



# State of Louisiana

Gaming Control Board

KATHLEEN BABINEAUX BLANCO  
GOVERNOR

H. CHARLES GAUDIN  
CHAIRMAN

ANNE LACOUR NEEB  
EXECUTIVE DIRECTOR

## DECISION OF THE LOUISIANA GAMING CONTROL BOARD

IN RE: DAVID L. WILLIAMS  
NO. P040040823

This is an appeal by David L. Williams from the decision of the Hearing Officer of the Louisiana Gaming Control Board, rendered on July 1, 2004, upholding the denial of his non-key gaming employee permit by the Louisiana State Police, Casino Gaming Division.

Based on the facts and for the reasons assigned by the Hearing Officer which we hereby attach to this decision and adopt as our own, we conclude that the decision of the Hearing Officer should be affirmed.

### ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of September 14, 2004:

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

**THUS DONE AND SIGNED** on this the 20<sup>th</sup> day of September, 2004.

LOUISIANA GAMING CONTROL BOARD

BY: H. Charles Gaudin  
H. CHARLES GAUDIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS \_\_\_\_\_ DAY  
OF September, 2004


APPEAL DOCKET CLERK

**STATE OF LOUISIANA  
GAMING CONTROL BOARD**

**ADMINISTRATIVE HEARING  
MAY 18, 2004**

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

**IN RE: DAVID L. WILLIAMS  
#P040040823**

  
**TRUE COPY**  
Representative  
Louisiana Gaming Control Board

6. Court Minutes dated April 16, 2004, reflecting Mr. Williams pled not guilty and received a nolle prosequi on simple battery charges (see 4 above)

Division agent, Ms. Kristy Hebert, testified she's reviewed Mr. Williams' file and after a background investigation, found that he did not disclose requested information regarding his criminal history.

She further testified Mr. Williams was given the opportunity to review his original application and initialed every page to indicate that the information was correct.

#### **LICENSEE'S EVIDENCE AND CONTENTIONS:**

None submitted.

#### **FINDINGS OF FACT:**

The applicant, although afforded the opportunity, failed to note three arrests in his application for a nonkey gaming employee permit. Further, the applicant stands charged with false statements related to gaming.

Division witness, Ms. Hebert, testified that Mr. Williams had availed himself of the District Attorney Pre-Trial Diversion program with respect to the false statements charge. There is, however, no evidence in these proceedings to support such.

#### **APPLICABLE LAW:**

La. R.S. 27:28(A)(1)(2) and (4) states:

- (A) No person shall be eligible to obtain a license or permit, enter into a casino operating contract with the state, or obtain any other approval pursuant to the provisions of this Title unless the applicant has demonstrated by clear and convincing evidence to the board or division, where applicable, that he is suitable. For

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the purposes of this Title, "suitable" means the applicant, licensee, casino gaming operator, permittee, or other person is:

- (1) A person of good character, honesty, and integrity.
- (2) A person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or carrying on of the business and financial arrangements incidental thereto.
- (4) Not disqualified pursuant to the provisions of Subsection B of this Section.

La. R.S. 27:28(B)(1)(a) and (c) states:

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

- (1) The conviction or a plea of guilty or nolo contendere by the applicant or any person required to be suitable under the provisions of this Title for any of the following:
  - (a) Any offense punishable by imprisonment of more than one year.
  - (c) Any offense involving fraud or attempted fraud, false statements or declarations.

La. R.S. 27:28(B)(2) states:

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

- (2) There is a current prosecution or pending charge against the person in any jurisdiction for any offense listed in Paragraph (1) of this Subsection.**

**La. R.S. 27:28(B)(4) states:**

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

- (4) The failure to provide information and documentation to reveal any fact material to a suitability determination, or the supplying of information which is untrue or misleading as to a material fact pertaining to the suitability criteria.**

**La. R.S. 27:28 (D) states:**

- (D) An applicant who is not disqualified as a result of Subsection B of this Section shall be required to demonstrate to the board and division that he otherwise meets the remaining requirements for suitability, particularly those contained in Paragraphs (A)(1), (2) and (3) of this Section. Evidence of, or relating, an arrest, summons, charge, or indictment of an applicant, or the dismissal thereof, may be considered by the board or division even if the arrest, summons, charge, or indictment results in acquittal, deferred adjudication, probation, parole, or pardon.**

**REASONS FOR DECISION:**

Mr. Williams failed to disclose three separated criminal arrests in his application for a non-key gaming employee permit. Such affects his suitability. Although the Division was unable to find proof of any resulting conviction, Mr. Williams' arrest record is of consequence in awarding permits such as this. The Louisiana Gaming Control Board has, over time, clarified their position on incomplete applications.

In 1998 the Gaming Control Board, in the matter of Carolyn Ansley, ruled that an incomplete application was not to be denied where the omission of a fact not otherwise affecting the application was the result of an honest mistake.

Later in 1998, the Gaming Control Board, in the matter of Mark O. Oliver, ordered the applicant be afforded the opportunity to withdraw, without prejudice, an incomplete application and submit a new application with appropriate fees.

Again, in 1998, in the matter of Errick Griffin, the Gaming Control Board upheld the hearing officer's decision to deny an application where the applicant, after having the opportunity to amend, refused to disclose his complete criminal history.

Early in 2000, in the matter of America's Sports Bar, the Gaming Control Board ruled:

"We have repeatedly stated that an applicant's entire criminal record is relevant, material and required to be disclosed.....We find that Mr. Coppell is unsuitable .....for his lack of honesty in knowingly making a false statement on his application."

In 2000, in the matter of House of Deng, the Gaming Control Board ruled as follows:

"We find that Mr. Dang was not truthful when answering Question 6 of his application for a non-gaming supplier

permit. His application was incomplete and contained false information. This renders him ineligible from receiving a non-gaming supplier permit.....”

Beginning with Mark Bruno in 2000, this hearing officer, has taken the position that an incomplete application is ground for denial, not withstanding the fact that the omission was an honest mistake and notwithstanding the omitted fact would not have affected the application.

In each instance of appeal the Gaming Control Board has maintained its stance that an incomplete application is a ground for denial, notwithstanding the fact the omitted material would not have affected the application.

In the present matter, Mr. Williams had an opportunity to amend his application, he failed to do so.

That fact alone, in light of the above rulings, renders the applicant unsuitable, and sufficient reason to deny the application. Having found Mr. Williams unsuitable mandates denial with prejudice.

This writer did not consider the pending charge of false swearing in this decision.



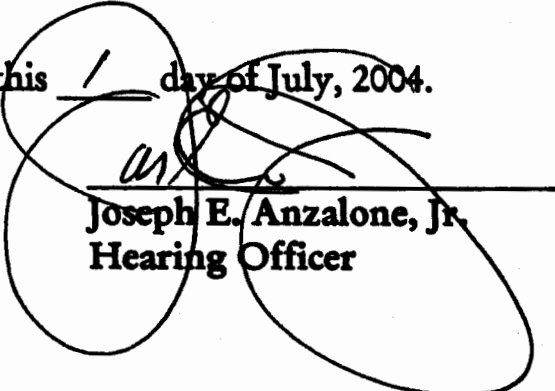
**IN RE: DAVID L. WILLIAMS  
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**JUDGMENT**

After a review of the pleadings and the evidence, and consideration of the argument of counsel and for the reasons aforesaid:

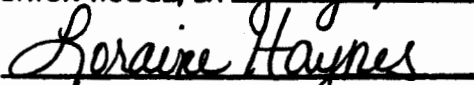
**IT IS ORDERED, ADJUDGED, AND DECREED** that the original application submitted by Mr. David L. Williams for a non-key gaming employee permit is hereby **DENIED..**

Baton Rouge, Louisiana, this 1 day of July, 2004.

  
\_\_\_\_\_  
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 1st DAY  
OF July 2004  
OF Goraine Haynes  
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: David Williams  
Mike Daniels  
Sgt Rock Schroyer

A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA July 1, 2004  
  
\_\_\_\_\_  
BY: CLERK