

LOUISIANA GAMING CONTROL BOARD
Minutes of August 17, 1999

APPROVED

9/21/99

The Louisiana Gaming Control Board held a meeting on Tuesday, August 17, 1999, 10:00 a.m., in House Committee Room 6 of the Louisiana State Capitol. In attendance were board members Hillary J. Crain, Chairman, Robert M. Fleming, Vice-Chairman, James Boyer, Marcia Morgan, Dudley Lastrapes, and Rupert Richardson and ex-officio member Sec. Brett Crawford. Absent were board members Ralph Perlman, Sherian Cadoria, Ecotry Fuller, and ex-officio member Col. W.R. "Rut" Whittington.

Chairman Crain called the meeting to order. The first item was revenue reports. Mr. Robert Tucker, state police Riverboat Gaming Division, presented the monthly riverboat revenue report. Mr. Mike Legendre, state police Video Gaming Division, presented the monthly statistics for video poker, and Hugh McKnight, state police Indian Gaming Division, reported on the quarterly parish contributions in Indian gaming.

The next item on the agenda was a petition from River Bend Truck Stop for a declaratory ruling on three issues with reference to a proposed truck stop being located in St. John Parish near a vo-tech school. Representing the truck stop was Mr. Wade Duty, and Mr. Leonce Gautreaux, Asst. Attorney General, spoke on behalf of the state.

Following the presentation, it was moved by Vice Chairman Fleming to declare a vo-tech school a school. That motion was seconded by Mr. Boyer and unanimously approved by the Board.

With reference to the second issue of the structure being within 500 feet of a school, it was moved by Vice-Chairman Fleming to declare that the truck stop facility was located within 500 feet of a school. That motion was seconded by Ms. Richardson and unanimously approved by the Board.

The Board then acted upon a Petition for Declaratory Ruling on leasing fuel facilities at truck stops. Mr. Gus Bourgeois and Representative Martini spoke on behalf of the truck stop, and Mr. Leonce Gautreaux, Asst. Attorney General, represented the state.

It was moved by Mr. Boyer that the board declare that La. R.S. 27:306 A(5)(d) prohibits truck stops leasing their fuel facilities. That motion was seconded by Ms. Richardson and unanimously approved by the Board.

The Chairman called upon Mr. Jay Quinlan, Asst. Attorney General, to discuss the petition for approval of preopening events and proration of the first day's payment for the land based casino. Representing Jazz Casino Corporation were attorneys Kevin Colomb and David Satz. Discussion was had concerning the preopening events and proration of the first days payment provided it is made up during the first 365 days.

Following the presentation, it was moved by Mr. Boyer to approve the preopening events and the proration of the first day's payment. That motion was seconded by Mr. Lastrapes and unanimously approved by the board.

The next item was approval of hotel contracts that Jazz Casino Corporation has entered into for various events. Those include Windsor Court, Meridien Hotel, Double Tree, Sheraton, Westin Canal Place, and Windham Riverfront.

Continuing with the agenda was a petition from St. Charles Gaming and Grand Palais for modification of their procurement and employment conditions. Representing St. Charles Gaming and Grand Palais was Ms. Janet Boles.

After discussion, the Board decided to pass on this item until a later date.

The Chairman called upon Mr. Raymond Lamonica, special Asst. Attorney General and Mr. Jay Quinlan, Asst. Attorney General to report on the conditional renewal of the Showboat Star Partnership. Assisting Mr. Lamonica and Mr. Quinlan with this report were members of the Louisiana State Police.

Mr. Lamonica stated that he was filing a pleading with the Board which contained grounds to deny the renewal of Players license, or to further conditionally renew the license with conditions that would deter similar conduct. He requested that the Board, based on this pleading, issue a formal notice to Players of the filing of the report and afford Players time to respond and request a hearing. Mr. Lamonica also requested that the Board extend Players conditional renewal pending disposition by this Board.

It was moved by Vice-Chairman Fleming to accept Mr. Lamonica's recommendation to issue notice to Players to allow them to initiate the hearing process. That motion was seconded by Ms. Morgan and unanimously approved by the Board. Mr. Lastrapes made a motion to extend the conditional license pending disposition on the report. That motion was seconded by Mr. Boyer and unanimously approved by the Board. Ms. Richardson made a motion to authorize the Chairman to hold any conference meetings necessary to carry out the legal proceedings in order to conduct the hearing before the Board. Her motion was seconded by Ms. Morgan and unanimously approved by the Board.

Mr. Walt Evans, associate general counsel for Hollywood Casino Corporation, updated board members on the progress of the Hollywood Casino (formerly QNOV) project.

Next on the agenda was a request from L.C.C.I, d/b/a Casino Rouge, for an extension until the October board meeting for their buy-out approval. Representing L.C.C.I. was Mr. Beaver Brantley. Ms. Richardson made a motion to grant the extension. Her motion was seconded by Ms. Morgan and unanimously approved by the Board.

Vice-Chairman Fleming moved to go into Executive Session. His motion was seconded by Mr. Boyer and unanimously approved by the Board.

Following the Executive Session, the Board returned to the Regular Session.

The next item on the agenda was Rulemaking.

Mr. Tom Warner, Asst. Attorney General, addressed the Board concerning the following rules: 42:III.119, Reciprocity; 42:III.120, Applications and forms, licensees and permittees; and 42:XI.2405, license terms and renewals.

Following his presentation, it was moved by Ms. Richardson to initiate the rulemaking process for the adoption of rules 42:III.119 and 42:III.120, and to amend 42:XI.2405. That motion was seconded by Mr. Boyer and unanimously approved by the Board.

The Board acted upon appeals, recommendations, and proposed settlements in the following cases:

1. **In Re: Barksdale Sports & Deli - No. 0801210247** (rehearing) - Motion by Mr. Lastrapes to grant the rehearing and remand the case back to the hearing officer to decide the issues. That motion was seconded by Ms. Morgan and unanimously approved by the Board.
2. **In Re: O.D.W. Enterprises, Inc. - No. P081001168** - Motion by Mr. Boyer to remand the case back to the hearing officer for a rehearing. That motion was seconded by Ms. Richardson and unanimously approved by the Board.
3. **In Re: Queens Restaurant - No. 3601210333** - Motion by Mr. Boyer to continue the matter until the September Board Meeting. That motion was seconded by Mr. Lastrapes and unanimously approved by the Board.

There were no public comments at this meeting.

There being no further business, it was moved by Mr. Lastrapes to adjourn. That motion was seconded by Ms. Morgan and unanimously approved by the Board.