the hearing. Regardless of the change in terms of the lease through amendment or the confection of a new lease or leases, the record overwhelmingly establishes Mr. Keeley’s close business relationship with Richard Shetler and Mr. Shetler’s ability to and his actual exercise of significant influence over Mr. Keeley, RDS and Eight Three One.

ORDER

This matter having been considered by the Louisiana Gaming Control Board at its meeting of October 15, 2002:

IT IS ORDERED THAT the motion for rehearing is **DENIED**.

THUS DONE AND SIGNED this the 16th day of October, 2002.

LOUISIANA GAMING CONTROL BOARD

LOUISIANA GAMING CONTROL BOARD BY:
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 17th DAY
OF October 2002


HILLARY J. CRAIN, CHAIRMAN

APPEAL DOCKET CLERK
