



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: DAVID A. PATE
NO. P040031404**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of January 15, 2008. The Hearing Officer's order dated December 17, 2007, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing," No. P040031404, 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 15th day of January, 2008.

LOUISIANA GAMING CONTROL BOARD

BY:


H. CHARLES GAUDIN, CHAIRMAN

HJC/gac

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 16th DAY
OF January 2008

APPEAL DOCKET CLERK



STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: DAVID A. PATE

P040031404

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

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

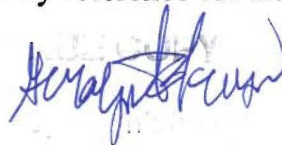
COME NOW State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and David A. Pate (hereinafter, "Mr. Pate"), who file this Joint Motion for Approval of Compromise and Settlement Agreement, and in support thereof would respectively show unto the Hearing Officer as follows:

1.

The Division and Mr. Pate 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.



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

Respectfully Submitted,

**CHARLES C. FOTI, JR.
ATTORNEY GENERAL**

By: 
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Lake Charles, Louisiana 70611
Telephone: (337) 474-6106
Facsimile: (337) 478-2765
Counsel for David A. Pate

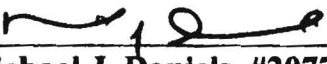
By: 
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Assistant Attorney General
1885 North Third Street, 5th Floor
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Facsimile: (225) 326-6599
Counsel for the Office of State Police

EXHIBIT "A"

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

IN RE: DAVID A. PATE

P040031404

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and David A. Pate (hereinafter, "Mr. Pate") 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 Date to Mr. Pate alleging certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by the said Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension and Notice of Hearing Date are set for hearing before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the Division and Mr. Pate 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 Revocation, Order of Immediate Emergency Suspension and Notice of Hearing Date;

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

STIPULATIONS

1. On or about October 7, 2007, Mr. Pate was charged with violating La. R.S. 40:966, Possession of Marijuana, La. R.S. 14:95(E), Illegal Carrying of a Weapon with Controlled Dangerous Substance and two counts of La. R.S. 14:95, Illegal Carrying of a Weapon.

2. Mr. Pate failed to timely notify the Division of his arrest in violation of L.A.C. 42:XIII.2901(B)(4).

3. On November 30, 2007, the Calcasieu District Attorney's office rejected the charges against Mr. Pate.

TERMS AND CONDITIONS

1. Mr. Pate will pay a civil penalty of FIVE HUNDRED AND NO/100 DOLLARS (\$ 500.00).

2. The Division hereby agrees to accept Mr. Pate's payment of the above stated penalty in full and final settlement of the Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension and Notice of Hearing Date.

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 Mr. Pate's suitability.

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

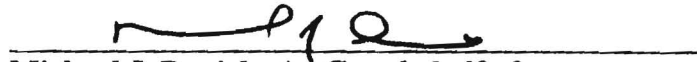
5. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Mr. Pate, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

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. Failure to pay the penalty within fifteen (15) days of approval of this settlement shall result in the immediate suspension of Mr. Pate's permit without the necessity of further administrative action, until such time as the penalty is paid in full.

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



Lonnie R. Smith, on behalf of David A. Pate



**Michael J. Daniels, 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: DAVID A. PATE

P040031404

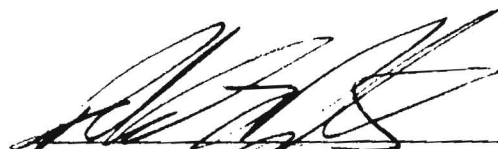
ORDER

BE IT REMEMBERED that on this the 17th day of December, 2007, 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,

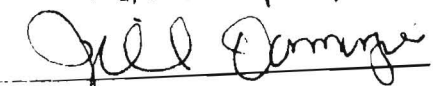
ORDERED, ADJUDGED, AND DECREED that the Compromise and Settlement Agreement attached to the parties' Joint Motion for Approval of Compromise and Settlement Agreement be, and the same is hereby, **APPROVED**.

FURTHER, IT IS ORDERED, ADJUDGED, AND DECREED that the immediate emergency suspension of the non-key gaming employee permit of David A. Pate is **VACATED**.

SIGNED AND ENTERED this 17th day of December, 2007, in Baton Rouge, Louisiana.



RICHARD L. REYNOLDS
HEARING OFFICER

BY: CLERK


12/17/07

LOUISIANA GAMING CONTROL BOARD
FILED IN CASE NO. THAT IS LISTED IN
CASE NO. 17 FILED OR SERVED ON
December 17 DAY
18 2007
Jill Daminger
ADMINISTRATIVE HEARING OFFICE
cc: Lonnie R. Smith
Michael Daniels
Tammy Perreault