



State of Louisiana
Gaming Control Board

JOHN BEL EDWARDS
GOVERNOR

RONNIE JONES
CHAIRMAN

**IN RE: SILVY, LLC D/B/A
COMET INN
NO. 2600115770**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of June 20, 2019. The Hearing Officer's order dated May 14, 2019, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action", by and between Silvy, LLC d/b/a Comet Inn, No. 2600115770, 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 *20th* day of *June, 2019*.

LOUISIANA GAMING CONTROL BOARD

BY:



RONNIE JONES, CHAIRMAN

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

MAY 13 2019
LA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

SILVY, LLC
D/B/A COMET INN

CASE NO.: 2600115770

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

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

NOW COME the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Silvy, LLC d/b/a Comet Inn (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 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.

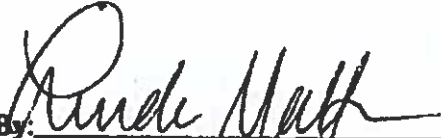
A true and correct copy of the proposed Compromise and Settlement Agreement is attached hereto as Exhibit "A" and incorporated by reference for all purposes.

RECEIVED

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

Respectfully Submitted,

**JEFF LANDRY,
ATTORNEY GENERAL**

By: 

**Linda G. Matta
General Counsel
1525 Airline Drive,
Metairie, Louisiana 70001
Main: (504) 835-3232
Office: (504) 309-1249
Fax: (504) 324-4887
Counsel for Silvy LLC
d/b/a Comet Inn**

By: 

**Jeremy Gathe
Assistant Attorney General
1885 North Third Street, 5th Floor
Baton Rouge, Louisiana 70802
Telephone: (225) 326-6500
Facsimile: (225) 326-6599
Counsel for the Office of State Police**

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

**SILVY, LLC
D/B/A COMET INN**

CASE NO.: 2600115770

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Silvy, LLC d/b/a Comet Inn (hereinafter, "Licensee"), do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has sent a Notice of Recommendation of Administrative Action to Licensee, which Notice contains allegations of certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by said Notice are set for hearing before the Louisiana Gaming Control Board Administrative Hearing Office.

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 said Notice;

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

STIPULATIONS

1. Licensee is a Type 1 licensed establishment located at 2803 Jefferson Hwy., Jefferson, Louisiana 70121.
2. Licensee's ATC alcohol permit expired on February 28, 2018.

3. On May 31, 2018, the ATC renewed and issued Licensee its ATC alcohol permit, after the Licensee paid all fees associated with the renewal.

4. The Division verified that the video poker machines located at the licensed establishment were active during the time the ATC alcohol permit was expired.

5. The Division verified with the ATC that Licensee was issued a violation notice which proposed to assess a fine against Licensee for its failure to timely renew its alcohol permit. The ATC violation notice also reflected the permit expired on February 28, 2018, and was renewed on May 31, 2018.

6. According to the Video Draw Poker revenue report, between March 1, 2018 and May 31, 2018, Licensee generated a net device revenue of approximately \$12,025 from its video poker machines.

7. Licensee failed to notify the Division that its ATC alcohol permit expired on February 28, 2018 in violation of LAC 42:XI.2417(B)(2). Additionally, Licensee failed to maintain a valid ATC alcohol permit while operating as a licensed Type 1 video draw poker establishment in violation of LAC 42:XI.2417(A)(1) and La. R.S 27:402(14) .

TERMS AND CONDITIONS

1. In lieu of administrative action, Licensee will pay a penalty of **THREE THOUSAND DOLLARS and 00/100 (\$3,000.00) DOLLARS** for its violation of LAC 42:XI.2417(A)(1), LAC 42:XI.2417(B)(2), and La. R.S 27:402(14).

2. The Division hereby agrees that payment of a total penalty of **THREE THOUSAND DOLLARS and 00/100 (\$3,000.00) DOLLARS** shall be in full and final settlement of all matters set forth in the Notice of Recommendation of Administrative Action.

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

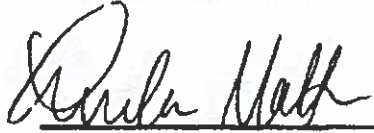
4. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.

5. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Licensee, pertaining to 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 same or to remand the matter to the Hearing Officer for a full hearing on the merits.

7. If approved, Licensee agrees to make full payment of the civil penalty within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board. Licensee agrees that failure to meet this requirement shall result in immediate suspension of the gaming license without the necessity of any 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.



**Linda Matta, on behalf of
Silvy, LLC d/b/a Comet Inn**



**Jeremy Gathe, 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

RE: SILVY, LLC
D/B/A COMET INN

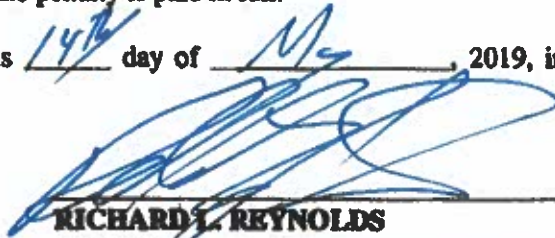
CASE NO.: 2600115770

ORDER

BE IT REMEMBERED that on the 14th day of May, 2019, came for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the parties having appeared by and through their respective attorneys of record or representing themselves, and the Hearing Officer having considered the pleadings on file, the proposed Compromise and 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 Silvy, LLC, d/b/a Comet Inn must pay **THREE THOUSAND DOLLARS and 00/100 (\$3,000.00) DOLLARS** to the Division within fifteen (15) days of approval by the Louisiana Gaming Control Board. Failure to do so shall result in the immediate suspension of the gaming license 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 May, 2019, in Baton Rouge, Louisiana.


RICHARD L. REYNOLDS
HEARING OFFICER

LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
I HEREBY CERTIFY THAT A CERTIFIED COPY HAS BEEN MAILED OR SERVED ON ALL PARTIES THIS 14 DAY OF May, 2019.
Ebony Batiste
DOCKET CLERK, ADMIN. HEARING OFFICE

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 5/14/19
Ebony Batiste
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

CC: Silvy, LLC
D/B/A Comet Inn
Jeremy Gathe
Sgt. Eddie Daigle