



# 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: 1-20 PROPERTIES, INC. D/B/A COPA CASINO NO. VP0906503076

This is an appeal by I-20 Properties, Inc. d/b/a Copa Casino ("Copa Casino") from the decision of the Hearing Officer of the Louisiana Gaming Control Board ("Board") suspending its Type V (truck stop) video gaming license "until it meets all criteria and requirements to be licensed, namely, providing an on-site restaurant on its premises."

The Louisiana State Police, Video Gaming Division ("Division"), recommended the suspension of Copa Casino's video gaming license based on its failure to have a restaurant which meets the requirements of the Video Draw Poker Devices Control Law, 27:301 et seq. The Division based its recommendation on Copa Casino's failure to operate a fully operational kitchen and to offer a variety of prepared food products.

#### FINDINGS OF FACT

The Hearing Officer made the following findings which we adopt:

On October 24, 2002 at approximately 1:15 a.m. Trooper Michael Linn conducted a compliance check at the Licensee's premises at 8501 Hwy. 80 W., Greenwood, Louisiana. Upon entering the restaurant area of the premises, he saw a sign stating:

Please See Cashier-Casino  
Try One of Our  
Ready Made  
Sandwiches  
Includes bag chips and drink \$3.95<sup>1</sup>

The sandwiches consisted of three choices, a Canadian bacon, egg and cheese muffin; a cheeseburger; and a sausage, egg and cheese biscuit, all wrapped in freezer paper to be heated in a microwave oven.

Trooper Linn testified that Mrs. Davis, the casino cashier, advised him that the cooks had been dismissed several days prior to the compliance inspection and the menu was the only food available for purchase. Trooper Linn issued two violations, one for not having a Designated Representative on the premises and secondly, for not operating a kitchen for the preparation of uncooked foods for on-premises or immediate consumption as required by ... La. R.S. 27:301(B)(12)(e). The Designated Representative violation was subsequently dismissed after verifying that a Designated Representative was on the premises.

...

Subsequent compliance visits were performed on November 14, 2002, February 18, 2003, April 14, 2003 and June 3, 2003. In February, the Licensee was offering Stouffer's foods. Finally in June, the Licensee was providing cooked hamburgers. (Footnotes omitted.)

### LEGAL ANALYSIS

Chapter 6 of Title 27 contains provisions for the regulation of video draw poker.

Louisiana Revised Statute 27:301(B)(12) contains the definition of restaurant which shall be used throughout Chapter 6 and provides as follows:

**(B) As used in this Chapter**, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

(12) "Restaurant" means an operating establishment primarily engaged in the retail sale of prepared foods for on-premises or immediate consumption that meets all of the following criteria:

(a) Has been granted a Class A-General retail permit or a Class A-Restaurant permit, as defined in Part II of Chapter 1 or Part II

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<sup>1</sup> The Division's Exhibit 3 and testimony reflect the price to be \$3.25.

of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, for the sale of alcoholic beverages for on-premises consumption.

- (b) Serves food during the hours it is open to the public.
- (c) Derives at least sixty percent of its monthly gross revenues from the sale of food, food items, and nonalcoholic beverages.
- (d) Maintains financial records that segregate alcoholic beverages sales from food sales.
- (e) **Operates a fully equipped kitchen which includes but is not limited to a range, an oven, and refrigerated storage appliances used for the preparation of uncooked foods for on-premises or immediate consumption.** (Emphasis added.)

Louisiana Revised Statute 27:306 (A)(4)<sup>2</sup> is found in Chapter 6 and contains the criteria which a truck stop must meet to be granted a video gaming license, as follows in pertinent part:

4 (a) A person owning a qualified truck stop facility may be granted a license for the placement of not more than fifty video draw poker devices in his facility based on the fuel sales as provided in Subparagraph (b) of this Paragraph, in an area separated for adult patronage only, of all other requirements of this Chapter are met. There shall be only one license granted for the operation of video draw poker devices at each qualified truck stop facility.

...

(c) As used in this Section a qualified truck stop facility shall mean a facility covering at least five developed contiguous acres which sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts for eighteen-wheel tractor-trailers, and **which also meets all of the following criteria:**

...

- (ii) It must have an on-site **restaurant** with all of the following features:
  - (aa) Provides seating for at least fifty patrons.
  - (bb) Provides full table service for sit-down meals.
  - (cc) Is open twenty-four hours a day.
  - (dd) Offers a varied menu.

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<sup>2</sup> Louisiana Revised Statute 27:306(A)(4)(c)(ii)(cc) was amended in the 2003 Regular Session by Act. No. 1289 to require truck stop restaurants to be open only twelve (12) hours a day.

...

Louisiana Revised Statute 27:306 further provides that **“Any person applying for a truck stop facility license must meet all requirements provided by this Chapter and must have fuel sales reports and verifiable fuel tickets which indicate average fuel sales of sufficient gallons, as required by this Chapter, for the ninety days immediately prior to licensing.”** La. R.S. 27:306 (A)(7)(a). Emphasis added.

A qualified truck stop facility must have a restaurant as defined in La. R.S. 27:301 which meets the criteria of 27:306(A)(4). A truck stop restaurant must operate **“a fully equipped kitchen which includes but is not limited to a range, oven, and refrigerated storage appliances used for the preparation of uncooked foods for on-premises or immediate consumption.”** La. R.S. 27:301 (B)(12).

Operating a fully equipped kitchen includes the preparation of **“uncooked food.”** Is food prepared from its raw state offsite which is thawed and/or heated at a truck stop restaurant considered **“uncooked food”** prepared for on-premises or immediate consumption for purposes of the Video Draw Poker Devices Control Law, La. R.S. 27:301 et seq.? No. Uncooked food connotes food that is raw not simply food that is ready to eat but frozen or unheated. The Stouffers meals and the pre-prepared sandwiches offered by Copa Casino is not uncooked food as contemplated by La. R.S. 27:301 (B)(12).

We find that Copa Casino did not have a restaurant that met the definition in La. R.S. 27:301(B)(12) and thus did not meet the requirements of a qualified truck stop facility for the operation of video gaming devices. La. R.S. 27:306.

In considering the penalty of suspension, we note that the licensee was not in compliance with the requirements of the video gaming law for at least eight (8) months from October 2002 until June 2003.

## ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of October 21, 2003:

**IT IS ORDERED THAT** I-20 Properties, Inc. d/b/a Copa Casino's license, No. 0906503076, is **SUSPENDED** for seven (7) months beginning October 21, 2003.

**THUS DONE AND SIGNED** on this the 22 day of October, 2003.

**LOUISIANA GAMING CONTROL BOARD**

**BY:**

  
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**HILLARY J. CRAIN, CHAIRMAN**

**LOUISIANA GAMING CONTROL BOARD**  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 23 DAY  
OF October, 2003

**APPEAL DOCKET CLERK**  
