



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: YOLANDA Y. WRIGHT
NO. P040024274

This is an appeal by Yolanda Y. Wright from the decision of Joseph E. Anzalone, Jr., Hearing Officer for the Louisiana Gaming Control Board, rendered on June 25, 2002, upholding the denial of renewal of her non-key gaming employee permit by the Louisiana State Police, Casino Gaming Division.

Based on the facts and for the reasons assigned by the Hearing Officer which we hereby attach to this decision and adopt as our own, we conclude that the decision of the Hearing Officer should be affirmed.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of August 20, 2002:


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

THUS DONE AND SIGNED this the 21st day of August, 2002.

LOUISIANA GAMING CONTROL BOARD

BY:


HILLARY J. CRAIN, CHAIRMAN

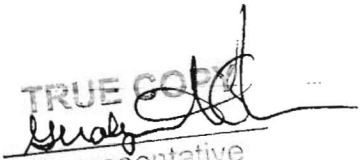
LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 20th DAY
OF August 2002

APPEAL DOCKET CLERK

**STATE OF LOUISIANA
GAMING CONTROL BOARD**

**ADMINISTRATIVE HEARING
MAY 14, 2002**

**HEARING OFFICER
JOSEPH E. ANZALONE, JR.**

**IN RE: YOLANDA Y. WRIGHT
PO40024274**

TRUE COPY

Representative
Louisiana Gaming Control Board

IN RE: YOLANDA Y. WRIGHT
P040024274

APPEARANCES:

For the State of Louisiana:
Ms. Shana Broussard
Assistant Attorney General
339 Florida Street
Suite 500
Baton Rouge, La. 70801

For Yolanda Y. Wright:
In Proper Person
1815 Perrin Street
Shreveport, La. 71101

STATEMENT OF THE CASE:

The Louisiana State Police, Riverboat Casino Division ("Division") seeks to deny Yolanda Wright a renewal of her non-key gaming employee permit. The basis for denial is Ms. Wright's arrest and subsequent guilty pleas in March 1997 for simple battery and aggravated assault, which render her statutorily disqualified.

STATE'S EVIDENCE AND CONTENTIONS:

The State has offered, filed, and introduced into evidence an exhibit file marked S-1 (in globo) and containing the following exhibits:

1. Notice of Denial dated April 3, 2002;
2. Non-Key Gaming Employee Permit Renewal Application submitted February 7, 2002;
3. Bill of information from Shreveport City Court dated March 9, 1997
 - a. Aggravated Assault
 - b. Simple Battery
4. Arrest Report for Yolanda Y. Wright dated March 9, 1997, reflecting that Ms. Wright was arrested for aggravated assault and simple battery;
5. Victim Supplement from Shreveport Police Department dated March 9, 1997;
6. Certified court documents from Shreveport City Court dated April 8, 1997, reflecting that Ms. Wright pled guilty to aggravated assault and was subsequently sentenced and not fined. Additional minutes confirm that Ms. Wright pled guilty to simple battery and paid a fine in the amount of \$250.00 plus costs;

Division agent, Administrative Sergeant Michael Harrell, testified he reviewed Ms. Wright's renewal application and found that her criminal history rendered her statutorily disqualified under La. R.S. 27:28(B)(1)(e). Additionally he sent a Notice of Denial of Renewal to Ms. Wright.

LICENSEE'S EVIDENCE AND CONTENTIONS:

Ms. Wright submitted no written documentation but testified regarding the circumstances of her criminal charges. Ms. Wright further testified that at the time of her arrest Division agents questioned her, but that she disclosed the arrest on her renewal applications. Ms. Wright's non-key gaming employee permit expired April 3, 2002.

FINDINGS OF FACT:

This court finds that Ms. Yolanda Y. Wright was arrested and charged with simple battery and aggravated assault on March 9, 1997. Ms. Wright pled guilty to both charges and paid fines in the amount of \$300.00 and \$250.00 respectively. Ms. Wright disclosed her criminal history on renewal applications submitted after the arrest.

APPLICABLE LAW:

La.R.S.27:28 provides in pertinent part::

(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 disqualified on the basis of any of the following criteria:

- (1) The conviction or plea of guilty or nolo contendere by the applicant or any person required to be suitable under the provisions of the Title for any of the following:
- (2) The applicant has current prosecution of or pending charges for an offense of a Crime of Violence defined in R.S. 14:2(13).

La.R.S. 14:2(13)(g) provides in pertinent part:

(13) "Crime of violence means an offense that has, as an element the use, attempted use, or threatened use of physical force against the person or property of another, and that, but its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offense and attempts to commit any of them are included as "crimes of violence."

(g) Aggravated assault

La. R.S.14:35 Simple battery

Simple battery is battery committed without the consent of the victim.

Whoever commits a simple battery shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

REASONS FOR DECISION:

La. R.S.27:28(B)(1)(e) as amended, effective July 2, 2001, provides that the conviction of an applicant for a crime of violence as defined in La. R.S. 14:2(13) renders that applicant statutorily disqualified and unsuitable for holding a non-key gaming employee permit.

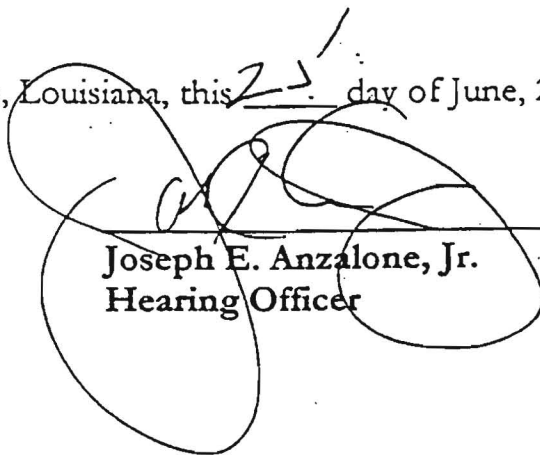
Ms. Wright no longer meets the suitability requirements specified in the statutes, and because of her criminal history, she is statutorily disqualified and ineligible for renewal of her non-key gaming employee permit.

IN RE: YOLANDA Y. WRIGHT
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JUDGMENT

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Yolanda Y. Wright be DENIED a renewal of her non-key gaming employee permit.

Baton Rouge, Louisiana, this 25th day of June, 2002.


Joseph E. Anzalone, Jr.
Hearing Officer

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 25th DAY
OF June 2002
[Signature]
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Yolanda Y. Wright
Shana Broussard, Esq.
Lt. George Dean

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 6/25/02
[Signature]
BY: CLERK