



State of Louisiana

Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

NOTICE OF DECISION

IN RE: ALBERT J. DAIGLE D/B/A PARADISE LOUNGE
NO. VP2900113052

RULING ON APPLICATION FOR REHEARING

TO: Brett A. Sulzer, Esq.
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Lt. Jules Pinero, LSP
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NOTICE IS HEREBY given that on April 12, 2004, the Louisiana Gaming Control Board rendered a decision in the above entitled matter. (SEE COPY OF THE ENCLOSED DECISION)

An appeal from any decision of the Board shall be filed within ten (10) days of notice of the decision in the Nineteenth Judicial District Court and shall be reviewed solely on the record as provided by La. R.S. 27:26.

Louisiana Gaming Control Board, Baton Rouge, Louisiana this 13th day of April, 2004.


Geraldyn A. Coleman
Appeal Docket Clerk

NOTIFIED:

Brett A. Sulzer, Esq.
Michael Daniels, AAG
Lt. Jules Pinero, LSP, Video Gaming Division

4/13/04



State of Louisiana

Gaming Control Board

KATHLEEN BABINEAUX-BLANCO
GOVERNOR

DECISION OF THE LOUISIANA GAMING CONTROL BOARD

IN RE: ALBERT J. DAIGLE D/B/A PARADISE LOUNGE
NO. VP2900113052

RULING ON APPLICATION FOR REHEARING

The matter before the Louisiana Gaming Control Board ("Board") is a request for rehearing of the revocation of the video gaming license of Albert J. Daigle d/b/a Paradise Lounge ("Paradise").

On February 12, 2004, a "Notice of Recommendation of Administrative Action" was received by the licensee as evidenced by the signed return receipt of personal service. The basis for the recommendation was the delinquency in the filing of quarterly sales taxes. The notice provided that an administrative hearing must be requested within 10 days of receipt of the notice and informed that failure to request a hearing would result in the revocation of its video gaming license without further proceedings.

The licensee did not request a hearing. As a result, on March 3, 2004, the Board issued a "Notice of Revocation". The licensee requests a rehearing of the revocation alleging that an employee received the "Notice of Recommendation of Administrative Action" and did not give the notice to the owner which prevented the licensee from timely requesting a hearing.

LEGAL ANALYSIS

Louisiana Revised Statute 49:959 gives the grounds for an agency rehearing, reopening, or reconsidering its decision and provides, in pertinent part:

A. A decision or order in a case of adjudication shall be subject to rehearing, reopening, or reconsideration by the agency, within ten days from the date of its entry. The grounds for

such action shall be either that:

- (1) The decision or order is clearly contrary to the law and the evidence;
- (2) The party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing;
- (3) There is a showing that issues not previously considered ought to be examined in order properly to dispose of the matter; or
- (4) There is other good ground for further consideration of the issues and the evidence in the public interest.

"Adjudication" is defined as the agency process for the formulation of a decision or order.
La. R.S. 49:951(1).

The licensee has presented grounds for reconsideration. Therefore, this matter will be forwarded to the Louisiana Gaming Control Board Hearing Office for the scheduling of an administrative hearing before the Hearing Officer where evidence may be introduced and a determination made as to the adequacy of notice and a decision rendered on the merits if appropriate.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of April 12, 2004:

IT IS ORDERED THAT the request for rehearing is **GRANTED** and the matter is **FORWARDED** to the Louisiana Gaming Control Board Hearing Office for action in accordance with this decision.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 13th DAY
OF April 2004
APPEAL DOCKET CLERK