



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

RONNIE JONES
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**IN RE: LATORA NICHOLS
NO. V000019033**

This matter is before the Louisiana Gaming Control Board on appeal by Latora Nichols, Application No. V000019033, from the Hearing Officer's decision dated January 2, 2014, in which he upheld the State of Louisiana, Office of State Police, Gaming Enforcement Division's ("Division's"), denial of Ms. Nichols' video draw poker employee permit application.

FINDINGS OF FACT

The video draw poker employee permit application contains the following questions:

Have you ever been detained, issued a summons or citation, arrested, charged, indicted or forfeited bail for any criminal offense or violation for any reason whatsoever? If YES, provide details in the boxes below. All detentions, summonses and citations, arrests, charges, and indictments shall be included even if the final result was the dismissal of charges or expungement. You should include all DWI/DUI charges; however, minor traffic violations need not be included. Attach certified copies of documents relating to each matter to this application. If additional space is needed, provide this information on a separate sheet of paper and attach it to this application.

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Have you ever been convicted of, or plead guilty or nolo contendere to, any charge or offense? If YES, provide details in the boxes below. All convictions, pleas of guilty or nolo contendere shall be included even if the final result was the dismissal of charges or expungement.

Ms. Nichols answered “NO” to both questions.

Ms. Nichols swore before a Notary Public that:

I, Latora Nichols, being duly sworn, depose and say that I have read the foregoing application, and hereby represent and warrant that the statements and responses provided herein are true and correct to the best of my knowledge, information, and belief, and represent a complete and accurate account of the requested information. ... I have executed this statement voluntarily with the knowledge that any failure to provide the correct information is cause for the denial of any original ... application.

Ms. Nichols was arrested for shoplifting on October 21, 2002. She pled guilty to this charge on October 31, 2002. Ms. Nichols was sentenced to “Serve 2 days in jail/with 2 suspended, Serve probation until all orders are completed, Serve 4 mandatory days, Pay all present and past due fines.” Ms. Nichols has not successfully completed her sentence as evidenced by correspondence dated November 25, 2013, from the Tupelo Municipal Court. Ms. Nichols has two outstanding warrants related to her conviction of shoplifting. One warrant is for “Failure to Honor Work Program” for four mandatory community service days and the other is for “Failure to Honor Pay Agreement.” She owes \$1,065 in fines and assessments.

LEGAL ANALYSIS

Louisiana Revised Statute 27:447 (formerly La. R.S. 27:311.3) provides, in pertinent part:

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A. No person shall be issued a video draw poker employee permit unless the applicant has demonstrated to the division that he is suitable for the issuance of a video draw poker employee permit.

B. For the purposes of this Chapter, suitable for the issuance of a video draw poker employee permit means:

(1) The applicant has met the suitability requirements provided for in R.S. 27:427(A) and R.S. 27:427(B)(1)(a), (b), (c), and (d).

...

The relevant provisions of La. R.S. 27:427 (formerly found in La. R.S. 27: 310)

are:

A. No person may be eligible to apply or be granted a license under the provisions of this Chapter if he has been convicted in any jurisdiction of any of the following offenses within ten years prior to the date of the application or less than ten years has elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole for any of the following:

...

(2) Theft or any crime involving false statements or declarations.

...

B.(1) No person shall be granted a license under the provisions of this Chapter unless the applicant has demonstrated to the board that he is suitable for licensing. For purposes of this Chapter, suitability means the applicant or licensee is:

(a) A person of good moral character, honesty, and integrity.

(b) A person whose prior activities, arrest or criminal record if any, reputation, habits, and associations do not pose a threat to the public interest of this state or to the effective regulation of video draw poker, and do not create or enhance the dangers of unsuitable, unfair, or

illegal practices, methods, and operations in the activities authorized by this Chapter and financial arrangements incidental thereto.

(c) Likely to conduct business as authorized by this Chapter in complete compliance with the provisions of this Chapter.

...

(2) An applicant who is not disqualified from making application or licensure as a result of Subsection A of this Section shall still be required to demonstrate to the board or division, where applicable, that he otherwise meets the remaining requirements for suitability, particularly those contained in Subparagraphs (1)(a), (b), and (c) of this Subsection. Evidence of or relating to an arrest, summons, charge, or indictment of an applicant, or the dismissal thereof, shall be considered by the board or division, where applicable, even if the arrest, summons, charge, or indictment results in acquittal, deferred adjudication, probation, parole, or pardon.

...

Incorrect statutory citations were used in the "Notice of Denial," the decision of the Hearing Officer, and the Division's memorandum in opposition to the appeal. La. R.S. 27:311.3 and 27:311.4 were cited. Both were redesignated in 2012 as La. R.S. 27:447 and 27:448, respectively. Although the citations were incorrect, the proper statutory language was quoted. This will have no effect on the judgment. There was no change in language for the relevant statutes and the Hearing Officer based his decision on the properly cited and quoted statute, La. R. S. 27:427.

Ms. Nichols has not completed her sentence for the shoplifting conviction. Ten years has not elapsed between the date of application and the successful completion of the sentence. Ms. Nichols is not eligible to apply for or be granted a video draw poker employee permit. La. R.S. 27:427(A)(2).

Additionally, Ms. Nichols has not demonstrated that she is suitable. Suitability means that the applicant is a person of good moral character, honesty, and integrity. La. R.S. 27:427(B)(1)(a). She did not truthfully answer questions relating to her criminal history on her application. The board has previously found that a “person of good character, honesty and integrity would answer truthfully to questions on the gaming application which specifically ask whether the individual has ever been arrested or charged for any criminal offense regardless of the disposition.” *In Re: Lanormandie Lounge, LGCB Decision, 8/20/1997.*

We find that Ms. Nichols is disqualified from applying for or being granted a video draw poker employee permit and that she did not prove her suitability. We agree that her application should be denied.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of March 19, 2014:

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

THUS DONE AND SIGNED on this the *19th* day of *March, 2014*.

LOUISIANA GAMING CONTROL BOARD

BY:



RONNIE JONES, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS *20th* DAY
OF *March*, *2014*
APPEAL DOCKET CLERK
