



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: MARCHALLICE TAYLOR NO. P040024690

This is an appeal by Marchallice Taylor from the decision of the Hearing Officer revoking her non-key riverboat gaming employee permit. The Louisiana State Police, Riverboat Gaming Division ("Division"), recommended revocation of Ms. Taylor's permit on the grounds that she was not qualified under La. R. S. 27:76 because of her guilty plea to theft in 1998.

After reviewing the record, we agree with the Hearing Officer's decision and adopt same as our own, a copy of which is attached hereto and incorporated herein. 1

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of April 17, 2001:

IT IS ORDERED THAT the Hearing Officer's decision revoking the application of Marchallice Taylor's non-key riverboat gaming employee permit, No. P040024690, is AFFIRMED

THUS DONE AND SIGNED this 17th day of April, 2001.

LOUISIANA GAMING CONTROL BOARD I HEREBY CERTIFY THAT A CERTIFIED COPY HAS BEEN MAILED OR SERVED ON ALL PARTIES THIS 18th DAY OF April 2001

LOUISIANA GAMING CONTROL BOARD BY: HILLARY J. CRAIN, CHAIRMAN

APPEAL DOCKET CLERK

We note the Hearing Officer's "Findings of Fact" contains two errors. Ms. Taylor appeared in court and pled guilty to theft on April 21, 1998, not April 22, 1998, and she was sentenced to 30 days not 40 days.

**STATE OF LOUISIANA  
GAMING CONTROL BOARD**

**ADMINISTRATIVE HEARING  
DECEMBER 28, 2000**

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

**IN RE: MARCHALLICE TAYLOR  
#P040024690**

TRUE COPY  
*Joseph E. Anzalone*  
Representative  
Louisiana Gaming Control Board

IN RE: MARCHALLICE TAYLOR  
#PO40024690

APPEARANCES:

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

For Marchallice Taylor:  
Ms. Marchallice Taylor  
4018 Bordeaux Court  
Shreveport, LA 71108  
In Proper Person

STATEMENT OF THE CASE:

The Louisiana State Police, Riverboat Gaming Division ("Division") seeks to revoke the non-key gaming employee permit currently held by Ms. Marchallice Taylor alleging that she is statutorily disqualified, having entered a plea of guilty to theft/shoplifting on February 17, 1998, and ten years have not elapsed since the completion of sentence.

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 documents:

1. Notice of Recommendation of Revocation;
2. Affidavit of Personal Service dated December 19, 2000;
3. Certified court document from Shreveport Municipal Court reflecting that on February 17, 1998, Ms. Taylor pled guilty to one count of theft/shoplifting and was sentenced to a fine in the amount of \$100.50 or ten (10) days in prison; costs in the amount of \$76.50 and thirty (30) days in jail, sentence suspended pursuant to La. C.Cr. P. Art. 894 and six months of unsupervised probation;
4. Case Information and Disposition Extract from Shreveport City Court which reflects a guilty plea on August 21, 1998, a contradiction of the above (3)
5. Correspondence dated December 11, 2000, reflecting that Ms. Taylor's employment with Isle of Capri Casino was terminated effective May 22, 2000;
6. Photocopy of Ms. Taylor's non-key gaming employee permit due to terminate in April, 2001

**LICENSEE'S EVIDENCE AND CONTENTIONS:**

Ms. Taylor insists that she is not guilty of the charge. She said, "I had too many things to carry in my pocket. And, out of me having so many things in my hand, instead of me going all the way back to the front and putting everything down, I stuck a few things in my pocket...everything was sticking out of my pocket so how could I possibly be stealing it with it showing." Later in her testimony, in explaining her plea of guilty in her court appearance, she said, "...Due to the court appointed attorney that told me to do that....He told me to plead guilty and get it over with because it was under \$11.00....I thought this was behind me. Now it comes up again and it's still a shock to me because of \$11.00, and now I can't get a gaming—my gaming permit for \$11.00. That's hard to believe."

**FINDINGS OF FACT:**

Ms. Marchillice Taylor appeared in the Municipal Court for the City of Shreveport on April 22, 1998, and in response to the charge of Theft/Shoplifting, entered a plea of guilty under the provisions of Article 894 of the Code of Criminal Procedure. A fine was levied, which has been paid; sentenced to 40 days in jail, suspended, and placed on unsupervised probation for a period of six months, which this court must assume has been successfully completed.

**APPLICABLE LAW:**

La. R.S. 27:76 provides in pertinent part:

A. The Division shall not award a license or permit to any person who is disqualified on the basis of any of the following criteria:

(3) The conviction of or a plea of guilty or nolo contendere by the applicant, or of any person to be qualified under this Chapter as a condition of a license, for an offense punishable by imprisonment of more than one year, or theft or any offense involving false statements or declarations, or gambling as defined by the laws or ordinances of any municipality, any parish, any state, or of the United States.

La. R.S. 14:67:10, Theft, provides in pertinent part:

A. Theft of goods is the misappropriation or taking of anything of value which is held for sale by a merchant, either without the consent of the merchant to the misappropriation or taking, by means of fraudulent conduct, practices, or



representations. An intent to deprive the merchant permanently of whatever may be the subject of the misappropriation or taking is essential and may be inferred when a person:

- (1) Intentionally conceals, on his person or otherwise goods held for sale;
- (2) Transfers goods from one container or package to another or places goods in any container, package, or wrapping in a manner to avoid detection;
- (3) Removes any price marking with the intent to deceive the merchant as to the actual retail price of the goods;

La. C.Cr. P. Art. 894 provides in pertinent part:

- A. (1) Notwithstanding any other provision of this Article to the contrary, when a defendant has been convicted of a misdemeanor, except criminal neglect of the family, the court may suspend the imposition or the execution of the whole or any part of the sentence and place the defendant on unsupervised probation or probation supervised by a probation office, agency, or officer designated by the court, other than the division of probation and parole of the Department of Public Safety and Corrections, upon such conditions as the court may fix. Such suspension of sentence and probation shall be for a period of two years or such shorter period as the court may specify.

#### REASONS FOR DECISION:

La. R.S. 27:76(A)(3) as amended, effective August 15, 1999, provides that the conviction of an applicant for an offense punishable by imprisonment of more than one year, or **theft**, renders a person unsuitable for holding a non-key gaming employee permit. The statute makes no distinction between grades of theft, or dollar amount involved.

In the decision entitled **In Re: James L. Goods** and its progeny the Louisiana Gaming Control Board has, many times, considered the application of La. R.S. 27:76(A)(3) and found:

“ There is no discretion in applying statutory disqualification. . . .  
Under former La. R.S. 27:76(3) only offenses punishable by imprisonment of more than one year were disqualifying criteria.

La. R.S. 27:76 was amended by 1999 La. Acts, No. 1384, section 1, effective August 15, 1999, to include as disqualifying criteria any felony or misdemeanor offense defined by the laws of any jurisdiction as theft or gambling, or offenses involving false statements or declarations..... La.R.S. 26:76 (A)(3) specifically enumerates as disqualifying criteria a conviction of or guilty plea or plea of nolo contendere to theft.”

Whether or not Ms. Taylor’s sentence was suspended is not the subject matter before this court. In view of the ruling in Eicher v. Gaming Control Board, regarding pleas made regarding to suspension and deferral of sentence, convictions are, nevertheless considered as proof of the historical fact of guilt. In view of the Board’s decisions in James Woods and its progeny, this court, having satisfied itself that Ms. Taylor was found guilty of theft, must find that she is statutorily disqualified from possessing a non-key gaming employee permit.

Accordingly, this court must find Ms. Taylor’s non-key gaming employee permit should be revoked.

IN RE: MARCHALLICE TAYLOR  
#P040024690

DECISION

When, after a review of the evidence, argument of the parties, and for the reasons aforesaid,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that non-key gaming employee permit currently held by Ms. Marchallice Taylor be REVOKED.

Baton Rouge, Louisiana this 22 day of February, 2001.



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 22nd DAY  
OF February 2001  
[Signature]  
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Marchallice Taylor  
Kendra Ducey  
Lt. Dane Morgan

A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA 2/22/01  
[Signature]  
BY: CLERK