



*State of Louisiana*  
*Gaming Control Board*

*KATHLEEN BABINEAUX BLANCO*  
GOVERNOR

*HILLARY J. CRAIN*  
CHAIRMAN

**DECISION OF THE  
LOUISIANA GAMING CONTROL BOARD**

**IN RE: MOREL G. LEMOINE DISTRIBUTORS, INC.  
D/B/A CAFÉ MANGEUR  
NO. VP4900512513**

**APPEAL AFTER REMAND**

This matter was remanded to the Hearing Officer to make a finding regarding whether four of the amenities required by La. R.S. 27:306(A)(4)(c)(vi)<sup>1</sup> remained present, in operation and available to truckers from October 3, 2002 through October 23, 2002. *In Re: Morel G. Lemoine Distributors, Inc.*

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<sup>1</sup> La.R.S.27:306(A)(4)(c) provides as follows:

(c)As used in this Section a qualified truck stop facility shall mean a facility covering at least five developed contiguous acres which sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts for eighteen-wheel tractor-trailers, and which also meets all of the following criteria:

(vi) It must have at least four of the following amenities:

(aa) A separate truckers' television lounge.

(bb) A full- service laundry facility located in a convenient area for truckers' use.

(cc) Private showers for men and women and not located in an area open to general public restroom facilities.

(dd) A travel store with items commonly referred to as truckers' supplies (items commonly used only by commercial motor vehicles).

(ee) Truck scales.

(ff) Separate truckers' telephones.

(gg) Permanent storage facilities for fuel.

*d/b/a Café Mangeur (No. VP4900512513)*, decided on August 20, 2003. On remand at the conclusion of an administrative hearing to allow additional evidence regarding this matter, the Hearing Officer rendered a decision dated November 24, 2003, finding that at least four of the amenities required by La. R.S. 27:306(A)(4)(c)(vi) were available at the Licensee's premises from October 3, 2002 through October 23, 2002.<sup>2</sup>

The Louisiana State Police Video Gaming Division has appealed this decision alleging as error: (1) the Hearing Officer's decision is contrary to the law and evidence; (2) the Hearing Officer exceeded his authority by establishing a policy that cell phones satisfy La. R.S. 27:306(A)(4)(c)(vi)(ff); (3) the testimony and evidence presented at the October 28, 2003 hearing is directly contradictory to the evidence presented in the previous hearing and is contradictory to the findings in the previous decision of the Hearing Officer.

The Hearing Officer found that three of the amenities were present at all times: the permanent fuel storage facility, the travel store and the shower. It is undisputed that the facility did not have truck scales. Thus only one of the remaining three amenities was required to be available or in operation at any given time in order to meet the statutory requirements of La. R.S. 27:306(A)(4)(c)(vi), a separate truckers television lounge, a full service laundry facility or separate truckers telephones. The Hearing Officer found that this was accomplished through the vigilance of the contractor and management employees of the establishment. These factual findings are supported by the record. Accordingly, the decision of the Hearing Officer should be affirmed.

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<sup>2</sup> The testimony of the Division agent at this hearing is clearly sufficient to support a finding that the licensee was in violation of La. R.S. 27:306(A)(4)(c)(vi) on the date of the inspection (October 24, 2002). The testimony, however, was beyond the scope of the remand, which was to afford the Hearing Officer the opportunity to make a finding regarding the existence or availability of the statutory amenities from October 3, 2002 through October 23, 2002.

# ORDER


This matter having been considered by the Louisiana Gaming Control Board in open meeting of  
January 20, 2004:

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

**THUS DONE AND SIGNED** on this the 21<sup>st</sup> day of January 2004.

**LOUISIANA GAMING CONTROL BOARD**

BY:

  
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**HILLARY J. CRAIN, CHAIRMAN**

**LOUISIANA GAMING CONTROL BOARD**  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 22<sup>nd</sup> DAY  
OF January, 2004  
APPEAL DOCKET CLERK  
