



State of Louisiana
Gaming Control Board

JOHN BEL EDWARDS
GOVERNOR

MICHAEL NOEL
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**IN RE: VINTAGE LOUNGE, LLC D/B/A VINTAGE LOUNGE
NO. 4800117554**

The State of Louisiana, Office of State Police (the "Division"), filed this appeal in the matter of Vintage Lounge, LLC d/b/a Vintage Lounge, License No. 4800117554. The Division is appealing the Hearing Officer's denial of its ex parte motion requesting a finding that the notice attempt was sufficient and requesting the setting of a hearing date.

Two certified mailings were attempted of a Notice of Recommendation of Revocation of Vintage Lounge's video gaming license. The two were sent to the two different addresses on file with the Division and both were returned "Unclaimed."

The Division filed its first ex parte motion which was denied and then requested reconsideration of the denial which was also denied. The Hearing Officer gave no reason for the denials. There was no hearing on either of these motions.

The Louisiana Gaming Control Board was faced with a similar circumstance in the matters of Christopher Runte d/b/a Club Vixens, No. 100011672 and Christopher Runte d/b/a Club Cabaret, No. 1000116720. In these matters, the appeals were dismissed ex proprio motu for the reason that there is no right of appeal of interlocutory judgments. *LGCB Order May 21, 2015*; La. Code Civ. Proc. Arts 1841 and 2083; Dupont v. Dupont, 392 So.2d 158(La. App. 1st Cir. 1980.)

Louisiana Code of Civil Procedure Article 1841 provides:

A judgment is the determination of the rights of the parties in an action and may award any relief to which the parties are entitled. It may be interlocutory or final.

A judgment that does not determine the merits but only preliminary matters in the course of the action is an interlocutory judgment.

A judgment that determines the merits in whole or in part is a final judgment.

Louisiana Code of Civil Procedure Article 2083 provides:

A. A final judgment is appealable in all causes in which appeals are given by law, whether rendered after hearing, by default, or by reformation under Article 1814.

B. In reviewing a judgment reformed in accordance with a remittitur or additur, the court shall consider the reasonableness of the underlying jury verdict.

C. An interlocutory judgment is appealable only when expressly provided by law.

No provision of law has been cited that would allow an appeal of this interlocutory judgment. Even if there was a provision that would allow this appeal, the record is insufficient and no reason was given for the Hearing Officer's decision.¹ Without more, the Board could not render a decision on the merits of the appeal.

Considering the foregoing and for the reasons given, there is no right of appeal of this interlocutory judgment and as such the appeal is DISMISSED.

¹ For reference please see: *In Re: Frederick L. Housley, LGCB Decision February 20, 1998*; *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 313, 70 S. Ct. 652, 656-657, 94 L.Ed. 865 (1950); *Bell v. Department of Health and Human Resources*, 483 So.2d 945 (La. 1986), cert denied, 479 U.S. 827, 107 S.Ct. 91 (1986).

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of June 15, 2020:

IT IS ORDERED THAT this matter be **DISMISSED** for the purpose and reasons set forth in this decision.

THUS DONE AND SIGNED on this the *15th* day of *June*, 2020.

LOUISIANA GAMING CONTROL BOARD

BY: 

MICHAEL NOEL, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD

I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON

ALL PARTIES THIS 15th DAY

OF June 2020



APPEAL DOCKET CLERK



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

RONNIE JONES
CHAIRMAN

**IN RE: CHRISTOPHER RUNTE D/B/A CLUB VIXENS
NO. 1000116726**

**IN RE: CHRISTOPHER RUNTE D/B/A CLUB CABARET
No. 1000116720**

ORDER

The State of Louisiana, Office of State Police ("Division"), filed appeals in the matters of Christopher Runte d/b/a Club Vixens, License No. 1000116726, and Christopher Runte d/b/a Club Cabaret, License No. 1000116720, of the Hearing Officer's denial of its ex parte motion in each matter requesting a finding that the notice attempt was sufficient and requesting the setting of a hearing date. The Division requested reconsideration of the denials which was also denied.

The appeals are **DISMISSED** *ex proprio motu* as there is no right of appeal of interlocutory judgements. La Code Civ. Proc. arts. 1841 and 2162; **Dupont v. Dupont**, 392 So.2d 158 (La. App. 1st Cir. 1980).

THUS DONE AND SIGNED on this the **21st** day of **May, 2015**.

LOUISIANA GAMING CONTROL BOARD


RONNIE JONES, CHAIRMAN

TRUE COPY


Representative