



# State of Louisiana

KATHLEEN BABINEAUX BLANCO  
GOVERNOR

Gaming Control Board

H. CHARLES GAUDIN  
CHAIRMAN

## DECISION OF THE LOUISIANA GAMING CONTROL BOARD

IN RE: AUSTIN FIRE EQUIPMENT, LLC  
NO. P080302609

This is an appeal by Austin Fire Equipment, LLC of the Hearing Officer's decision denying it a non-gaming supplier permit.

### ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of January 17, 2006:

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

**THUS DONE AND SIGNED** on this the 17<sup>th</sup> day of January, 2006.

LOUISIANA GAMING CONTROL BOARD

BY: H. Charles Gaudin / s/  
H. CHARLES GAUDIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 18<sup>th</sup> DAY  
OF January, 2006

APPEAL DIVISION CLERK  
Serally

**STATE OF LOUISIANA  
GAMING CONTROL BOARD**

**ADMINISTRATIVE HEARING  
SEPTEMBER 29, 2005**

**HEARING OFFICER  
WILLIAM H. BROWN**

**IN RE: AUSTIN FIRE EQUIPMENT, LLC  
#P080302609**

TRUE COPY  
  
Representative  
Louisiana Gaming Control Board

# **AUSTIN FIRE EQUIPMENT, L.L.C**

**NO. P080302609**

## **APPEARANCES:**

### **For the State of Louisiana**

**Christopher Hebert  
Assistant Attorney General  
1885 North 3<sup>rd</sup> St. Ste. 500  
Baton Rouge, LA 70802**

### **For Austin Fire Equipment, L.L.C.**

**Russell Ritchie  
Owner  
38027 Post Office Road  
Prairieville, LA 70769**

## **STATEMENT OF THE CASE:**

On April 26, 2005 Austin Fire Equipment, L.L.C., a Louisiana Limited Liability Company, made an application for a non-gaming supplier permit. Subsequently on September 19, 2005 the Louisiana Gaming Control Board issued a Notice of Recommendation of Finding of Unsuitability. This finding was based on Austin Fire Equipment, L.L.C.'s sole owner, Russell Ritchie, having entered a plea of guilty to a crime of violence as defined in R.S. 14:2(13).

## **STATE'S EXHIBITS:**

1. Notice of Recommendation of Finding of Unsuitability
2. Certified Mail Return Receipt
3. Certified Mail Return Receipt
4. Level II Business Application
5. Memorandum from Russell Ritchie
6. Commercial New Account Information Card from Hibernia National Bank
7. Key Gaming Employee Permit Application
8. Letter from State Police returning Level II Business Application
9. Personal Information-Russell Andrew Ritchie
10. Docket No. 54907, State of Louisiana v. Russell A. Ritchie
11. Offense Report from Hammond Police Department from Delchamps
12. Offense Report from Hammond Police Department
13. Arrest Report of Russell A. Ritchie from Hammond Police Department
14. Signed Consent to Questioning by Russell Ritchie
15. Taped Statement of Charles Graham
16. Sworn Statement of Sgt. Kim Barker
17. Bill of Information on No. 55073, State of Louisiana v. Russell A. Ritchie
18. Pre-Sentence Investigation
19. Minute Entry of Docket No. 55073-74
20. Motion to Expunge Criminal Records

21. Motion to Expunge Criminal Records
22. Sworn Statement of Sgt. Kim Barker on Case #87-8855
23. Bill of Information on No. 55696, State of Louisiana v. Russell A. Ritchie
24. Incident/Offense Report from Ascension Parish Sheriff's Office
25. Ascension Parish Sheriff's Office Arrest Report
26. Criminal Minute Entry from Ascension Parish Clerk of Court-Simple Battery

#### **APPLICANT'S EXHIBITS:**

Austin No.-1 (globo)-Six (6) Certificates

#### **FINDINGS OF FACT:**

On September 19, 2005 the Louisiana Gaming Control Board issued a Notice of Recommendation of Finding of Unsuitability in denying Austin Fire Equipment, L.L.C.'s application for a non-gaming supplier permit. The Notice cited a number of statutes, regulations and criminal history of Russell A. Ritchie, the sole owner of Austin Fire Equipment, L.L.C., in its reasons for denial.

In September 1987, Mr. Ritchie was arrested by the Hammond Police Department for attempted armed robbery and convicted felon in possession of a firearm. In December, 1987, a Bill of Information issued against Mr. Ritchie for attempted armed robbery and felon in possession of a firearm. In 1988, the charge of felon in possession of a firearm was dismissed and the charge of attempted armed robbery was amended to simple robbery. Mr. Ritchie entered a guilty plea to simple robbery and was sentenced to serve ten and one-half (10 ½) years with the Department of Correction. The sentence was suspended and Mr. Ritchie was placed on active, supervised probation for five (5) years with the special condition that he remain in college full time and maintain a ("C") average. Mr. Ritchie's probation ended in November 1993. During the time of his probation, Mr. Ritchie was arrested in March 1990 for possession of a controlled dangerous substance by the Baton Rouge Police Department; however, this charged was dismissed by the District Attorney. In September 2002, Mr. Ritchie was arrested for simple battery by the Ascension Parish Sheriff's Office. A plea of not guilty was entered and the case subsequently dismissed at the request of the victim.

Perhaps by divine intervention, Mr. Ritchie finally realized he had a lawful purpose in life. He has graduated from Louisiana State University with a degree in mechanical engineering; has become a Board certified Professional Engineer; married with a family and owns a successful business in the fire prevention services.

**APPLICABLE LAW:**

**La. R.S. 27:28H.(1):**

Any person who has or controls directly or indirectly five percent or more ownership, income, or profit or economic interest in an entity which has or applies for a license, or permit, or enters into a casino operating contract with the state pursuant to the provisions of this Title, or who receives five percent or more revenue interest in the form of a commission, finder's fee, loan repayment, or any other business expense related to the gaming operation, or who has the ability, in the opinion of the board, to exercise a significant influence over a licensee, the casino gaming operator, a permittee, or other person required to be found suitable pursuant to the provisions of this Title, shall meet all suitability requirements and qualifications pursuant to the provisions of this Title.

**La. R.S. 27:28A(1-4):**

- A. No person shall be eligible to obtain a license or permit, enter into a casino operating contract with the state, or obtain any other approval pursuant to the provisions of this Title unless he applicant has demonstrated by clear and convincing evidence to the board or division, where applicable, that he is suitable. For the purposes of this Title, "suitable" means the applicant, licensee, casino gaming operator, permittee, or other person is:
- (1) A person of good character, honesty, and integrity.
  - (2) A person whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the public interest of this state or in the effective regulation and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or carrying on of the business and financial arrangements incidental thereto.
  - (3) Capable of and likely to conduct the activities for which the applicant, licensee, permittee, casino gaming operator, or licensed eligible facility is licensed, permitted, or approved pursuant to the provisions of this Title.
  - (4) **Not disqualified pursuant to the provisions of Subsection B of this Section.**

**La. R.S. 27:28B(1)(e):**

- 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 who is disqualified on the basis of the following criteria:

(1) The conviction, or a plea of guilty or nolo contendere by the applicant or any person required to be suitable under the provisions of this Title for any of the following:

- (a) Any offense punishable by imprisonment of more than one year.
- (b) Theft or attempted theft, illegal possession of stolen things, or any offense or attempt involving the misappropriation of property or funds.
- (c) Any offense involving fraud or attempted fraud, false statements or declarations.
- (d) Gambling as defined by the laws or ordinances of any municipality, any parish or county, any state, or of the United States.
- (e) **A crime of violence as defined in R.S. 14:2(13).**

La. R.S. 27:28C(1) provides in part:

C.(1) In the awarding of a license, permit, casino operating contract, or other approval pursuant to the provisions of this Title, a conviction or plea of guilty or nolo contendere by the applicant shall not constitute an automatic disqualification as otherwise required pursuant to the provisions of Subparagraphs (a), (b), (c), and (d) of Paragraph (1) of Subsection B of this Section if:

- (a) Ten or more years has elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole; or
- (b) Five or more years has elapsed between the date of application and the successful completion of any sentence, deferred adjudication, or period of probation or parole and the conviction for an offense defined in R.S. 27:28(B)(1)(b) was a misdemeanor offense.

**(2) The provisions of Paragraph (1) of this Subsection shall not apply to any person convicted of a crime of violence as defined in R.S. 14:2(13).**

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

“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, by 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 offenses and attempts to commit any of them are included as “crimes of violence”:

- (y) Simple robbery

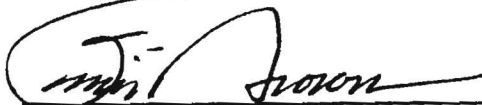
**REASONS FOR JUDGMENT:**

Russell Ritchie is the sole owner of Austin Fire Equipment, L.L.C., the applicant for a non-gaming supplier permit. As sole owner, it is necessary that Mr. Ritchie pass the suitability test set forth in R.S. 27:28. Inasmuch as Mr. Ritchie has been convicted of a "crime of violence", simple robbery, the cleansing statute, R.S. 27:28(C) is not applicable.

**ORDER**

Considering Austin Fire Equipment, L.L.C.'s sole owner, Russell Ritchie, can not pass the suitability requirements of R.S. 27:28, this Hearing Officer concurs in the recommendation of the Louisiana Office of State Police that Austin Fire Equipment, L.L.C.'s application for a non-gaming supplier permit be denied.

Baton Rouge, Louisiana this 29<sup>th</sup> day of September 2005.

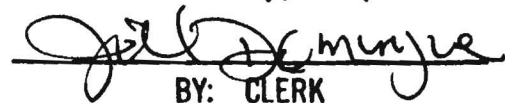


William H. Brown  
Hearing Officer

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 29<sup>th</sup> DAY  
OF September, 2005  
Jill Demunje  
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Russell Ritchie  
Christopher Aebert  
Sgt. Deland Falcon

A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA 9/29/05

  
BY: CLERK