



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**IN RE: KWIK KOPY PRINTING CENTER 283
NO. I032316756**

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of July 18, 2006:

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

THUS DONE AND SIGNED on this the 18th day of July, 2006.

LOUISIANA GAMING CONTROL BOARD

BY:



H. CHARLES GAUDIN, CHAIRMAN

**LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 19th DAY
OF July, 2006**

APPEAL DOCKET CLERK



**STATE OF LOUISIANA
GAMING CONTROL BOARD**

**ADMINISTRATIVE HEARING
MAY 10, 2006**

**HEARING OFFICER
WILLIAM H. BROWN**

**IN RE: KWIK KOPY PRINTING
CENTER 283
#I032316756**

TRUE COPY

Representative

Louisiana Gaming Control Board

**LUCY SEGURA
D/B/A
KWIK KOPY PRINTING CENTER 283
STATE CERTIFICATION I032316756**

APPEARANCES:

For the State of Louisiana

**James Smith
Assistant Attorney General
1885 North 3rd St. Ste. 500
Baton Rouge, LA 70802**

For Kwik Kopy Printing Center 283

**Lucy Segura & Wayne C. Lane
Owner & Employee
P. O. Box 13525
New Iberia, LA 70560**

STATEMENT OF THE CASE:

On November 28, 2005 the Louisiana State Police, Indian Casino Gaming Unit, (Unit) issued a Notice of Denial of Original Application to Lucy Segura, d/b/a Kwik Kopy Printing Center 283 for State Certification. The denial was based on the finding of the unsuitability of Wayne C. Lane, an employee of Lucy Segura, who possessed significant authority or control over the printing business, as provided by Section 7(A)(3) of the Tribal-State Compact.

STATE'S EXHIBITS:

- A Notice of Denial of Original Application, dated November 28, 2005
- B Request for Hearing, dated December 5, 2005
- C Notice of Hearing, dated February 08, 2006
- D Individual Personal History-Part B Application of Wayne G. Lane
- E Leon County Sheriff's Office-Arrest Record of Wayne Charles Lane
- F Indictment for Manslaughter against Wayne C. Lane, in the Circuit Court of the Second Judicial Circuit, Leon County, Florida
- G Order withholding adjudication of guilt and placing defendant on Probation, dated February 15, 1971, for Wayne C. Lane, in connection with a plea of Nolo Contendere in the offense of Manslaughter
- H Statement of Wayne Charles Lane taken January 2, 1970

- I Investigation report of the homicide of Harriet Carter
- J Statement of Jerry L. Johnson taken January 2, 1970

APPLICANT'S EXHIBITS:

Kwik Printing #1-Statement of business done with Cypress Bayou Casino

FINDINGS OF FACT:

Wayne Charles Lane was born May 18, 1951 in Florida and at the age of 15 attended a group home for boys where he learned the trade of a printer. On January 2, 1970, upon returning from a trip to Marianna, Georgia, he went to his apartment at 830 E. Park Avenue, Tallahassee, Florida. Upon arriving at this apartment Mr. Lane mixed a drink and went to the bedroom where his friends Harriet Carter and Jerry Johnson were. After talking a while, Mr. Lane saw a Remington .12 gauge pump shot gum leaning against the wall and a dresser. He picked up the gun and started ejecting the shells, then reloading and ejecting. Thinking the gum was unloaded; he pointed the gun at Harriet Carter and said jokingly "I'm going to shoot you or something like that". Jerry Johnson said jokingly, "go ahead". Mr. Lane pulled the trigger and to his surprise the gun was loaded, killing Harriet Carter.¹

Mr. Lane was arrested and indicted for manslaughter.² A jury trial resulted in a mistrial on March 9, 1970. Subsequently on February 15, 1971 Mr. Lane entered a plea of nolo contendere to the offense of manslaughter.³ He was placed on probation for five (5) years. Subsequently in 1971, with the permission of his probation officer, Mr. Lane decided to go to Texas to start a new life. While driving through Louisiana, he had an automobile accident in Houma, Louisiana. Being without transportation, he decided to seek employment in Houma where he eventually worked in the offshore oil industry. In 1974 he became gainfully employed in the printing industry; in 1976 he married Patricia White, of which marriage one (1) child, Travis was born. Travis is a college graduate in chemical engineering. As a parent, Mr. Lane has participated in his community as an adult Boy Scout Leader, the Little League Baseball Program and membership in the Houma High School Boaster Club.

Mr. Lane commenced working for Ms. Segura in March 1990 as "operations manager". She described Mr. Lane as "a very responsible person"; "he has kept the shop going when she was sick"; "he is people oriented and wonderful with the customers"; "he is trustworthy"; "he is responsible and he does everything he can in order to keep all of the printing shop going".⁴

¹ Exhibits H, I & J are statements and police reports of January 1970 detailing the factual happenings.

² See Exhibit F- Indictment for Manslaughter

³ Exhibit G - Order of Withholding Adjudication of Guilt & Placing Defendant on Probation

⁴ Hearing Transcript of April 5, 2006, page 22

Mr. Lane testified that operating the printing shop for Ms. Segura is basically his life. Monday-Friday consist of up at 4:00 a.m., driving to the shop and opening the shop at 6:15 a.m., closing the shop at 4:30 p.m. then home by 6:15 p.m.

APPLICABLE LAW:

The Tribal/State Compact Between the Chkitimacha Tribe of Louisiana and the State of Louisiana provides, in part:

Section 7. Licensing and Certification Procedures

- (A) Prior to providing any functions or services, all persons and entities required to be licensed and/or certified pursuant to this Compact, shall be licensed by the Tribe and be certified by the State.
- (3) If the applicant is a business entity, then the persons subject to investigation shall include any officer, director, partner, and any stockholder owning, with is or her immediate family, in the aggregate, more than five percent (5%) of the stock of the entity. If any stockholder owning more than five percent (5%) of the stock of an applicant is a business entity, then the persons subject to investigation shall be determined in the same manner as set forth above.
Notwithstanding any other provision herein, the State and/or the Tribe may require any person exercising significant authority or control over the company to establish his or her qualifications.
(Bold added)
- (C) (1) The State may revoke, suspend, or deny a State certification license for any reason it deems to be in the public interest. These reasons include, but are not limited to, when an applicant for or holder of State certification:
- (c) In any jurisdiction, has plead guilty to, been convicted or forfeited bond on a charge or can be shown to have committed, any offense or unlawful action by whatever name, including but not limited to, forgery; larceny; theft; extortion; conspiracy to defraud; willful failure to make required payments or true reports to any Tribal, State, or federal agency; bribing or otherwise unlawfully influencing any Tribal, State, or federal official, employee, or member, or any crime involving any gaming activity, which at the time of the occurrence was punishable by more than one year imprisonment, including offenses originally classified as a felony offense.

- (i) In the awarding or renewing of a State certification an offense shall not be considered as a basis of denial and/or revocation as otherwise required by the provisions of this Compact if the offense was a felony and ten (10) or more years have elapsed, or a misdemeanor and five (5) or more years have elapsed, between the successful completion or service of any sentence, deferred adjudication or period of probation or parole, and the date of application, and the offense did not involve gaming/gambling offenses, a crime of violence, a sex crime, or any other offenses for which a sentence was imposed of five (5) years or more; or

REASONS FOR JUDGMENT:

It appears that the unsuitability of Mr. Lane, one who may exercise significant authority or control over the company, is based on his plea of nolo contendere to an Indictment of Manslaughter in Florida in 1971. The indictment reads:

“Wayne C. Lane

late of the County of Leon and State of Florida, on the 2nd day of January in the year of our Lord One Thousand Nine hundred and Seventy, in the County and State aforesaid, **unlawfully by culpable negligence**, but without intent to murder, did kill Harriet Carter in said County by shooting her with a gun” (Bold included).

Killing one in Louisiana by “**culpable negligence**” would constitute a charge of Negligent Homicide under La. R.S.14:32. Negligent Homicide is not a “Crime of Violence” as defined by La. R.S. 14:2(13). A Crime of Violence is defined as an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property.

Under La. R.S. 14:31, Manslaughter is a homicide committed in a sudden passion or heat of blood, or a homicide committed in the perpetration or attempted perpetration of any felony or when a homicide occurs during the resisting of a lawful arrest..

Under La. R.S. 14:32, Negligent Homicide is the killing of a human being by criminal negligence. Culpable negligence is defined as being negligence sufficient enough to have caused an incident.

Considering the facts surrounding the death of Harriet Carter there was no “heat of blood” nor death occurring during a felony or during resisting an arrest. The death of Harriet Carter occurred during the accidental discharge of a firearm.

It is the opinion of this Hearing Office that the Louisiana State Police, Indian Casino Gaming Unit, should not have considered the Florida nolo contendere plea as the

basis in finding Mr. Lane unsuitable, thus denying Ms. Segura's application for State certification.

Should the Louisiana Gaming Control Board find that Florida's manslaughter statute constitutes a "crime of violence" in Louisiana, then we should consider the effect of the plea. Section 7 (C) (1)(c)(i) of the Tribal-State Compact provides that the State may deny a State certification when there is a "crime of violence". It is interesting to note that La. R.S. 27:28(B) prohibits the granting of a license or permit if a person has committed a "crime of violence", whereas the Tribal-State Compact provides that a "crime of violence" may be considered in whether State certification will issue.⁵

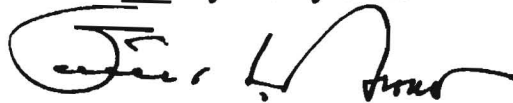
I have considered the committed offense that occurred in 1970 and the rehabilitation that has occurred in Mr. Lane's life and believe that he will not be a threat to the public interest in the integrity of gaming.

ORDER

Having found that Wayne Charles Lane is suitable;

IT IS ORDERED THAT the Louisiana State Police, Indian Casino Gaming Unit, issue State certification to Lucy Segura d/b/a Kwik Kopy Printing Center

Baton Rouge, Louisiana this 17th day of May 2006.



William H. Brown
Hearing Officer

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 18th DAY
OF May 18 2006
Jill Dominey
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Lucy Segura
James Smith
Lt. Jesse S. Perry

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 5/18/06
Jill Dominey
BY: CLERK

⁵ See: In Re: Dante Whiteowl a/k/a Dennis Matamoros No I 160013827