



State of Louisiana  
Gaming Control Board

KATHLEEN BABINEAUX BLANCO  
GOVERNOR

HILLARY J. CRAIN  
CHAIRMAN

IN RE: FLYING J, INC.  
NO. VP0906505570A  
VIOLATION INSPECTION REPORT #14094

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of January 20, 2004. The Hearing Officer's order dated December 17, 2003, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Recommendation of Administrative Action," by and between Flying J, Inc., No. VP0906505570A, 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 21<sup>st</sup> day of January, 2004.

LOUISIANA GAMING CONTROL BOARD

BY:

  
HILLARY J. CRAIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD

I HEREBY CERTIFY THAT A CERTIFIED

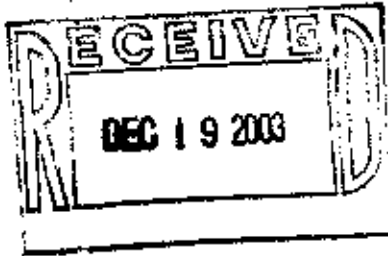
COPY HAS BEEN MAILED OR SERVED ON

ALL PARTIES THIS 21<sup>st</sup> DAY

OF January, 2004

APPEAL DOCKET CLERK





STATE OF LOUISIANA

LOUISIANA GAMING CONTROL BOARD

ADMINISTRATIVE HEARING OFFICE

RECEIVED

DEC 17 2003

LGCB  
ADMINISTRATIVE HEARING OFFICE

IN RE: FLYING J, INC.

NO. 0906505570A

VIOLATION REPORT NO. 14094

**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. Flying J, Inc., License No. 0906505570A (hereinafter "licensee"),

who respectfully represent the following:

**WHEREAS:**

1. On or about March 01, 2003, the Division mailed licensee the Annual Form required to be submitted with all appropriate fees as well as current tax clearance certificates on or before July 1, 2003. On or about April 21, 2003, the Division received the licensee's Annual Form and annual fee; however the licensee failed to submit the appropriate tax clearance certificates. On or about May 12, 2003, the Division sent a notice advising licensee of its failure to submit the required tax clearances;
2. The licensee is mandated by LAC 42:XI.2405(B)(7) to submit proof of current tax filings and payments, including tax clearance certificates from the state and all appropriate local taxing authorities to the division along with the annual fee as provided in Subsection B.4 no later than July 1 of each year;
3. On or about July 28, 2003, the Division issued Violation/Inspection Report #14094, citing violation of LAC 42:XI.2405(B)(7). Attendant to this Violation/Inspection Report, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action to the licensee on or about October 9, 2003; licensee submitted the appropriate tax clearances to the division on or about November 17, 2003.

TRUE COPY

Representative

Louisiana Gaming Control Board

4. This matter has been scheduled for hearing on December 10, 2003 at 9:00 a.m. before the Honorable William H. Brown.

**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 proof of current tax filings from appropriate local taxing authorities to the Division until on or about November 17, 2003, which was more than three months past the due date of July 1, 2003 for this current year;
2. In consideration of the previous and aforementioned settlement of Violation/Inspection Report #14457 and in lieu of further administrative action against 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. 14457 and this Notice of Recommendation of Administrative Action;
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 licensee, Flying J, Inc. and the Division 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,

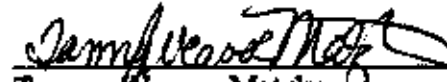
**FLYING J, INC.**  
No. 0906505570A

**RICHARD P. IEYOUB**  
**ATTORNEY GENERAL**

BY:

  
Barre G. Burgon, General Counsel  
Flying J, Inc.  
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BY:

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

**IN RE: FLYING J INC.**

**NO. 0906505570A**  
**VIOLATION REPORT NO. 014094**

**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 proof of current tax filings from appropriate local taxing authorities to the division until on or about November 17, 2003 which was three months past the due date of July 1, 2003 for this current year;
2. the licensee shall pay a \$250.00 civil penalty;
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 the licensee being suspended and its gaming devices being disabled.

THUS DONE AND SIGNED this 17<sup>th</sup> day of December, 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 17<sup>th</sup> DAY  
OF December, 2003  
Sandra Haynes  
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Casey Burgin  
Jany Naylor  
Sabrina Ballard



William H. Brown  
Hearing Officer

A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA December 17, 2003 

Sandra Haynes  
BY: CLERK

STATE OF LOUISIANA UTAH  
PARISH OF WEBER  
COUNTY

**AFFIDAVIT**

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

**BARRE G. BURGON,**

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

that affiant is General Counsel for Flying J, Inc. and thereby authorized to act on their behalf (license no. 0906505570A);

that the licensee received a Notice of Recommendation of Administrative Action (Violation/Inspection Report No. 014094) from the Louisiana Gaming Control Board, citing violation of LAC 42:XL.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 Ogden, <sup>UTAH</sup> Louisiana, on this 15<sup>th</sup> day of December, 2003.

  
Barre G. Burgon, Affiant



  
Marilyn Rasmussen  
Notary Public  
My commission expires 10/02/04