



State of Louisiana
Gaming Control Board

JOHN BEL EDWARDS
GOVERNOR

RONNIE JONES
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**
Rehearing

**RE: JOHNETTE J. STAES
NO. P040063243**

The matter before the Louisiana Gaming Control Board ("Board") is a Motion for Reconsideration and Rehearing of the Board's decision dated July 21, 2016, reversing the Hearing Officer's decision revoking Johnette J. Staes' non-key gaming employee permit. The motion was filed by the State of Louisiana, Office of State Police, Gaming Enforcement Division (the "Division").

LEGAL ANALYSIS

Louisiana Revised Statute 49:959 enumerates the grounds upon which an agency may rehear, reopen, or reconsider 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.

The Division alleges two grounds for reconsideration. The first is that the Board's decision is clearly contrary to the law and the evidence. The second basis is that there are additional good reasons for further consideration of the issues and evidence.

The Division maintains that the record supports the Hearing Officer's decision; the Board improperly considered factors that were not a part of the record in reaching its decision; and thus, the Board's decision is clearly contrary to the law and evidence.

The Division also posits that a Board member's personal relationship with the appellant's family bore on his decision and deprived the Division of fair and impartial consideration of the law and evidence. The Division asks that the Board member recuse himself from consideration of this matter.

The Division has presented grounds for reconsideration. We will grant the motion.

There may have been confusion as to the basis for our decision. Additional facts, which were not part of the record, were presented at the Board meeting. The party providing the information was not under oath and was not subject to cross examination. In the interest of fairness, we will remand this matter to the Hearing Officer. Either party may provide additional testimony under oath and subject to cross examination and produce additional evidence after which the Hearing Officer would render a decision which could be appealed to the Board.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of August 25, 2016:

IT IS ORDERED THAT the Motion for Reconsideration and Rehearing is **GRANTED** and, upon reconsideration, this matter is **REMANDED** for the purpose and reasons set forth in this decision.

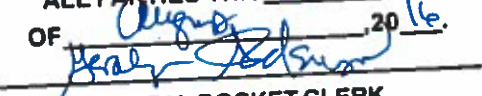
THUS DONE AND SIGNED on this the *25th* day of *August, 2016*.

LOUISIANA GAMING CONTROL BOARD

BY:



RONNIE JONES, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS *26th* DAY
OF *August*, 20 *16*.


APPEAL DOCKET CLERK