

Board of Directors Meeting  
July 21, 2022

LOUISIANA GAMING CONTROL BOARD MEETING

THURSDAY, JULY 21, 2022

LOUISIANA STATE CAPITOL  
HOUSE COMMITTEE ROOM 1  
900 NORTH 3RD STREET  
BATON ROUGE, LOUISIANA

TIME: 10:00 A.M.

Board of Directors Meeting  
July 21, 2022

APPEARANCES

1  
2 RONNIE S. JOHNS, CHAIRMAN  
(At-Large)  
3 June 30, 2025

4 CLAUDE D. JACKSON  
(At-Large)  
5 Fourth Congressional District  
June 30, 2027

6 JULIE A. LEWIS  
7 (Investigative and Law Enforcement)  
Fifth Congressional District  
8 June 30, 2024

9 FRANCESCA HAMILTON-ACKER  
(Attorney)  
10 Third Congressional District  
June 30, 2026

11 RONALD J. SHOLES  
12 (Public/Business Administration)  
Second Congressional District  
13 June 30, 2026

14 ASHLEY A. TRAYLOR  
(At-Large)  
15 First Congressional District  
June 30, 2022

16 HEATHER HOOD  
17 On Behalf of Natalie Thurman  
Principal Assistant

18 HEATHER TEMPLET  
19 On Behalf of Kevin Richard, Secretary  
Department of Revenue

20 MAJOR CHUCK McNEAL  
21 On Behalf of Colonel Davis  
Louisiana State Police

22 REPORTED BY:

23 KARLA H. MAYERS, CCR  
24 US Legal Services

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1 I. CALL TO ORDER

2 CHAIRMAN JOHNS:

3 Okay. Good morning, everyone. Thank  
4 you for being here today. We appreciate it very  
5 much. I'd like to call to order the Louisiana  
6 Gaming Control Board meeting for Thursday,  
7 July 21, 2022. So, Ms. Hood, would you please  
8 call the roll?

9 MS. HOOD:

10 Chairman Johns?

11 CHAIRMAN JOHNS:

12 Speak into your microphone.

13 MS. HOOD:

14 Chairman Johns?

15 CHAIRMAN JOHNS:

16 Here.

17 MS. HOOD:

18 Mr. Avant?

19 (NO RESPONSE)

20 MS. HOOD:

21 Ms. Berry?

22 (NO RESPONSE)

23 MS. HOOD:

24 Mr. Jackson?

25 MR. JACKSON:

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1 Here.

2 MS. HOOD:

3 Ms. Lewis?

4 MS. LEWIS:

5 Here.

6 MS. HOOD:

7 Mr. Poole?

8 (NO RESPONSE)

9 MS. HOOD:

10 Ms. Hamilton-Acker?

11 MS. HAMILTON-ACKER:

12 Here.

13 MS. HOOD:

14 Mr. Sholes?

15 MR. SHOLES:

16 Here.

17 MS. HOOD:

18 Ms. Traylor?

19 MS. TRAYLOR:

20 Here.

21 MS. HOOD:

22 Colonel Davis?

23 MAJOR McNEAL:

24 Major McNeal for Colonel Davis.

25 MS. HOOD:

1 And Secretary Richard?

2 MS. TEMPLET:

3 Heather Templet for Secretary

4 Richard.

5 MS. HOOD:

6 We have a quorum.

7 CHAIRMAN JOHNS:

8 Okay. We do have a quorum. Thank  
9 you very much, Members, for -- for being here  
10 today.

11 II. PUBLIC COMMENTS

12 CHAIRMAN JOHNS:

13 Ladies and gentlemen, now is the time  
14 on the agenda for any public comments. We do not  
15 take public comments as we get into the agenda  
16 items; so if there is anybody that would like to  
17 make just a general or a public comment, now is  
18 the time to come to the table.

19 (NO RESPONSE)

20 CHAIRMAN JOHNS:

21 Okay. I see -- I see no hands this  
22 morning. So thank you very much.

23 III. APPROVAL OF MINUTES

24 CHAIRMAN JOHNS:

25 Members, before you, you have the

1 minutes of the June 16, 2022, board meeting. We  
2 have reviewed them. We find that they are in  
3 order, and I would entertain a motion that we  
4 waive the reading and approve the minutes for  
5 June 16, 2022.

6 MS. HAMILTON-ACKER:

7 (Indicating)

8 CHAIRMAN JOHNS:

9 Ms. Hamilton-Acker has made that  
10 motion.

11 MR. SHOLES:

12 (Indicating)

13 CHAIRMAN JOHNS:

14 And Mr. Sholes has seconded that  
15 motion. Is there any opposition to that motion?

16 (NO RESPONSE)

17 CHAIRMAN JOHNS:

18 Hearing none, that motion carries.

19 IV. REVENUE REPORTS

20 CHAIRMAN JOHNS:

21 Okay. Revenue reports. Ms. Jackson,  
22 good morning. This is the lady we always love to  
23 have come to our meetings. She always brings us  
24 good news. Good morning.

25 MS. JACKSON:



1 Good morning, Chairman Johns, Board  
2 Members. My name is Donna Jackson with Louisiana  
3 State Police, Gaming Audit Section.

4 In June, the 13 operating riverboats  
5 generated adjusted gross receipts of \$151,974,555.  
6 The State collected fees totaling \$32,674,529.  
7 Adjusted gross receipts for fiscal year 2022 are  
8 approximately \$1,808 million, an increase of  
9 \$188 million, or 12 percent, from fiscal year  
10 2021. As of June 30, 2022, the State collected  
11 \$388.8 million in fees for fiscal year 2022.

12 Page 2 shows the riverboat revenue  
13 broken down by regional market. The overall  
14 decrease for May was approximately \$5 million, or  
15 3.2 percent. Compared to last June, this month's  
16 revenues represent a decrease of \$14 million, or  
17 8.5 percent.

18 Next is a summary of the June 2022  
19 gaming activity for Harrah's New Orleans, found on  
20 page 3. Harrah's generated \$21,003,318 in gross  
21 gaming revenue. These revenues represent a slight  
22 increase from last month of 1.2 percent but a  
23 decrease of approximately \$3.6 million, or  
24 14.6 percent, from the same month last year.  
25 During June, the State received \$5,342,466 in

1 minimum daily payments.

2 Adjusted gross receipts for fiscal  
3 year 2022 are approximately \$228.3 million, an  
4 increase of \$15 million, or 7 percent, from fiscal  
5 year 2021. As of June 30, 2022, the State  
6 collected \$61.2 million in fees for fiscal year  
7 2022.

8 Next, I will present the revenues for  
9 slots at the racetracks. During June, the four  
10 racetrack facilities combined generated adjusted  
11 gross receipts of \$27,114,556, a decrease of  
12 \$2.5 million, or 8.3 percent, from May, and a  
13 decrease of \$3.8 million dollars, or 12.2 percent,  
14 when compared to the same month last year. During  
15 June, the State collected \$4.1 million in fees.

16 Adjusted gross receipts for fiscal  
17 year 2022 are \$330 million, an increase of  
18 \$8.4 million, or 3 percent, from fiscal year 2021.  
19 As of June 30, 2022, the State has collected  
20 \$50 million in fees for fiscal year 2022.

21 I will now move to the video gaming  
22 information. There are 12,140 video gaming  
23 devices activated at 1,433 locations. Net device  
24 revenue for June 2022 was \$64,915,205, a decrease  
25 of \$4.5 million, or 6.5 percent, when compared to

1 May and a decrease of \$8.5 million, or  
2 11.6 percent, when compared to June 2021. Total  
3 franchise fees for June 2022 totaled approximately  
4 \$19.6 million, a decrease of \$1.3 million when  
5 compared to May 2022 and a decrease of  
6 \$2.6 million when compared to June 2021.

7 Net device revenue for fiscal year  
8 2022 is \$829.3 million, an increase of  
9 \$61 million, or 8 percent, when compared to fiscal  
10 year 2021. Total franchise fees collected for  
11 fiscal year 2022 are \$250.6 million, an increase  
12 of \$17 million, or 7.4 percent, when compared to  
13 fiscal year 2021.

14 For comparative purposes, I have also  
15 included an additional chart that shows the  
16 revenue generated during the last four fiscal  
17 years. For fiscal year '21-'22, the four gaming  
18 venues combined generated a total of  
19 \$3,196,000,000 in gaming revenue, resulting in  
20 almost \$751 million in state fees.

21 Next, I will present the June revenue  
22 for sportsbook. During June, the 16 retail  
23 sportsbooks accepted \$18.7 million in sports  
24 wagers, resulting in net proceeds of \$149,244 and  
25 \$66,792 in state taxes. The seven mobile

1 sportsbook operators accepted \$113.7 million in  
2 sports wagers, resulting in net proceeds of  
3 \$10.5 million and \$1,357,000 in taxes paid to the  
4 State.

5 Finally, for daily fantasy sports,  
6 gross revenues for June were \$828,000, with a net  
7 revenue of approximately \$84,000 and taxes of  
8 \$6,700.

9 Are there any questions?

10 CHAIRMAN JOHNS:

11 Okay. Thank you, Ms. Jackson.  
12 Any -- any questions from board members? Any  
13 questions?

14 (NO RESPONSE)

15 CHAIRMAN JOHNS:

16 Members, I think, as we -- we can see  
17 with these numbers some consistency in a -- in a  
18 downside in our revenues, and in talking to a lot  
19 of the properties in the last few weeks, they do  
20 have some concern. They attribute a lot of this  
21 to the price of gasoline, to high interest rates,  
22 to the rate of inflation, just the whole state of  
23 the economy right now and only so many  
24 discretionary dollars to go by. But it's still  
25 doing well, and we hope to see an uptick.

1 I'm very -- not at all concerned  
2 about sportsbook. The month of June is  
3 traditionally a very, very slow month for sports  
4 betting across the country, so no -- no major  
5 events that are really going on. But with -- with  
6 college and pro football coming -- starting in  
7 late August, and the World Series coming in the  
8 fall, I think we're going to see some major events  
9 and some -- some significant activity.

10 Very pleased that a number of the  
11 permanent sportsbook facilities are underway right  
12 now across our licensees around the state, and I  
13 think we're going to be very, very proud of the  
14 product that we're going to see once they're  
15 finished and open and, I think, no doubt, will  
16 drive some additional revenues.

17 So, anyway, we appreciate your work,  
18 Ms. Jackson, and thank you. We'll hopefully have  
19 some better numbers next month, so . . .

20 MS. JACKSON:

21 Thank you.

22 CHAIRMAN JOHNS:

23 Thank you very much.

24 V. CASINO GAMING ISSUES

25 CHAIRMAN JOHNS:

1                   Okay. Moving along. Okay.  
2           Item No. V. on our agenda is the consideration of  
3           the Certificate of Compliance for the  
4           Belle of Orleans, doing business as the  
5           Amelia Belle Casino. So I think we have  
6           representation this morning from the Attorney  
7           General's Office and from AVS. Mr. Pitman could  
8           not be with us this morning. He was a victim of  
9           what's going on all over this company called  
10          "anceled flights," so -- but we have good  
11          representation here this morning, so . . .

12                   MR. JAMES:

13                   Good morning, Chairman Johns, Board  
14          Members. I'm Assistant Attorney General  
15          Elroy James. With me is Mr. Pete Bullard of AVS.  
16          We're here in the matter of the issuance of a  
17          Certificate of Compliance for Belle of Orleans,  
18          LLC, doing business as Amelia Belle Casino.

19                   On May 18, 2022, AVS began the  
20          inspection process for the approval of  
21          Belle of Orleans, LLC, doing business as  
22          Amelia Belle Casino's Certificate of Compliance.  
23          Mr. Bullard will now provide the details of AVS's  
24          inspection.

25                   CHAIRMAN JOHNS:

1 Good morning, Mr. Bullard.

2 MR. BULLARD:

3 Good morning, Chairman Johns.

4 CHAIRMAN JOHNS:

5 If you would, identify yourself for  
6 the record.

7 MR. BULLARD:

8 I'm Pete Bullard, as you stated, here  
9 for Matt Pitman with AVS. I'm here to report on  
10 the annual certification of the casino vessel  
11 Belle of Orleans at the Amelia Belle Casino in  
12 Amelia, Louisiana.

13 Myself and Moriah Reed did, on  
14 May 18, 2022, attend the riverboat Belle of  
15 Orleans to conduct the annual inspection in  
16 accordance with the Louisiana Alternate Inspection  
17 Program. We reviewed fire protection measures,  
18 egress routes, observed emergency lighting, tested  
19 emergency generator, inspected the mooring system,  
20 conducted a fire drill, as well as other life  
21 safety items that were inspected. The deficiency  
22 is noted on page 5, 6, and 7 of the report.

23 A follow-up inspection was completed  
24 on June 25, and all outstanding items are  
25 considered satisfactory, as outlined in the

1 supplemental inspection report dated  
2 June 27, 2022.

3 The '22 annual survey, as required by  
4 the Louisiana Gaming Control Board, is now  
5 considered -- is now complete, and the  
6 Belle of Orleans is considered fit to continue its  
7 intended service as a dockside gaming vessel in  
8 the state of Louisiana. It is the recommendation  
9 of AVS that the Belle of Orleans be issued its  
10 Certificate of Compliance for 2022.

11 CHAIRMAN JOHNS:

12 Okay. Well, thank you, Mr. Bullard.  
13 And I did notice in your report that there were  
14 some -- some issues early on, but everything has  
15 been rectified, and you're 100 percent in  
16 compliance, so . . .

17 MR. BULLARD:

18 Yes, sir.

19 CHAIRMAN JOHNS:

20 Okay. Well, thank you very much.  
21 Any questions from our board members?

22 (NO RESPONSE)

23 MR. JAMES:

24 Mr. Chairman, we now present these  
25 findings to the board and request that upon the



1 board's accepting the report submitted by AVS, you  
2 will move for the issuance of Belle of Orleans,  
3 LLC, doing business as Amelia Belle Casino's  
4 Certificate of Compliance, which expires on  
5 July 31, 2023.

6 CHAIRMAN JOHNS:

7 Okay. Thank you very much. Any  
8 questions, Members?

9 (NO RESPONSE)

10 CHAIRMAN JOHNS:

11 Okay. If not, I'll entertain a  
12 motion that we issue a Certificate of Compliance,  
13 which does expire on July 31, 2023.

14 MR. SHOLES:

15 So moved.

16 MS. TRAYLOR:

17 (Indicating)

18 CHAIRMAN JOHNS:

19 Judge Sholes has moved that we issue  
20 the Certificate of Compliance, seconded by Ms. --  
21 Ms. Traylor. Is there any objection to that  
22 motion? Any objection?

23 (NO RESPONSE)

24 CHAIRMAN JOHNS:

25 Hearing none, that motion carries.

1 Thank you very much. And, Mr. Bullard, thank you  
2 for being with us this morning on such short  
3 notice.

4 MR. BULLARD:

5 Thank you.

6 CHAIRMAN JOHNS:

7 Thank you very much. Okay. Next on  
8 the item -- agenda is the consideration of the  
9 approval of amendments to the Compulsive Gaming  
10 Program for PNK, LLC, doing business as Boomtown  
11 Bossier City.

12 MS. MURRAY-BROWN:

13 Good morning.

14 CHAIRMAN JOHNS:

15 Good morning.

16 MS. MURRAY-BROWN:

17 Good morning. I'm Assistant Attorney  
18 General Alonna Murray-Brown. And in 2001 the  
19 Louisiana Legislature passed the Uniform  
20 Compulsive Gaming Act and pursuant to that  
21 enactment, the Louisiana Gaming Control Board  
22 adopted Rules 301 through 304 to aid in the  
23 development of a statewide Uniform Compulsive  
24 Gaming Program.

25 Louisiana Revised Statute 27:27.1(A)

1 provides in part that it's imperative for the  
2 health, safety, and welfare of the citizens of the  
3 state of Louisiana that all gaming licensees  
4 develop and implement comprehensive compulsive and  
5 problem gambling programs to be approved by the  
6 board. Amendments to approve programs must be  
7 submitted to the board for approval prior to  
8 implementation.

9                   PNK, LLC, doing business as  
10 Boomtown Bossier City, has requested the board's  
11 approval to make changes to their program, and the  
12 proposed changes were reviewed by our office,  
13 Louisiana Office of State Police, Gaming  
14 Enforcement Division, and by Janet Miller, the  
15 Executive Directive of Louisiana Association on  
16 Compulsive Gaming -- Gambling. The licensee made  
17 all the revisions recommended by these agencies,  
18 and the program continues to comply with all  
19 applicable laws and requirements.

20                   If it's the board's pleasure to  
21 approve these changes, a resolution has been  
22 drafted for your consideration.

23                   CHAIRMAN JOHNS:

24                   Okay. Well, thank you, Alonna.  
25 Appreciate that. So, Members, everybody has

1 reviewed this -- this issue and are in agreement  
2 that it's definitely in order; so I would  
3 entertain a motion to adopt the resolution.

4 Mr. Jackson --

5 MR. JACKSON:

6 So moved.

7 CHAIRMAN JOHNS:

8 -- has moved that we adopt the  
9 resolution, and --

10 MS. LEWIS:

11 (Indicating)

12 CHAIRMAN JOHNS:

13 -- Ms. Lewis has seconded that  
14 motion. Ms. Hood, would you read the resolution,  
15 please?

16 MS. HOOD:

17 In the matter of P -- in the matter  
18 of PNK --

19 CHAIRMAN JOHNS:

20 There. Go ahead.

21 MS. HOOD:

22 In the matter of PNK (Bossier City),  
23 LLC's request for approval of updates, Problem  
24 Gambling Program, on the 21st day of July 2022,  
25 the Louisiana Gaming Control Board did, in a duly

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1 noticed public meeting, consider the issue of  
2 PNK (Bossier City), LLC's request for approval of  
3 updates to its Problem Gambling Program pursuant  
4 to Louisiana Revised Statute 27:27.1, and upon  
5 motion duly made and seconded, the Board adopted  
6 the following resolution:

7 Be it resolved that PNK (Bossier  
8 City), LLC's Problem Gambling Program be and is  
9 hereby approved.

10 Thus done and signed on this 21st day  
11 of July, 2022.

12 CHAIRMAN JOHNS:

13 Okay. Thank you, Ms. Hood. So,  
14 Members, we do have a motion by Mr. Jackson,  
15 seconded by Ms. Lewis, to adopt this resolution.  
16 Ms. Hood, would you call the roll, please?

17 MS. HOOD:

18 Mr. Jackson?

19 MR. JACKSON:

20 Yes.

21 MS. HOOD:

22 Ms. Lewis?

23 MS. LEWIS:

24 Yes.

25 MS. HOOD:

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1 Ms. Hamilton-Acker?

2 MS. HAMILTON-ACKER:

3 Yes.

4 MS. HOOD:

5 Ms. Sholes?

6 MR. SHOLES:

7 Yes.

8 MS. HOOD:

9 Mr. Sholes. Sorry. Ms. Traylor?

10 MS. TRAYLOR:

11 Yes.

12 MS. HOOD:

13 And Chairman Johns?

14 CHAIRMAN JOHNS:

15 Yes. Okay. By unanimous vote, the  
16 resolution is hereby adopted. Okay. Moving along  
17 to the approval of amendments to the Compulsive  
18 Gaming Program for Bossier Casino Venture, doing  
19 business as Margaritaville Bossier City.

20 MS. MURRAY-BROWN:

21 All right. Good morning again.

22 CHAIRMAN JOHNS:

23 Good morning again.

24 MS. MURRAY-BROWN:

25 I'm Assistant Attorney General

1 Alonna Murray-Brown, and as previously stated, in  
2 2001, the Louisiana Legislature passed the Uniform  
3 Compulsive Gaming Act to aid in the development of  
4 a statewide Uniform Compulsive Gaming Program.  
5 Louisiana Revised Statute 27:27.1(A) requires all  
6 gaming licensees to develop and implement  
7 comprehensive compulsive and problem gambling  
8 programs to be approved by the Board. Amendments  
9 to approve programs must be submitted to the board  
10 prior -- for approval prior to implementation.

11 Bossier Casino Venture, doing  
12 business as Margaritaville Resort Casino, has  
13 requested the board's approval to make changes to  
14 their program. The proposed changes were reviewed  
15 by our office, Louisiana Office of State Police,  
16 Gaming Enforcement Division, and by Janet Miller,  
17 the Executive Director of Louisiana Association on  
18 Compulsive Gambling. The licensee made all the  
19 revisions recommended by these agencies, and the  
20 program continues to comply with all applicable  
21 laws and requirements.

22 If it is the board's pleasure to  
23 approve these changes, a resolution has been  
24 drafted for your consideration.

25 CHAIRMAN JOHNS:

1                   Okay. Thank you. Any -- any  
2 questions from the members?

3   (NO RESPONSE)

4                   CHAIRMAN JOHNS:

5                                   Okay. Members, once again, the  
6 amendments seem to be in compliance, and at this  
7 time I would adopt -- entertain a motion to adopt  
8 the resolution.

9                   MS. LEWIS:

10                                       (Indicating)

11                   MR. JACKSON:

12                                       Motion to approve.

13                   CHAIRMAN JOHNS:

14                                   Ms. -- Ms. Lewis has moved that we  
15 adopt the resolution. Mr. Jackson has seconded  
16 that motion. And so, Ms. Hood, would you read the  
17 resolution, please?

18                   MS. HOOD:

19                                       On the 20 -- on the 21st day of  
20 July 2022, the Louisiana Gaming Control Board did,  
21 in a duly noticed public meeting, consider the  
22 issue of Bossier Casino Venture, LLC's request for  
23 approval of updates to its Problem Gambling  
24 Program pursuant to Louisiana Revised  
25 Statute 27:27.1, and upon motion duly made and



1 seconded, the Board adopted the following  
2 resolution:

3 Be it resolved that Bossier Casino  
4 Venture, LLC's Problem Gambling Program be and is  
5 hereby approved.

6 Thus done and signed in Baton Rouge  
7 on this 21st day of July, 2022.

8 CHAIRMAN JOHNS:

9 Okay. Thank you, Ms. Hood. So we do  
10 have a motion by Mr. Lewis, seconded by  
11 Mr. Jackson, to adopt the resolution. And,  
12 Ms. Hood, would you call the roll?

13 MS. HOOD:

14 Mr. Jackson?

15 MR. JACKSON:

16 Yes.

17 MS. HOOD:

18 Ms. Lewis?

19 MS. LEWIS:

20 Yes.

21 MS. HOOD:

22 Ms. Hamilton-Acker?

23 MS. HAMILTON-ACKER:

24 Yes.

25 MS. HOOD:

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1 Mr. Sholes?

2 MR. SHOLES:

3 Yes.

4 MS. HOOD:

5 Ms. Traylor?

6 MS. TRAYLOR:

7 Yes.

8 MS. HOOD:

9 Chairman Johns?

10 CHAIRMAN JOHNS:

11 Yes. By unanimous vote, the adopt --  
12 the resolution is hereby adopted. So thank you  
13 very much.

14 MS. MURRAY-BROWN:

15 Thank you.

16 CHAIRMAN JOHNS:

17 Okay. Moving along. Next on the  
18 agenda will be the consideration of the  
19 construction contract for Treasure Chest Casino,  
20 LLC, doing business as the Treasure Chest Casino,  
21 so . . . Mr. Meek, good morning.

22 MR. MEEK:

23 Good morning, Chairman Johns, Members  
24 of the Board. I'm Assistant Attorney General  
25 Matthew Meek present today in the matter of

1 Treasure Chest Casino, LLC's submission of their  
2 construction contracts.

3 On December 16, 2022, this board  
4 considered and approved the licensee's request to  
5 relocate its gaming operations to a landside  
6 facility located within 1,200 feet of its berth.  
7 On that date, the board adopted a resolution that  
8 required the licensee to submit construction  
9 contracts within 90 days of the board accepting  
10 the licensee's architectural blueprints and plans  
11 of design. On June 16, 2022, at this board's  
12 meeting, the board did accept those plans and  
13 designs.

14 The licensee has timely submitted the  
15 construction contracts, and those are up for your  
16 review today. Our office has reviewed the  
17 contracts and determined that they have everything  
18 that they need. If it is the Board's pleasure to  
19 accept the construction contracts today, a  
20 resolution has been drafted for your  
21 consideration.

22 A representative of the licensee is  
23 here today and would be happy to answer any  
24 question that you may have.

25 CHAIRMAN JOHNS:

1                   Okay. All right. Any -- any  
2 questions, Members, for -- for Treasure Chest,  
3 Boyd Gaming, or Mr. Meek?

4                   (NO RESPONSE)

5                   CHAIRMAN JOHNS:

6                   So I do know we have members from  
7 Boyd that are here. I just want to say good luck  
8 with your project and hopefully that you don't  
9 have the supply chain issues that we've seen in  
10 some of the other venues. But best of luck, and  
11 we look forward to that groundbreaking. Thank  
12 you. Okay, Members. I would entertain a motion  
13 to adopt a resolution.

14                  MR. SHOLES:

15                  So moved.

16                  CHAIRMAN JOHNS:

17                  Judge Sholes has moved that we adopt  
18 this res -- the resolution.

19                  MS. HAMILTON-ACKER:

20                  Second.

21                  CHAIRMAN JOHNS:

22                  And Ms. Hamilton-Acker has seconded  
23 that motion. And so, Ms. Hood, would you read the  
24 resolution, please?

25                  MS. HOOD:

1                   On the 21st day of July 2022, the  
2 Louisiana Gaming Control Board did, in a duly  
3 noticed public meeting, consider the issue of  
4 Treasure Chest Casino's, LLC submission of the  
5 contracts for construction related to the approved  
6 project, and upon motion duly made and seconded,  
7 the Board adopted this resolution:

8                   Be it resolved that the contracts for  
9 construction submitted by -- submitted for the  
10 approved project be deemed submitted and accepted,  
11 and Treasure Chest Casino, LLC, is authorized to  
12 proceed with the project.

13                   Thus done and signed in Baton Rouge,  
14 Louisiana, on this 21st day of July, 2022.

15                   CHAIRMAN JOHNS:

16                   Okay. Thank you, Ms. Hood. So we do  
17 have a motion by Mr. Sholes, seconded by  
18 Ms. Hamilton-Acker, that we adopt this resolution.  
19 And, Ms. Hood, would you call the roll, please?

20                   MS. HOOD:

21                   Mr. Jackson?

22                   MR. JACKSON:

23                   Yes.

24                   MS. HOOD:

25                   Ms. Lewis?

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1 MS. LEWIS:

2 Yes.

3 MS. HOOD:

4 Ms. Hamilton-Acker?

5 MS. HAMILTON-ACKER:

6 Yes.

7 MS. HOOD:

8 Judge Sholes?

9 MR. SHOLES:

10 Yes.

11 MS. HOOD:

12 Ms. Traylor?

13 MS. TRAYLOR:

14 Yes.

15 MS. HOOD:

16 Chairman Johns?

17 CHAIRMAN JOHNS:

18 Yes. So by unanimous vote, this  
19 resolution is hereby adopted. Mr. Meek, thank you  
20 very much for your work.

21 MR. MEEK:

22 Thank you, Chairman and Board

23 Members.

24 CHAIRMAN JOHNS:

25 And, Boyd Gaming, thank you for your

1 commitment. We appreciate it very much.

2 VI. VIDEO GAMING ISSUES

3 CHAIRMAN JOHNS:

4 Okay. Members, we will move into  
5 Item No. VI on the agenda, which is video gaming  
6 issues. And we have first on the agenda a truck  
7 stop application for Food Junction, LLC, doing  
8 business as Longwood Casino. And, Mr. Picou, good  
9 morning.

10 MR. PICOU:

11 Good Morning, Chairman Johns and  
12 Board Members. I'm Assistant Attorney General  
13 Charlie Picou. I'm here in the matter of the  
14 original application of Food Junction, LLC, doing  
15 business as Longwood Casino, who is applying for  
16 approval of a Type 5 video draw poker gaming  
17 license. The truck stop facility is located in  
18 Caddo Parish.

19 On November 2, 2021, Longwood  
20 Holdings, LLC, sold the business, business assets,  
21 and all the rights, title, and interest in the  
22 immovable property of the truck stop to  
23 Food Junction, LLC.

24 State Police has conducted an  
25 investigation into Seema B. Warar and -- and

1 Manjit S. Warar, who is a sole member of  
2 Food Junction, LLC, and they found nothing to, you  
3 know, preclude the approval.

4 Criminal Investigator Glenn Verrett  
5 is here to -- to present their findings to the  
6 board.

7 MR. VERRETT:

8 Good morning, Mr. Chairman, Board  
9 Members. I'm Criminal Investigator Glenn Verrett  
10 with the Gaming Enforcement Division.

11 I conducted suitability  
12 investigations on all relevant persons associated  
13 with the application. Manjit Warar, Seema Warar  
14 previously submitted to suitability investigations  
15 in connection with other video poker licenses.  
16 Updated checks were performed that revealed no  
17 information that would preclude them from  
18 continuing to participate in the gaming industry.

19 An on-site inspection was conducted,  
20 and it was determined that the establishment meets  
21 all criteria set forth in the video gaming laws as  
22 a qualified truck stop facility. All required  
23 licenses and permits were posted and valid at the  
24 time of inspection.

25 The establishment consists of 7.31



1 contiguous acres. Food Junction, LLC, doing  
2 business as Longwood Casino, purchased the  
3 licensed establishment that was originally  
4 approved for a gaming license in 1996; therefore,  
5 it is not subject to the rule that it must be one  
6 mile from a school, church, playground, synagogue,  
7 public library, residence or building on the  
8 National Historic Register. I found no  
9 information that would preclude the issuance of a  
10 Type 5 video draw poker gaming license to  
11 Food Junction, LLC, doing business as  
12 Longwood Casino.

13 CHAIRMAN JOHNS:

14 Okay. Thank you, Mr. Verrett.

15 MR. PICOU:

16 The Office of the Attorney General  
17 has reviewed the file prepared by the Office of  
18 State Police and has found no information that  
19 would preclude approval today.

20 CHAIRMAN JOHNS:

21 Okay. Thank you very much. So,  
22 Members, any -- any questions? Any questions from  
23 the -- from the board?

24 MR. JACKSON:

25 Motion to approve.

1 MS. LEWIS:

2 (Indicating)

3 CHAIRMAN JOHNS:

4 So Mr. Jackson has made a motion to  
5 approve the truck stop application, and Ms. Lewis  
6 has seconded that motion. Is there any discussion  
7 on the motion?

8 (NO RESPONSE)

9 CHAIRMAN JOHNS:

10 Any objection to the motion?

11 (NO RESPONSE)

12 CHAIRMAN JOHNS:

13 Hearing no objection, this motion  
14 carries, and the application is hereby approved.  
15 So thank you very, very much gentlemen.

16 MR. PICOU:

17 Thank you.

18 CHAIRMAN JOHNS:

19 Okay. Next on the agenda is  
20 Eisah Enterprises, LLC, doing business as  
21 Gator Gold Casino. Once again, it's a truck stop  
22 application. Good morning.

23 MS. SIZEMORE:

24 Good morning, Chairman Johns, Board  
25 Members. I'm Assistant Attorney General

1 Shanna Sizemore, here in the matter of the  
2 original application of Eisah Enterprises, LLC,  
3 doing business as Gator Gold Casino, applying for  
4 approval of a Type 5 video draw poker gaming  
5 license. The truck stop facility is located in  
6 St. Landry Parish.

7 And on November 9, 2021,  
8 Awan Enterprises, LLC, who previously held a video  
9 gaming license for the truck stop, sold the  
10 business and business assets to Eisah Enterprises,  
11 LLC. Gul N. Awan owns the immovable property  
12 where the truck stop facility is located.  
13 Waqar Awan and Madiha Hamani each hold 40 percent  
14 of the membership interest in Eisah Enterprises,  
15 LLC. Muhammad Iqbal holds the remaining  
16 20 percent membership interest in  
17 Eisah Enterprises, LLC.

18 The Office of State Police conducted  
19 a suitability investigation of the relevant  
20 persons associated with Eisah Enterprises, LLC.  
21 Master -- Master Trooper James Cannon is here this  
22 morning to present the Division's findings to the  
23 board.

24 MASTER TROOPER CANNON:

25 Good morning, Chairman and Members of

1 the Board. I'm Master Trooper James Cannon with  
2 Louisiana State Police. I conducted a suitability  
3 investigation on all relevant persons associated  
4 with the application. Waqar Juan and  
5 Muhammad Iqbal previously submitted to suitability  
6 investigations in connection with other video  
7 poker licenses. Updated background checks were  
8 performed that revealed no information that would  
9 preclude them from continuing to participate in  
10 the gaming industry. Madiha Hamani submitted to a  
11 suitability investigation in connection with this  
12 application. I did not find any information that  
13 would preclude her from participating in the video  
14 gaming industry.

15 An on-site inspection was conducted,  
16 and it was determined that the establishment meets  
17 all criteria set forth in video gaming law as a  
18 qualified truck stop facility. All required  
19 licenses and permits were posted and valid at the  
20 time of inspection. The establishment consists of  
21 5.702 contiguous acres.

22 Eisah Enterprises, LLC, doing  
23 business as Gator Gold Casino, submitted a video  
24 draw poker license application within 36 months of  
25 a change in ownership of the previously licensed

1 truck stop that was held by Awan Enterprises, LLC,  
2 doing business as Gator Gold Casino; therefore, it  
3 is not subject to the rule that it must be at  
4 least one mile from a school, church, playground,  
5 synagogue, public library, or residence and  
6 buildings on the National Historic Registry.

7 I found no information that would  
8 preclude the issuance of a Type 5 video draw poker  
9 gaming license to Eisah Enterprises, LLC, doing  
10 business as Gator Gold Casino.

11 MS. SIZEMORE:

12 The Office of the Attorney General  
13 has reviewed the file prepared by the Office of  
14 State Police. Our review indicates that no  
15 information has been found that would preclude  
16 approval.

17 CHAIRMAN JOHNS:

18 Okay. Thank you very much for  
19 your -- for your work on this. Members, are there  
20 any questions? Any questions from the board?

21 (NO RESPONSE)

22 CHAIRMAN JOHNS:

23 Ms. Hamilton-Acker, this is in your  
24 backyard. Do you want to make the motion to --

25 MS. HAMILTON-ACKER:

1 I certainly will.

2 CHAIRMAN JOHNS:

3 Okay.

4 MS. HAMILTON-ACKER:

5 Absolutely.

6 CHAIRMAN JOHNS:

7 And do I have a second?

8 MR. SHOLES:

9 Second.

10 CHAIRMAN JOHNS:

11 So Judge Sholes has seconded. So we  
12 have a motion to approve the truck stop  
13 application by Ms. Hamilton-Acker, seconded by  
14 Mr. Sholes. Is there any discussion?

15 (NO RESPONSE)

16 CHAIRMAN JOHNS:

17 Is there any opposition to that  
18 motion?

19 (NO RESPONSE)

20 CHAIRMAN JOHNS:

21 Hearing none, the motion carries.  
22 Thank you very much. Appreciate y'all being here  
23 with us. Okay. You want to stay at the table, I  
24 think, Ms. Sizemore?

25 MS. SIZEMORE:

1 I am.

2 CHAIRMAN JOHNS:

3 I think so. Okay.

4 VII. SPORTS WAGERING ISSUES

5 CHAIRMAN JOHNS:

6 Okay, Members. We're going to move  
7 to Item No VII on the agenda, which is sports  
8 wagering issues. Members, this is the  
9 consideration for the approval of the following  
10 sports wagering platform provider permit  
11 application for BetMGM, LLC, doing business as  
12 Roar Digital, so . . .

13 MS. SIZEMORE:

14 Chairman Johns, Members of the Board,  
15 Assistant Attorney General Shanna Sizemore  
16 appearing with Ms. Tammy Haupt with the Louisiana  
17 State Police, Gaming Audit Division, and  
18 Trooper Michael Daniel with the Gaming Enforcement  
19 Division. We're here in the matter of the  
20 consideration of the Sports Wagering Platform  
21 Provider Permit Application of BetMGM, LLC, doing  
22 business as Roar Digital.

23 Pursuant to the Louisiana Sports  
24 Wagering Act, the board is charged with issuing or  
25 denying applications for Sports Wagering Platform

1 Provider Permits. The board issued a Temporary  
2 Certificate of Authority to the applicant to  
3 conduct business as a sports wagering platform  
4 provider with an effective date of October 31,  
5 2021. The TCOA was set to expire on April 30,  
6 2022; however, after a request was made by the  
7 applicant for an extension of time, the expiration  
8 of the TCOA was extended 90 days, beginning  
9 May 1, 20 -- sorry -- May 1, 2022. The TCOA  
10 expires on July 30, 2022.

11 State Police's Gaming Division has  
12 reviewed and investigated the application and will  
13 now report its findings to the board.

14 MS. HAUPT:

15 Good morning, Chairman Johns and  
16 Board Members. My name is Tammy Haupt. I'm an  
17 Auditor with Louisiana State Police's Gaming  
18 Enforcement Division. BetMGM, LLC, doing business  
19 as Roar Digital, is a 50/50 joint venture between  
20 MGM Sports & Interactive Gaming, LLC, and  
21 GVC Holdings (USA), Inc., wholly-owned subsidiaries of  
22 M -- MGM Resorts International, Inc., and  
23 Entain Holdings (UK), Limited, respectively.

24 BetMGM's retail sports betting and  
25 online gaming platform is currently live in 23



1 markets, including 20 US states, the District of  
2 Columbia, Canada, and Puerto Rico. This excludes  
3 Ohio and Florida, where it has launched its  
4 BetMG -- BetMGM online horse-racing.

5 In addition to BetMGM's online gaming  
6 offerings, it operates 23 BetMGM-branded retail  
7 sportsbooks on the premises of MGM resorts, pro  
8 sports stadiums, and tribal casinos across ten US  
9 states and Puerto Rico.

10 In September of 2021, BetMGM gained  
11 access to the Louisiana market when it entered  
12 into an Online Market Access Agreement with  
13 Red River Entertainment of Shreveport, LLC, doing  
14 business as Sam's Town Casino and -- Hotel and  
15 Casino, launching its BetMGM-branded online  
16 sportsbook on January 28, 2022, utilizing one of  
17 Sam's Town's legally authorized mobile licenses.

18 In 2021, BetMGM reported net gaming  
19 revenue of approximately \$812 million, up from  
20 \$152 million in 2020. For the years ending  
21 December 31, 2021 and 2020, BetMGM reported an  
22 operating loss of \$446 million and \$165 million, a  
23 working capital deficit of \$288.7 million and  
24 \$113 million, and cash on hand of \$157.3 million  
25 and \$123.3 million, respectively.

1                   Although the company exceeded its net  
2 gaming revenue expectations and the market  
3 estimates in 2021, the independent accounting firm  
4 that prepared BetMGM's 2021 audited consolidated  
5 year-end financials noted a going concern  
6 regarding BetMGM's history of recurring losses  
7 from operations and negative operating cash flows  
8 that MGM's management expects to continue for the  
9 foreseeable future. The accounting firm concluded  
10 that, in its judgment, there were conditions or  
11 events considered in aggregate that raised  
12 substantial doubt about BetMGM's ability to  
13 continue as a going concern for a reasonable  
14 period of time.

15                   Since its inception in 2018, BetMGM  
16 has funded its operations with \$990 million in  
17 cash contributions from Entain and MGM, with both  
18 partners committing to each making an additional  
19 \$100 million cash contribution in 2022.

20                   Operating losses and working capital  
21 deficits are common amongst emerging online gaming  
22 platform providers, as significant investments are  
23 required for entry into new regulated  
24 jurisdictions, as well as increased cost related  
25 to online and retail market penetration.

1           In response to the Audit Section's  
2 question regarding BetMGM's operating losses and  
3 negative operating cash flow since incep -- since  
4 inception, BetMGM replied that the company takes  
5 an aggressive approach to capturing market share  
6 with its issuance of non-withdrawal promotional  
7 funds to accelerate customer acquisitions and new  
8 states, thus sacrificing profitability.

9           BetMGM has nearly doubled its number  
10 of active jurisdictions in the last year, growing  
11 from 12 to 23. As the markets mature, BetMGM  
12 gradually reduces its promotional play offered.  
13 BetMGM continues to maintain the expectation that  
14 it will achieve positive EBITDA during 2023, with  
15 30 percent to -- with a 30 percent to 35 percent  
16 long-term EBITDA margins as markets continue to  
17 reach maturity.

18           Although the joint venture partners  
19 are not contractually obligated to continue making  
20 capital contributions beyond the disclosed amount  
21 of \$225 million each in 2022, MGM Resorts assures  
22 us that both JV partners are expected to continue  
23 meeting BetMGM's cash needs for the -- for the 12  
24 months following the April 2022 issuance of its  
25 December 31, 2021, consolidated financial

1 statements, as they expect losses to continue into  
2 the first half of 2023.

3 As of December 31, 2021, BetMGM and  
4 Entain had approximately \$4.7 million and  
5 \$657 million in cash reported on -- respectively  
6 on -- on their respective balance sheets to fund  
7 BetMGM's operations until profitability is  
8 reached.

9 Since BetMGM does not have an  
10 investment in a brick-and-mortar facility in  
11 Louisiana, we feel there's min -- there are  
12 minimal risks to the state if MGM -- BetMGM does  
13 not achieve the profitability they are projecting.

14 Additionally, we feel there is  
15 minimal risk to Louisiana patrons, as state gaming  
16 laws require BetMGM to segregate player deposits  
17 from its operational funds and maintain a  
18 sufficient cash reserve to cover outstanding  
19 sports wagers on future events, unpaid winnings,  
20 and sports wagering account balances to ensure  
21 players can withdraw their funds at any time.

22 No financial issues, other than the  
23 negative financial results and in -- and  
24 independent auditor going concern previously  
25 mentioned, came to the Audit Section's attention

1 that were of such a nature as to preclude the  
2 board from approving the issuance of a sports  
3 wagering platform provider permit to BetMGM.

4 Licensing will now present their  
5 findings.

6 TROOPER DANIEL:

7 Good morning, Chairman Johns and  
8 Members of the Board.

9 CHAIRMAN JOHNS:

10 Good morning.

11 TROOPER DANIEL:

12 I'm Trooper Michael Daniel with the  
13 Louisiana State Police, Gaming Enforcement  
14 Division. On October 4, 2021, BetMGM, LLC, doing  
15 business as Roar Digital, submitted a Sports  
16 Wagering Platform Provider Application. BetMGM,  
17 LLC, is applying for a permit to provide online  
18 mobile market access sports wagering operation on  
19 behalf of Red River Entertainment of Shreveport,  
20 LLC, doing business as Sam's Town Hotel & Casino.

21 Under the rules and regulations of  
22 the Louisiana State Police, Gaming Enforcement  
23 Division, a background investigation was conducted  
24 to determine whether any information would deem  
25 BetMGM, LLC, its shareholders, subsidiaries,

1 officers, directors, and persons with five percent  
2 or more ownership or economic interest in the  
3 permit unsuitable.

4 This background investigation  
5 included inquiries to federal, state, and local  
6 law enforcement agencies, civil jurisdictions,  
7 gaming regulatory agencies, and the Louisiana  
8 Department of Revenue. Searches were also done  
9 through open public source and the computerized  
10 criminal history database.

11 During our investigation, the  
12 Division discovered that the Department of Justice  
13 and the Securities and Exchange Commission are  
14 conducting a non-public fact-finding inquiry on  
15 Barry Diller and the alleged insider trading  
16 violations through the stock option purchase of  
17 Activision, Inc.

18 All there -- although there are  
19 pending inquiries on Mr. Diller, the Division  
20 determined that no information was found or  
21 discovered thus far that would preclude the  
22 suitability of Mr. Diller at this time. The  
23 Division is still actively monitoring the event.

24 Based on the investigation, no  
25 information was found to preclude the board from

1 approving BetMGM, LLC, doing business as  
2 Roar Digital, a sports wagering platform provider  
3 permit.

4 CHAIRMAN JOHNS:

5 And what percent interest does  
6 Mr. Diller have in BetMGM?

7 TROOPER DANIEL:

8 Fourteen.

9 CHAIRMAN JOHNS:

10 Fourteen.

11 TROOPER DANIEL:

12 The IAC has 14 percent.

13 CHAIRMAN JOHNS:

14 Okay. All right. Okay. I'm going  
15 to ask -- before we -- we move on to the  
16 resolution, I want to ask BetMGM to come to the  
17 table, if you could, for a moment.

18 TROOPER DANIEL:

19 Can I?

20 CHAIRMAN JOHNS:

21 Sure, one second. Go ahead  
22 Mr. Daniel.

23 TROOPER DANIEL:

24 It's 14 percent into MGM Resorts, and  
25 it's 7 percent into BetMGM, --

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1 CHAIRMAN JOHNS:

2 Okay. Okay.

3 TROOPER DANIEL:

4 -- the percentage of ownership.

5 CHAIRMAN JOHNS:

6 Okay. Thank you very much.

7 TROOPER DANIEL:

8 Yes, sir.

9 CHAIRMAN JOHNS:

10 Good morning.

11 MS. BRENNAN:

12 Good morning.

13 MR. DUNCAN:

14 Good morning, Mr. Chairman.

15 Kelly Duncan from Jones Walker, gaming counsel --  
16 Louisiana gaming counsel to BetMGM, and with me is  
17 Sarah Brennan, who is Senior Director of  
18 Compliance for BetMGM.

19 CHAIRMAN JOHNS:

20 Okay. Well, Thank you very much.

21 We -- you know, we're taking a hard -- a hard look  
22 at this, as -- as other states have also addressed  
23 this issue, as we -- as we understand. So the  
24 action that we're taking this morning is  
25 consistent -- Members of the Board, is very



1 consistent with what a number of other regulatory  
2 bodies have already done. So I didn't know if  
3 y'all wanted to make a statement as to the  
4 investigation or if somebody else from BetMGM is  
5 here to maybe do that.

6 MR. DUNCAN:

7 Sure. There are several attorneys  
8 here, two for MGM, Harry Jackson, as well as  
9 Ryan O'Beirne for MGM. And then David Kirk is the  
10 counsel for Barry Diller, and perhaps Mr. Kirk can  
11 best bring the board up to speed as to the status  
12 of the investigation.

13 CHAIRMAN JOHNS:

14 Okay. Why don't we -- why don't we  
15 do that. Okay? Thank you.

16 MR. DUNCAN:

17 Thank you.

18 CHAIRMAN JOHNS:

19 You want to come . . .

20 MR. O'BEIRNE:

21 Good morning.

22 CHAIRMAN JOHNS:

23 Good morning.

24 MR. O'BEIRNE:

25 I'm Ryan O'Beirne with Butler Snow.

1 As Mr. Duncan mentioned earlier, I'm gaming  
2 counsel to MGM.

3 To my immediate left is  
4 Harry Jackson. He's with Fox Rothschild. He's  
5 also gaming counsel to MGM, and he's been actively  
6 involved in the multijurisdictional application  
7 process for MGM, including filing the applications  
8 here in Louisiana. He's been working closely with  
9 State Police and Trooper Daniel and  
10 Trooper Simpson.

11 And then to our far left -- my far  
12 left is David Kirk. He's with Wachtell Lipton,  
13 and his firm is representing Mr. Diller in the  
14 fact-finding inquiry that Trooper Daniel mentioned  
15 earlier.

16 I also want to recognize  
17 Anthony DelVescovo, who is sitting behind us.  
18 He's with MGM. He's general counsel and  
19 Vice-President of their two properties in  
20 Mississippi, Beau Rivage and Gold Strike.

21 And, if it's okay with the board,  
22 we're going to have Mr. Kirk just make a brief  
23 summary of, you know, the status of the inquiry  
24 from the SEC and the Department of Justice.

25 CHAIRMAN JOHNS:

1           Thank you, Mr. O'Beirne. I think  
2           that absolutely would be in order. So, Mr. Kirk,  
3           welcome to -- to Louisiana, and if you would like  
4           to proceed.

5           MR. KIRK:

6           Yes. Chairman and Members of the  
7           Board, thank you very much for giving me this  
8           opportunity to provide some further context about  
9           the Activision investigations. As you know, the  
10          Department of Justice and the SEC are  
11          investigating trades in Activision stock options  
12          the Mr. Diller and his stepson,  
13          Alexander von Furstenberg, along with  
14          David Geffen, made in January of 2022 shortly  
15          before Activision announced that it would be  
16          acquired by Microsoft.

17          The government's investigations, as  
18          Trooper Daniel got it exactly right, are  
19          fact-finding inquiries, and Mr. Diller has been  
20          seeking from the outset to fully cooperate with  
21          those inquiries. I also want to emphasize that  
22          we're simply in a fact-finding stage, and there  
23          have been no charges brought or suggested, and  
24          there have been no allegations of any wrongdoing.

25          In early March, the SEC issued

1 subpoenas to Mr. Diller and to his personal trust  
2 asking for documents relating to the Activision  
3 options trade. In early April, Mr. Diller's trust  
4 received a subpoena from the Department of Justice  
5 asking for similar documents.

6 As I mentioned, Mr. Diller has sought  
7 to fully cooperate with the government in  
8 responding to those subpoenas. At Mr. Diller's  
9 direction, Wachtell Lipton collected and submitted  
10 the requested documents, completing the  
11 productions to the government on June 27.

12 Also, on June 27, the SEC issued  
13 another subpoena asking for additional documents  
14 to cover a somewhat wider time period than they  
15 had originally requested. We provided those  
16 documents to the SEC yesterday, and we have,  
17 therefore, completed our response to that subpoena  
18 as well.

19 We've also cooperated with the  
20 requests from the Louisiana State Police,  
21 providing them documents, an affidavit from  
22 Mr. Diller, and our production letters to the SEC  
23 and the DOJ. And I believe Mr. Jackson has -- has  
24 just provided the -- the final submission letter  
25 that we sent yesterday.

1 MR. JACKSON:

2 That's correct.

3 MR. KIRK:

4 We are going to continue fully  
5 cooperating with the government to the extent  
6 there are any further requests, and, of course, we  
7 will keep the Gaming Control Board apprised of any  
8 new developments. And with that, I would be glad  
9 to answer any questions about the Activision  
10 inquiry that you might have either now or as the  
11 hearing proceeds.

12 CHAIRMAN JOHNS:

13 Well, thank you, Mr. Kirk. Thank you  
14 very much for being here. Mr. Jackson, thank you  
15 for being here. First of all, let me say thank  
16 you for your cooperation with State Police. From  
17 what I understand, y'all have been nothing but  
18 cooperative, and that's -- that's imperative,  
19 as -- as the way we do business here in Louisiana.  
20 So we greatly appreciate that.

21 Is there any magical crystal ball out  
22 there that can tell you how long this  
23 investigation is going to go on or . . .

24 MR. KIRK:

25 Unfortunately, no -- no magical

1 crystal ball, but -- but, again, what I can say is  
2 that we've completed the production of all the  
3 documents that the government has requested from  
4 us, and, of course, we'll continue to keep you  
5 updated to the extent there are any developments.

6 CHAIRMAN JOHNS:

7 Okay. Sounds good. So, Members,  
8 any -- any questions? Judge?

9 MR. SHOLES:

10 If Mr. Diller is denied the right to  
11 participate, can this venture proceed?

12 CHAIRMAN JOHNS:

13 I think we'll have the Attorney  
14 General Office back up on that one.

15 MS. HIMEL:

16 If I may, Dawn Himel, Assistant  
17 Attorney General. So in order for somebody to  
18 receive a permit, all the persons that have to  
19 submit to suitability must be found suitable. So  
20 he is not, to my knowledge, the individual owner,  
21 but he is the -- on the board of IAC, which is a  
22 7 percent indirect owner of BetMGM and 14 percent  
23 owner of MGM, and he's also on the board of MGM,  
24 so he has to meet because of his control, not  
25 necessarily ownership. IAC, which he's on the

1 board of, and has the 7 percent number, is owned  
2 by companies like the Vanguard Group, T. Rowe  
3 Price, et cetera.

4 So due to him being on the board of  
5 those two owners, he would have to submit to  
6 suitability. And if he was denied suitability or  
7 if this board was to postpone the determination  
8 today and State Police move forward with an  
9 unsuitability admin action, then the permit could  
10 not be granted.

11 MR. SHOLES:

12 Let's assume that six months from now  
13 that the investigation is completed and it's  
14 determined that Mr. Diller is guilty of whatever  
15 the allegations might be. How long would it take  
16 us to proceed to remove anything that we've  
17 already done?

18 MS. HIMEL:

19 So under sports wagering law, which  
20 is applicable here, they use casino statute in  
21 suitability. So with that, any pending charges --  
22 so if charges were actually made -- and there are  
23 certain disqualifiers that are statutory  
24 disqualifiers, such as something being punishable  
25 by more than one year, any sort of fraud or

1 deceptive crimes.

2           So if it were found that he did  
3 engage in insider trading, then those charges  
4 would be statutory disqualifiers. At that point,  
5 because of the language of the statutes, the board  
6 would issue a Notice of Immediate Emergency  
7 Suspension, which would emergency suspend BetMGM's  
8 permit and would go forward with the finding of  
9 unsuitability against Mr. Diller.

10           Presumably, if that were to happen,  
11 because they are licensed in dozens of  
12 jurisdictions, Mr. Diller would disassociate with  
13 BetMGM and MGM so that he didn't have to submit on  
14 the permits anymore, so that they could retain  
15 their permits. If he disassociated and we found  
16 that he actually was removed from BetMGM and MGM,  
17 then BetMGM and MGM would probably be determined  
18 that it continue to have a permit, and they would  
19 move forward with an unsuitability of Mr. Diller.

20           MR. SHOLES:

21           Thank you.

22           CHAIRMAN JOHNS:

23           Thank you, Judge Sholes, and thank  
24 you, Ms. Himel. Any other questions? Any  
25 questions from the board?



1 (NO RESPONSE)

2 CHAIRMAN JOHNS:

3 So, gentleman, I think you are aware  
4 of the conditions that are going to be in the  
5 resolution. And, Members, we're taking some  
6 action here today, as you'll -- you'll hear as the  
7 resolution is presented, to make absolutely sure  
8 that we're kept abreast of the investigation.

9 Gentlemen, any other comments at the  
10 table this morning or . . .

11 MR. O'BEIRNE:

12 Yeah. I guess you mentioned that  
13 we're aware of the conditions. I'm not aware of  
14 the conditions.

15 CHAIRMAN JOHNS:

16 Okay. Well, you've seen these in  
17 other states.

18 MR. O'BEIRNE:

19 Okay.

20 CHAIRMAN JOHNS:

21 I'll put it to you that way. Okay?

22 MR. O'BEIRNE:

23 Very good.

24 CHAIRMAN JOHNS:

25 Okay. Any other -- any other

1 comments, any other questions from the board for  
2 the gentlemen at the table?

3 MR. SHOLES:

4 I can only state that, I guess, I am  
5 somewhat reticent to do this one. I'm hoping that  
6 we're going to keep a very close eye on it and,  
7 should the situation arise where the gentleman has  
8 some problems, that we can quickly turn it around.  
9 I don't want to see us being embarrassed by  
10 allowing this one to proceed. But thank you,  
11 Mr. Chairman.

12 MR. JACKSON:

13 May I -- may I speak on that?

14 CHAIRMAN JOHNS:

15 Sure.

16 MR. JACKSON:

17 Harry Jackson from Fox Rothschild.  
18 Judge Sholes, I want to assure you that MGM is  
19 very aware of the duty to report, you know, as an  
20 applicant, or as a licensee, and we would -- it's  
21 my job to make sure that gaming regulators around  
22 the country are made aware of any developments,  
23 and we have shown that to this point, you know, in  
24 the application process, and we'll continue to do  
25 that as a licensee.

1 MS. HIMEL:

2 And, Judge Sholes, if I may, and  
3 Board, if I may, so the board does have options  
4 today. It can grant the permit, and it can set  
5 conditions on the permit, or it can postpone the  
6 consideration of the approval.

7 So just again, to give you some other  
8 jurisdictions and some ramifications, since the  
9 inquiry by the SEC and the DOJ has begun, Vegas  
10 and Colo -- sorry -- Vegas and Massachusetts have  
11 both had to act on Mr. Diller's suitability for  
12 other reasons. And Vegas set a two-year finding  
13 of suitability on Mr. Diller, and Massachusetts  
14 set conditions that, instead of having to  
15 report -- like in our jurisdiction, they have to  
16 report with any findings or any mat -- act, or  
17 matter, or occurrence, or event, within 15 days of  
18 such occurring, and they set it to 48 hours so  
19 that the commission there could be fully abreast  
20 of anything that occurred with regards to the  
21 inquiries by the federal -- by the feds.

22 The Board could do conditions such as  
23 those, if it felt more comfortable with that. If  
24 the Board chooses to postpone the consideration of  
25 this just for -- you know, what would happen then

1 is that BetMGM would not be granted a permit  
2 today. If that were to happen, they wouldn't be  
3 denied, because this is not an administrative  
4 hearing process, but because it wouldn't be  
5 granted today, their TCOA, which is their  
6 temporary certificate to operate, would expire  
7 July 30, and they would have to shut down the  
8 mobile operation that's operated by Sam's Town, or  
9 on behalf of Sam's Town.

10 So they would have to shut down in  
11 the state pending the investigation and until  
12 State Police either determined that it wanted to  
13 move forward with an unsuitability and denial or  
14 with a suitability and come before you again for  
15 approval.

16 MR. SHOLES:

17 Does the Attorney General's Office  
18 have a recommendation?

19 MS. HIMEL:

20 We recommend that you do anything  
21 that is legal, within your bounds.

22 MR. O'BEIRNE:

23 That's great.

24 MS. HIMEL:

25 I will say that they are -- you know,

1 they are licensed and permitted in dozens of other  
2 jurisdictions within the state, in the United  
3 States, as well as, you know, the United Kingdom  
4 and elsewhere, and that Vegas and Massachusetts,  
5 like I said, subsequent to the inquiries, have  
6 issued findings of suitability. But I understand.  
7 So I just want to make sure the board was aware of  
8 its options.

9 MS. HAMILTON-ACKER:

10 I would, also, if you will --

11 CHAIRMAN JOHNS:

12 Yes. Ms. Hamilton-Acker.

13 MS. HAMILTON-ACKER:

14 Just for clarity purposes, as I  
15 understand, the resolution that is before us  
16 provides for some safeguards relative to  
17 Mr. Diller. And is it correct that some of the  
18 safeguards that you have indicated about the  
19 written notice within the time period is provided  
20 for within the resolution?

21 CHAIRMAN JOHNS:

22 Yes.

23 MS. HAMILTON-ACKER:

24 That is correct?

25 CHAIRMAN JOHNS:

1                   That is correct.

2                   MS. HAMILTON-ACKER:

3                   Okay.

4                   CHAIRMAN JOHNS:

5                   So to clarify, what we -- the  
6 resolution will require that any inquiries by the  
7 Department of Justice or the SEC that are  
8 concerning or relative to Mr. Diller must be  
9 reported to us within 48 hours of the receipt of  
10 that. So we're -- we're putting a very short  
11 time -- timeline on -- on that, and we -- you  
12 know, please understand that this -- this license  
13 actually affects more than just Sam's Town. It  
14 affects all of Boyd's operations, as I understand  
15 it.

16                   So as Chairman, I'm comfortable with  
17 the resolution, as -- as we are going to present,  
18 but it's -- of course, that's up to the board. So  
19 anything else, Ms. Acker?

20                   MS. HAMILTON-ACKER:

21                   That's it.

22                   CHAIRMAN JOHNS:

23                   Okay. Thank you very much. Judge,  
24 any further questions?

25                   MR. SHOLES:

1 No further questions.

2 CHAIRMAN JOHNS:

3 Thank you very much.

4 MS. TRAYLOR:

5 I have one question, Chairman.

6 CHAIRMAN JOHNS:

7 Okay, Ms. Traylor.

8 MS. TRAYLOR:

9 Vegas and Massachusetts, were those  
10 the only other jurisdictions --

11 CHAIRMAN JOHNS:

12 Ms. Traylor, why don't you -- into  
13 the microphone.

14 MS. TRAYLOR:

15 Excuse me.

16 CHAIRMAN JOHNS:

17 Thank you.

18 MS. TRAYLOR:

19 Were Vegas and Massachusetts the only  
20 other jurisdictions that have had suitability  
21 inquiries since . . .

22 MR. JACKSON:

23 Well -- Harry Jackson again. So  
24 since the subpoenas were received, it would be  
25 only Las Vegas and Massachusetts; however,

1 Mr. Diller is approved and licensed in a number of  
2 jurisdictions, about 13 or 14, and I can provide a  
3 list of those.

4 MS. TRAYLOR:

5 That's not necessary. I was just  
6 wondering if any of the other ones had been --  
7 come up in this time period, so . . .

8 CHAIRMAN JOHNS:

9 Okay. Anything else, Ms. Traylor?

10 MS. TRAYLOR:

11 No.

12 CHAIRMAN JOHNS:

13 Okay. Thank you. Okay. Members of  
14 the Board, it's clear -- gentlemen, thank you for  
15 being here today, and best of luck with -- with  
16 the current situation, so . . .

17 MR. JACKSON:

18 Thank you.

19 CHAIRMAN JOHNS:

20 Hope to resolve this quickly.

21 MR. KIRK:

22 Thank you very much.

23 CHAIRMAN JOHNS:

24 Ms. Himel, thank you. Anything else?

25 MS. HIMEL:



1 (Shaking head)

2 CHAIRMAN JOHNS:

3 And I guess we'll get Ms. Sizemore  
4 back up.

5 MS. SIZEMORE:

6 If it is the board's pleasure to  
7 approve the Sports Wagering Platform Provider  
8 Permit Application of BetMGM, LLC, doing business  
9 as Roar Digital, a resolution has been prepared  
10 for the board's adoption and signature.

11 CHAIRMAN JOHNS:

12 Okay. So, Members, I'm going to make  
13 the motion that we adopt the resolution. And  
14 we've put a lot of thought into this over the past  
15 few days, and thank you to the Attorney General's  
16 Office and the State Police for your -- for your  
17 incredible diligence on this. I know a lot of  
18 work went into this.

19 I feel -- as Chairman, I feel very  
20 comfortable, and I think all of our -- our legal  
21 team feels comfortable in the conditions that are  
22 in the resolution and gives us some -- gives us  
23 the flexibility to act very, very quickly in the  
24 event that there are some significant findings.

25 So I will make the motion that we

1 adopt the resolution. Is there a second?

2 MR. JACKSON:

3 Second.

4 CHAIRMAN JOHNS:

5 Mr. Jackson has seconded that -- that  
6 motion. And so we do have a resolution to read.  
7 So, Ms. Hood, would you read the resolution,  
8 please?

9 MS. HOOD:

10 On the 21st day of July 2022, the  
11 Louisiana Gaming Control Board did, in a duly  
12 noticed public meeting, consider the Sports  
13 Wagering Platform Provider Permit Application and  
14 the Comprehensive Compulsive and Problem Gambling  
15 Program of BetMGM, LLC, doing business as  
16 Roar Digital, and upon motion duly made and  
17 seconded, the Board adopted this resolution:

18 Be it resolved that BetMGM, LLC,  
19 doing business as Roar Digital, be approved for a  
20 Sports Wagering Platform Provider Permit for a  
21 term of five years, commencing October 31, 2021,  
22 subject to the following conditions:

23 1., BetMGM, LLC, doing business as  
24 Roar Digital, and Mr. Barry Diller shall provide  
25 written notification to the Louisiana State Police

1 Gaming Enforcement Division of any fact, event,  
2 occurrence, matter, or action that may affect the  
3 suitability of Mr. Diller and any other material  
4 information related thereto and to the progression  
5 of the inquiries by the Department of Justice and  
6 the Securities and Exchange Committee --  
7 Commission concerning or relative to Mr. Diller  
8 within 48 hours of receipt or knowledge of such;  
9 and that BetMGM, LLC, doing business as  
10 Roar Digital, and Mr. Diller shall provide written  
11 reports to the Division every six months,  
12 beginning September 1, 2022, detailing the status  
13 and recent events of the inquiries made by the  
14 Department of Justice and the Securities and  
15 Exchange Commission concerning or relative to  
16 Mr. Diller and the relevant stock purchase.

17 Be it resolved that the Comprehensive  
18 Compulsive and Problem Gambling Program submitted  
19 by BetMGM is hereby approved.

20 Thus done and signed in Baton Rouge,  
21 Louisiana, this 21st day of July, 2022.

22 CHAIRMAN JOHNS:

23 Thank you, Ms. Hood. So Chairman  
24 just made a motion that we adopt this resolution.  
25 There's been a second by Mr. Jackson. And,

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1 Ms. Hood, would you call the roll?

2 MS. HOOD:

3 Mr. Jackson?

4 MR. JACKSON:

5 Yes.

6 MS. HOOD:

7 Ms. Lewis?

8 MS. LEWIS:

9 Yes.

10 MS. HOOD:

11 Ms. Hamilton-Acker?

12 MS. HAMILTON-ACKER:

13 Yes.

14 MS. HOOD:

15 Judge Sholes?

16 MR. SHOLES:

17 Yes.

18 MS. HOOD:

19 Ms. Traylor?

20 MS. TRAYLOR:

21 Yes.

22 MS. HOOD:

23 And Chairman Johns?

24 CHAIRMAN JOHNS:

25 Yes. Okay. By unanimous vote, that

1 resolution is hereby adopted. Thank you,  
2 everyone, for your hard work on this, and thank  
3 you, gentlemen and lady, for being here with us  
4 today, and just keep us abreast. Okay?

5 MS. BRENNAN:

6 Thank you.

7 CHAIRMAN JOHNS:

8 Thank you very much. Okay. Moving  
9 on to the consideration of petition for the  
10 approval of institutional investor for BXG GP,  
11 LLC, by GeoComply Solutions. Good morning.

12 MR. GATHE:

13 Good morning, Chairman Johns, Board  
14 Members. I'm Assistant Attorney General  
15 Jeremy Gathe, and here with me -- and here with me  
16 today is legal counsel for GeoComply,  
17 Kelly Duncan. We're here in the matter of  
18 GeoComply's petition to the board, requesting  
19 approval of BXG GP, LLC, to qualify as an  
20 institutional investor pursuant to Louisiana  
21 Revised Statute 27:3(13)(i) and Louisiana Revised  
22 Statute 27:27. Currently, GeoComply holds a  
23 Temporary Certificate of Authority to conduct  
24 business as a sports wagering service provider,  
25 and its service provider permit application is

1 pending review by the Division.

2 On August 12, 2021, BXG Gaia  
3 Purchaser, LLC, purchased equity in GeoComply.  
4 Due to the purchase, Blackstone Growth (CYM), one  
5 of Gaia's parent companies, holds an  
6 18.2977 percent ownership interest in GeoComply.  
7 Blackstone Growth (CYM) is an indirect subsidiary  
8 of BXG GP. The Division determined that BXG GP  
9 needed to submit to suitability due to its  
10 ultimate management of Blackstone Growth (CYM).  
11 As a result, the Division requested that a  
12 suitability application be submitted on behalf of  
13 BXG GP. In response, BXG GP executed documents  
14 relinquishing control, and GeoComply petitioned  
15 the Board requesting that BXG GP be -- be deemed  
16 an institutional investor.

17 Pursuant to Louisiana gaming law, an  
18 institutional investor, otherwise required to be  
19 found suitable, shall be presumed suitable or  
20 qualified upon submitting documentation sufficient  
21 to establish qualifications as an institutional  
22 investor.

23 Under Act 725 of the 2022 Louisiana  
24 Legislative Session, the board, in its sole  
25 discretion, may qualify a non-regulated investor

1 as an institutional investor on a case-by-case  
2 basis and consistent with the provisions of  
3 Title 27. Previously, the board was limited to  
4 only considering regulated investors and publicly  
5 traded entities.

6 Considerations as to whether an  
7 entity qualifies as an institutional investor are  
8 very specific as to the facts and circumstances  
9 related to each petition. Some of those  
10 considerations include the type of license or  
11 permit at issue, the role of the licensee or  
12 permittee in the gaming industry, the ownership  
13 and control of the licensee or permittee, and the  
14 amount of said ownership or control, and the  
15 Division's comfort with who has otherwise  
16 submitted to suitability in relation to the  
17 applicant, licensee, or permittee. Additionally,  
18 if the board determines an entity qualifies as an  
19 institutional investor in connection to one  
20 licensee or permittee, said approval or  
21 qualification may not extend to the same investor  
22 under all circumstances.

23 In support of its request that BXG GP  
24 should qualify as an institutional investor,  
25 GeoComply provided several documents to the

1 Division, including a company resolution of BXG GP  
2 acknowledging and agreeing that it would no longer  
3 have any control or participate in any economic  
4 decisions associated with GeoComply. GeoComply  
5 also asserts that BXG GP is regulated directly or  
6 indirectly by several federal regulatory bodies  
7 through one or more of its parent companies and  
8 its investment advisor. Lastly, if approved by  
9 the board, GeoComply intends to submit an  
10 institutional investor form for BXG GP in  
11 connection to GeoComply's Sports Wagering Service  
12 Provider Permit Application to comply with  
13 certifications by law.

14 And at this time, I'll turn the  
15 presentation over to Mr. Duncan.

16 MR. DUNCAN:

17 Thank you very much. Kelly Duncan  
18 from Jones Walker, representing both GeoComply and  
19 Blackstone. I think it's important for this board  
20 to know who GeoComply is. They are the largest  
21 geofencing/geolocation business service in the --  
22 in the world. Without GeoComply, there is no  
23 sports wagering in Louisiana or elsewhere,  
24 frankly. It's just critical and paramount to the  
25 industry's ability to -- to succeed.



1           Blackstone, whom I also represent, is  
2 one of the world's, if not the world's, largest  
3 alternative investment firm. It has more than  
4 \$800 billion under management, including  
5 \$2.4 billion on behalf of the Louisiana Public  
6 Pension Fund. So they're certainly well known.

7           Because of the significant size of  
8 Blackstone, there was a structure that was created  
9 called a VoteCo structure, which this board has  
10 approved in the past but for which, at this time,  
11 there were questions raised by the State Police  
12 and others that had us consider this means by  
13 which to have this move forward. I might add,  
14 though, that every other state where GeoComply  
15 does business has approved the VoteCo structure  
16 that was put in place for this matter.

17           In any event, we're here today  
18 because Blackstone, or BX GP, which is an indirect  
19 affiliate of -- of the growth fund, the CYM that  
20 Jeremy mentioned, which is the only fund with a  
21 five percent or greater interest in GeoComply,  
22 is -- is above that fund. But the fact of the  
23 matter is contrary to what he said. They have  
24 absolutely no control, no economic interest in  
25 GeoComply. They have no voting rights. They have

1 no capacity to exercise any influence, much less  
2 significant influence, which is what the  
3 regulations and statutes require.

4 As Jeremy mentioned, they adopted a  
5 resolution that expressly acknowledges that they  
6 have no control, nor the ability, to participate  
7 in any economic decisions, and all control has  
8 been ceded to Vishal Amin and Viral Patel, who are  
9 individuals who have filed for suitability, along  
10 with four other Blackstone-related entities. I  
11 would add, finally, that GeoComply's governance  
12 documents specifically reserve control for its  
13 founder, and those would prime -- those would  
14 prime anything else anyway.

15 You all have had read, or recited, to  
16 you the various filings that have been made and  
17 that would include, if approved, the certification  
18 under recently enacted Act No. 725, which gives  
19 this board broad latitude as to whom it deems to  
20 be an institutional investor.

21 Again, it is just paramount that the  
22 board move forward with this and allow -- or deem  
23 BX GP to be an institutional investor so that the  
24 GeoComply services they provide to Louisiana can  
25 continue and that sports wagering can continue,

1 because absent that, they will not. Thank you.

2 CHAIRMAN JOHNS:

3 Okay. Thank you, Mr. Duncan. And  
4 so, gentlemen, this petition is a direct result of  
5 the legislative act from this past session, which  
6 we -- of course, we, as a board, can't take  
7 official positions on legislation, but we felt  
8 very comfortable with -- with the language of that  
9 legislation. So very happy to see that it passed.  
10 So it gives us some latitude. So that's good.

11 So, Members, again, I think you  
12 recognize the name GeoComply. They do our  
13 geofencing, and it's been an incredibly successful  
14 venture with GeoComply for us. We're a little  
15 unique. We have nine parishes here in Louisiana  
16 that voted no, and -- and the geofencing in those  
17 nine parishes has worked incredibly well, as well  
18 as the out-of-state people trying to get in, but  
19 what's really interesting is to see how many  
20 people in those nine parishes that are trying to  
21 get into the system. So they may go back and take  
22 another look at that in the future. So . . .

23 But, anyway, any -- any questions  
24 from the -- from the board? Any questions?

25 (NO RESPONSE)

1 CHAIRMAN JOHNS:

2 Okay. I hear none. Okay. I would  
3 entertain a motion to adopt the resolution that is  
4 before you right now. So Judge Sholes has moved  
5 that we adopt the resolution, and Ms. Traylor has  
6 seconded that motion. And so, Ms. Hood, would you  
7 read the resolution?

8 MS. HOOD:

9 On the 21st day of July 2022, the  
10 Louisiana Gaming Control Board did, in a duly  
11 noticed public meeting, consider GeoComply  
12 Solutions, Incorporated, doing business as  
13 GeoComply Solutions' Petition for Approval of  
14 BXG GP, LLC, to qualify as an institutional  
15 investor, and upon motion duly made and seconded,  
16 the board adopted this resolution:

17 Be it resolved that BXG GP, LLC, is  
18 hereby determined to be an institutional investor  
19 in accordance with Louisiana Revised Statute  
20 27:3(13)(i) solely in connection with GeoComply's  
21 Sports Wagering Service Provider Permit  
22 Application based on the specific facts and  
23 circumstances presented to the Board.

24 Be it further resolved that the  
25 presumption of suitability afforded to BXG GP,

1 LLC, as an institutional investor pursuant to  
2 Louisiana Revised Statute 27:27 shall not preclude  
3 the Board from investigating the suitability and  
4 qualifications of BXG GP, LLC, should the Board or  
5 Gaming Enforcement Division of Louisiana State  
6 Police become aware of facts which may result in  
7 BXG GP, LLC, being found unsuitable or  
8 disqualified from participating in gaming or from  
9 a determination as an institutional investor.

10 Thus done and signed in Baton Rouge  
11 this 21st day of July, 2022.

12 CHAIRMAN JOHNS:

13 Thank you, Ms. Hood. So we do have a  
14 motion by Judge Sholes, seconded by Ms. Traylor,  
15 to adopt the resolution. And, Ms. Hood, would you  
16 call the roll, please?

17 MS. HOOD:

18 Mr. Jackson?

19 MR. JACKSON:

20 Yes.

21 MS. HOOD:

22 Ms. Lewis?

23 MS. LEWIS:

24 Yes.

25 MS. HOOD:

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1 Ms. Hamilton-Acker?

2 MS. HAMILTON-ACKER:

3 Yes.

4 MS. HOOD:

5 Judge Sholes?

6 MR. SHOLES:

7 Yes.

8 MS. HOOD:

9 Ms. Traylor?

10 MS. TRAYLOR:

11 Yes.

12 MS. HOOD:

13 Chairman Johns?

14 CHAIRMAN JOHNS:

15 Yes. So by unanimous vote, the  
16 resolution is hereby adopted. Gentlemen, thank  
17 you very much.

18 MR. GATHE:

19 Thank you.

20 MR. DUNCAN:

21 Thanks very much.

22 CHAIRMAN JOHNS:

23 Thank GeoComply for us for their --  
24 their great work, Kelly.

25 MR. DUNCAN:

1 I will. Thank you.

2 CHAIRMAN JOHNS:

3 Thank you.

4 VIII. RULEMAKING

5 CHAIRMAN JOHNS:

6 Okay. Moving along to rulemaking, we  
7 have a set of changes in our rulemaking process  
8 here, and I think Mr. Earl Pitre is with us this  
9 morning. Thank you. So today we have the  
10 consideration of the adoption of rulemaking  
11 procedures of agenda items sections VIII -- VIII,  
12 A through C. Good morning.

13 MR. PITRE:

14 Good morning, Chairman Johns, Board  
15 Members. I'm Assistant Attorney General  
16 Earl Pitre, Jr., appearing before the board in the  
17 matter of the rule adoption of Item VIII, A  
18 through C.

19 At its meeting on April 18, 2022, the  
20 board voted to institute promulgation procedures  
21 for the rules listed in Item VIII, A through C.  
22 Following this vote, the Attorney General's Office  
23 caused to be published in the Louisiana Register a  
24 notice of intent for the proposed rules, directing  
25 all individuals with questions or concerns to

1 contact the Attorney -- the Attorney General's  
2 Office. No comments were received for items A  
3 through C during this time.

4 As part of the promulgation process,  
5 reports were submitted to the board's house and  
6 senate oversight committees. The first reports  
7 detailed the substance of the proposed rules, and  
8 the second reports informed the committees of the  
9 questions and concerns voiced by the public.

10 Following the delivery of the second  
11 reports to the committees, they were given 30 days  
12 in which to call hearings to satisfy any concerns  
13 that they may have had. As no hearings were  
14 called, the default action of the committees  
15 following the lapse of the 30-day period is to  
16 approve the proposed rules. So if the board has  
17 no questions, a motion to adopt the rules is  
18 needed.

19 CHAIRMAN JOHNS:

20 Okay. Thank you, Earl. And any --  
21 any questions for Mr. Pitre? Any questions? So  
22 all -- all items have been sufficiently presented.  
23 Oversight committees are fine?

24 MR. PITRE:

25 Yes.



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1 CHAIRMAN JOHNS:

2 Good to go?

3 MR. PITRE:

4 Yes.

5 CHAIRMAN JOHNS:

6 Okay. So members, at this time I  
7 would entertain a motion to adopt the rulemaking  
8 procedures in Section VIII, A through C.

9 MS. HAMILTON-ACKER:

10 (Indicating)

11 CHAIRMAN JOHNS:

12 Ms. Hamilton-Acker has -- has made  
13 that motion.

14 MS. LEWIS:

15 (Indicating)

16 CHAIRMAN JOHNS:

17 And Ms. Lewis has seconded that  
18 motion. Is there any discussion on that motion?

19 (NO RESPONSE)

20 CHAIRMAN JOHNS:

21 Is there any opposition to the  
22 motion?

23 (NO RESPONSE)

24 CHAIRMAN JOHNS:

25 Hearing none, that motion carries.

1 MR. PITRE:

2 Thank you.

3 CHAIRMAN JOHNS:

4 Thank you very much, Mr. Pitre.

5 IX. CONSIDERATION OF PROPOSED SETTLEMENTS AND  
6 APPEALS

7 CHAIRMAN JOHNS:

8 Okay. Members, next on the agenda  
9 is, "Consideration of Proposed Settlements and  
10 Appeals." We have one appeal that's on the agenda  
11 today by Ms. Kerry Buffington. And good morning.

12 MS. MURRAY-BROWN:

13 Good morning. I'm not -- I don't  
14 believe Ms. Buffington is present today.

15 CHAIRMAN JOHNS:

16 Okay.

17 MS. MURRAY-BROWN:

18 All right. Well, good morning, --

19 CHAIRMAN JOHNS:

20 Good morning.

21 MS. MURRAY-BROWN:

22 -- Chairman Johns and Board Members.

23 I'm Assistant Attorney General

24 Alonna Murray-Brown, and I'm present before the

25 board in the matter of the appeal of

1 Kerry R. Buffington.

2 On September 25, 2021, Ms. Buffington  
3 was arrested by the New Iberia Police Department  
4 for violating Louisiana Revised Statute 14:98,  
5 Operating a Vehicle While Intoxicated, and  
6 Louisiana Revised Statute 32:143.1, Blocking of a  
7 Private Driveway, slash, Highway.

8 On April 6, 2022, an administrative  
9 hearing was conducted, and at that hearing,  
10 evidence and testimony was presented by the  
11 Division proving that Ms. Buffington failed to  
12 report her arrest to the Division. Ms. Buffington  
13 appeared but did not present any testimony or  
14 evidence to the contrary.

15 Hearing Officer Ponder found that  
16 Ms. Buffington was, in fact, arrested on  
17 September 25, 2021, and that she failed to notify  
18 the Division of her arrest. The hearing officer  
19 ordered Ms. Buffington to pay a civil penalty in  
20 the amount of \$250, in accordance with Louisiana  
21 gaming law.

22 In the interest of maintaining  
23 consistency and fairness amongst all permittees,  
24 the Division and this honorable board are bound by  
25 the law and the penalty schedule in matters such

1 as this. The law requires timely notification of  
2 every permittee's arrest and imposes a penalty for  
3 every permittee's failure to do so. If the board  
4 affirms the hearing officer's decision,  
5 Ms. Buffington's license will be suspended until  
6 such a time that payment is made.

7 Based on the aforementioned reasons,  
8 the Division respectfully requests that this  
9 honorable board affirm the hearing officer's  
10 decision to impose a civil penalty of \$250 against  
11 the non-key gaming employee permit issued to  
12 Ms. Buffington.

13 CHAIRMAN JOHNS:

14 Okay. As I understand, she actually  
15 did report it to her employer?

16 MS. MURRAY-BROWN:

17 Yes.

18 CHAIRMAN JOHNS:

19 But did not report it to the  
20 Division?

21 MS. MURRAY-BROWN:

22 Correct. Yes.

23 CHAIRMAN JOHNS:

24 And that's what -- that's what state  
25 law specifies?

1 MS. MURRAY-BROWN:

2 Exactly. Yes, sir.

3 CHAIRMAN JOHNS:

4 Exactly. Okay. Thank you. Any  
5 questions from our board members? Any questions?

6 MR. SHOLES:

7 Yes.

8 CHAIRMAN JOHNS:

9 Yes.

10 MR. SHOLES:

11 And I do understand that she reported  
12 it to her employee, but how many of these  
13 permittees know that they have an obligation to  
14 report it to the board? Does the -- when she  
15 reported -- when they report it to their employer,  
16 is the employer obligated to notify them they have  
17 to also report it to the board, or does the  
18 employer encourage -- or step in and report it  
19 themselves? It just seems to be rather draconian.  
20 I understand we have no choice. I can live with  
21 that, but I just think -- it just seems a little  
22 bit tough on the poor person who just simply makes  
23 a mistake.

24 MS. MURRAY-BROWN:

25 Well, permittees are notified

1 whenever they submit their application that  
2 they'll need to report any issue like this to the  
3 Division. I think Ms. Buffington just  
4 misunderstood and did report to her casino but not  
5 to the Division.

6 MR. SHOLES:

7 That's tough.

8 CHAIRMAN JOHNS:

9 And, Judge, I think it may be -- it  
10 may be in order for us just to send out a -- maybe  
11 a memo to the licensees, should this occur, that  
12 maybe they can at least instruct their employee  
13 to report. I don't think it's incumbent upon the  
14 employer to report it. It's on the employee, but  
15 I hear you clearly. And, unfortunately, the law  
16 is the law, so . . .

17 MR. SHOLES:

18 Okay.

19 CHAIRMAN JOHNS:

20 Okay. Thank you very much.

21 MS. MURRAY-BROWN:

22 Thank you.

23 CHAIRMAN JOHNS:

24 Okay. Any further questions?

25 (NO RESPONSE)

1 CHAIRMAN JOHNS:

2 Okay. The board is clear. The  
3 Chairman will make a motion to affirm the -- oh,  
4 excuse me. Is Ms. Buffington here?

5 (NO RESPONSE)

6 CHAIRMAN JOHNS:

7 She is not. Let the record reflect  
8 that Ms. Buffington did not appear before the  
9 board today. Okay. The Chairman will make a  
10 motion to affirm the hearing officer's decision.  
11 Do I have a second to that?

12 MS. LEWIS:

13 (Indicating)

14 CHAIRMAN JOHNS:

15 Ms. Lewis has made a second on that.  
16 And, Ms. Hood, would you call the roll, please?

17 MS. HOOD:

18 Mr. Jackson?

19 MR. JACKSON:

20 Yes.

21 MS. HOOD:

22 Ms. Lewis?

23 MS. LEWIS:

24 Yes.

25 MS. HOOD:

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1 Ms. Hamilton-Acker?

2 MS. HAMILTON-ACKER:

3 Yes.

4 MS. HOOD:

5 Judge Sholes?

6 MR. SHOLES:

7 Yes.

8 MS. HOOD:

9 Ms. Traylor?

10 MS. TRAYLOR:

11 Yes.

12 MS. HOOD:

13 And Chairman Johns?

14 CHAIRMAN JOHNS:

15 Yes. So that motion to affirm the  
16 hearing officer does -- does pass. So thank you,  
17 Ms. Brown.

18 MS. MURRAY-BROWN:

19 Thank you.

20 CHAIRMAN JOHNS:

21 Appreciate it.

22 X. ADJOURNMENT

23 CHAIRMAN JOHNS:

24 So, Members, the agenda is clear. I  
25 would like to announce that our next meeting will



1 not be on the traditional Thursday. It will be  
2 actually on Monday, August 22; so please mark your  
3 calendars for the August meeting, August 22, which  
4 will be right here in this room. So we're good to  
5 go.

6 Mr. Jackson moves that we adjourn,  
7 and he's got the furthest to go home. So he makes  
8 the motion --

9 MR. JACKSON:

10 So moved.

11 CHAIRMAN JOHNS:

12 -- to adjourn. So any objection to  
13 that?

14 (NO RESPONSE)

15 CHAIRMAN JOHNS:

16 Motion carries. Thank you for --  
17 everyone, for being here today, and thank you  
18 State Police, and thank you Attorney General's  
19 Office for -- for your work this past month.

20 (PROCEEDINGS CONCLUDED AT 11:21 A.M.)  
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REPORTER'S CERTIFICATE

I, Karla H. Mayers, a Certified Court Reporter in and for the State of Louisiana, do hereby certify that the foregoing is a true and correct transcript of the proceedings held at this Louisiana Gaming Control Board meeting on the 16th day of September, 2022, as set forth in the forgoing 89 pages.

I further certify that said testimony was reported by me in the Stenotype reporting method, was prepared and transcribed by me or under my direction to the best of my ability and understanding.

I further certify that the transcript has been prepared in compliance with transcript format guidelines required by statute or by rules of the board and that I have been informed about the complete arrangement, financial or otherwise, with the person or entity making arrangements for deposition services.

I further certify that I have acted in compliance with the prohibition on contractual relationships, as defined by Louisiana Code of Civil Procedure Article 1434 and in rules and advisory opinions of the board.

I further certify that I am not an attorney or counsel for any of the parties, that I am neither related to nor employed by any attorney or counsel connected with this action, and that I have no financial interest in the outcome of this matter.

This certification is valid only for this transcript accompanied by my original signature and original seal on this page.



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Karla H. Mayers, CCR  
Certificate No. 94023

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\$			
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