



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: CAJUN KITCHEN SEAFOOD & PO-BOYS, LLC
D/B/A CAJUN KITCHEN SEAFOOD & PO-BOYS
NO. 4500214192**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of March 17, 2009. The Hearing Officer's order dated February 16, 2009, 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. 4500214192, by and between Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys, 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 March, 2009.

LOUISIANA GAMING CONTROL BOARD

BY:


CLAUDE MERCER, VICE-CHAIRMAN

CM/gac

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 24th DAY
OF March, 2009
APPEAL DOCKET CLERK


RECEIVED

FEB 16 2009

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

LGCB
ADMINISTRATIVE HEARING OFFICE

**IN RE: CAJUN KITCHEN SEAFOOD & PO-BOYS, LLC CASE NO.: 4500214192
D/B/A CAJUN KITHCEN SEAFOOD & PO-BOYS**

**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 Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys (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.

Handwritten signature and stamp
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,

**CAJUN KITCHEN SEAFOOD
& PO-BOYS, LLC D/B/A CAJUN
KITCHEN SEAFOOD & PO-BOYS**

By: _____

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*Counsel for Cajun Kitchen Seafood
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Kitchen Seafood & Po-Boys*

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

By: _____

Michael L. Tyler, #29463
Assistant Attorney General
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Counsel for Office of State Police

EXHIBIT "A"

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

**IN RE: CAJUN KITCHEN SEAFOOD & PO-BOYS, LLC CASE NO.: 4500214192
D/B/A CAJUN KITCHEN SEAFOOD & PO-BOYS**

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 Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys (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 a Revocation Hearing on February 16, 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 November 11, 2008, a video gaming compliance inspection was conducted by the Office of State Police at Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys.
2. The inspection revealed that the Alcohol Tobacco Control ("ATC") permit of Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys had expired on April 30, 2008.
3. On November 26, 2008, the Louisiana Gaming Control Board (the "Board") issued a Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing to Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys.
4. On December 8, 2008, the Louisiana Gaming Control Board Administrative Hearing Office issued an Order sustaining the Board's suspension of Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys license.
5. On January 14, 2009, Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys 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, 2008, and November 11, 2008, Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys 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. Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys 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).
8. During the time period of May 1, 2008, through November 11, 2008, Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys licensed establishment accrued net video poker gaming revenue of approximately \$11,977.64.

TERMS AND CONDITIONS

1. In lieu of revocation of its licenses, the Licensee will pay a civil penalty of SEVEN THOUSAND DOLLARS (\$7,000.00) 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 Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing issued November 26, 2008.

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.

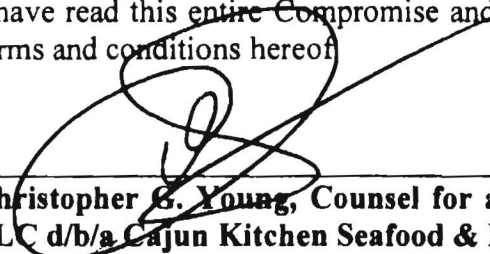
4. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the state of Louisiana.

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.

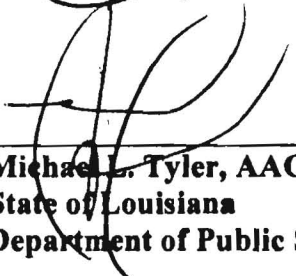
6. This Compromise and Settlement Agreement is subject to approval by the Hearing Officer and the Louisiana Gaming Control Board. It is expressly understood that if this proposed settlement is approved by the Hearing Officer, this agreement is not thereby executory, but will be submitted to the Louisiana 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 continued suspension of Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun

Kitchen Seafood & Po-Boys 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



Christopher G. Young, Counsel for and on behalf of Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys



**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: CAJUN KITCHEN SEAFOOD & PO-BOYS, LLC CASE NO.: 4500214192
D/B/A CAJUN KITHCEN SEAFOOD & PO-BOYS

ORDER

BE IT REMEMBERED that on this the 16th day of February, 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 Seven Thousand Dollars and No/100 (\$7,000.00) to the Division within fifteen (15) days of the approval by the Louisiana Gaming Control Board. Failure to do so shall result in the continued suspension of the license of Cajun Kitchen Seafood & Po-Boys, LLC d/b/a Cajun Kitchen Seafood & Po-Boys without the necessity of any further administrative action until such time as the penalty is paid in full.

SIGNED AND ENTERED this 16th day of February, 2009, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I hereby certify that a certified
copy of this order was served on
ALL PARTIES TO THIS CASE BY
OF February 16, 2009
BY [Signature]
CLERK, ADMINISTRATIVE HEARING OFFICE
cd. Christopher Young
Michael Tyler
Sgt. Lonell Sidday

[Signature]
LOUISIANA **RICHARD L. REYNOLDS**
HEARING OFFICER
BATON ROUGE, LA 2/16/09
[Signature]
BY CLERK