



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DANE K. MORGAN
CHAIRMAN

**IN RE: KENNY GRAY D/B/A
KENNY'S RHYTHM & BLUES CLUB
NO. 4800115439**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of November 17, 2009. The Hearing Officer's order dated October 14, 2009, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," No. 4800115439, by and between Kenny Gray d/b/a Kenny's Rhythm & Blues Club, and the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, which is attached hereto and incorporated herein, is **APPROVED.**

THUS DONE AND SIGNED on this the 17th day of November, 2009.

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 18th DAY
OF November, 2009


GENERAL BOOKLET CHECK

RECEIVED

OCT 14 2009

LGCB
ADMINISTRATIVE HEARING OFFICE

**STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE**

**IN RE: KENNY GRAY
D/B/A KENNY'S RHYTHM & BLUES CLUB**

CASE NO. 4800115439

**JOINT MOTION FOR APPROVAL OF COMPROMISE AND
SETTLEMENT AGREEMENT**

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

COME NOW State of Louisiana, Department of Public Safety and Corrections, Office of State Police ("the Division") and Kenny Gray d/b/a Kenny's Rhythm & Blues Club (hereinafter "Licensee"), who file this Joint Motion for Approval of Compromise and Settlement Agreement, and in support thereof would respectively show unto the Hearing Officer as follows:

1.

The Division and Licensee are desirous of compromising and settling all disputes between them relative to this administrative proceeding. In connection therewith, the parties have entered into a Compromise and Settlement Agreement which by its terms will become effective upon approval by the Administrative Hearing Office and the Louisiana Gaming Control Board.

2.

A true and correct copy of the proposed Compromise and Settlement Agreement is attached hereto as Exhibit "A" and incorporated by reference for all purposes.



WHEREFORE, PREMISES CONSIDERED, The Division and Licensee respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully Submitted,

**KENNY GRAY
D/B/A KENNY'S RHYTHM
& BLUES CLUB**

By: 

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*Counsel for Kenny Gray
d/b/a Kenny's Rhythm & Blues Club*

**JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL
STATE OF LOUISIANA**

By: 

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Assistant Attorney General
1885 N. Third Street, 5th Floor
Baton Rouge, Louisiana 70802
Phone: (225) 326-6500
Facsimile: (225) 326-6599
Counsel for Office of State Police

EXHIBIT "A"

**STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE**

**IN RE: KENNY GRAY
D/B/A KENNY'S RHYTHM & BLUES CLUB**

CASE NO. 4800115439

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter sometimes referred to as the "Division") and Kenny Gray d/b/a Kenny's Rhythm & Blues Club (hereinafter sometimes referred to as "Licensee") do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing ("Notice") to Licensee alleging certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by the said Notice are set for an Administrative Action Hearing on October 14, 2009, before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the Division and Licensee are desirous of fully and finally compromising and settling all issues and disputes arising out of and in connection with the said Notice of Recommendation of Administrative Action;

NOW, THEREFORE, in consideration of the foregoing, the parties hereto do hereby agree and stipulate as follows:

STIPULATIONS

1. On or about July 28, 2009, a video gaming compliance inspection was conducted by the Office of State Police at Kenny Gray d/b/a Kenny's Rhythm & Blues Club.

2. The inspection revealed that the Alcohol Tobacco Control ("ATC") permit of Kenny Gray d/b/a Kenny's Rhythm & Blues Club had expired on April 30, 2009.

3. On August 6, 2009, the Louisiana Gaming Control Board (the "Board") issued a Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing to Kenny Gray d/b/a Kenny's Rhythm & Blues Club.

4. On August 26, 2009, an administrative hearing was held before the Louisiana Gaming Control Board Administrative Hearing Office.

5. At the August 26, 2009 administrative hearing, Kenny Gray d/b/a Kenny's Rhythm & Blues Club submitted copies of ATC permit documentation to the Office of State Police showing that the Licensee's ATC permit was back active.

6. Between May 1, 2009, and July 28, 2009, Kenny Gray d/b/a Kenny's Rhythm & Blues Club operated its licensed establishment without a valid ATC permit, in violation of La. R.S. 27:301(B)(8) and La. R.S. 27:301(B)(12)(a).

7. Kenny Gray d/b/a Kenny's Rhythm & Blues Club failed to timely notify the Office of State Police that its ATC permit had expired, in violation of La. R.S. 27:310(C) and LAC 42:XI.2417(B)(4).

TERMS AND CONDITIONS

1. In lieu of revocation of its licenses, the Licensee will pay a civil penalty of THREE THOUSAND DOLLARS (\$3,000.00) for violating La. R.S. 27:301(B)(8), La. R.S. 27:301(B)(12)(a), La. R.S. 27:310(C) and LAC 42:XI.2417(B)(4).

2. The Division hereby agrees to accept the Licensee's payment of the above stated penalty in lieu of the revocation of Licensee's license, and in full and final settlement of the Notice of Recommendation of August 6, 2009.

3. The Division reserves the right to take into consideration these admitted violations in connection with any future investigation, violation or assessment of penalty, and in connection with any future assessments of the Licensee's suitability.

4. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the state of Louisiana.

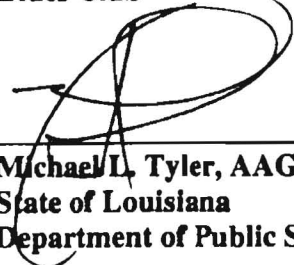
5. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Licensee, regarding the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

6. This Compromise and Settlement Agreement is subject to approval by the Hearing Officer and the Louisiana Gaming Control Board. It is expressly understood that if this proposed settlement is approved by the Hearing Officer, this agreement is not thereby executory, but will be submitted to the Louisiana Gaming Control Board for its determination as to whether to approve the same or to remand the matter to the Hearing Officer for a full hearing on the merits. Failure to pay the penalty within fifteen (15) days of approval of this settlement shall result in the suspension of Kenny Gray d/b/a Kenny's Rhythm & Blues Club license without the necessity of further administrative action, until such time as the penalty is paid in full.

I have read this entire Compromise and Settlement Agreement and agree to all stipulations and terms and conditions hereof.



Allison U. Rovira, Counsel for and on behalf of Kenny Gray d/b/a Kenny's Rhythm & Blues Club



**Michael L. Tyler, AAG on behalf of
State of Louisiana
Department of Public Safety & Corrections, Office of State Police**

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: KENNY GRAY
D/B/A KENNY'S RHYTHM & BLUES CLUB

CASE NO. 4800115439

ORDER

BE IT REMEMBERED that on this the 14th day of October, 2009, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the Hearing Officer having considered the pleadings on file, the proposed Settlement Agreement, and the said Motion, and it appearing to the Hearing Officer that the said Compromise and Settlement Agreement should be approved; it is, therefore,

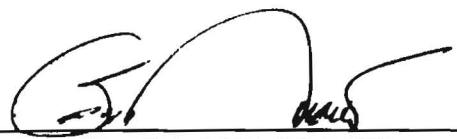
ORDERED, ADJUDGED, AND DECREED that the Compromise and Settlement Agreement attached to the parties' Joint Motion for Approval of Compromise and Settlement Agreement be, and the same is hereby, APPROVED; that the Licensee must pay Three Thousand Dollars and No/100 (\$3,000.00) to the Division within fifteen (15) days of the approval by the Louisiana Gaming Control Board. Failure to do so shall result in the suspension of the license of Kenny Gray d/b/a Kenny's Rhythm & Blues Club without the necessity of any further administrative action until such time as the penalty is paid in full.

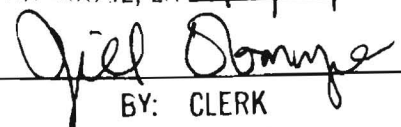
SIGNED AND ENTERED this 14th day of October, 2009, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY OF THIS ORDER WAS SERVED ON

October 14th 2009
Jill Donnye
ADMINISTRATIVE HEARING OFFICE

cc: Allison Korra
Michael Teylan
Sgt. Lowell Siblay


WILLIAM H. BROWN
HEARING OFFICER

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 10/14/09

BY: CLERK