



## State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.  
GOVERNOR

HILLARY J. CRAIN  
CHAIRMAN

# DECISION OF THE LOUISIANA GAMING CONTROL BOARD

**IN RE: LEE C. SNELL  
NO. I040009593**

This is an appeal by Louisiana State Police, Indian Casino Division ("Division"), from the decision of the Hearing Officer of the Louisiana Gaming Control Board ("Board") overturning the Division's revocation of Lee C. Snell's state certification. The facts upon which the revocation was based are Mr. Snell's failure to report a 1988 arrest on his original application dated October 14, 1997; the June 29, 2001, emergency order of suspension by the Chitimacha Tribal Gaming Commission of Mr. Snell's license for failure to report a May 9, 2001, court appearance within 10 days, coupled with his previous failure to report significant changes within the required time period; and the previous five day suspension by the Division of Mr. Snell's certification on November 16, 2000, for failure to notify the Division of an arrest for DWI on April 9, 2000. The Division found that Mr. Snell demonstrated a willful disregard for compliance and revocation was warranted under Section 7(C) of the Tribal/State Compact.

The Hearing Officer believed Mr. Snell's testimony regarding his failure to disclose or report the 1988 arrest and the DWI 2000 arrest. Mr. Snell stated that he was informed by his attorney that he did not have to disclose the 1988 arrest because it was expunged. Mr. Snell also testified that he didn't know that he had to disclose a misdemeanor arrest until the renewal of his certification. He stated that this was the practice when he was working in the riverboat gaming industry and he thought the same practice was

followed in Indian gaming. The Hearing Officer found Mr. Snell's testimony to be credible.

### APPLICABLE LAW

The Tribal/State Compact provides in Section 7(C):

(1) The State may revoke, suspend, or deny a State certification license for any reason it deems to be in the public interest. These reasons include, but are not limited to, when an applicant for or holder of State certification:

(a) Violates, or causes, aids, abets, or conspires with another to cause or attempt to cause any person to violate any of the laws, rules, or regulations of the State, or the provisions of any Compact.

...

(d) Fails to provide information and documentation to reveal any fact material to certification, or the supplying of information which is untrue or makes a misrepresentation of a material fact to the Tribe and/or the State.

...

(h) Has had a Tribal license revoked, suspended, or denied.

(i) Has demonstrated a willful disregard for compliance with the gaming regulatory authority in any jurisdiction. The suspension, revocation, forfeiture of any license, certification, and other civil penalties may demonstrate a willful disregard for compliance.

...

(p) Fails to notify the Tribe and the State of any significant change in the information submitted in an application for a Tribal license or State certification, or in a required report.

### LEGAL ANALYSIS

We agree with the Hearing Officer's finding that Mr. Snell's failure to disclose was not intended

---

to deceive and should not be grounds for revocation of his state certification.

**ORDER**

This matter having been considered by the Louisiana Gaming Control Board in open meeting of December 18, 2001:

**IT IS ORDERED THAT** for the foregoing reasons, the Hearing Officer's decision to reverse the Division's revocation of Lee C. Snell's state certification is **AFFIRMED**.

**THUS DONE AND SIGNED** this 19~~th~~ day of December, 2001.

**LOUISIANA GAMING CONTROL BOARD**

**BY:**

  
\_\_\_\_\_  
**HILLARY J. CRAIN, CHAIRMAN**

**LOUISIANA GAMING CONTROL BOARD**  
**I HEREBY CERTIFY THAT A CERTIFIED**  
**COPY HAS BEEN MAILED OR SERVED ON**  
**ALL PARTIES THIS** 20<sup>th</sup> **DAY**  
**OF** December, 2001

**APPEAL DOCKET CLERK**  
