

LOUISIANA GAMING CONTROL BOARD

Minutes of November 19, 2002

The Louisiana Gaming Control Board held a meeting on Tuesday, November 19, 2002, 10:00 a.m., House Committee Room 1 of the Louisiana State Capitol. Present at this meeting were: Hillary J. Crain, Chairman; Robert M. Fleming, Vice-Chairman; James G. Boyer, Secretary/Treasurer; Gen. Sherian Cadoria, Dennis Kinchen, Dudley Lastrapes, Marcia Morgan, Rupert Richardson and Kelly Simoneaux. Absent were ex-officio members, Col. Terry Landry and Sec. Cynthia Bridges.

The meeting was called to order. It was moved by Gen. Cadoria to waive the reading and approve the minutes of the October meeting. That motion was seconded by Ms. Richardson and unanimously approved by the Board.

Ms. Donna Jackson, State Police Gaming Audit Division, presented the revenue reports for the riverboats, landbased casino, and slots at the tracks. Ms. Racquel Francis with the State Police Audit Division, reported on the employee numbers and salaries of the landbased casino, and Ms. Donna Stevens, reported on the statistics for video poker.

Mr. Young Bonner, Asst. Attorney General in the Gaming Division, reported on the Compliance Reports for Delta Downs Race Track.

Mr. Danny Rester, Attorney representing Louisiana Downs and Ms. Melinda Tucker, Asst. Attorney General, addressed the Board concerning a request from Louisiana Downs for approval of Relinquishment of License. It was moved by Sec. Boyer to approve the request. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.

It was moved by Sec. Boyer to approve the New and Renewal Key Permit Application Forms for Casino Gaming, which are DPSSP 0074, 0077, 0084 and 0093 as revised August, 2002. That motion was seconded by Gen. Cadoria and unanimously approved by the Board.

The Board considered a request by Pinnacle Entertainment for Design and Construction Changes to Boomtown Belle in Harvey. Following discussion, it was moved by Mr. Lastrapes to approve the request and adopt the following resolution attached as Appendix A. That motion was seconded by Sec. Boyer and unanimously approved by the Board.

The Board acted on the blueprints submitted by PNK-Lake Charles in connection with 15th license. It was moved by Sec. Boyer, seconded by Mr. Lastrapes and unanimously approved by the Board to approve the blueprints for the Lake Charles project.

Mr. John Campbell, Special Asst. Attorney General, Ms. Anne Neeb, Asst. Attorney General and Ms. Maggie Malone, Auditor in Corporate Securities with State Police, addressed the Board concerning the Joint Petition of Agreement and Plan of Merger between Jazz Casino

Company, LLC, JCC Holding Company and Harrah's Entertainment, Inc. Following discussion, it was moved by Vice-Chairman Fleming to: (1) approve the plan and merger agreement by and between JCC Holding, Harrah's Operating Co. and Satchmo Acquisition, transferring the remaining approximately 37% outstanding common stock of JCC Holding to Harrah's Operating, and the associated funding; (2) to authorize JCC Holding, Harrah's Operating and Harrah's Entertainment to redeem the outstanding public debt and authorize intercompany notes reflecting the redemption of the debt between JCC, Harrah's Operating and Harrah's Entertainment; (3) approve changes to the Certificate of Incorporation and by-laws of JCC Holding to reflect the mergers; (4) declare that the suitability rulings related to JCC Holding, its affiliates and their respective officers and directors, Harrah's Crescent City Investment Co., HET and Harrah's Operating constitute all rulings required at this time pursuant to LAC 42:IX.2143, subject to the Board's right to require suitability of other persons and entities as Louisiana Gaming Laws and circumstances warrant; (5) authorize the officers and/or directors of JCC Holding to sign in the capacity of the managing member of the Casino Operator following the merger; and (6) authorize Deloitte and Touche LLP to serve as the independent CPA. That motion was seconded by Ms. Morgan and unanimously approved by the Board.

The Board acted on the following truckstop applications:

1. **Big Top Travel Center & Casino, LLC d/b/a Big Top Travel Center & Casino - No. 3300512939** - Motion by Mr. Kinchen to approve the application. That motion was seconded by Gen. Cadoria and unanimously approved by the Board.
2. **Sara of Washington, Inc. d/b/a 5 Star Truck Stop - No. 1000513087** - Motion by Mr. Kinchen to approve the application. That motion was seconded by Sec. Boyer and unanimously approved by the Board.

The Board also acted on an application for a Type 1 license for **Bayou Vista Daiquiris & Bar, LLC d/b/a Bayou Vista Daiquiris & Bar, No. 5100112602**. It was moved by Vice-Chairman Fleming to approve the application. That motion was seconded by Sec. Boyer and approved by a seven to two vote. Voting for the application was: Chairman Crain, Vice-Chairman Fleming, Sec. Boyer, Gen. Cadoria, Mr. Kinchen, Mr. Lastrapes and Mr. Simoneaux. Ms. Morgan and Ms. Richardson voted against the application.

The Board received a request for a public hearing on the proposed amendment to rule LAC 42:XI.2417.B, Video Poker, Code of Conduct of Licensees, Unsuitable Conduct, from the Louisiana Association of Beverage Alcohol Licensees, Inc. and has scheduled a hearing for the December 17th Board Meeting.

KRS, Inc. had filed a Petition for Declaratory Order In the Matter of KRS, Inc. v. Dept of Public Safety, Office of State Police Casino Gaming Division; Harrah's Lake Charles, LLC and Harrah's Star Partnership. Following discussion, KRS withdrew their petition.

The Board acted on Proposed Settlements/Appeals from Hearing Officers' Decisions in the following:

1. **In Re: Hollywood Casino Shreveport - No. RGS000375** - Motion by Gen. Cadoria to approve the settlement. That motion was seconded by Ms. Richardson and unanimously approved by the Board.
2. **In Re: L.C.C.I. (Casino Rouge) - No. CGD020200** - Motion by Ms. Morgan to approve the settlement. That motion was seconded by Mr. Kinchen and unanimously approved by the Board.
3. **In Re: Louisiana-1 Gaming d/b/a Boomtown Belle Casino - No. CGD010131** - Motion by Ms. Morgan to approve the settlement. That motion was seconded by Mr. Lastrapes and unanimously approved by the Board.
4. **In Re: PNK (Bossier City) d/b/a Boomtown Bossier - No. CGD0020062** - Motion by Gen. Cadoria to approve the settlement. That motion was seconded by Sec. Boyer and unanimously approved by the Board.
5. **In Re: A & W Engine Service, Inc. d/b/a Boone's Chevron - No. 5100511467** - Motion by Sec. Boyer to approve the settlement. That motion was seconded by Gen. Cadoria and unanimously approved by the Board.
6. **In Re: Opelousas 190Truck Stop, LLC d/b/a Opelousas 190 Truck Stop** - Motion by Gen. Cadoria to approve the settlement. That motion was seconded by Vice-Chairman Fleming and unanimously approved by the Board.
7. **In Re: Nolmar Corporation - No. CGD020088** - Motion by Mr. Lastrapes to approve the settlement. That motion was seconded by Ms. Morgan and unanimously approved by the Board.
8. **In Re: Deryl A. McCary - No. P040024162** - Motion by Sec. Boyer to affirm the decision of the Hearing Officer denying the renewal of the permit. That motion was seconded by Sec. Boyer and unanimously approved by the Board.

There were public comments from Mr. Frederick Henson concerning minority contracts.

Following the public comments, there was a motion by Gen. Cadoria to adjourn the meeting. That motion was seconded by Ms. Richardson and unanimously approved by the Board.

The meeting was adjourned.

APPENDIX A

**STATE OF LOUISIANA
GAMING CONTROL BOARD**

**IN THE MATTER OF CONSIDERATION OF REQUEST BY PINNACLE
ENTERTAINMENT OF DESIGN AND CONSTRUCTION CHANGES TO
BOOMTOWN BELLE**

RESOLUTION

On the 19th day of November, 2002, the Louisiana Gaming Control Board (“Board”) did in a public meeting consider the issue of REQUEST BY PINNACLE ENTERTAINMENT OF DESIGN AND CONSTRUCTION CHANGES TO BOOMTOWN BELLE, and upon motion duly made and seconded the Board passed the following Resolution:

BE IT RESOLVED by the Board that, for future requests by riverboat casino licensees to have their designated gaming areas approved by the Board as required by LAC 42:XIII.1701, the defined terms “designated gaming area” and “emergency evacuation route” shall be interpreted by the Board in accordance with standards set forth in Attachment 1 affixed hereto.

This interpretation is designed solely for the regulatory purpose of determining designated gaming area and is not intended to abrogate or supplant any existing public safety laws, regulations, policies or orders. All licensed riverboat casinos should continue to adhere to all applicable local, state, and federal laws, ordinances and regulations.

***THUS DONE AND SIGNED IN BATON ROUGE, LOUISIANA, THIS 19TH DAY OF
NOVEMBER, 2002.***

**HILLARY J. CRAIN, CHAIRMAN
LOUISIANA GAMING CONTROL BOARD**

ATTEST:

**ROBERT M. FLEMING, VICE-CHAIRMAN
LOUISIANA GAMING CONTROL BOARD**

ATTACHMENT 1

Designated gaming area for licensed riverboat casinos is defined in La. R.S. 27:44(4) and LAC 42:XIII.1701. Those definitions limit *designated gaming area* to the lesser of sixty percent (60%) of the total square footage of the passenger access area of the vessel or thirty thousand (30,000) square feet.

In determining “those portions of a riverboat in which gaming activities may be conducted”, this Board recognizes its resolution of January 15, 2002, wherein it interpreted an almost identical definition of *designated gaming area* from LAC 42:VII.1701 in connection with its approval of Delta Downs proposed placement of slot machines. Consistent with that January 15, 2002 interpretation, this Board interprets *designated gaming area* as defined in La. R.S. 27:44(4) and LAC 42:XIII.1701 to include:

1. The area within a minimum of thirty (30) inches of gaming equipment. Specifically, areas within a minimum thirty (30) inches of the front of electronic gaming devices and areas within a minimum of thirty (30) inches of a perimeter of any pit areas or table games. Any extensions of designated gaming area beyond thirty inches of a given electronic gaming device, pit area or table game is left to the sole discretion of the Board; and
2. Any other spaces in the contiguous *designated gaming area* that is not necessary to meet minimum applicable emergency evacuation standards, exclusive of the non-gaming areas enumerated in the definition of *designated gaming area*.

If a licensed riverboat casino seeks to exclude *emergency evacuation routes* from the calculation of *designated gaming area* in order to comply with La. R.S. 27:44(4) and LAC 42:XIII.1701, the following areas may be excluded from the *designated gaming area* calculation as *emergency evacuation routes* provided, in the sole opinion of the Board, the areas to be excluded as *emergency evacuation routes* are reasonable and designed for the evacuation of passengers and crew from the riverboat:

1. A maximum of thirty-six inches of aisle space, exclusive of any area considered *designated gaming area* by the Board or these regulations;
2. Such minimum patron accessible queuing areas or waiting spaces as calculated in accordance with National Fire Protection Association 101, The Life Safety Code; and
3. Those areas, reasonable in size and design, in the sole opinion of the Board, immediately adjacent to patron accessible entrances to and exits from gaming areas.