



State of Louisiana

Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

ANNE LACOUR NEEB
EXECUTIVE DIRECTOR

DECISION OF THE
LOUISIANA GAMING CONTROL BOARD

IN RE: MONIQUE M. BURAS
NO. P040037516

This is an appeal by Monique M. Buras from the decision of the Hearing Officer of the Louisiana Gaming Control Board, rendered on June 14, 2004, upholding the denial of her of her non-key gaming employee permit by the Louisiana State Police, 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 August 17, 2004:

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

THUS DONE AND SIGNED this the 17 day of August, 2004.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED COPY HAS BEEN MAILED OR SERVED ON BY:
ALL PARTIES THIS DAY OF 2004
APPEAL BOCKET CLERK

LOUISIANA GAMING CONTROL BOARD
H. CHARLES GAUDIN, CHAIRMAN

**STATE OF LOUISIANA
GAMING CONTROL BOARD**

**ADMINISTRATIVE HEARING
APRIL 27, 2004**

**HEARING OFFICER
JOSEPH E. ANZALONE, JR.**

**IN RE: MONIQUE M. BURAS
#P040021988**

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APPEARANCES:

For the State of Louisiana:
Mr. Michael J. Daniels
Assistant Attorney General
1885 N. 3rd Street
Livingston Bldg. 5th Floor
Baton Rouge, LA 70801

Ms. Monique M. Buras
704 Community Street
Arabi, LA 70032
In Proper Person

STATEMENT OF THE CASE:

The Louisiana State Police, Casino Gaming Division ("Division") seeks to deny the original application submitted by Ms. Monique Buras for a non-key gaming employee permit. The primary basis for the denial is the application required the disclosure of any and all casino or gaming/gambling permits and whether or not same had been denied, withdrawn, or otherwise not approved. The applicant failed to disclose that she had been denied an Indian Gaming Certificate in Louisiana in 1998.

STATE'S EVIDENCE AND CONTENTIONS:

The State has offered, filed, and introduced into evidence an exhibit file marked S-1 (in globo) and containing the following documents:

1. Notice of Denial of Original Application;
2. Non-Key Gaming Employee Permit Application;
3. Non-Key Gaming Employee Permit Application Schedules;
4. Notice of Denial of Original Application for State Certification;
5. Request for Administrative Hearing;

On direct examination Ms. Buras testified that she had initialed the areas regarding denials of previous applications and answered each "no," indicating she had not previously been denied a permit.

The Division contends that Mr. Buras failed to note the denial of the Indian Certification in the Application Schedule E 1 Licensing Information wherein:

"If application denied, withdrawn, otherwise not approved, give detailed reasons why."

This omission resulted in an incomplete application, and for that reason alone, the application should be denied.

LICENSEE'S EVIDENCE AND CONTENTIONS:

Ms. Buras testified she is currently employed as a Tape Games Floor Supervisor at Casino Magic in Bay St. Louis, Mississippi, and currently has a Mississippi Gaming License. She has been in possession of her non-key gaming license for five years. Prior to working at Casino Magic she was also employed at Players Casino in Lake Charles, LA and Boomtown Casino in Harvey, LA.

Ms. Buras further testified her Indian Certification was denied because of her bad credit. Additionally, Ms. Buras identified her original application for a non-key gaming employee permit, wherein she initialed each page and verified that all information was true and correct. Ms. Buras listed her Mississippi gaming license, but did not disclose the information regarding denial of her Indian Certification. She believed the question regarding denial was directed only at her current licensure, not all previous applications.

FINDINGS OF FACT:

Monique Buras failed to note in the application for a non-key gaming employee permit at issue the fact that she had previously been denied certification for an Indian Permit some five years previously.

It is further noted that the denial of the certification was more than five years prior to the date of the present application.

APPLICABLE LAW:

L.a. R.S. 27:28(A)(1)(2) & (4)

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 the applicant has demonstrated by clear and convincing evidence to the board or division, where applicable, that he is suitable

REASONS FOR DECISION:

In 1998, more than five years prior to the application at hand, Ms. Buras was denied a certificate to work in Indian Gaming. The primary reason cited was Ms. Buras' credit, which, in effect, declared her to be unsuitable. Suitability denials cannot be considered by the court and can be erased with the passage of five years. Ms. Buras finds herself in the position that if she had listed the denial of some five years plus ago, there would be no reason to deny the present application. However, she did not do so.

A brief history of the ruling jurisprudence is in order.

In 1998 the Gaming Control Board, in the matter of Carolyn Ansley, ruled that an incomplete application was not to be denied where the omission of a fact not otherwise affecting the application was the result of an honest mistake.

Later in 1998, the Gaming Control Board, in the matter of Mark O. Oliver, ordered the applicant be afforded the opportunity to withdraw, without prejudice, an incomplete application and submit a new application with appropriate fees.

Again, in 1998, in the matter of Errick Griffin, the Gaming Control Board upheld the hearing officer's decision to deny an application where the applicant, after having the opportunity to amend, refused to disclose his complete criminal history.

Early in 2000, in the matter of America's Sports Bar, the Gaming Control Board ruled:

"We have repeatedly stated that an applicant's entire criminal record is relevant, material and required to be disclosed.....We find that Mr. Coppell is unsuitablefor his lack of honesty in knowingly making a false statement on his application."

In 2000, in the matter of House of Deng, the Gaming Control Board ruled as follows:

"We find that Mr. Dang was not truthful when answering Question 6 of his application for a non-gaming supplier permit. His application was incomplete and contained false information. This renders him ineligible from receiving a non-gaming supplier permit....."

Beginning with Mark Bruno in 2000, this hearing officer, has taken the position that an incomplete application is ground for denial, notwithstanding the fact that the omission was an honest mistake and notwithstanding the omitted fact would not have affected the application.

In each instance of appeal the Gaming Control Board has maintained its stance that an incomplete application is a ground for denial, notwithstanding the fact the omitted material would not have affected the application.

In the present matter, Mr. Buras made what is considered by this court to be an honest mistake that resulted in filing an incomplete application.

That fact alone, in light of the above rulings, renders the applicant unsuitable, and is authority not to award.

It is the opinion of this writer the application should be denied.

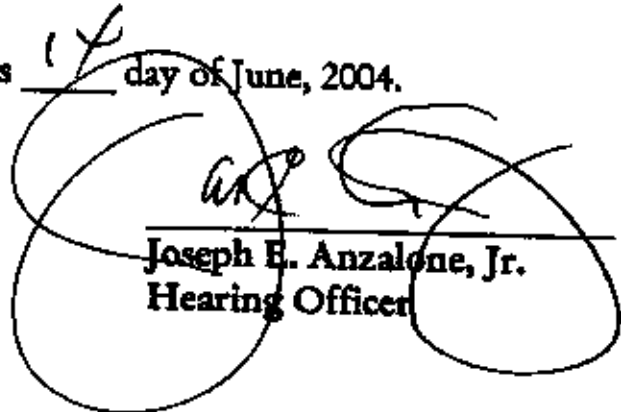
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JUDGMENT

After a review of the pleadings and the evidence, and consideration of the argument of counsel and for the reasons aforesaid:

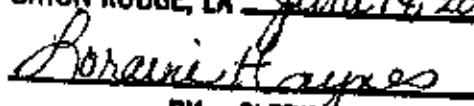
IT IS ORDERED, ADJUDGED, AND DECREED that the original application submitted by Ms. Monique M. Buras for a non-key gaming employee permit is hereby DENIED..

Baton Rouge, Louisiana, this 14 day of June, 2004.


Joseph E. Anzalone, Jr.
Hearing Officer

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 14 DAY
OF June 2004
OF Abrahe Buras
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Monique Buras
Mike Daniels
Sgt Rock Schreyer

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA June 14, 2004

BY: CLERK