



State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.  
GOVERNOR

HILLARY J. CRAIN  
CHAIRMAN

**IN RE: TONY'S POBOY RESTAURANT, INC. D/B/A  
TONY'S POBOY RESTAURANT  
NO. VP4400201487**

**ORDER**

This matter was considered by the Louisiana Gaming Control Board at its meeting of February 18, 2003. The Hearing Officer's order dated January 22, 2003, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Recommendation of Suspension," by and between Tony's PoBoy Restaurant, Inc. d/b/a Tony's PoBoy Restaurant, No.VP4400201487, and the Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division, which is attached hereto and incorporated herein, is **APPROVED**.

**THUS DONE AND SIGNED** on this the 20<sup>th</sup> day of February, 2003.

**LOUISIANA GAMING CONTROL BOARD**

BY:

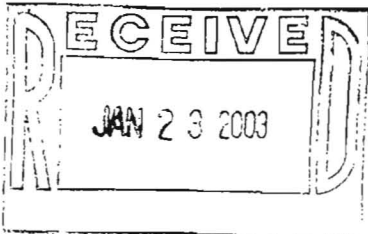
  
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**HILLARY J. CRAIN, CHAIRMAN**

**LOUISIANA GAMING CONTROL BOARD**

I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 20<sup>th</sup> DAY  
OF February, 2003

APPEAL DOCKET CLERK





STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

IN RE: TONY'S PO BOY RESTAURANT, INC.  
d/b/a TONY'S PO BOY RESTAURANT

CASE NO. 4400201487

JOINT MOTION FOR ENTRY OF STIPULATIONS AND  
APPROVAL OF PROPOSED SETTLEMENT

ON THE JOINT MOTION OF:

1. The Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division (hereinafter "Division"), and
2. Tony's Po Boy Restaurant, Inc. d/b/a Tony's Po Boy Restaurant, License No. 4400201487 (hereinafter "licensee"), who respectfully represent the following:

WHEREAS:

1. On or about March 8, 2002, the Division mailed the annual form, which must be submitted annually by all licensees, to the licensee;
2. The licensee was mandated by LAC 42:XI.2405(B)(7) to submit the above annual form to the Division, along with all appropriate fees and current tax clearance certificates, on or before July 1, 2002;
3. On or about March 27, 2002, the Division received the licensee's annual license form, fee and state tax clearance certificate. However, the local tax clearance certificate was not included.
4. Pursuant to this information, the Division issued a Notice of Violation and Hearing (Violation/Inspection Report #13849) to the licensee on or about September 20, 2002, alleging violations of LAC 42:XI.2405(B)(7).
5. On or about January 15, 2003, the Division received a copy of the licensee's local tax clearance certificate.

TRUE COPY  
  
Representative  
Louisiana Gaming Control Board

6. This matter has been scheduled for hearing on January 22, 2003 at 9:30 a.m. before the Honorable J. E. Anzalone, Jr.

**NOW THEREFORE,** in consideration of the foregoing stipulations, the Division and the licensee hereby propose the following settlement, that:

1. The licensee acknowledges that it was in violation of LAC 42:XI.2405(B)(7), in that it did not submit the appropriate local tax clearance certificate to the Division by July 1, 2002;
2. In lieu of suspension of the licensee's video gaming license, the licensee shall pay a \$250.00 civil penalty;
3. The Division hereby agrees to accept the licensee's payment of the above stated penalty in full and final settlement of Violation/Inspection Report No. 13849;
4. The Division reserves the right to take into consideration these violations in connection with any future violation;
5. The form and substance of this settlement are to be interpreted under the laws of the State of Louisiana;
6. This settlement constitutes the entire agreement between the Division and Tony's Po Boy Restaurant, pertaining to the subject matter contained herein, and supercedes all prior and contemporaneous agreements, representations, and understandings of the parties;
7. This settlement is subject to approval by the Hearing Officer of the Louisiana Gaming Control Board; it is expressly understood that if this proposed settlement is approved by the Hearing Officer, this agreement is not executory and will be submitted to the Board for its determination as to whether the matter should be heard by the Hearing Officer; if approved, however, payment of the above penalties must be submitted to the Division within fifteen (15) days of approval of this settlement by the Board; the failure to submit the civil penalty within fifteen (15) days of approval by the Board shall result in the video gaming license of the licensee being suspended and its gaming devices being disabled; and
8. The Division and the licensee waive their rights to appeal this settlement if the Order is signed by the Hearing Officer and accepted by the Board.

Respectfully submitted,

Tony Fiore  
Tony's Po Boy Restaurant  
d/b/a Tony's Po Boy Restaurant  
VG# 4400201487

RICHARD P. IEYOUB  
ATTORNEY GENERAL

BY:



Tony Fiore  
Tony's Po Boy Restaurant, Inc.  
d/b/a Tony's Po Boy Restaurant  
434 E. Judge Perez Drive  
Chalmette, Louisiana 70043  
Licensee

BY:



Kim M. Graham  
Assistant Attorney General  
La. Bar Roll No. 20932  
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Attorney for Division

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

IN RE: TONY'S PO BOY RESTAURANT, INC.  
d/b/a TONY'S PO BOY RESTAURANT, INC.

CASE NO. 4400201487

ORDER

Considering the foregoing Joint Motion For Entry of Stipulations and Approval of Proposed Settlement, IT IS HEREBY ORDERED that such proposed settlement be approved, to wit:

1. the licensee acknowledges that it was in violation of LAC 42:XI.2405 (B)(7), in that it did not submit the appropriate local tax clearance certificate to the Division by July 1, 2002;
2. Tony's Po Boy Restaurant, Inc., shall pay a civil penalty in the amount of \$250.00;
3. payment of the above penalty shall be submitted to the state within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board; and
4. the failure to submit the above penalty within fifteen (15) days of approval of this settlement by the Board shall result in the video gaming license of Tony's Po Boy Restaurant being suspended and its gaming devices being disabled.

THUS DONE AND SIGNED this 23 day of July,  
2003 in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 22nd DAY  
OF July 2003  
Almeta Hays  
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Tony Fiore  
Kim Graham, Esq.  
Sabrina Ballard

J. E. Anderson  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA 11/22/03  
Almeta Hays  
BY: CLERK

STATE OF LOUISIANA  
PARISH OF St. Placide

AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within and for the State and Parish aforesaid, PERSONALLY CAME AND APPEARED:

TONY FIORE

who, after first being duly sworn, declared and acknowledged to me, Notary, under oath:

that affiant is an owner of Tony's Po Boy Restaurant, ("licensee"), whose establishment is located at 434 E. Judge Perez Drive, Chalmette, Louisiana 70043;

that Tony's Po Boy Restaurant received a Notice of Recommendation of Suspension (Violation/Inspection Report No. 13849) from the Louisiana Gaming Control Board, citing violation of LAC 42:XI.2405(B)(7);

that in the interest of settling this matter, affiant has willfully entered into a Joint Motion for Entry of Stipulations and Approval of Proposed Settlement with the Division on behalf of the licensee, via the Attorney General's Office; and

that affiant signed the above-cited motion of his own volition, without duress or coercion.

THUS DONE AND PASSED in Chalmette, Louisiana, on this  
20th day of January, 2003.

Tony Fiore  
Affiant

Natalie Mucy  
Notary Public  
My commission expires Feb 2004