



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

RONNIE JONES
CHAIRMAN

**DECISION OF THE
LOUISIANA GAMING CONTROL BOARD**

**IN RE: KYRIA DAVIS
NO. P040062476**

This matter is before the Louisiana Gaming Control Board on appeal by Kyria Davis, Permit No. P040062476, from the Hearing Officer's decision dated June 10, 2015, in which her non-key gaming employee permit was revoked.

PROCEDURAL HISTORY

The Louisiana Office of State Police ("Division") recommended the revocation of Kyria Davis' permit based on the allegations that Ms. Davis has pending charges of violation of La. R.S. 14:67.10, Theft of Goods, and La. R.S. 40:966 (E)(1), Possession of Marijuana. Ms. Davis timely requested a hearing which was held and resulted in the January 9, 2015, Hearing Officer decision revoking Kyria Davis' permit. The reasons given for the revocation were that "Kyria Davis currently has pending charges for violation of La. R.S. 14:67.10, Theft of Goods and La. R.S. 40:966 (E)(1), Possession of Marijuana ... and pursuant to Louisiana law, is unsuitable for possession of a Non-Key Gaming Employee Permit." Ms. Davis appealed the decision alleging that she is in a pre-trial diversion program. The Board considered the appeal at its March 2015 meeting and remanded the matter to the Hearing Officer for the introduction of evidence

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regarding the pre-trial diversion.

A hearing was held on May 19, 2015, which resulted in a June 10, 2015, Hearing Officer decision which again ordered the revocation of Ms. Davis' permit. In reasons for the decision, the Hearing Officer recognized that Ms. Davis was currently enrolled in a pre-trial diversion program which would not end until after the hearing, that the charges for theft and possession are currently pending, and that Ms. Davis admitted to the theft and possession in her February 9, 2015, letter of appeal.

The Division filed a motion to amend the June 10th decision. Ms. Davis appealed the June 10th decision. The Board did not consider the appeal finding the appeal premature because there was a motion pending before the Hearing Officer. The Hearing Officer considered the motion to amend and issued written reasons for the denial of the motion.

Ms. Davis' appeal of the June 10, 2015, decision revoking her non-key gaming employee permit is now properly before the Louisiana Gaming Control Board.

LEGAL ANALYSIS

Suitability standards required to obtain a gaming employee permit are found in La. R.S. 27:28 which provides, in pertinent part:

A. No person shall be eligible to obtain a license or permit ... unless the applicant has demonstrated by clear and convincing evidence to the board or division, where applicable, that he is suitable. For the purposes of this Title, "suitable" means the ... permittee ... is:

- (1) A person of good character, honesty, and integrity.
- (2) A person whose prior activities, 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 and control of gaming, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of gaming or carrying on of the business and financial arrangements incidental thereto.

(3) Capable of and likely to conduct the activities for which the applicant, licensee, permittee, casino gaming operator, or licensed eligible facility is licensed, permitted, or approved pursuant to the provisions of this Title.

(4) Not disqualified pursuant to the provisions of Subsection B of this Section.

B. The board or division, where applicable, shall not grant a license or permit . . . to any person who is disqualified on the basis of the following criteria:

(1) The conviction or a plea of guilty or nolo contendere by the applicant or any person required to be suitable under the provisions of this Title for any of the following:

(a) Any offense punishable by imprisonment of more than one year.

(b) Theft or attempted theft, illegal possession of stolen things, or any offense or attempt involving the misappropriation of property or funds.

(c) Any offense involving fraud or attempted fraud, false statements or declarations.

(d) Gambling as defined by the laws or ordinances of any municipality, any parish or county, any state, or of the United States.

(e) A crime of violence as defined in R.S. 14:2(B).

(2) There is a current prosecution or pending charge against the person in any jurisdiction for any offense listed in Paragraph (1) of this Subsection.

...

C. (1) In the awarding of a license, permit, casino operating contract, or other approval pursuant to the provisions of this Title, a conviction or plea of guilty or nolo contendere by the applicant shall not constitute an automatic disqualification as otherwise required pursuant to the provisions of Subparagraphs (a), (b), (c), and (d) of Paragraph (1) of Subsection B of this Section if:

(a) Ten or more 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; or

(b) Five or more years has elapsed between the date of application and the successful completion of any sentence, deferred adjudication, or period of probation or parole and the conviction for an offense defined in R.S. 27:28(B)(1)(b) was a misdemeanor offense.

(2) The provisions of Paragraph (1) of this Subsection shall not apply to any person convicted of a crime of violence as defined in R.S. 14:2(B).

(3) Notwithstanding any provision of law to the contrary, the board and division may consider the seriousness and circumstances of any offense, any arrest, or any conviction in determining suitability in accordance with Subsection A of this Section.

D. An applicant who is not disqualified as a result of Subsection B of this Section shall be required to demonstrate to the board and division that he otherwise meets the remaining requirements for suitability, particularly those contained in Paragraphs (A)(1), (2), and (3) of this Section. Evidence of, or relating to, an arrest, summons, charge, or indictment of an applicant, or the dismissal thereof, may be considered by the board or division even if the arrest, summons, charge, or indictment results in acquittal, deferred adjudication, probation, parole, or pardon.

A part of the definition of suitability is that a person not be disqualified due to a conviction, plea, or pending charge for the enumerated offenses. La. R.S. 27:28(A)(4). The Hearing Officer, in revoking Ms. Davis' permit, found that Ms. Davis had a pending charge for a listed offense and that she admitted to committing the crimes of which she is accused, i.e., theft and possession.

We agree with the decision of the Hearing Officer and find that Kyria Davis is not eligible to hold a permit because she is unsuitable pursuant to La. R.S. 27:28(A)(1), (2) and (4).

She is not a person of good character; her criminal activities pose a threat to the public interest in effectively regulating gaming and enhance the dangers of unsuitable activities; and she is disqualified pursuant to La. R.S. 27:28(B) because of her pending criminal charges.

ORDER

This matter having been considered by the Louisiana Gaming Control Board in open meeting of October 8, 2015:

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

THUS DONE AND SIGNED on this the *8th* day of *October, 2015*.

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 9th **DAY**
OF October **, 20** 15



APPEAL DOCKET CLERK