



*State of Louisiana*  
*Gaming Control Board*

*BOBBY JINDAL*  
GOVERNOR

*DANE K. MORGAN*  
CHAIRMAN

**DECISION OF THE  
LOUISIANA GAMING CONTROL BOARD**

**IN RE: CHARLES J. RUSSELL, III  
NO. P040032152**

The matter before the Louisiana Gaming Control Board ("Board") is a request for rehearing of the revocation of Charles J. Russell, III's non-key gaming employee permit, No. P040032152.

A "Notice of Recommendation of Revocation" of Mr. Russell's permit was sent by certified mail to the permittee. It was received on November 17, 2011, as evidenced by the signed return receipt. The recommendation was based on Mr. Russell's pending charge of violation of La. R.S. 14:102.1(B)(4), Aggravated Cruelty to Animals, a felony, and Mr. Russell's failure to timely notify the Louisiana Office of State Police of his arrest. 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 December 2, 2011, the Board issued a "Notice of Revocation." The notice was received by the permittee on December 6, 2011, as evidenced by the signed return receipt of the certified mailing. Mr. Russell timely requested a rehearing of the revocation.

Mr. Russell contends that the charges were refused by the District Attorney.

## 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.

Charles J. Russell, III 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 January 19, 2012:

**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 *19<sup>th</sup>* day of *January, 2012*.

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 20<sup>th</sup> DAY  
OF January, 2012  
LGCB APPEAL DOCKET CLERK  
*Stacy Brown*

LOUISIANA GAMING CONTROL BOARD  
BY: *Dane K. Morgan*  
DANE K. MORGAN, CHAIRMAN