



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DALE A. HALL
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

Rehearing

**IN RE: LANDS CARSON, INC. D/B/A KELLEGAN'S
NO. 2600101105**

The matter before the Louisiana Gaming Control Board is Lands Carson, Inc. d/b/a Kellegan's ("Kellegan's") request for a rehearing of the revocation of its Type 1 video gaming license.

By letter dated March 26, 2013, a "Notice of Recommendation of Revocation" was sent to Kellegan's by certified mail to its mailing address on record. The letter was received on April 2, 2013, as evidenced by the signed and dated return receipt of certified mail. The recommendation was based on the failure of the licensee and Jean A. Geraci, President/Treasurer, to remain current in the filing or payment of state taxes, and the failure of the licensee to remain current in the filing or payment of federal taxes. The notice advised that the licensee had 10 (ten) days to request a hearing and that failure to timely request a hearing would result in the revocation of its license without further proceedings.

The licensee did not request a hearing. By letter dated April 17, 2013, the licensee was notified that its license was revoked. The licensee timely filed a request for rehearing.

LEGAL ANALYSIS

Louisiana Revised Statute 49:959 provides the grounds for an agency rehearing, reopening, or reconsideration as follows:

- 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.
- B. The petition of a party for rehearing, reconsideration, or review, and the order of the agency granting it, shall set forth the grounds which justify such action. Nothing in this Section shall prevent rehearing, reopening or reconsideration of a matter by any agency in accordance with other statutory provisions applicable to such agency, or, at any time, on the ground of fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence. On reconsideration, reopening, or rehearing, the matter may be heard by the agency, or it may be referred to a subordinate deciding officer. The hearing shall be confined to those grounds upon which the reconsideration, reopening, or rehearing was ordered. If an application for rehearing shall be timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application.

Kellegan's requests the opportunity to introduce new evidence that all tax matters have been cleared.

The Division argues that there are no grounds for a rehearing or reconsideration. Kellegan's had ample opportunity to present evidence of its tax status prior to revocation and failed to do so. At the time of revocation, the licensee was not suitable due to its failure to have all required tax clearances.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of May 16, 2013:

IT IS ORDERED THAT the request for rehearing is **DENIED**.

THUS DONE AND SIGNED on this the *16th* day of *May*, 2013.

<p>LOUISIANA GAMING CONTROL BOARD I HEREBY CERTIFY THAT A CERTIFIED COPY HAS BEEN MAILED OR SERVED BY THIS DATE <u>May 20th 2013</u> APPEAL DOCKET CLERK <i>[Signature]</i></p> <p>LGCB-2190-13-C</p>	<p style="text-align: center;">LOUISIANA GAMING CONTROL BOARD</p> <p style="text-align: center;">BY: <u><i>[Signature]</i></u> VELMA C. ROGERS, VICE-CHAIRMAN</p>
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