

Directors' Meeting, Board of 11-19-15, (Pages 1:1 to 86:24)

1:1 LOUISIANA GAMING CONTROL BOARD

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4 BOARD OF DIRECTORS' MEETING

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9 THURSDAY, NOVEMBER 19, 2015

10

11 Louisiana State Capitol

12 900 North Third Street

13 House Committee Room 6

14 Baton Rouge, Louisiana

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18 TIME: 10:00 A.M.

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2

1 APPEARANCES

2

RONNIE JONES

3 Chairman (At Large)

Third Congressional District

4 June 30, 2019

5 FRANKLIN AYRES BRADFORD

(Economic Planner)

6 Fifth Congressional District

June 30, 2019

7

8 JAMES SINGLETON

(Public/Business Administration)

9 Second Congressional District

June 30, 2014

10

11 MAJOR CLAUDE MERCER

(Law Enforcement)

12 Fifth Congressional District

June 30, 2018

13

14 CLAUDE D. JACKSON

(At Large)

15 Fourth Congressional District

June 30, 2018

16

17 ROBERT W. GASTON, III

(At Large)

18 Sixth Congressional District

June 30, 2015

19

20 JULIE BERRY

(CPA)

21 Third Congressional District

22

23 WANDA THERIOT

(Attorney)

24 First Congressional District

25

3

1 APPEARANCES CONTINUED

2

3 LANA L. TRAMONTE

Principal Assistant

4

5 TRUDY M. SMITH

Confidential Assistant

6

7 MAJOR MIKE NOEL

Ex-Officio Board Member

8 Louisiana State Police

9

10 JARROD CONIGLIO

Deputy Secretary

11 Louisiana Department of Revenue

12

13

14 REPORTED BY:

15 SHELLEY G. PAROLA, CSR, RPR

Baton Rouge Court Reporters

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1 I. CALL TO ORDER

2 CHAIRMAN JONES: Good morning and
3 welcome to the November meeting of the
4 Louisiana Gaming Control Board.

5 Miss Tramonte, would you call the
6 roll.

7 THE CLERK: Chairman Jones?

8 CHAIRMAN JONES: Here.

9 THE CLERK: Mr. Bradford?

10 MR. BRADFORD: Here.

11 THE CLERK: Mr. Stipe?

12 MR. STIPE: Here.

13 THE CLERK: Mr. Singleton?

14 MR. SINGLETON: Here.

15 THE CLERK: Major Mercer?

16 MAJOR MERCER: Here.

17 THE CLERK: Mr. Jackson?

18 MR. JACKSON: Here.

19 THE CLERK: Mr. Gaston?

20 MR. GASTON: Here.

21 THE CLERK: Miss Berry?

22 MS. BERRY: Here.

23 THE CLERK: Miss Theriot?

24 MS. THERIOT: Here.

25 THE CLERK: Colonel Edmonson?

8

1 MAJOR NOEL: Major Noel for Colonel
2 Edmonson.

3 THE CLERK: Secretary Barfield?

4 MR. CONIGLIO: Deputy Secretary
5 Coniglio here for Barfield.

6 II. PUBLIC COMMENTS

7 CHAIRMAN JONES: We have a quorum,
8 and we may conduct business. Anyone who
9 wishes to make any comments for anything
10 on the agenda before the Board today
11 before we begin? Any Public Comment?

12 Then I'll take executive privilege
13 for just a moment for a couple of things
14 administratively. Our December board
15 meeting had to be shifted because there
16 will be some new legislators coming
17 onboard in January, and they're going to
18 be using the rooms for some orientation
19 days. So it actually works out better.
20 We won't be quite as close to the
21 Christmas holiday, so our next board
22 meeting will be on December the 10th,
23 for those of you who have not been made
24 aware of the change yet.

25 In addition to that, those of you

9

1 who have been coming to the board
2 meetings regularly, you know that one of
3 our board members, Denise Noonan, has

4 been serving with us. Actually, she was
5 on the Board before I was on the Board.
6 Denise was on the Board -- she was
7 appointed in 2010, comes from the West
8 Bank of New Orleans and has served that
9 area well.

10 For family and personal reasons,
11 Denise moved to Lafayette last year, and
12 as a result, when her term expired, we
13 were unable to recommend her for
14 reappointment to the Board, because she
15 would have been eligible for another
16 term.

17 I just wanted Denise to come today
18 so that -- so that I could thank her on
19 behalf of the Board. Denise has been an
20 asset for all of us. She's brought an
21 awful lot of experience. She, like many
22 of us, had to learn gaming sort of from
23 the ground floor up, but she was a great
24 advocate for the economic development
25 piece of this whole puzzle; and she

10

1 always had a fair sense about her when
2 it came to making judgments, either on
3 the appeals or on other matters with
4 regard to licenses or conditions.

5 I relied on her for advise and
6 counsel, and she was always happy to do

7 that. I think she conducted herself
8 with dignity here on the board, and we
9 just want to thank you for your service.

10 Thank you very much.

11 MS. NOONAN: Do I have to introduce
12 myself, Shelley?

13 CHAIRMAN JONES: It's different
14 being on that side; isn't it?

15 MS. NOONAN: It is. It's a
16 different perspective.

17 I just want to thank everyone for
18 the opportunity, thank the State of
19 Louisiana and the Governor for allowing
20 me to serve on this board for the last
21 five years. It's been -- I've been
22 blessed, and it's been a privilege. I,
23 actually, like you say, came with almost
24 no gaming knowledge of gaming law and am
25 leaving with so much more.

11

1 I've met some wonderful people that
2 I can now called friends. I've been
3 honored to serve with each Chairman and
4 with each Board Member, and I really do
5 appreciate that. It's been a good
6 experience. Thank you very much.

7 CHAIRMAN JONES: You can always come
8 back and see us.

9 MS. NOONAN: I will come back. Me

10 and Lana are going to go eat chicken
11 every couple months.

12 CHAIRMAN JONES: Thank you, Denise.

13 Denise's replacement comes from the
14 First Congressional District. We want
15 to welcome Wanda Theriot. Wanda comes
16 -- lives in Metairie. She is an
17 attorney. She's also a CPA. She brings
18 a wealth of knowledge and expertise in
19 both tax law and bankruptcy, and in this
20 business sometimes both of those things
21 will come in handy. So we want to
22 welcome Wanda to the Board. Welcome.

23 MS. THERIOT: Thank you so much.

24 III. APPROVAL OF THE MINUTES

25 CHAIRMAN JONES: With those items

12

1 out of the way, I would ask for a motion
2 to waive the reading and approve the
3 minutes.

4 MR. GASTON: Oh, yes, always.

5 CHAIRMAN JONES: By Mr. Gaston. All
6 in favor? [Collective "aye."] Opposed?
7 [No response.]

8 COURT REPORTER: Who seconded?

9 CHAIRMAN JONES: I'm sorry.

10 Miss Berry seconds.

11 IV. REVENUE REPORTS

12 CHAIRMAN JONES: At this time, I'd

13 like to call for Revenue Reports. Good
14 morning.

15 MS. JACKSON: Morning. Chairman
16 Jones, Board Members, my name is Donna
17 Jackson with Louisiana State Police
18 Gaming Enforcement Division. The
19 riverboat revenue report for
20 October 2015 is shown on page one of
21 your handout.

22 During October, the 15 operating
23 riverboats generated Adjusted Gross
24 Receipts of \$161,594,153. This total
25 represents an increase of \$8.5 million

13

1 or 5.5 percent from last month, and an
2 increase of \$24.6 million or 18 percent
3 from October 2014 when there were only
4 14 riverboats in operation.

5 Adjusted Gross Receipts for fiscal
6 year 2015-2016 to date are \$657 million,
7 an increase of \$82.4 million or 14
8 percent from fiscal year 2014-2015.

9 During October, the State collected
10 fees totaling \$34,742,743. As of
11 October 31st, 2015, the State has
12 collected over \$141 million in fees for
13 fiscal year 2015-2016.

14 Next is a summary of the
15 October 2015 gaming activity for

16 Harrah's New Orleans found on page
17 three. During October, Harrah's
18 generated \$26,519,041 in gross gaming
19 revenue. October revenues were up
20 \$2 million or 8 percent from last month,
21 but down \$854,000 or 3 percent from
22 October 2014. Gaming revenues for
23 fiscal year 2015-2016 to date are
24 \$109,572,547, up \$2.5 million or
25 2 percent from last fiscal year.

14

1 During October, the State received
2 \$5,081,967 in minimum daily payments.
3 As of October 31st, 2015, the State has
4 collected \$20 million in fees for fiscal
5 year 2015-2016.

6 Slots at the Racetracks revenues are
7 shown on page four. During October, the
8 four racetrack facilities combined
9 generated Adjusted Gross Receipts of
10 \$27,618,385, a decrease of \$831,000 or
11 3 percent from last month, and a
12 decrease of \$2.6 million or 8.7 percent
13 from October 2014.

14 Adjusted Gross Receipts for fiscal
15 year 2015-2016 to date are \$117 million,
16 a decrease of \$8.7 million or 7 percent
17 from last fiscal year.

18 During October, the State collected

19 \$4,189,709 in fees. As of October 31st,
20 2015, the State has collected
21 \$17.8 million in fees for fiscal year
22 2015-2016.

23 Overall in October, Riverboats,
24 Landbased and Slots at the Racetracks
25 combined generated almost \$216 million

15

1 in AGR and \$44 million in state fees.

2 Are there any questions before I
3 present the Harrah's New Orleans
4 employee information?

5 CHAIRMAN JONES: Board Members, any
6 questions? No, ma'am.

7 MS. JACKSON: Harrah's New Orleans
8 is required to maintain at least 2,400
9 employees and a bi-weekly payroll of
10 \$1,750,835. This report covers pay
11 periods in September and October 2015.

12 For the first pay period in
13 September, the Division verified 2,484
14 employees with a payroll of \$1,882,000.
15 For the second pay period in September,
16 the Division verified 2,470 employees
17 with a payroll of \$1,870,000. For the
18 first pay period in October, the
19 Division verified 2,451 employees with a
20 payroll of \$1,883,000. For the second
21 pay period in October, the Division

22 verified 2,442 employees with a payroll
23 of \$1,897,000. Therefore, Harrah's met
24 the employment criteria during September
25 and October.

16

1 Questions?

2 CHAIRMAN JONES: Any questions?

3 [No response.] Thank you very much.

4 Video poker. Good morning.

5 MR. BOSSIER: Good morning. Good
6 morning, Chairman Jones and Board
7 Members. My name is Jim Bossier with
8 the Louisiana State Police Gaming Audit
9 Section. I'm reporting video gaming
10 statistics for October 2015 as shown on
11 page one of your handout.

12 Nine new video gaming licenses were
13 issued during October: Five bars, three
14 restaurants and one truckstop. Fifteen
15 new applications were received by the
16 Gaming Enforcement Division during
17 October and are currently pending in the
18 field: Nine bars and six restaurants.

19 The Gaming Enforcement Division
20 assessed \$9,000 and collected \$21,000 in
21 fines during October, and there are
22 currently \$1,500 in outstanding fines.

23 Please refer to page two of your
24 handout.

25 There are presently 14,006 video
 17

1 gaming devices activated at 1,863
2 locations.

3 Net device revenue for October 2015
4 was \$48.3 million. This is a
5 \$2.6 million or 5.9 percent increase
6 when compared to September 2015, and a
7 \$200,000 decrease or three-tenths of one
8 percent when compared to October 2014.

9 Net device revenue so far for fiscal
10 year 2016 is \$189.3 million, an
11 \$800,000, or eight-tenths of
12 one percent, decrease when compared to
13 fiscal year 2015. Page three of your
14 handout shows a comparison of net device
15 revenue.

16 Total Franchise fees collected for
17 October 2015 were \$14.5 million, a
18 \$900,000 increase when compared to
19 September 2015, and no change when
20 compared to October 2014.

21 Total franchise fees collected for
22 fiscal year [sic] are \$56.6 million, a
23 \$500,000 decrease, or nine-tenths of
24 1 percent when compared to fiscal year
25 2015. Page four of your handout shows a

 18

1 comparison of franchise fees.

2 Does anybody have any questions?

3 CHAIRMAN JONES: Any questions,
4 Board Members? There are no questions.

5 MR. BOSSIER: All right. Thank you.

6 CHAIRMAN JONES: Thank you very
7 much, Jim.

8 V. COMPLIANCE REPORTS

9 CHAIRMAN JONES: At this time, we'll
10 take up Compliance Reports from the
11 Attorney General's Office. Good
12 morning.

13 MS. BROWN: Good morning. Good
14 morning, Chairman Jones, Board Members.
15 I'm Mesa Brown Assistant Attorney
16 General. Today I'll present the staff
17 reports on riverboat and racetrack
18 casino licensees' compliance with
19 employment and procurement conditions
20 for the third quarter of 2015.

21 I'll begin with the riverboats. The
22 third quarter reports are taken from
23 figures reported by the 15 operating
24 riverboats to the Louisiana Gaming
25 Control Board. In the third quarter of

19

1 2015, approximately 14,906 people were
2 employed by the riverboat industry. Of
3 that number, 14,588 were Louisiana
4 residents, 9,579 were minorities, and

5 8,458 were women.

6 Three licensees achieved total
7 compliance this quarter, and they are:
8 L'Auberge Casino & Hotel Baton Rouge,
9 Isle of Capri Casino St. Charles and
10 Amelia Belle Casino.

11 Next, I'll address employment. Four
12 licensees did not meet their total
13 employment goals. They are as follows:
14 DiamondJacks Casino & Resort achieved
15 539 out of a goal of 650; Hollywood
16 achieved 429 out of 450; Boomtown Casino
17 Bossier achieved 587 out of 650, and
18 Eldorado Resort Shreveport achieved
19 1,170 out of 1,200.

20 All licensees with the exception of
21 Treasure Chest Casino either met or
22 exceeded their goals in all of the
23 subcategories under the main category of
24 employment. Treasure Chest did not meet
25 its female employment goal. It achieved

20

1 49.4 out of a goal of 51.86.

2 Next, I'll address procurement. The
3 licensees are grouped according to three
4 subcategories which appear in your
5 report. They are Louisiana, minority
6 and female procurement. Under Louisiana
7 procurement, two licensees did not

8 achieve compliance with their voluntary
9 conditions. They are Margaritaville
10 Resort Casino, who achieved 82.2 out of
11 90 percent, and L'Auberge Casino Resort
12 Lake Charles achieved 66.7 out of
13 80 percent.

14 Minority procurement: Ten licensees
15 did not achieve compliance with their
16 voluntary conditions. They are
17 DiamondJacks, who achieved 7.4 out of a
18 goal of 10 percent; Sam's Town achieved
19 11 out of 25; Golden Nugget achieved 7.5
20 out of 10; Horseshoe Casino & Hotel
21 achieved 10.9 out of 35; Boomtown New
22 Orleans achieved 12.7 out of 15; Belle
23 of Baton Rouge achieved 12.4 out of 15;
24 Treasure Chest Casino achieved 11.4 out
25 of 15; Boomtown Casino Bossier achieved

21

1 6.5 out of 10; Eldorado Resort
2 Shreveport achieved 19.4 out of 25; and
3 L'Auberge du Lac achieved 12 out of
4 12.5.

5 Female procurement: All licensees
6 either met or achieved their voluntary
7 conditions.

8 Are there any questions regarding
9 the riverboats?

10 CHAIRMAN JONES: Any questions on

11 riverboats, Board Members? There are no
12 questions.

13 MS. BROWN: Thanks. Now I'll begin
14 with racetrack. In the third quarter of
15 2015, approximately 1,865 people were
16 employed by the racetrack casino
17 industry. Of that number, 1,615 were
18 Louisiana residents, 1,018 were
19 minorities and 197 were women.

20 Two racetrack casinos achieved total
21 compliance this quarter, and they are
22 Fairgrounds and Evangeline Downs. Delta
23 Downs did not achieve its Louisiana
24 employment condition. It achieved
25 65 percent out of the 80 percent

22

1 condition, and Louisiana Downs did not
2 achieve its female employment or its
3 minority procurement goal. It achieved
4 53.7 out of the 60 percent goal for
5 female employment and 4.6 out of the
6 6 percent for minority procurement.

7 Are there any questions regarding
8 the racetracks?

9 CHAIRMAN JONES: Any questions?
10 There are no questions.

11 MS. BROWN: Thank you.

12 CHAIRMAN JONES: Thank you very
13 much.

14 I just wanted to note for the Board
15 that there's been improvement,
16 particularly the properties that
17 appeared in the last quarter. In some
18 cases, they've doubled their
19 percentages, and I thank the properties
20 for that. I know that you're committed
21 to it. I know it's hard work. It takes
22 extra effort, but with regard to
23 minority procurement, it's going to be
24 an ongoing issue. And I just want to
25 thank you for those properties that

23

1 improved because that shows good faith
2 on your part, and we're going to work
3 with you. We're all trying to get to
4 the same place. So thank you very much.

5 Thank you, Mesa.

6 MS. BROWN: Thank you.

7 VI. VIDEO GAMING ISSUES

8 A. Consideration of the following truckstop
9 applications:

10 1. River Port Truck Stop, LLC, d/b/a 415 South
11 Casino - No. 6100511383 (transfer of
12 interest)

13 CHAIRMAN JONES: We'll now move to
14 Video Gaming Issues. Consideration of
15 the following truckstop application:
16 It's River Port Truck Stop, LLC, doing

17 business at 415 South Casino. That's
18 No. 6100511383. This is a transfer of
19 interest.

20 Good morning.

21 MR. PITRE: Morning, Chairman, Board
22 Members. I'm Assistant Attorney General
23 Earl Pitre, Jr., appearing before the
24 Board in the matter of the transfer of
25 100 percent membership interest in River

24

1 Port Truck Stop, LLC, doing business as
2 415 South Casino.

3 River Port Truck Stop, LLC, doing
4 business as 415 South Casino holds a
5 Type 5 video gaming license and operates
6 a truckstop facility at 940 Lobdell
7 Road, also known as Louisiana Highway
8 415, in Port Allen, Louisiana, in West
9 Baton Rouge Parish.

10 On August 31st, 2015, Port Au
11 Prince, LLC, transferred all of its
12 90 percent interest -- excuse me,
13 membership interest in the licensee to
14 415 South Casino, LLC. On that same
15 date, John Jurewicz transferred all of
16 his 10 percent membership interest in
17 the licensee to 415 South Casino, LLC.

18 The licensee is owned one
19 hundred percent by 415 South Casino,

20 LLC, which is owned one hundred percent
21 by Louisiana -- LA 1 South, LLC.

22 The membership interest of LA 1
23 South, LLC, is as follows: Rawlston
24 Phillips with 44.5 percent, Linda
25 Phillips with 12 percent, Kathlyn Jones

25

1 with 14.5 percent, Suzanne Gray with
2 14.5 percent, and Rawlston D. Phillips
3 with 14.5 percent.

4 Criminal Investigator Glenn Verrett
5 conducted an investigation of the
6 transfer of membership interest. He
7 could not be here today so Vincent
8 Lenguyen will present the State Police's
9 findings to the Board.

10 TROOPER LENGUYEN: Good morning,
11 Chairman, Board Members, my name is
12 Trooper Vincent Lenguyen with Louisiana
13 Gaming -- Louisiana State Police Gaming
14 Enforcement Division. I'm here on
15 behalf of Criminal Investigator Verrett
16 on River Port Truck Stop.

17 Investigator Verret investigated the
18 transfer of the hundred percent of the
19 membership interest in the licensee and
20 conducted an updated suitability
21 investigation on Rawlston D. Phillips,
22 Jr., Linda Phillips, Kathlyn Jones,

23 Christopher Jones, Suzanne Gray, Stuart
24 Gray, Rawlston D. Phillips, III, and
25 Amanda Phillips, who had previously met

26

1 suitability with the Division. No
2 information was found that would
3 preclude the individuals from
4 participating in the video gaming
5 industry or any information that would
6 preclude the continued licensing of
7 River Port Truck Stop, LLC, d/b/a 415
8 South Casino.

9 MR. PITRE: The Office of the
10 Attorney General has reviewed the file
11 and found no information to preclude
12 approval of the transfer.

13 CHAIRMAN JONES: Board, are there
14 any questions with regard to the
15 transfer? Any questions?

16 MR. BRADFORD: Move approval.

17 CHAIRMAN JONES: We have a motion by
18 Mr. Bradford for approval, a second by
19 Major Mercer. All in favor?

20 [Collective "aye."]

21 MS. THERIOT: Mr. Chairman, would
22 you please mark me as abstaining.

23 CHAIRMAN JONES: We'll note Miss
24 Theriot abstains. We have a motion, the
25 transfer is approved. Thank you.

1 Just so you will know, we didn't
2 have the opportunity to send
3 Miss Theriot the packet of information,
4 so she's still in her orientation mode
5 right now. Thank you.

6 2. Gray Gaming, LLC, d/b/a Jackpot Junction Casino
7 & Mission Fuel - No. 1000517286 (new
8 application)

9 CHAIRMAN JONES: Next up we'll take,
10 Consideration of Application of Gray
11 Gaming, LLC, d/b/a Jackpot Junction
12 Casino & Mission Fuel, No. 1000517286.
13 This is new application for a Type 5
14 video gaming license.

15 MR. PITRE: Chairman Jones, Board
16 Members, again, Earl Pitre, Jr.,
17 Assistant Attorney General appearing
18 before the Board in the matter of the
19 original application of Gray Gaming,
20 LLC, doing business as Jackpot Junction
21 Casino & Mission Fuel applying for
22 approval of a Type 5 video draw poker
23 gaming license.

24 On August 21st, 2015, the following
25 transfers occurred: Lance Palermo doing

1 business as Jackpot Junction Casino &
2 Mission Fuel, who previously held a

3 video gaming license for the truckstop,
4 executed a cash sale with Gray Gaming,
5 LLC, for the business and business
6 assets. Next, Lance Palermo and Tonia
7 Palermo entered into an Act of
8 Contribution with Gray Jude, LLC,
9 contributing all of their rights, title
10 and interest in the immovable property
11 of the truckstop facility.

12 Lastly, the applicant entered into a
13 property lease with Gray Jude, LLC, to
14 lease the truckstop facility, land and
15 the improvements.

16 The members of the applicant are as
17 follows: Lance Palermo, 50 percent and
18 Tonia Palermo with 50 percent.

19 Criminal Investigator Glenn Verrett
20 conducted the suitability investigation
21 of the relevant persons associated with
22 the applicant. He could not be here
23 today so Trooper Vincent Lenguyen will
24 present State Police's findings to the
25 Board.

29

1 TROOPER LENGUYEN: Board Members,
2 Trooper Lenguyen with State Police.
3 Lance Palermo and Tonia Palermo
4 previously submitted to a suitability
5 investigation in connection with other

6 video poker licenses.

7 An on-site inspection was conducted,
8 and it was determined that the
9 establishment meets all criteria set
10 forth in the video gaming law as a
11 qualified truckstop facility.

12 All required licenses and permits
13 were posted and valid at the time of the
14 inspection. The establishment is
15 consisted of 5.42 contiguous acres.

16 Gray Gaming, LLC's -- I found no
17 information that would preclude the
18 issuance of the Type 5 license to Gray
19 Gaming, LLC, d/b/a Jackpot Junction
20 Casino & Mission Fuel or to preclude
21 Lance Palermo or Tonia Palermo from
22 continuing to participate in the gaming
23 industry.

24 MR. PITRE: The Office of the
25 Attorney General has reviewed the file

30

1 compiled as a result of the
2 investigation conducted by the Office of
3 State Police. Our review indicates that
4 no information has been found which
5 would preclude the issuance of the Type
6 5 license to Gray Gaming, LLC, doing
7 business as Jackpot Junction Casino &
8 Mission Fuel.

9 CHAIRMAN JONES: Board Members, any
10 questions as to the application?

11 Mr. Stipe.

12 MR. STIPE: You're both comfortable
13 that you have enough information as to
14 Lance Palermo to make the
15 recommendations that you've made?

16 MR. PITRE: Yes, sir.

17 TROOPER LENGUYEN: According to
18 Criminal Investigator Verrett's report,
19 I believe everything was fine.

20 MR. PITRE: They previously met
21 suitability, and they continue to meet
22 suitability.

23 MR. STIPE: Okay.

24 CHAIRMAN JONES: Mr. Pitre, I didn't
25 understand you. What did you say?

31

1 MR. PITRE: They previously met
2 suitability on other licenses, and they
3 continue to meet suitability.

4 CHAIRMAN JONES: Thank you.
5 Anything else, Mr. Stipe? Do I have --
6 yes, Miss Berry. Pardon me.

7 MS. BERRY: No. I'm just making a
8 motion to approve it.

9 CHAIRMAN JONES: You're making a
10 motion. We have a motion to approve the
11 application and issue the license. Do I

12 have a second?

13 MR. JACKSON: Second.

14 CHAIRMAN JONES: By Mr. Jackson.

15 All in favor? [Collective "aye."]

16 Opposed? [No response.] The

17 application has been approved.

18 3. Harlan's, LLC, d/b/a Cajun Circus - No.

19 6100517285 (new application)

20 CHAIRMAN JONES: Next up is

21 Consideration of Application of

22 Harlan's, LLC, doing business as Cajun

23 Circus, No. 6100517285. This is a new

24 application.

25 Good morning.

32

1 MS. HOOD: Morning, Chairman Jones,

2 Members of the Board. I'm Assistant

3 Attorney General Heather Hood present

4 before the Board in the matter of the

5 original application of Harlan's, LLC,

6 doing business as Cajun Circus, for

7 approval of a Type 5 video draw poker

8 gaming license.

9 On July 10th, 2015, Silver Bear,

10 Inc., doing business as Cajun Circus,

11 executed a cash sale with Harlan's, LLC,

12 doing business as Cajun Circus, for the

13 rights and interests in the qualified

14 truckstop facility located in West Baton

15 Rouge Parish. Included in the sale were
16 the business and business assets, all
17 documents, records, inventories and
18 assets used in operation of the
19 business.

20 On that same day, Harlan's also
21 purchased the existing 5.66 acres that
22 comprises the qualified truckstop
23 facility from National Properties, LLC.

24 Also on July 10th, 2015, Harlan's
25 entered into a video draw poker

33

1 exclusive device placement right space
2 lease and operating agreement with
3 Silver Bear.

4 The membership interest of that
5 applicant is as follows: Harlan and
6 Janet Cashiola each have 37.5 percent
7 membership interest, and Brea Cashiola
8 has a 25 percent interest.

9 Senior Trooper James Cannon
10 inspected the truckstop facility and
11 conducted updated suitability
12 investigations of the associated
13 persons. He is present this morning to
14 report his findings to the Board.

15 TROOPER CANNON: Good morning,
16 Chairman and Members of the Board.
17 Harlan, Janet and Brea Cashiola

18 previously submitted to suitability
19 investigations in connection with other
20 video poker licenses.

21 An on-site inspection was conducted,
22 and it was determined that the
23 establishment meets all criteria set
24 forth in video gaming law as a qualified
25 truckstop facility. All required

34

1 licenses and permits were posted and
2 valid at the time of inspection. The
3 establishment consists of at least 5
4 contiguous acres, specifically
5 5.66 acres.

6 I found no information to preclude
7 the issuance of a Type 5 video draw
8 poker video gaming license to Harlan's,
9 LLC, doing business as Cajun Circus, or
10 to preclude Harlan, Janet and Brea
11 Cashiola from continuing to participate
12 in the gaming industry.

13 MS. HOOD: Our review of the
14 Division's file indicates that no
15 information has been found to preclude
16 the issuance of a Type 5 license to
17 Harlan's, LLC, doing business as Cajun
18 Circus.

19 CHAIRMAN JONES: Board Members, any
20 questions with respect to this

21 application?

22 MR. GASTON: Brea must be the

23 daughter?

24 MS. HOOD: Yes, sir.

25 TROOPER CANNON: Yes.

35

1 MR. GASTON: She's got a lot of
2 power in case mom and daddy have a
3 fight.

4 CHAIRMAN JONES: Are there any other
5 questions? [No response.] Do I have a
6 motion to approve the application?

7 MR. GASTON: I move, Mr. Chairman.

8 CHAIRMAN JONES: By Mr. Gaston and a
9 second by Mr. Bradford. All in favor?
10 [Collective "aye."] Opposed? [No
11 response.] The application is granted.

12 MS. HOOD: Thank you.

13 4. WY Properties, LLC, d/b/a Logansport Truck Stop
14 & Casino - No. 1601517239 (new application)

15 CHAIRMAN JONES: Next we'll take
16 Consideration of the Application of WY
17 Properties, LLC, doing business as
18 Logansport Truck Stop & Casino. That's
19 No. 1601517239, a new application.

20 MR. LONG: Good morning,
21 Mr. Chairman, Board Members.

22 CHAIRMAN JONES: Morning.

23 MR. LONG: I'm Assistant Attorney

24 General Matthew Long appearing before
25 the Board this morning in the matter of

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1 the approval of the original application
2 of WY Properties, LLC, doing business as
3 Logansport Truck Stop & Casino, applying
4 for a Type 5 video draw poker gaming
5 license.

6 On May 19th, 2015, WY Properties
7 purchased the licensed establishment and
8 the business of Logansport Gaming, LLC,
9 doing business as Logansport Truck Stop,
10 located at 2200 Main Street, Highway 84
11 in Logansport, Louisiana.

12 On that same date, WY Properties
13 executed a commercial lease with an
14 option to purchase with Logansport
15 Gaming in which WY Properties leased
16 with the option to purchase the land and
17 buildings comprising the truckstop
18 facility. That lasts until March 31st,
19 2025.

20 On May 27th, 2015, WY Properties
21 submitted an original application for a
22 Type 5 video draw poker gaming license.

23 Wayne Yates is the sole member and
24 one hundred percent owner of WY
25 Properties.

37

1 Senior Trooper James Cannon
2 conducted an investigation of the sale
3 of the licensed establishment. As part
4 of his investigation, he also conducted
5 a compliance inspection, as well as a
6 suitability investigation of the
7 relevant persons associated with the
8 application, and he is here this morning
9 to present his findings to the Board.

10 SENIOR TROOPER CANNON: I
11 investigated the sale of the licensed
12 establishment from Logansport Gaming,
13 LLC, to WY Properties, LLC. Wayne Yates
14 previously met suitability requirements;
15 therefore, an updated criminal history
16 check was completed for him and a
17 suitability investigation was conducted
18 on his spouse, Marcia Yates.

19 As part of the investigation, I
20 conducted a compliance inspection of the
21 licensed establishment which revealed
22 that the licensed establishment meets
23 all the criteria of a qualified
24 truckstop facility.

25 I found no information that would

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1 preclude the issuance of a Type 5 video
2 draw poker gaming license to WY
3 Properties, LLC, doing business as

4 Logansport Truck Stop & Casino, or that
5 would preclude Wayne H. Yates, Jr., and
6 his wife, Marcia Yates, from
7 participating or continuing to
8 participate in Louisiana's gaming
9 industry.

10 MR. LONG: The Attorney General's
11 Office reviewed the file compiled as a
12 result of the Division's investigation,
13 and our review indicates that no
14 information was found to preclude the
15 issuance of the Type 5 license to WY
16 Properties, LLC, doing business as
17 Logansport Truck Stop & Casino.

18 CHAIRMAN JONES: Board, any
19 questions?

20 MS. BERRY: I have a question.

21 CHAIRMAN JONES: Yes, ma'am, Miss
22 Berry.

23 MS. BERRY: I'm just saying, due to
24 the fact of community property, did you
25 have to investigate the wife as much as

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1 the husband? Even though he's the sole
2 owner, wouldn't it be community unless
3 it's separate property ownership?

4 SENIOR TROOPER CANNON: She deemed
5 to have significant influence as his
6 spouse, and so there's no separation of

7 property between them, then, yes, she
8 needed to meet suitability, as well.

9 MS. BERRY: That means she did meet
10 it.

11 SENIOR TROOPER CANNON: Yes, ma'am.

12 MS. BERRY: And she was
13 investigated, is my question.

14 SENIOR TROOPER CANNON: Yes.

15 MS. BERRY: Thank you.

16 CHAIRMAN JONES: Any other questions
17 from the Board? [No response.] Do I
18 have a motion to approve the
19 application? One more question. I'm
20 sorry. Mr. Stipe.

21 MR. STIPE: And with respect to
22 Marcia Yates, you're confident you
23 gathered enough information to be able
24 to make the recommendation you're
25 making?

40

1 SENIOR TROOPER CANNON: Yes, sir.

2 MR. STIPE: All right. Thank you.

3 CHAIRMAN JONES: Now do I have a
4 motion to approve the application and
5 issue the license?

6 MR. JACKSON: Motion to approve.

7 CHAIRMAN JONES: By Mr. Jackson,
8 second by Miss Berry. All in favor?
9 [Collective "aye."] Opposed? [No

10 response.] Motion carries, the
11 application has been approved. Thank
12 you, gentlemen.

13 MR. LONG: Thank you, Mr. Chairman.

14 VII. CASINO GAMING ISSUES

15 A. Consideration of Petition for Transfer of
16 Interest in Bossier Casino Venture (Holdco),
17 Inc.

18 CHAIRMAN JONES: We'll now move to
19 Casino Gaming Issues. First is,
20 Consideration of Petition of Transfer of
21 Interest in Bossier Casino Venture
22 (Holdco), Inc.

23 Come down, Miss Harkins.

24 MS. MOORE: Good morning, Chairman
25 Jones, Board Members. I'm Charmaine

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1 Moore Assistant Attorney General, here
2 in the matter of the petition of Bossier
3 Casino Venture, Inc., doing business as
4 Margaritaville Resort Casino, for
5 approval of a transfer of ownership of
6 its parent company, Bossier Casino
7 Venture (Holdco), Inc. With me this
8 morning are Deborah Harkins, attorney
9 for Bossier Casino Venture, and Tobi
10 Bachteler who's managing director of
11 Macquarie in New York. They'll be happy
12 to answer any questions that you have.

13 MIH, LLC, which is a subsidiary of
14 Macquarie, owns 23.7 percent of Holdco.
15 It is seeking approval to transfer that
16 interest in Holdco to Macquarie Septa
17 (US) 1, LLC. Macquarie Septa is owned
18 by -- is owned 41.9 percent by MIH, LLC,
19 18.1 percent by Taurus Aerospace Group,
20 Inc., a subsidiary of MIHI, and ASF
21 Altair, L.P., which holds 40 percent of
22 Septa.

23 MIHI previously qualified as an
24 institutional investor in 2002. It is a
25 subsidiary of Macquarie Group Limited,

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1 an Australian company which is regulated
2 by the Australian Stock Exchange.
3 Taurus and Septa have filed
4 certification forms with the Division as
5 institutional investors under R.S.
6 27:3(13)(i), which requires that they be
7 determined to be institutional investors
8 by the Board. ASF Altair and its parent
9 entities, including Ardian Investment UK
10 Limited, have filed certification forms
11 with the Division as institutional
12 lenders under 27:3(14)(h), which does
13 not require a determination by the
14 Board.

15 Ardian is an English company. It is

16 regulated by the Financial Conduct
17 Authority, which is the UK equivalent of
18 the SEC.

19 All of the entities associated with
20 this transfer may be presumed suitable
21 as institutional investors and/or
22 institutional lenders, and if it is the
23 Board's pleasure to approve the
24 transfer, we prepared a resolution.

25 CHAIRMAN JONES: Miss Harkins, did

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1 you want to add anything?

2 MS. HARKINS: I think she covered it
3 very well. Originally Bossier Casino
4 venture was privileged to have Macquarie
5 as one of its initial investors. They
6 continue to be an institutional investor
7 in this regard. The only change that's
8 going to be made here in our ownership
9 chart is going to show -- instead of
10 MIHI, LLC, it will show Macquarie Septa,
11 LLC.

12 So it's the same basic ownership
13 with the addition of Ardian for a small
14 part, and we would ask approval of the
15 transfer.

16 CHAIRMAN JONES: Did State Police
17 have anything to add? Yes, no? Okay.
18 They're all silent so I assume not.

19 Board, are there any questions of
20 the Attorney General's Office, Miss
21 Harkins or State Police with regard to
22 this proposal?

23 MR. JACKSON: Motion to approve.

24 MR. GASTON: Second.

25 CHAIRMAN JONES: We have a motion by

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1 Mr. Jackson to adopt the resolution and,
2 I believe, a second by Mr. Gaston.

3 Miss Tramonte, would you read the
4 resolution into the record.

5 THE CLERK: On the 19th day of
6 November 2015, the Louisiana Gaming
7 Control Board did, in a duly noticed
8 public meeting, consider the issue of
9 Bossier Casino Venture, Incorporated's,
10 request for approval of the transfer of
11 ownership of MIHI, LLC's, 23.7 percent
12 ownership interest in Bossier Casino
13 Venture (Holdco), Incorporated, parent
14 company of the Licensee, Bossier Casino
15 Venture, Incorporated, to Macquarie
16 Septa (US) 1, LLC, and upon motion duly
17 made and second, the Board adopted this
18 resolution.

19 Be it resolved that Bossier Casino
20 Venture, Incorporated's, request for
21 approval of the aforementioned transfer

22 of MIHI, LLC's, 23.7 percent ownership
23 interest in Bossier Casino Venture
24 (Holdco), Incorporated, which interest
25 includes 23.7 percent of the common

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1 stock of Holdco and 23.7 percent of
2 Series A 14 percent preferred stock of
3 Holdco with a face value of \$25 million
4 to Macquaire Septa (US) 1, LLC, is
5 hereby approved.

6 Be it further resolved that Taurus
7 Aerospace Group, Incorporated, and
8 Macquarie Septa (US) 1, LLC, are
9 determined to be institutional investors
10 consistent with the provisions of
11 Louisiana Revised Statute 27:3(13) and
12 Louisiana Revised Statute 27:27.

13 Thus done and signed in Baton Rouge,
14 Louisiana, this 19th day of November
15 2015.

16 CHAIRMAN JONES: Call the roll.

17 THE CLERK: Mr. Bradford?

18 MR. BRADFORD: Yes.

19 THE CLERK: Mr. Stipe?

20 MR. STIPE: Yes.

21 THE CLERK: Mr. Singleton?

22 MR. SINGLETON: Yes.

23 THE CLERK: Major Mercer?

24 MAJOR MERCER: Yes.

25 THE CLERK: Mr. Jackson?

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1 MR. JACKSON: Yes.

2 THE CLERK: Mr. Gaston?

3 MR. GASTON: Yes.

4 THE CLERK: Miss Berry?

5 MS. BERRY: Yes.

6 THE CLERK: Miss Theriot's

7 abstaining. Chairman Jones?

8 CHAIRMAN JONES: Yes. The

9 resolution is adopted and the transfer

10 has been approved.

11 MS. HARKINS: Thank you so much,

12 Mr. Chairman.

13 CHAIRMAN JONES: Thank you and

14 thanks for coming.

15 2. Consideration of Certificate of Compliance for

16 the Alternate Riverboat Inspection of the

17 gaming vessel of Horseshoe Entertainment L.P.

18 d/b/a Horseshoe Casino, No. R010800198

19 CHAIRMAN JONES: Next, Consideration

20 of Certificate of Compliance for the

21 Alternate Riverboat Inspection of the

22 gaming vessel of Horseshoe Entertainment

23 doing business as Horseshoe Casino, No.

24 R010800198.

25 Good morning, gentlemen.

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1 MR. THOMPSON: Morning.

2 MR. FRANCIC: Morning.

3 MR. THOMPSON: Mr. Chairman, Board
4 Members, I'm Assistant Attorney General
5 Buddy Thompson. With me is John Francic
6 of ABSC. We're here in the matter of
7 the issuance of the renewal Certificate
8 of Compliance of Horseshoe Entertainment
9 L.P. d/b/a Horseshoe Casino.

10 On October the 27th, 2015, ABSC
11 began the inspection process for the
12 renewal of Horseshoe Casino's
13 Certificate of Compliance. For; more on
14 this, I now turn the presentation over
15 to John Francic.

16 MR. FRANCIC: Good morning, Chairman
17 and Board Members. John Francic with
18 ABS Consulting here to report the annual
19 certification for Horseshoe Casino.

20 The inspectors, Doug Chapman and
21 Pete Bullard, did, on October 27th,
22 attend the riverboat King of Red to
23 conduct the annual inspection in
24 accordance with the alternative
25 inspection of riverboat gaming vessels

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1 in the State of Louisiana.

2 The inspectors reviewed fire
3 protection measures and equipment,
4 egress routes, mooring systems,

5 machinery spaces and conducted a fire
6 drill. The deficiencies that were found
7 were corrected before the surveyors
8 departed the area.

9 The 2015th annual survey, as
10 required by Louisiana Gaming Control
11 Board, is complete and presents no
12 safety concerns to its patrons or
13 employees onboard the riverboat. It is
14 the recommendation of ABSC that
15 Horseshoe Casino be issued a Certificate
16 of Compliance.

17 MR. THOMPSON: We now present these
18 findings to the Board and request that
19 upon the Board accepting the report
20 submitted by ABSC, the Board will move
21 for the renewal of Horseshoe Casino's
22 Certificate of Compliance.

23 CHAIRMAN JONES: Board Members, any
24 questions for the Attorney General's
25 Office or Mr. Francic from ABSC? Any

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1 questions? The Board appears to be
2 clear.

3 Do I have a motion to issue the
4 Certificate of Compliance? By Major
5 Mercer, a second -- are you raising your
6 hand or pointing at him?

7 MR. BRADFORD: I was deferring to

8 Mr. Jackson.

9 CHAIRMAN JONES: Mr. Jackson will
10 second. All in favor? [Collective
11 "aye."] Opposed? [No response.] The
12 motion carries. The Certificate of
13 Compliance is issued. Thank you,
14 gentlemen.

15 MR. THOMPSON: Thank you.

16 VIII. RULEMAKING

17 A. Consideration of Rulemaking Procedures
18 for Amendment of LAC 42.III.120,
19 Application and Reporting Forms

20 B. Consideration of Rulemaking Procedures
21 for Amendment of LAC 42:XI.2405(A),
22 Application and License

23 CHAIRMAN JONES: We'll now move to
24 Rulemaking. We take up Consideration
25 and Institution of Rulemaking Procedures

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1 for Amendments to rules listed on your
2 agenda, Items Roman Numeral Seven, Parts
3 A and B.

4 Welcome back, Mr. Long.

5 MR. LONG: Good morning, again,
6 Mr. Chairman, Board Members, Assistant
7 Attorney General Matthew Long.

8 These rules are all -- they're all
9 kind of -- go together, so 2405 is the
10 substantive rule. I'll take it first,

11 and then 120 is the forms that go with
12 it. They're all in response, basically,
13 to 2405.

14 So 2405, this is an amendment and a
15 clarification, really. As proposed
16 here, 2405(B)(10) requires any licensee
17 to surrender their license if they
18 cannot operate the business described in
19 the license for a period of 30
20 consecutive days for a reason other than
21 a force me jure event.

22 Now, previously (B)(10) covered --
23 force me jure events covered any events.
24 So now (B)(10) excludes force me jure
25 events. So they have to surrender if

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1 they're not in operation for 30
2 consecutive days exclusive of a force me
3 jure event. (B)(11) now deals
4 specifically with force me jure events
5 since it's excluded in (B)(10).
6 (B)(11)(a) requires any licensee to
7 surrender its license following a force
8 me jure event that affects the ability
9 to operate the business described in the
10 application.

11 (B)(11)(b) now pertains specifically
12 to truckstops. Previously (B)(11)(b)
13 allowed for a waiver for all -- for all

14 licensees following a force me jure
15 event. That's not particularly what the
16 statute said so it's been amended and
17 clarified now to pertain only to
18 truckstops. The truckstop can be
19 granted a 30-day waiver -- I'm sorry, a
20 60-day waiver first as long as their
21 fuel facility is still operational, and
22 then they can be granted one more 60-day
23 waiver after that.

24 120 is the application and reporting
25 forms. All of these surrender -- the

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1 surrender forms were basically lumped
2 into the multiple use reporting form
3 prior to these new forms, so we kind of
4 split them up and made it a little bit
5 easier for licensees and State Police to
6 know exactly what the licensee was
7 submitting to State Police. The
8 application withdrawal license surrender
9 form has now been added, a surrender
10 waiver request form has now been added.
11 That's specifically for truckstops.
12 That's (B)(11)(B).

13 And the last one is a labor
14 organization registration statement. It
15 does not particularly go with the 2405.
16 It's not in response to 2405. It's

17 basically a registration form that the
18 labor union or organization must fill
19 out if they wish to represent permittees
20 annually.

21 CHAIRMAN JONES: Board, any
22 questions on those two items? There
23 does not appear to be any questions. Do
24 I have a motion to institute the
25 rulemaking procedures for those two

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1 noted agenda items?

2 MR. GASTON: I'll move,
3 Mr. Chairman.

4 CHAIRMAN JONES: By Mr. Gaston,
5 second by Miss Berry. All in favor?
6 [Collective "aye."] Opposed? [No
7 response.] The motion carries. Thank
8 you.

9 MR. LONG: Thank you, Mr. Chairman.

10 3. Consideration of Approval of Forms: Multiple
11 Use Reporting Form, DPSSP 6600; Application
12 Withdrawal/License Surrender Form, LGCBVP 0100;
13 Surrender Waiver Request Form, LGCBVP 0101;
14 Labor Organization Registration Statement,
15 LGCBGEN 0100

16 CHAIRMAN JONES: We now take up the
17 second institutional rulemaking item on
18 your agenda. That's Roman Numeral
19 Seven, Part C. This is to approve the

20 form. Excuse me? I'm sorry.

21 MR. GASTON: I bet it was part of my
22 motion, Mr. Chairman.

23 CHAIRMAN JONES: All right. So at
24 this point, we will -- oh, so we just
25 need to do the motion to approve the

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1 forms because we didn't do that on the
2 last one. We need a second motion to
3 approve the forms.

4 MR. BRADFORD: So moved.

5 CHAIRMAN JONES: By Mr. Bradford --
6 and there was a second somewhere down
7 there -- Major Mercer. All in favor?
8 [Collective "aye."] Opposed? [No
9 response.] The motion carries. The
10 forms are approved. Thank you.

11 Sorry for that confusion because I
12 was confused.

13 IX. CONSIDERATION OF APPEALS IN THE FOLLOWING:

14 1. In Re: Fernando Thomas - No. PO40009418

15 CHAIRMAN JONES: At this point,
16 we'll move to Fernando Thomas. That's
17 Number PO40009418. Good morning,
18 gentlemen. Please identify yourself for
19 the Board.

20 MR. LEWIS: Good morning, Chairman
21 Jones, Members of the Board, Assistant
22 Attorney General Kanick Lewis, Jr.,

23 representing the Office of State Police.

24 MR. THOMAS: Good morning, Chairman,
25 Attorney Arthur Thomas representing

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1 Fernando Montez Thomas.

2 CHAIRMAN JONES: Very good. Have
3 you been before the Board before?

4 MR. THOMAS: Yes, I have.

5 CHAIRMAN JONES: Okay. So we know
6 that the Board has the record of
7 everything that was introduced before
8 the hearing officer, and we're limited
9 to consideration of what's in the
10 record. Please proceed.

11 MR. LEWIS: Before we begin, I'd
12 like to reserve some time at the end in
13 case of rebuttal.

14 CHAIRMAN JONES: Okay.

15 MR. LEWIS: This is a matter of
16 appeal of a denial by the hearing
17 officer of a recommendation of
18 revocation of Mr. Thomas's non-key
19 gaming employee permit. The key issue
20 is whether Mr. Thomas should be deemed
21 suitable to possess a gaming permit in
22 accordance with the Louisiana gaming
23 regulations considering his arrest
24 history for domestic violence issues.

25 Mr. Thomas has domestic violence

1 issues and arrests dating back to
2 December 2004. If we could, I'd like to
3 take a look at these incidents. If
4 we'll take a look, according to the
5 police reports beginning in
6 December 2004, Mr. Thomas was charged
7 with simple battery. The victim in this
8 incident was his now ex-wife, Chantill
9 Thomas. At the time of the incident
10 they were separated, and he went by her
11 home to visit the children.

12 As she asked him to leave, he got
13 upset, punched her several times causing
14 injury to her face, arms and scalp, also
15 caused lacerations to those parts of her
16 body.

17 In January, one month later, 2005,
18 he was charged with simple assault,
19 aggravated burglary of an inhabited
20 dwelling, simple battery, criminal
21 damage to property, and, again, the
22 victim is Chantill Thomas and a friend
23 of hers, Ronald Oliver.

24 In this incident, he waited outside
25 of her home until she opened the door.

1 When she did open the door, he grabbed
2 her by her arm and tried to pull her

3 out. She was able to pull away from
4 him, get back inside the home, and as
5 she tried to close the door, he forced
6 his way in. In an attempt to intervene,
7 Mr. Oliver, because of the previous
8 incident, tried to step in and protect
9 her. At that point, he was able to push
10 Mr. Thomas outside the apartment.
11 Mr. Thomas forced his way back in and at
12 that point tore Mr. Oliver's shirt and
13 made the comment that "you're both
14 gone."

15 A month after that, February 2005 --
16 now we have incidents in December,
17 January and February. In February, he
18 was charged with second degree battery,
19 domestic abuse on his victim, and this
20 one again Chantill Thomas. What
21 happened here is he was dropping her off
22 for work, and they had their minor child
23 in the vehicle. Before she could get
24 out of the vehicle, an altercation
25 ensued wherein he punched her in the

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1 mouth and head, drug her from the
2 vehicle and began kicking her in a
3 public parking lot.

4 Because of the commotion, there were
5 witnesses that came out to see what was

6 going on, and in his attempt to leave,
7 he tried to run over some of the
8 witnesses.

9 In July 2009, he had a protective
10 order issued against him by Chantill
11 Thomas, and in this current incident,
12 March 2012, he was charged with domestic
13 abuse battery, a felony. The victim
14 this time was his now current wife, Jeny
15 Thomas. In this incident, it happened
16 in their home, and they had got into an
17 altercation. He choked her, threw her
18 against a wall, punched her in her head
19 and face and broke her nose. This
20 happened in front of their minor child.

21 Now, opposing counsel is claiming
22 that the D.A. chose not to prosecute
23 these matters because they were not
24 substantiated, and he provided a copy of
25 a dismissal. There's no reason cited on

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1 the dismissal for the basis of it. The
2 likely reasons is that the victims chose
3 not to seek further prosecution of these
4 matters through the court system. It is
5 well known that the majority of domestic
6 abuse cases are not prosecuted because
7 the victim does not wish to follow
8 through with the charges, either because

9 of the history with the abuser or
10 because of the fear of retaliation.

11 In the most recent incident,
12 opposing counsel alleges that Mr. Thomas
13 opened the door and accidentally hit his
14 wife. Now, if that's the case, there's
15 some questions I would consider. If it
16 was an accident, why were the police
17 called? If it was an accident, why
18 wasn't Mr. Thomas present when the
19 police arrived? And most importantly,
20 if it was an accident, why didn't he
21 take his wife to the hospital?

22 Now, he claims it's an accidental
23 injury, but she also suffered a broken
24 nose. And opposing counsel would also
25 like you to believe that the arrest

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1 should not be considered because
2 Mr. Thomas was not prosecuted or
3 convicted. Under gaming law, all
4 permittees shall maintain suitability
5 throughout the term of the license, or
6 permit in this instance.

7 My opponent is claiming these
8 incidents and arrests were simply
9 allegations of criminal activities and
10 not criminal acts. He's hoping you
11 won't consider the current gaming law

12 wherein it states, an arrest may be
13 considered even if it results in
14 acquittal, deferred adjudication,
15 probation or pardon. Here, in this
16 instance, the Division is well within
17 the statutory right to consider these
18 arrests in determining Mr. Thomas's
19 suitability.

20 Another argument made by opposing
21 counsel is that Mr. Thomas already had a
22 revocation hearing back in June of 2005
23 whereby the hearing officer found him to
24 be suitable. Now, I offer to you that
25 at that time, the recommendation was

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1 based on a single incident and at that
2 time that pending charge and not his
3 entire criminal history. Because the
4 charge was reduced, the basis for the
5 revocation went away. There was no
6 determination made whether or not the
7 underlying facts warranted a
8 determination of revocation.

9 However, what we have here is an
10 established pattern of behavior the
11 Division is now considering. Opposing
12 counseling states that the arrests from
13 2005 should not be considered because
14 ten or more years has elapsed between

15 the date of application, or in the case
16 of misdemeanors, because five years or
17 more has elapsed between the date of the
18 application and a successful completion
19 of any sentence or probation.

20 Here that does not apply because the
21 Division is not seeking to deny his
22 application for a permit based on a
23 singular incident but rather to revoke
24 the permit due to the pattern of
25 behavior he has established by his

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1 arrest history. Also, opposing counsel
2 is incorrect wherein he states that to
3 consider the prior activities and
4 criminal record is res judicata.

5 Gaming law allows the Division to
6 consider a person's entire criminal
7 background or history at any time during
8 the term of the permit. The law states
9 that a person must be of good character,
10 honesty, integrity and a person whose
11 prior activities, criminal record,
12 reputation and habits do not pose a
13 threat to the public interests of this
14 state.

15 At this time, we have four incidents
16 the Division is considering. This
17 establishes a clear pattern of criminal

18 behavior and shows that Mr. Thomas has a
19 reputation and a habit of domestic
20 violence. Mr. Thomas has repeated
21 violent offenses that happened in public
22 places. He has caused serious bodily
23 injury to two of his victims.

24 When is he going to learn? Because
25 apparently he hasn't. The question is,

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1 when is enough enough? He has shown a
2 clear propensity of violent behavior
3 over the course of eight years. From
4 2004 to 2012, Mr. Thomas has shown an
5 established propensity for violent
6 behavior. I would argue that his
7 behavior over the course of the years is
8 enough to establish a pattern of
9 behavior, one that clearly shows he's
10 not suitable to holding a gaming permit.

11 At the revocation hearing, there
12 were two law enforcement officers who
13 responded to two separate incidents,
14 testified and indicated that they would
15 characterize a person that commits these
16 types of offenses as a violent
17 individual. It's simple. When I look
18 at the totality of circumstances, when I
19 look at the eight years of arrest, if
20 someone were to ask me if Mr. Thomas has

21 a reputation of being a violent person,
22 my answer would be "yes."

23 If someone were to ask me if
24 Mr. Thomas has a habit of battering
25 women, my answer would be "yes." When

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1 speaking in terms of suitability and
2 applying Louisiana gaming law, are his
3 reputation and habits not to be
4 considered? I offer to you that they
5 absolutely are. This Board is charged
6 with the duty to protect gaming patrons
7 and employees from any foreseeable
8 dangers, and in the opinion of the
9 Division, Mr. Thomas represents this
10 very type of danger that gaming
11 employees and patrons should be
12 protected from.

13 Just because he was not convicted
14 for the incidents does not mean he
15 didn't commit them. At no point did he
16 deny committing the acts, only that he
17 was not prosecuted for them.

18 Hearing Officer Reynolds gave great
19 weight to a previous decision in the
20 Freddie Knox case. The Division
21 respectfully argues that the facts are
22 dissimilar to this case. Mr. Knox did
23 have multiple arrests and dismissals,

24 and that is where the similarities end.

25 The facts and circumstances of the

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1 Knox case are easily distinguishable
2 from Mr. Thomsas's. In the Knox case,
3 there was a majority of non-violent
4 offenses. In the Thomas case, repeated
5 violent offenses. Mr. Knox five years;
6 Mr. Thomas eight yes, and according to
7 the police report, Mr. Knox caused no
8 serious bodily injury. The alternative
9 for Mr. Thomas. He caused serious
10 bodily injury, and in the Knox case,
11 only the spouse was involved.

12 Mr. Thomas, he's perpetuated violence
13 against his spouse and other people.

14 Mr. Thomas has three incidents in a
15 three-month span. Even though there
16 were other charges, there was one common
17 charge, some form of domestic violence,
18 some form of violent behavior.

19 Finally, I would like to remind this
20 Honorable Board that the Division does
21 not bear the burden to prove
22 unsuitability; but Louisiana gaming law
23 requires that a permittee has an ongoing
24 duty to remain suitable, and they must
25 bare that burden to prove the

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1 suitability to the Division.

2 The Division asserts that an
3 individual with a history of arrests for
4 violent behavior poses a threat to those
5 citizens who wish to participate in the
6 gaming industry, such that a finding of
7 unsuitability is not only warranted, but
8 absolutely necessary. Gaming law
9 requires that to remain suitable, a
10 permittee must be a person of good
11 character, honesty and integrity whose
12 prior activities, criminal record,
13 reputation and habits do not pose a
14 threat to the public interest of the
15 state.

16 Mr. Thomas's propensity for violent
17 and unsuitable behavior is established
18 by his arrest, including incidents
19 involving domestic violence within an
20 eight-year period. Based on this
21 information, the Division respectfully
22 request that the Hearing Officer's
23 decision in this matter be overturned,
24 that Mr. Thomas be found unsuitable to
25 participate in the gaming industry, and

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1 that the non-key gaming employee permit
2 issued to him be revoked. Thank you.

3 MR. THOMAS: Good morning.

4 CHAIRMAN JONES: Morning.

5 MR. THOMAS: And let me thank the

6 Board for this opportunity to address

7 you all to this appeal that's pending.

8 My name is Arthur Thomas, and I

9 represent Fernando Montez Thomas.

10 Here are the facts: We rely upon

11 what it is that we have available to us

12 based upon the court system that we

13 honor. Without it, we would have no

14 justice and no way of defending

15 ourselves. Allegations come and go all

16 the time by individuals for whatever

17 reason, and in the case involving

18 Mr. Thomas, these were allegations.

19 These were not sworn allegations that

20 were provided, and therefore, when these

21 matters come before a court of law and

22 charges are filed, a defendant has a

23 right to come before the court and

24 defend himself. That's exactly what

25 Mr. Thomas did.

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1 Counsel is presuming that there was

2 no proceedings that took place in all of

3 these hearings. There were proceedings.

4 In fact, in the last proceeding, there

5 was actually a hearing where the victim

6 testified in court, and based upon her

7 testimony, the court determined that
8 what happened was exactly what she said
9 had happened. Mr. Thomas had not struck
10 her. Mr. Thomas was on his way to work
11 that morning. She attempted to stop him
12 from leaving, and the door did hit her.
13 In terms of a fracture, Miss Thomas had
14 a fracture previously which occurred
15 when she was young.

16 If counsel had been aware of those
17 things, he would have known that there
18 was not a fracture, and there's no
19 medical records to establish that there
20 was one other than the mentioning of
21 this gentleman without any testimony
22 from anybody relative to those
23 allegations. And it was the -- it was
24 the court that determined, based upon
25 the hearing that occurred and the

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1 prosecutor looking at the facts that
2 were before him, decided that this was
3 not a prosecutorial matter and that, in
4 fact, what had happened happened
5 according to what the defendant said.

6 And in that case, the victim
7 indicated that it was not Mr. Thomas
8 that committed an offense. That, in
9 fact, he was leaving. There was a

10 situation involving the two parties
11 where she wanted to go to Honduras. He
12 was not in favor of it because she had
13 had a previous incident where she had
14 been robbed and assaulted, and he has a
15 two-year-old daughter that he was not in
16 favor of exposing her to having to go to
17 Honduras.

18 The wife became enraged; and as he
19 was trying to leave for work, he was
20 pulling the door; and she blocked the
21 door, and the door hit her. And the
22 prosecutor believed this because she
23 gave testimony for almost an hour
24 relative to that, pleading to them and
25 informing them that that's not what

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1 happened.

2 As it relates to Chantill Thomas --
3 and, you know, I promised myself I would
4 never get into statements, you know,
5 relative to an individual's character
6 who they are, but the reality of
7 Chantill Thomas was that this matter did
8 come up before a hearing officer in 2005
9 where the allegations were made that
10 Mr. Thomas had committed an offense.
11 Well, low and behold, this offense went
12 before the court. The court determined

13 that it was a misdemeanor.

14 Based upon the current law, there's
15 no basis for terminating a person's
16 employment based upon misdemeanor
17 offenses. The offenses are defined by
18 statute as to whether the circumstances
19 under which an individual's gaming
20 permit can be taken away from him, and
21 because of that hearing and the evidence
22 that were presented at that time by
23 counsel, Attorney General's Office that
24 was representing the Gaming Board, the
25 hearing officer determined, based upon

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1 the evidence, that there was not any
2 evidence to support it because the
3 defendant at that time was convicted of
4 a misdemeanor.

5 Now, I'm aware of the misdemeanor
6 because that matter involved an
7 individual who had been pulled out of a
8 car after she had indicated to her
9 husband at that time that she was
10 working somewhere and was not working.

11 In fact, she was engaged in illicit
12 activities, one of which involved the
13 selling of insurance policies that she
14 sold to his mother that was not a good
15 policy. She was also involved in

16 dancing, and when he discovered that, he
17 just asked her to get out of the car;
18 and she refused to get out of his car,
19 and he simply pulled her out.

20 The court determined that it was not
21 a violent crime. There was no harm, no
22 injuries to her, and a result of that,
23 he pled guilty to simple assault. He
24 was sentenced, put on probation for six
25 months. He completed his probation. He

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1 completed programs that the court
2 required him to, and so based upon the
3 statute at that hearing, when we had
4 that hearing, the hearing officer did
5 make a determination on the evidence
6 that was presented to determine that he
7 was not -- his license should not at
8 that time be revoked.

9 Low and behold, there was some other
10 incidents that were filed that had
11 nothing do with any injuries, but it had
12 to do with two parties who had separated
13 from each other; and there was a
14 question of custody that was ongoing.
15 Miss Chantill Thomas, the same person
16 that I mentioned earlier, had filed
17 allegations. And I can recall on one
18 instance she was brought before the

19 prosecutor, and he asked her about
20 whether or not she was lying; and if she
21 was, in fact, making up information,
22 that there would be some consequences.
23 And what I'm getting at, what happened
24 is, the incident that she referred to,
25 when he was supposed to have committed

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1 aggravated burglary, Mr. Thomas was, in
2 fact, working. She didn't know he had
3 two jobs, and he was able to provide
4 information to the prosecutor that on
5 that particular instance, he was, in
6 fact, working. And he could not have
7 committed those offenses that he was
8 charged with, and that's why the
9 prosecutor dismissed the charges.

10 In each of those incidents, it
11 wasn't dismissed just because the
12 prosecutor chose to do it or because
13 there was not evidence. He had enough
14 evidence to determine that the party was
15 lying about what she had said. There's
16 no evidence anywhere else indicating
17 Mr. Thomas has engaged in any activities
18 that's different. If you look at his
19 record, having been employed for almost
20 20 years with the Gaming Commission,
21 there's nothing in his record to ever

22 show that he has done anything wrong at
23 his jobs. In fact, he's been a very
24 impeccable person. He's performed
25 admirably. In fact, all of his

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1 supervisors have indicated that he's
2 done a remarkable job as a supervisor in
3 his job that he has.

4 So the reason we raise the issue
5 relative to whether or not res judicata
6 applies is because this matter had come
7 before a hearing officer previously, and
8 a hearing officer did make a
9 determination that there was no basis
10 for taking away his license at that
11 time. Here we are ten years later with
12 the same allegations coming back before
13 this commission relative to something
14 that has already been heard and with the
15 intent to suggest that he's not
16 suitable.

17 Well, if he wasn't suitable, he
18 wouldn't have been suitable then. That
19 matter came up before the hearing
20 officer, and he was not -- his license
21 was not terminated because of that.

22 And we are saying that the law is
23 fairly clear on what governs suitability
24 and unsuitability. We did present

25 enough evidence to the hearing officer

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1 for him to make that determination, and
2 he made that determination after hearing
3 the testimony of two officers. Upon
4 cross-examination, we did ask the
5 questions, you know, relative to what
6 had transpired, and low and behold, it
7 was discovered that the information that
8 was on that report was not put on that
9 report by the alleged victim, which is
10 Mr. Thomas's wife. In fact, she had not
11 signed that statement.

12 And so, you know, based upon all of
13 these facts and circumstances, it was
14 apparent that what had transpired had
15 not transpired the way it was predicted
16 and the way it was suggested, and that
17 Mr. Thomas, in fact, had not committed
18 those offenses. And as a result of that
19 based upon his status as an employee
20 over 20 years and how he has shown his
21 capability of managing, of directing and
22 working with an individual on the job,
23 there's never been a situation of any
24 exposure; there's never been a situation
25 where he has created any kind of harm to

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1 anybody.

2 In fact, his marriage is a beautiful
3 marriage today. There's no incident, no
4 issues relative to circumstances, which
5 is why his wife wanted to come forward
6 and testify at that hearing in court;
7 and she had that opportunity, and the
8 judge made a determination.

9 For those reasons and based upon the
10 hearing officer's determination after
11 listening to all of the evidence that
12 was presented to him, he made that
13 determination that Mr. Thomas was, in
14 fact, suitable in order to proceed and
15 be employed and that his license should
16 not be revoked.

17 CHAIRMAN JONES: Thank you,
18 Mr. Thomas.

19 Quick rebuttal.

20 MR. LEWIS: Yes, sir. In reference
21 to the fact of whether or not they were
22 prosecuted, it doesn't matter if he was
23 prosecuted or convicted. The fact is
24 the information that he's given today
25 was not presented at the hearing when he

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1 had that opportunity. That information
2 didn't become clear to us until he put
3 it in his brief that was submitted.

4 Now, regarding the initial

5 revocation hearing, it was based on a
6 single event, not the totality of the
7 circumstances, which is the totality of
8 the criminal background and criminal
9 history, which is what we're looking at
10 here today.

11 Now, in reference to -- I heard a
12 contradiction. In reference to him
13 taking Chantill to work, he was taking
14 her to work, and when he found out where
15 she was working, he got upset. He
16 wanted to pull her out of the vehicle.
17 Those are just excuses because if he
18 didn't like the fact that she was
19 working there, why did he have to behave
20 in that manner? It doesn't give an
21 excuse for that behavior. He still did
22 that. Again, there was an opportunity
23 to present that at the hearing. We
24 didn't get that information.

25 Now, regarding him having another

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1 job, that information was not submitted.
2 Again, it was based on a single event at
3 the time of that initial revocation --
4 the prior revocation in 2005. It was
5 based on a singular event. When that
6 charge was reduced, the reasons for the
7 revocation were extinguished. There was

8 no determination made as to whether or
9 not it should be revoked. There was no
10 determination made on the underlying
11 facts.

12 Now, opposing counsel is saying
13 we're ten years later. Yes, we're ten
14 years later, and we're more arrests
15 later. We have more arrests to consider
16 in this instance than we did back in
17 2005.

18 So that's what I offer to you, and,
19 again, he is unsuitable, should not be
20 permitted to hold a gaming license; and
21 the hearing officer's decision should be
22 overturned.

23 CHAIRMAN JONES: Thank you. In your
24 opening statement and addressing the
25 issue of the subsequent arrests after

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1 2005, you noted that they had, in fact,
2 been dismissed by the prosecutor, and
3 you speculated that it was perhaps
4 because of the victim did not want to
5 testify. That could very well be the
6 case, but that's really speculation. We
7 don't know. We have -- you know, we
8 have to defer, when it comes to a
9 criminal prosecution, on the wisdom of
10 the prosecutor in taking all of the

11 evidence into consideration.
12 So I just want to make sure that
13 everyone understands that you suggested
14 that that might be the case, but that's
15 not on the record; and we don't know
16 that to be the case, correct? And out
17 of everything that we've outlined this
18 morning -- and I thank you for your
19 presentation, for making it very
20 clear -- we have one guilty plea, and we
21 have several other arrests but no other
22 convictions or guilty pleas, correct?

23 MR. LEWIS: Correct.

24 CHAIRMAN JONES: Board Members,
25 questions? Miss Berry.

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1 MS. BERRY: Mr. Thomas, other than
2 attorney and client, is there any
3 relationship between you and
4 Mr. Fernando Thomas?

5 MR. THOMAS: He is my nephew, and
6 I've watched him over the years and
7 advised and counseled him over the
8 years.

9 MS. BERRY: Okay. Thank you.

10 CHAIRMAN JONES: Any other
11 questions, Board Members?
12 Mr. Singleton.

13 MR. SINGLETON: You're basing all

14 this on -- the hearing officer has heard
15 this thing twice?

16 MR. LEWIS: He's heard this
17 revocation hearing only once. There was
18 a hearing back in 2005 based on a
19 singular [sic] event.

20 MR. SINGLETON: That was a different
21 hearing officer?

22 MR. LEWIS: Yes, sir.

23 MR. SINGLETON: But the two of them,
24 they both came up with the same
25 conclusion in each case?

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1 MR. LEWIS: Well, yes and no. I
2 mean, they -- the first hearing officer
3 based it on one event, and it was --

4 MR. SINGLETON: But the one event,
5 his ruling was the same as the second
6 one.

7 MR. LEWIS: Yes.

8 MR. SINGLETON: Okay.

9 CHAIRMAN JONES: Any other
10 questions?

11 And just for clarity purposes, I
12 want to make sure I understand. He's
13 not actually been -- his license has not
14 been revoked at this time. The hearing
15 was on a recommendation of a revocation,
16 correct?

17 MR. LEWIS: Correct.

18 CHAIRMAN JONES: Okay. So it seems
19 to me that the Board's pleasure would be
20 one of two things, either to amend that
21 recommendation of revocation and dismiss
22 or to reverse that decision of the
23 hearing officer and revoke that license.
24 I think that's probably one of the two
25 options for the Board.

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1 Discussion by the Board, or do I
2 have a motion? Mr. Bradford.

3 MR. BRADFORD: It's my motion the
4 hearing officer's decision be amended
5 and the recommendation of revocation be
6 dismissed.

7 CHAIRMAN JONES: Do I have a second
8 to that motion?

9 MR. JACKSON: Second.

10 CHAIRMAN JONES: I'm sorry? Second
11 by Mr. Jackson. Okay. We have a motion
12 before the Board to amend the
13 recommendation of revocation and
14 dismiss. All in favor of the motion?
15 [Collective "aye."] Opposed? No
16 opposition. The motion carries. It's
17 dismissed.

18 Thank you, gentlemen.

19 MR. LEWIS: Thank you.

20 2. In Re: John K. Carrillo - No. PO40064676

21 CHAIRMAN JONES: Second matter up on

22 appeal is in regard to John K. Carrillo.

23 That's Number PO4006476 [sic]. Is

24 Mr. Carrillo here or anyone representing

25 Mr. Carrillo here? Anyone here

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1 representing Mr. Carrillo?

2 Please proceed.

3 MR. LEWIS: Assistant Attorney

4 General Kanick Lewis, Jr., representing

5 the Office of State Police in the matter

6 of John K. Carrillo. This was

7 Mr. Carrillo's appeal, and since he's

8 not here, we just respectfully ask that

9 the hearing officer's decision be

10 affirmed.

11 CHAIRMAN JONES: Any questions? [No

12 response.] We have a motion by Major

13 Mercer to do what?

14 MR. STIPE: Have you had any contact

15 with him? Has he contacted your office

16 or you?

17 MR. LEWIS: Not since the notice to

18 -- not since his letter requesting an

19 appeal.

20 CHAIRMAN JONES: Okay. Major

21 Mercer, your motion was to?

22 MAJOR MERCER: Affirm the hearing

23 officer.

24 CHAIRMAN JONES: All right. Second
25 by Mr. Singleton. All in favor?

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1 [Collective "aye."] Opposed? [No
2 response.] Motion carries.

3 MR. LEWIS: Thank you.

4 CHAIRMAN JONES: Thank you.

5 X. ADJOURNMENT

6 CHAIRMAN JONES: There being no
7 further business on the agenda before
8 the Board, do I have a motion to
9 adjourn?

10 MR. SINGLETON: I move we adjourn.

11 CHAIRMAN JONES: By Miss Berry and
12 three people on my left --
13 Mr. Singleton. All in favor?

14 [Collective "aye."] Opposed? [No
15 response.] Thank you. We'll see you
16 next month.

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1 REPORTER'S PAGE

2

3 I, SHELLEY PAROLA, Certified Shorthand
4 Reporter, in and for the State of Louisiana, the
5 officer before whom this sworn testimony was
6 taken, do hereby state:

7 That due to the spontaneous discourse of this
8 proceeding, where necessary, dashes (--) have been
9 used to indicate pauses, changes in thought,
10 and/or talkovers; that same is the proper method
11 for a Court Reporter's transcription of a
12 proceeding, and that dashes (--) do not indicate
13 that words or phrases have been left out of this
14 transcript;

15 That any words and/or names which could not
16 be verified through reference materials have been
17 denoted with the word "(phonetic)."

18

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21

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24 SHELLEY PAROLA

Certified Court Reporter #96001

25 Registered Professional Reporter

2 PARISH OF EAST BATON ROUGE

3 I, Shelley G. Parola, Certified Court
4 Reporter and Registered Professional Reporter, do
5 hereby certify that the foregoing is a true and
6 correct transcript of the proceedings on November
7 19, 2015, as taken by me in Stenographic machine
8 shorthand, complemented with magnetic tape
9 recording, and thereafter reduced to transcript,
10 to the best of my ability and understanding, using
11 Computer-Aided Transcription.

12 I further certify that I am not an
13 attorney or counsel for any of the parties, that I
14 am neither related to nor employed by any attorney
15 or counsel connected with this action, and that I
16 have no financial interest in the outcome of this
17 action.

18 Baton Rouge, Louisiana, this 9th day of
19 December, 2015.

20

21

22

SHELLEY G. PAROLA, CCR, RPR

CERTIFICATE NO. 96001

23

24