



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: JERRY W. LANGLEY
NO. I160007565

This is an appeal by Jerry W. Langley from the decision of William H. Brown, Hearing Officer for the Louisiana Gaming Control Board, rendered on June 26, 2001, upholding the revocation of his State Certification by the Louisiana State Police, Indian 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 September 18, 2001:

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

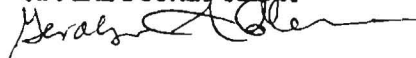
THUS DONE AND SIGNED this 18th day of September, 2001.

LOUISIANA GAMING CONTROL BOARD


HILLARY J. CRAIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD BY:
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 19th DAY
OF September, 2001

APPEAL DOCKET CLERK



STATE OF LOUISIANA
GAMING CONTROL BOARD
ADMINISTRATIVE HEARING
JUNE 26, 2001

WILLIAM H. BROWN
HEARING OFFICER

IN RE: JERRY W. LANGLEY

NO. I160007565

TRUE COPY
[Handwritten Signature]
Representative
Board

IN RE: JERRY W. LANGLEY

NO. I160007565

APPEARANCES:

**For the State of Louisiana
James Smith
Assistant Attorney General
339 Florida Street, Suite 500
Baton Rouge, LA 70801**

**Jerry W. Langley
Proper Person
451 Elam Langley Road
Kinder, Louisiana 70648**

STATEMENT OF THE CASE:

On April 24, 2001 the Louisiana State Police Indian Casino Gaming Division ("Division") notified Jerry W. Langley that his State Certification was being suspended inasmuch as the Coushatta Tribal Gaming Commission had suspended his Tribal License as of April 3, 2001. Subsequently, on June 14, 2001 the Division notified Mr. Langley his State Certification was revoked since his Tribal License were suspended and his having had his State Certification revoked previously in 1998.

Mr. Langley requested an administrative hearing, which was scheduled for June 26, 2001.

STATE'S EXHIBITS:

The State introduced the following exhibits:

- A. Notice of Hearing
- B. Request for Hearing
- C. Notice of Suspension dated April 24, 2001
- D. Notice of Revocation dated June 14, 2001
- E. Notice of Suspension of Tribal License dated April 3, 2001
- F. Report of results of Drug Test
- G. Grand Casino Coushatta Policy and Procedure Manual
- H. Document confirming State Certification for Mr. Langley for 1/301 to 1/302
- I. Letter from Steward John, Chairman of the Coushatta Tribal Gaming Commission to Lt. Guy Barnett, dated March 31, 1998
- J. Notice of Revocation from Louisiana State Police Indian Casino Gaming Division to Jerry Langley, dated April 6, 1998
- K. Letter from Larry D. Williams Coushatta Tribal Gaming Commission to Lt. Guy Barnett, dated June 25, 1998

L. Memo from Lt. Guy Barnett to Larry D. Williams, Coushatta Tribal Gaming Commissioner, dated June 26, 1998

APPLICANT'S EXHIBIT:

Mr. Langley introduced the following exhibit:

Langley-1 Letter from Coushatta Health Department dated June 5, 2001; Jeff Davis Chemical Health Treatment Plan #1; Schedule with notation from Dale Broussard, BCSAC

FINDINGS OF FACT:

On March 17, 1998 Mr. Langley was employed as an inspector by the Grand Casino Coushatta. He was terminated from the Tribal Gaming Commission on March 27, 1998 as the result of testing positive for cocaine in a random drug test. The Division revoked Mr. Langley's State Certification by notice of April 6, 1998.

Subsequently on June 25, 1998 Mr. Larry D. Williams, Tribal Gaming Commissioner of the Tribal Gaming Commission, Coushatta Tribe of Louisiana, wrote Lt. Guy Barnett stating that although Mr. Langley had successfully completed an inpatient treatment program approximately two years prior to the present incident, he agreed to follow through with the recommendations of the Tribal Gaming Commission and had done so. Mr. Williams further stated that the Tribal Gaming Commission would like for Mr. Langley's State Certification to be considered for reinstatement.

After receiving the June 25, 1998 letter from Mr. Williams, Lt. Guy J. Barnett wrote Mr. Williams on June 26, 1998 advising that the Division will concur with the Commission's recommendation and will reinstate Mr. Langley's State Certification. Lt. Barnett's response includes this statement, "Should Mr. Langley violate casino policy and/or provisions of the Compact at anytime, Mr. Langley's certification will be immediately revoked".

Grand Casino's Alcohol and Drug Policy Manual provide for random drug testing of its employees. A random drug test was performed on Mr. Langley on March 18, 2001 in which he tested positive for cocaine metabolite. On April 3, 2001 the Commission suspended Mr. Langley's Tribal License for having failed the drug test.

Upon receipt of the Commission's notice of suspension, the Division issued its Notice of Suspension on April 24, 2001. Subsequently, the Division investigated its records and found a prior suspension and Lt. Barnett's letter of June 26, 1998. After reviewing the June 26th letter, the Division issued its Notice of Revocation on June 14, 2001.

Mr. Langley testified after the 1998 suspension he did not enter any alcohol and drug programs but basically followed Mr. Williams's advice by letting him handle the situation.

APPLICABLE LAW:

The Tribal/State Compacts in effect between the federally recognized tribes of Louisiana and the State of Louisiana provides that an application for State Certification may be revoked, suspended, or denied for any reason it deems to be in the public interest. These reasons include, but are not limited to when an applicant for or holder of State Certification:

Section 7(C)(1)(h) Has had a Tribal license revoked, suspended, or denied.

Section 7(C)(1)(i) Has demonstrated a willful disregard for compliance with the gaming regulatory authority in any jurisdiction. The suspension, revocation, forfeiture of any license, certification, and other civil penalties may demonstrate a willful disregard for compliance.

Section 7(C)(1)(n) Has created or fostered an appearance of impropriety by virtue of their present or past activities, criminal record, reputation, habits, associations, or has otherwise engendered a situation which threatens the public interest in the integrity of gaming, the effectiveness of gaming regulation and control, or in fair and lawful practices, methods, and financial arrangements in gaming.

REASONS FOR JUDGMENT:

In the past, this Hearing Officer has recommended issuance of State Certification when the applicant's past reflected drug abuse and the successful completion of a drug rehabilitation program. Mr. Langley's past, according in the June 25, 1998 letter of Larry D. Williams¹, includes an inpatient treatment program in approximately 1996, the suspension for drug abuse in 1998 and now the present alleged violation of March, 2001. It is alarming that no effort was made to seek entry in a drug rehabilitation program in 1998. Failure to do so has merely postponed Mr. Langley's realization that he needs professional treatment.

Mr. Langley submitted a June 5, 2001 letter from the Coushatta Health Department stating he has attended weekly counseling sessions and the Jeff Davis Chemical Health intensive outpatient services. This is the first step toward rehabilitation, however, this Hearing Office can not recommend State

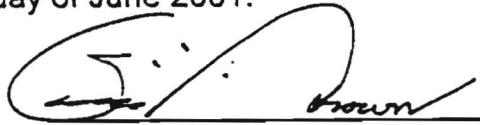
¹ State Exhibit-K

Certification for Mr. Langley. Besides having his Tribal License suspended, Mr. Langley's conduct has created an appearance of impropriety by virtue of his use of illegal drugs. Mr. Langley's past behavior will threaten the public interest in the integrity of gaming. I do not find Mr. Langley has proven his entitlement to receive State Certification.

ORDER

IT IS ORDERED THAT the Louisiana State Police Indiana Casino Gaming Division's revocation of Jerry W. Langley's State Certification is affirmed.

Baton Rouge, Louisiana this 26th day of June 2001.



William H. Brown
Hearing Officer
Louisiana Gaming Control Board

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 26th DAY
OF June 2001
[Signature]
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Jerry Langley
James Smith, Esq.
Lt Guy Barnett

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 6-26-01
[Signature]
BY: CLERK