



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: MIA L. HENDERSON
P040037746

This is an appeal by Mia L. Henderson, non-key gaming employee permittee, of the Louisiana Gaming Control Board's Hearing Officer's decision, revoking Ms. Henderson's permit without prejudice. The basis of the revocation was pending theft charges against Ms. Henderson rendering her disqualified to hold a permit under La. R.S. 27:28(B)(1) and (2). Ms. Henderson has appealed the Hearing Officer's decision.

After careful review of the record and based on the facts and for the reasons assigned in the decision of the Hearing Officer which we attach hereto and adopt as our own, it is determined that the non-key gaming employee permit of Mia L. Henderson was properly revoked.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of July 15, 2003:

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

THUS DONE AND SIGNED this the 16th day of July, 2003.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 17th DAY
OF July 2003
APPEAL DOCKET CLERK
Gerald A. ...

LOUISIANA GAMING CONTROL BOARD
[Signature]
HILLARY J. CRAIN, CHAIRMAN

**STATE OF LOUISIANA
GAMING CONTROL BOARD**

**ADMINISTRATIVE HEARING
MAY 12, 2003**

**HEARING OFFICER
JOSEPH E. ANZALONE, JR.**

**IN RE: MIA L. HENDERSON
PO40037746**

TRUE COPY

Representative
Louisiana Gaming Control Board

IN RE: MIA L. HENDERSON
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APPEARANCES:

For the State of Louisiana:
Ms. Shana Broussard
Assistant Attorney General
339 Florida Street
Suite 500
Baton Rouge, La. 70801

Mia L. Henderson
700 East McNeese St., #E-12
Lake Charles La. 70607
Absent

STATEMENT OF THE CASE:

The Louisiana State Police, Casino Gaming Division ("Division") recommends that Mia L. Henderson's non-key gaming employee permit be revoked. This recommendation is based on the existence of pending charges of theft lodged against her by her employer.

On April 3, 2003, Ms. Henderson was personally served with the Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing, setting the matter regarding the Emergency Suspension on April 8, 2003. She did not attend. This court ruled her absence was due to personal preference and allowed the Assistant Attorney General to proceed in her absence. The suspension was upheld and the matter of the revocation was set for hearing on May 12, 2003.

A Notice of Hearing Date was sent to Ms. Henderson via certified mail at the address supplied the Division by the permittee. The Notice was returned marked "unclaimed" only after Ms. Henderson was notified by the U. S Post Office on 3 separate occasions. On May 12, 2003, this court ruled the requirements of due process had been met and allowed the Assistant Attorney General to proceed in Ms. Henderson's absence.

STATE'S EVIDENCE AND CONTENTIONS:

The State has offered, filed, and introduced into evidence an exhibit file marked S-1 in globo) and containing the following exhibits:

1. Notice of Immediate Emergency Suspension;
2. Affidavit of Personal Service;
3. Initial Complaint Offense Report - L.R. 14:67 Theft \$300-\$500;
4. Arrest Warrant for Mia L. Henderson;
5. Calcasieu Correctional Center Booking Report for Mia L. Henderson; and
6. Mug shot profile for Mia L. Henderson.

Division Intelligence Analyst, Marti DeLee testified that she reviewed Ms. Henderson's revocation documents sent to her by the Lake Charles casino gaming office. She further testified that Ms. Henderson has been charged with theft (\$300.00-\$500.00) in the Fourteenth Judicial District Calcasieu Parish court in Lake Charles, Louisiana.

LICENSEE'S EVIDENCE AND CONTENTIONS:

None submitted.

FINDINGS OF FACT:

Mia L. Henderson currently faces pending theft (\$300.00-\$500.00) charges in the Fourteenth Judicial District, State of Louisiana.

APPLICABLE LAW:

La.R.S.27:28 (B) (1) and (2) provides in pertinent part:

(B) The board or division where applicable, shall not grant a license or permit, enter into a casino operating contract, or issue any other approval pursuant to the provisions of this Title to any person disqualified on the basis of any of the following criteria:

- (1) The conviction or plea of guilty or nolo contendere by the applicant or any person required to be suitable under the provisions of the Title for any of the following:
- (2) There is a current prosecution or pending charge against the person in any jurisdiction for any offenses listed in Paragraph (1) of this Subsection.

La. R.S. 14:67 provides in pertinent part:

- A. Theft is the misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation, or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.
- B.(1) Whoever commits the crime of theft when the misappropriation or taking amounts to a value of three hundred dollars or more, but less than a value of five hundred dollars, the offender shall be imprisoned, with or without hard labor, for not more than two years, or may be fined not more than two thousand dollars, or both.

REASONS FOR DECISION:

La. R.S.27:28(B)(1)(e) as amended, effective July 2, 2001, provides that pending charges for theft as defined in La. R.S. 14:67 renders that applicant statutorily disqualified and unsuitable for holding a non-key gaming employee permit.

Ms. Henderson faces possible conviction for theft over three hundred dollars but less than five hundred dollars in the 14th Judicial District court in Calcasieu Parish. Pursuant to La. R.S. 27:28(B) (2), Ms.

Henderson is statutorily disqualified from participating in the gaming industry in Louisiana.

Since the charges are pending, justice demands the revocation be without prejudice.

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JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the non-key gaming employee permit of Mia L. Henderson be REVOKED, without prejudice.

Baton Rouge, Louisiana, this 2 day of May, 2003.


Joseph E. Anzalone, Jr.
Hearing Officer

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 2nd DAY
OF June 2003
[Signature]
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Mia Henderson
Shana Broussard, Esq.
Lt. George Dean

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 6/2/03

[Signature]
BY: CLERK