



State of Louisiana

Gaming Control Board

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

HILLARY J. CRAIN
CHAIRMAN

DECISION OF THE LOUISIANA GAMING CONTROL BOARD

IN RE: FELICIA HICKS
NO. P040041807

RULING ON APPLICATION FOR REHEARING

The matter before the Louisiana Gaming Control Board ("Board") is a request for rehearing of the revocation of the non-key gaming employee permit of Ms. Felicia Hicks.

By letter dated September 17, 2003, a "Notice of Recommendation of Revocation" was sent to Ms. Hicks by certified mail to the mailing address on record with the Division, the address listed on her permit application. That address was in Natchez, Mississippi. The letter was delivered on September 25, 2003, signed for by David Myles as evidenced on the return receipt of certified mail. The recommendation was based on the permittee's failure to obtain a tax clearance from the Louisiana Department of Revenue. The permittee was notified that an administrative hearing must be requested within 10 days of receipt of the notice and informed that failure to request a hearing would result in the revocation of her permit without further proceedings.

Ms. Hicks did not request a hearing. As a result, on October 22, 2003, the Board issued a "Notice of Revocation". The notice was also sent to the Natchez, Mississippi address. It was delivered on November 7, 2003, and signed for by David Myles, as evidenced by the signed return receipt of certified mail.

Ms. Hicks did stated that she did not receive either notice (“Recommendation of Revocation” and “Notice of Revocation”) until after she was notified by Casino Rouge that her permit had been revoked. She made immediate inquiries and timely filed a motion for rehearing of the revocation, alleging that she has been employed with Casino Rouge for four months and in the interim, moved from her Natchez, Mississippi residence to Baton Rouge. She did not have a permanent address to report to the Division until recently, thus she was unaware of the initiation of administrative action. She alleges she has obtained a state tax clearance and apologizes for the inconvenience caused by her failure to report her new address to the Division.

LEGAL ANALYSIS

Louisiana Revised Statute 49:959 gives the grounds for an agency rehearing, reopening, or reconsidering its decision and provides, in pertinent part:

A. A decision or order in a case of adjudication shall be subject to rehearing, reopening, or reconsideration by the agency, within ten days from the date of its entry. The grounds for such action shall be either that:

- (1) The decision or order is clearly contrary to the law and the evidence;
- (2) The party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing;
- (3) There is a showing that issues not previously considered ought to be examined in order properly to dispose of the matter; or
- (4) There is other good ground for further consideration of the issues and the evidence in the public interest.

“Adjudication” is defined as the agency process for the formulation of a decision or order. La. R.S. 49:951(1).

Ms. Hicks has presented grounds for reconsideration. Therefore, this matter will be forwarded to the Louisiana Gaming Control Board Hearing Office for the scheduling of an administrative hearing before

the Hearing Officer where evidence may be introduced and a determination made as to the appropriate action to be taken and the penalty, if any to be imposed.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of November 18, 2003:

IT IS ORDERED THAT the request for rehearing is **GRANTED** and the matter is **FORWARDED** to the Louisiana Gaming Control Board Hearing Office for action in accordance with this decision.

THUS DONE AND SIGNED on this the 19th day of November, 2003.

LOUISIANA GAMING CONTROL BOARD

BY:



HILLARY J. CRAIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 20th DAY
OF November 2003
APPEAL DOCKET CLERK
