



## 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: FRANK SAGONA, III  
PO40028654

The sole basis for seeking to deny the renewal of this permit is that legislation enacted after appellant was initially permitted changed the qualification criteria for persons employed in non-key positions in the riverboat gaming industry. Prior to the effective date of the legislation, misdemeanor theft, or misdemeanor crimes involving false statements or declarations did not automatically disqualify an individual from obtaining an employee permit. Act 1384 of 1999, made those offenses disqualification criteria under La. R.S. 27:76, but also provided a 10 year cleansing period. Prior to Act 1384 of 1999, several individuals who had either pled guilty or nolo contendere to or been convicted of one of these enumerated offenses applied for a permit under the Riverboat Act. They were found suitable, even after having taken their disclosed criminal history into consideration. They were permitted and worked as nonkey employees without incident. As a result of Act No. 1384 of 1999, those persons were statutorily disqualified if less than 10 years had elapsed between the date of application and successful completion of sentence, deferred adjudication or period of probation or parole. Rather than seeking to revoke a permit during its term, the Act was given prospective application and the affected individual's permit was denied only at the time of renewal.

Being aware that legislation had been introduced during the recent legislative session which might

again change the qualification/disqualification criteria of La. R.S. 27:76(A)(3), we continued this appeal until after the conclusion of the legislative session.

During the Regular Legislative Session of 2001, Act No. 1222 was enacted, effective July 2, 2001. La. R.S. 27:76 was repealed and its subject matter is now contained in La. R.S. 27:28. Although the misdemeanor criminal offenses to which the appellant pled guilty remain statutory disqualification criteria, the ten year cleansing period was reduced to five years. Under the new legislation, appellant is not statutorily disqualified.

Because appellant was automatically disqualified at the time of renewal, appellant should be allowed to withdraw the pending application and submit another renewal application without additional fee within 30 days of this decision. Upon this occurrence his permit should be renewed provided there are no other grounds for denial. Appellant should be allowed to continue employment during the interim.

### **ORDER**

This matter having been considered by the Louisiana Gaming Control Board in open meeting of July 17, 2001:

**IT IS ORDERED THAT** the Hearing Officer's decision is **REVERSED** and that the Division accept the withdrawal and re-submission without additional fee of Mr. Sagona's renewal application within 30 days of this decision. Upon this occurrence Mr. Sagona's non-key riverboat gaming employee permit should be renewed if there are no other grounds for denial.

**THUS DONE AND SIGNED** this 18<sup>th</sup> day of July, 2001.

**LOUISIANA GAMING CONTROL BOARD**

**LOUISIANA GAMING CONTROL BOARD**  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 19<sup>th</sup> DAY  
OF July, 2001  
APPEAL DOCKET CLERK  
*Geraldine A. Culman*

BY:

  
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**HILLARY J. CRAIN, CHAIRMAN**