



# State of Louisiana

Gaming Control Board

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

HILLARY J. CRAIN  
CHAIRMAN

## DECISION LOUISIANA GAMING CONTROL BOARD

### IN RE: ISABELLA, INC. D/B/A HOWARD JOHNSON VP License No. 2901309872

The Office of State Police, Video Gaming Division ("Division"), appeals the decision of the Hearing Officer which ordered Isabella, Inc. d/b/a Howard Johnson ("Howard Johnson") to pay a civil penalty of \$200.00 and limiting Howard Johnson's Type 3 license<sup>1</sup> to allow the operation of only three gaming devices in the restaurant of the establishment.

Howard Johnson was sent notice of a recommendation of revocation or suspension of its Type 3 video gaming license. The basis of the recommendation was Howard Johnson's failure to have a person whose primary duty was tending bar on duty in the lounge in contravention of La. R.S. 27:306(A)(2)(e)(iv). Howard Johnson stipulated to the violation.

Louisiana Revised Statute 37:306 (A)(2)(e)(iv) provides, in pertinent part:

A licensee owning or leasing a licensed establishment which is a hotel or motel which has more than one lounge or facility and which has a Class A-General retail permit or a Class A-Restaurant permit, as defined in Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to sell alcoholic beverages for on-premises consumption on a single licensed premises may make available for play not more than three video draw poker devices at each lounge or separate facility, not to exceed a total of twelve video poker draw poker devices for the hotel or motel, if all other requirements of this

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<sup>1</sup> A Type 3 license is given to a licensed establishment which is a hotel or motel and allows 3 video draw poker devices at each lounge or separate facility in the establishment not to exceed a total of twelve devices.

Chapter are met. **Each separate lounge or facility shall meet the following criteria:**

- (i) It must be a physically separate noncontiguous facility.
- (ii) It must have separate and independent beverage preparation areas.
- (iii) It must prepare, dispense, and sell alcoholic beverages for on-premises consumption.

**(iv) It must have a person whose primary duty is tending bar on duty while the lounge or facility is open for business and have a permanently affixed wet bar facility including plumbing and sinks.**

- (v) It must be able to accommodate a minimum of twenty-five patrons. (Emphasis added.)

The establishment was inspected on December 5, 2001, by a Division agent and a written warning issued regarding La. R.S. 27:306(A)(2)(e)(iv). The warning was signed by Karen Naquin, a designated representative of the licensee. The establishment was inspected again on January 14, 2002, and another written warning was given regarding failure to have a person whose primary duty is tending bar on duty in the lounge. This warning was signed by David Jones, president of Isabella, Inc. and general manager of the property. A Division agent inspected the property on January 23, 2002, and issued a Violation/Inspection Report for failure to comply with La. R.S. 27:306(A)(2)(e)(iv). The report was signed by David Jones.

The licensee had ample warning of its failure to comply with the video gaming law. The licensee disregarded two warnings and was out of compliance for at least 45 days. The licensee had the three machines in the lounge removed after the January 23, 2002, report but three machines remain in the restaurant.

A licensee has no choice but to follow all video gaming laws. When ample warning is given of a violation and the licensee ignores this warning, a \$200 penalty is inadequate. The license is suspended for 45 days from the date this judgment is final.

# ORDER

The Hearing Officer's decision is **AMENDED**. In lieu of the penalty imposed by the Hearing Officer, the license of Isabella, Inc. d/b/a Howard Johnson, No. 2901309872, is suspended for forty-five (45) days from the date this judgment is final.

THUS DONE AND SIGNED this the 15<sup>th</sup> day of September, 2002.

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 19<sup>th</sup> DAY  
OF September, 2002  
APPEAL DOCKET CLERK  
