



*State of Louisiana*  
*Gaming Control Board*

JOHN BEL EDWARDS  
GOVERNOR

RONNIE JONES  
CHAIRMAN

**IN RE: THE PHOENIX BAR COMPLEX, LLC  
D/B/A PHOENIX  
NO. 3601114959**

**ORDER**

This matter was considered by the Louisiana Gaming Control Board at its meeting of February 20, 2020. The Hearing Officer's order dated January 22, 2020, 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 The Phoenix Bar Complex, LLC d/b/a Phoenix, No. 3601114959, 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 *20<sup>th</sup>* day of *February, 2020*.

**LOUISIANA GAMING CONTROL BOARD**

BY:

  
\_\_\_\_\_  
**RONNIE JONES, 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 2020



LGCB-5454-20-B **APPEAL DOCKET CLERK**

**RECEIVED**

By Geralyn A. Coleman at 3:17 pm, Jan 22, 2020

**RECEIVED**

JAN 21 2020

LA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

THE PHOENIX BAR COMPLEX, LLC  
D/B/A PHOENIX

CASE NO.: 3601114959

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 The Phoenix Bar Complex, LLC d/b/a Phoenix (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.

  
Representative

Louisiana Gaming Control Board

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: 

Allison U. Rovira Modicut  
Bar Roll # 27634  
730 North Street  
Baton Rouge, Louisiana 70802  
Telephone: (225) 381-0019  
Facsimile: (225) 381-0178  
*Counsel for The Phoenix Bar Complex,  
LLC d/b/a Phoenix*

By: 

Alonna C. Murray, Bar Roll # 37962  
Assistant Attorney General  
1885 North Third Street, 5<sup>th</sup> Floor  
Baton Rouge, Louisiana 70802  
Telephone: (225) 326-6500  
Facsimile: (225) 326-6599  
*Counsel for the Office of State Police*

EXHIBIT "A"

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

RE: THE PHOENIX BAR COMPLEX, LLC  
D/B/A PHOENIX

CASE NO.: 3601114959

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and The Phoenix Bar Complex, LLC d/b/a Phoenix (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 941 Elysian Fields Avenue, New Orleans, Louisiana, 70117.

2. On February 26, 2019, the Division mailed a Video Gaming Advisory Notice to Licensee informing them of the requirement to submit the annual fee and forms no later than July 1, 2019.

3. On November 6, 2019, the Division received the required annual renewal forms and fee. Licensee is now compliant with Louisiana Gaming law.

4. Licensee failed to timely submit the required annual fee and supporting documents, in violation of La. R.S. 27:435(K)(4)(a) and (d) and LAC 42:XI.2405(B)(4).

#### TERMS AND CONDITIONS

1. In lieu of administrative action, Licensee will pay a penalty of **SEVEN HUNDRED FIFTY and 00/100 (\$750.00) DOLLARS** for its violation of La. R.S. 27:435(K)(4)(a) and (d) and LAC 42:XI.2405(B)(4).

2. The Division hereby agrees that payment of a total penalty of **SEVEN HUNDRED FIFTY and 00/100 (\$750.00) 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.

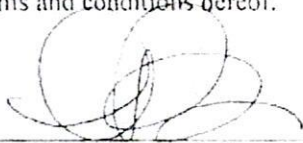
5. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Licensee, pertaining to the subject matter contained herein and

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.



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Allison U. Rovira Modicut, on behalf of  
The Phoenix Bar Complex, LLC d/b/a Phoenix



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Alonka C. Murray, 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: THE PHOENIX BAR COMPLEX, LLC  
D/B/A PHOENIX

CASE NO.: 3601114959

ORDER

BE IT REMEMBERED that on the 22<sup>nd</sup> day of January, 2020, 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 The Phoenix Bar Complex, LLC d/b/a Phoenix must pay SEVEN HUNDRED FIFTY and 00/100 (\$750.00) 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 22<sup>nd</sup> day of January, 2020, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE

I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON

ALL PARTIES THIS 22 DAY  
OF January, 2020

Eloony Batista  
DOCKET CLERK, ADMIN. HEARING OFFICE

C: The Phoenix Bar Complex, LLC D/BA Phoenix  
Alonna Murray  
Sgt. Eddie Dargie

Suzan S. Ponder

SUZAN S. PONDER  
HEARING OFFICER

A TRUE COPY ATTEST

LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE

BATON ROUGE, LA 01/22/20

Eloony Batista

DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE