



## 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: DONNELL PAYNE  
NO. P040040713

## RULING ON APPLICATION FOR REHEARING

The matter before the Louisiana Gaming Control Board ("Board") is a request for rehearing of the revocation of Donnell Payne's non-key gaming employee permit, No. P040040713.

A "Notice of Recommendation of Revocation" was sent by certified mail to the permittee. It was received on June 26, 2003, as evidenced by the signed return receipt. The recommendation was based on the alleged failure of Mr. Payne to file state tax returns and pay state taxes owed. The permittee was notified that he had 10 days to request an administrative hearing regarding the recommendation and informed that failure to request a hearing would result in the revocation of his permit without further proceedings.

The permittee did not request a hearing. As a result, on July 22, 2003, the Board issued a "Notice of Revocation." The notice was received by the permittee on August 6, 2003, as evidenced by the signed return receipt of the certified mailing. Mr. Payne timely requested a rehearing of the revocation.

Mr. Payne contends that after receiving the "Notice of Recommendation of Revocation," he visited the Louisiana Department of Revenue and received a tax clearance on July 2, 2003. He assumed he need do nothing else with regard to the recommendation of revocation of his permit because the matter was resolved and all documents had been submitted.

## LEGAL ANALYSIS

Louisiana Revised Statutes 49:959 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.

“Adjudication” is defined as the agency process for the formulation of a decision or order.

La. R.S. 49:951(1).

Donnell Payne has presented grounds for reconsideration. Therefore, this matter will be forwarded to the Louisiana Gaming Control Board Hearing Office for the scheduling of an administrative hearing on the “Notice of Recommendation of Revocation” before the Hearing Officer where evidence may be introduced and a determination can be made as to the appropriate action to be taken.

# ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of August 19, 2003:

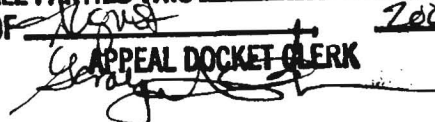
**IT IS ORDERED THAT** the request for rehearing is **GRANTED** and the matter is **FORWARDED** to the Louisiana Gaming Control Board Hearing Office for action in accordance with this decision.

**THUS DONE AND SIGNED** on this the 19<sup>th</sup> day of August, 2003.

**LOUISIANA GAMING CONTROL BOARD**

**BY:**

  
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**HILLARY J. CRAIN, CHAIRMAN**

**LOUISIANA GAMING CONTROL BOARD**  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 20<sup>th</sup> DAY  
OF August 2003  
  
**APPEAL DOCKET CLERK**