



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

RONNIE JONES
CHAIRMAN

DECISION OF THE
LOUISIANA GAMING CONTROL BOARD

IN RE: LESLIE WHITE
NO. P040061388

This matter is before the Louisiana Gaming Control Board on appeal by Leslie White, Application No. P040061388, from the Hearing Officer's decision dated October 9, 2013, in which he upheld the State of Louisiana, Office of State Police, Gaming Enforcement Division's ("Division's"), denial of Ms. White's non-key gaming employee permit application. The Division found that Ms. White had an extensive criminal history and she did not truthfully answer questions on her application regarding her criminal history. Ms. White did not prove her suitability and her application was denied.

FINDINGS OF FACT

The gaming employee application contains the following questions:

Has the applicant ever been detained, issued a summons or citation, arrested, charged, indicted or forfeited bail for any criminal offense or violation for any reason whatsoever? If YES, provide details in SCHEDULE F1 CRIMINAL, INVESTIGATORY AND CIVIL PROCEEDINGS. All detentions, summonses and citations, arrests, charges, and indictments, shall be included even if the final result was the dismissal of charges or expungement. Applicant shall include all DWI/DUI charges; however, minor traffic violations need not be included. Attach certified copies of documents relating to each matter to this application and reference as Attachment F1.

LGCB-2465-13-F

Has the applicant ever been convicted of, or plead guilty or nolo contendere to, any charge or offense? If YES, provide details in SCHEDULE F2 CRIMINAL, INVESTIGATORY AND CIVIL PROCEEDINGS. Applicant shall include all DWI/DUI convictions; however, minor traffic convictions need not be included. Attach certified copies of documents relating to each matter to this application and reference as Attachment F2.

Has the applicant ever had a conviction set aside and prosecution dismissed under La.C.Cr. P. Article 893 or 894, been discharged or had a proceeding dismissed under La. R.S. 40:983, or had a conviction expunged? If YES, attach certified copies of documents relating to each matter to this application and reference as Attachment F3a.

Ms. White answered “NO” to all three questions. She also indicated on the criminal proceedings schedules regarding arrests and convictions attached to the application that both were “N/A.” She confirmed her answers five days later.

As part of her application, Ms. White swore before a Notary Public and stated that:

1. I have read the Important Notices, Instructions and the completed application;
2. The statements and responses provided in the application are true and correct to the best of my knowledge, information and belief and represent a complete and accurate account of the requested information;
3. I have read, understand and agree to comply with the statutes that govern casino gaming that are contained in La. R.S. 27:1 et seq, as well as the corresponding rules contained in Title 42 of the Louisiana Administrative Code;
4. I have executed this statement voluntarily;
5. I understand that failure to provide correct and complete information is cause for denial of any original or renewal application or other administrative action; and
6. I understand that the making of any false statement in this application is a violation of La. R. S. 27:30 and is punishable by up to ten (10) years in prison or a fine up to ten thousand dollars (\$10,000.00), or both.

In fact, Ms. White has an extensive criminal history. The latest event being an arrest in 2010 for issuing a worthless check.

Approximately two weeks after submission of her application, Ms. White provided a sworn notarized affidavit dated May 7, 2013, wherein she stated:

1. I was not aware of the arrests on record under my name on 12/13/2000, 2/25/2004, and 4/15/2010 because I was not arrested. There was a mistaken identity or identity theft.
2. I did not disclose the 1/21/1994 or 9/10/1998 arrests because I did not remember them because the length of time that had passed since those dates.

In the May 7, 2013, affidavit, Ms. White stated that she was not arrested on April 15, 2010, and it was a case of mistaken identity or identity theft. The arrest that occurred on April 15, 2010, was for issuing a worthless check. In her testimony at the hearing, Ms. White remembered that arrest and stated that it was for a payday loan she received and didn't pay on time. This contradicts her sworn May 7, 2013, statement.

Ms. White provided no evidence of her claim of mistaken identity or identity theft.

LEGAL ANALYSIS

Louisiana Revised Statute 27:28 provides, in pertinent part:

- 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 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.
- (3) Capable of and likely to conduct the activities for which the applicant, licensee, permittee, casino gaming operator, or licensed eligible facility is licensed, permitted or approved pursuant to the provisions of this Title.
- (4) Not disqualified pursuant to the provisions of Subsection B of this section.

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.

...

D. An applicant who is not disqualified as a result of Subsection B of this Section shall be required to demonstrate to the board or 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 to, 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.

...

An individual must demonstrate by clear and convincing evidence that she is suitable. La. R.S. 27:28(A). Suitability means that the applicant is a person of good character, honesty, and integrity. La. R.S. 27:28(A)(1). The board has previously found that a “person of good character, honesty and integrity would answer truthfully to questions on the gaming application which specifically ask whether the individual has ever been arrested or charged for any criminal offense regardless of the disposition.” *In Re: Lanormandie Lounge, LGCB Decision, 8/20/1997. See also, In Re: Seandolyn Pullam, LGCB Decision, 7/19/12; In Re: Donnell A. Bonnee, LGCB Decision, 9/15/11; In Re: Carolyn Ansley, LGCB Decision, 3/17/1998; In Re: Glenda Graves, LGCB Decision, 1/20/1998; In Re: Tyrone Howard, LGCB Decision, 1/20/1998; In Re: Jimmy Johnson, LGCB Decision, 1/20/1998; In Re: Glenn A. Viggiano, 1/20/1998; and In Re: James Taylor, LGCB Decision, 1/20/1998.*¹

The Board or Division shall not grant a permit to an individual who is disqualified for the failure to provide information regarding a material fact relating to a suitability determination. La R.S. 27:28 (B)(4). The Board has previously held that the criminal record of an individual is material to a suitability determination even if the criminal record does not contain an automatic disqualifying event. *In Re: Donnell A. Bonnee, LGCB Decision, 9/15/11; In Re: Lanormandie Lounge, LGCB Decision, 8/20/1997.*

We agree with the Hearing Officer that Ms. White has not met her burden of establishing suitability and that her application should be denied.

¹ Prior to 2001, suitability standards and qualification for permittees were found in La. R.S. 27:70 and 76, respectively.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of December 19, 2013:

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

THUS DONE AND SIGNED on this the 19th day of **December, 2013**.

LOUISIANA GAMING CONTROL BOARD

BY:



RONNIE JONES, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 19th DAY
OF December, 2013
APPEAL DOCKET CLERK