



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DANE K. MORGAN
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**IN RE: NEWMAN AND NEWMAN, LLC
D/B/A ANITA'S SMOKIN STEAK BURGER
NO. 4500214986**

This is an appeal by the State of Louisiana, Louisiana State Police ("Division") from the decision of the Hearing Officer of the Louisiana Gaming Control Board, rendered on December 2, 2009, dismissing the recommendation of administrative action.

ANALYSIS

Notice of recommendation of administrative action against Newman and Newman, LLC d/b/a Anita's Smokin Steak Burger ("Anita's") was based on the allegation that Anita's did not possess a valid ATC permit for approximately two to three months in violation of La. R.S. 27:301(B)(12)(a) and L.A.C. 42:XI.2417. Louisiana Revised Statute 27:301(B)(12)(a) mandates that a licensee possesses a valid ATC permit and L.A.C. 42:XI.2417 addresses the code of conduct of licensees and mandates that all licensees comply with all applicable state laws and regulations. Evidence of expiration was supported by a certified copy from the Louisiana Office of Alcohol and Tobacco Control, dated July 27, 2009, of a "Credential View Screen" showing Anita's credential status to be "DELINQUENT (06/02/2009)" and status reason "DELINQUENT ON RENEWAL" with the permit expiring on April 30, 2009. Also introduced was a copy of the ATC permit issued to Anita's showing an expiration date of 04/30/2010.

Testimony was provided that Anita's net device revenue during this period was approximately \$1,241.

Hearsay evidence is admissible in administrative proceedings. The Louisiana Administrative Procedure Act permits the admission of any evidence which possesses "probative value commonly accepted by reasonably prudent men in the conduct of their affairs," subject to objections of irrelevancy, immateriality, incompetency, or repetitiousness. La. R.S. 49:956; *Brouillette v. State, Dept. of Public Safety, License Control and Driver Imp. Div.*, 589 So.2d 529 (La.App. 1 Cir. Oct 18, 1991) (NO. CA 90 1101). Copies of any records, papers or other documents of any state agency, when certified as being true copies by the official custodian, are to be admitted into evidence equally with the originals of the same. *Licausi v. Department of Health and Human Resources*, 458 So.2d 148 (La.App. 1 Cir. Oct 09, 1984) (NO. 83 CA 1317, 83 CA 1318). There was no objection to the introduction of any exhibits.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of January 19, 2010:

IT IS ORDERED THAT the Hearing Officer's decision is **REVERSED** and a penalty of \$2500.00 is imposed.

THUS DONE AND SIGNED on this the *19th* day of *January, 2010*.

LOUISIANA GAMING CONTROL BOARD

BY: 
DANE K. MORGAN, CHAIRMAN

DKM/gac

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 21st DAY
OF January, 2010
ATTORNEY AT LAW
