



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN


**IN RE: ROGER DUONG D/B/A
WING TAI ORIENTAL GROCERY
NO. P081002767**


ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of October 21, 2008. The Hearing Officer's order dated October 6, 2008, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Suspension and Penalty, No. P081002767, by and between Roger Duong d/b/a Wing Tai Oriental Grocery, 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 21st day of October, 2008.

LOUISIANA GAMING CONTROL BOARD

BY: 
H. CHARLES GAUDIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 23rd DAY
OF October, 2008
APPEAL DOCKET CLERK

HJC/gac

RECEIVED

OCT 06 2008

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

LGCB
ADMINISTRATIVE HEARING OFFICE

**IN RE: ROGER DUONG D/B/A
WING TAI ORIENTAL GROCERY**

PERMIT NO: P081002767

**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 Roger Duong d/b/a Wing Tai Oriental Grocery (hereinafter "Wing Tai"), 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 Wing Tai are desirous of compromising and settling all disputes between them relative to the referenced 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.


Representative

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

Respectfully Submitted,

**JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL**

By: 

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Counsel for the Office of State Police

**ROGER DUONG D/B/A
WING TAI ORIENTAL GROCERY**

By: 

Roger Duong
3801 Ryan Street
Lake Charles, Louisiana 70605
Telephone: (337) 562-9321

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

**IN RE: ROGER DUONG D/B/A
WING TAI ORIENTAL GROCERY**

PERMIT NO: P081002767

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter "the Division") and Roger Duong d/b/a Wing Tai Oriental Grocery (hereinafter "Wing Tai") do hereby represent and agree as follows:

WHEREAS, the Division has issued a Notice of Recommendation of Suspension and Penalty to Wing Tai alleging certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by the said notice of Recommendation of Suspension and Penalty are set for hearing on October 6, 2008, before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the Division and Wing Tai are desirous of fully and finally compromising and settling all issues and disputes arising out of and in connection with the said Notice of Violation and Penalty;

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

STIPULATIONS

1. On January 3, 2008, the Louisiana State Police General Gaming Division issued an Annual Affidavit form to Roger Duong d/b/a Wing Tai Oriental Grocery ("Wing Tai") via U.S. Mail. Wing Tai was to submit the Annual Affidavit form and annual permit fee by April 20, 2008, the anniversary date of Wing Tai's Non-Gaming Supplier Permit.
2. On February 20, 2008, the Louisiana State Police General Gaming Division mailed an URGENT REMINDER to Wing Tai, via U.S. Mail.
3. On September 30, 2008, Wing Tai submitted its Annual Affidavit form and annual permit fee to the Louisiana State Police General Gaming Division.

4. Wing Tai does admit it violated La. R.S. 27:29(I) and La. R.S. 27:29.3(F),

TERMS AND CONDITIONS

1. Wing Tai will pay a penalty of SIXTY-TWO and 50/100 DOLLARS(\$62.50) pursuant to La. R.S. 27:29.5 (C)

2. Wing Tai will pay a civil penalty of FIVE HUNDRED DOLLARS (\$500.00).

3. Within fifteen (15) days of the approval of this Compromise and Settlement, Wing Tai shall remit payment of the above referenced penalties to the Division.

4. The Division hereby agrees to accept Wing Tai's payment of the above stated penalties in full and final settlement.

5. 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.

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

7. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Wing Tai, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

8. 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 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, and to comply with each term and condition listed herein, shall result in the immediate suspension of the Roger Duong d/b/a Wing Tai Oriental Grocery Permit without the necessity of further administrative action, until such time as the penalty is paid in full and Wing Tai is in compliance with all terms and conditions.

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



Roger Duong

on behalf of Wing Tai Oriental Grocery



D. Brandt Schmolke, 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: ROGER DUONG D/B/A
WING TAI ORIENTAL GROCERY

PERMIT NO: P081002767


ORDER

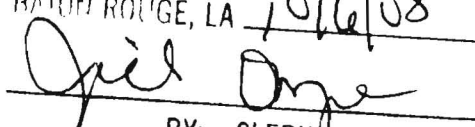
BE IT REMEMBERED that on this the 6th day of October, 2008, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the parties having appeared, and the Hearing Officer having considered the pleadings on file, the proposed Settlement Agreement, and the said 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**.

SIGNED AND ENTERED this 6th day of October, 2008, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
OFFICE OF THE HEARING OFFICER
10/6/08
DEPUTY CLERK, ADMINISTRATIVE HEARING OFFICE
cc: Roger Duong
Brandt Schmelke


HON. WILLIAM H. BROWN
HEARING OFFICER

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 10/6/08

BY: CLERK