



# State of Louisiana

Gaming Control Board

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

HILLARY J. CRAIN  
CHAIRMAN

## IN RE: BLACK MAGIC, INC. D/B/A ORIGINAL BLACK MAGIC NO. VP3601103392

### ORDER


This matter was considered by the Louisiana Gaming Control Board at its meeting of March 18, 2003. The Hearing Officer's order dated February 24, 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 Black Magic, Inc. d/b/a Original Black Magic, No. VP3601103392, 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**.

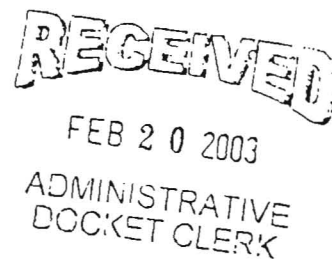
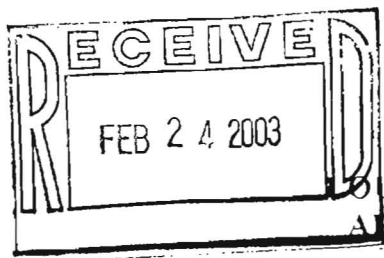
THUS DONE AND SIGNED on this the 18 day of March, 2003.

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 20 DAY  
OF March 2003  
APPEAL DOCKET/CLERK  




STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

IN RE: BLACK MAGIC, INC.  
d/b/a ORIGINAL BLACK MAGIC

CASE NO. 3601103392

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. Black Magic, Inc. d/b/a Original Black Magic, License No. 3601103392 (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 May 24, 2002, the Division received the licensee's annual license form and fee. However, the state and local tax clearance certificates were not included.
4. Pursuant to this information, on or about September 23, 2002, the Division Mailed a Notice of Violation and Hearing (Violation/Inspection Report #13881) to the licensee, alleging violations of LAC 42:XI.2405(B)(7). On October 1, 2002, the Division received notification of the licensee's receipt of this notice.
5. On or about January 31, 2003, the Division received a copy of the licensee's tax clearance certificates.

TRUE COPY

  
Representative

Louisiana Gaming Control Board

6. This matter has been scheduled for hearing on February 24, 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 tax clearance certificates 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. 13881;
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 Original Black Magic, 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.

**Nelda Turner**  
**Black Magic, Inc.**  
**d/b/a Original Black Magic**  
**VG# 3601103392**

**RICHARD P. IEYOUNG**  
**ATTORNEY GENERAL**

BY: *Nelda Turner*  
Nelda Turner  
Black Magic, Inc.  
d/b/a Original Black Magic  
2800 S. Carrollton Avenue  
New Orleans, Louisiana 70118  
**Licensee**

BY: *Kim M. Graham*  
Kim M. Graham  
Assistant Attorney General  
La. Bar Roll No. 20932  
365 Canal Street, One Canal Place  
Suite 2730  
New Orleans, Louisiana 70130  
Telephone: (504)-599-1175  
Facsimile: (504) 599-1163  
**Attorney for Division**

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

IN RE: BLACK MAGIC, INC.  
d/b/a ORIGINAL BLACK MAGIC

CASE NO. 3601103392

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:

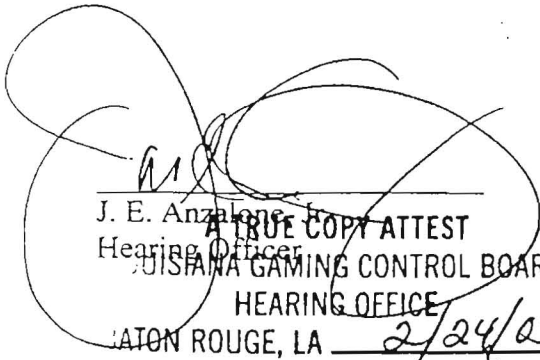
1. the licensee acknowledges that it was in violation of LAC 42:XI.2405 (B)(7), in that it did not submit the appropriate tax clearance certificates to the Division by July 1, 2002;
2. Original Black Magic, shall pay a civil penalty in the amount of \$250.00;
3. payment of the above penalty shall be 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 Original Black Magic being suspended and its gaming devices being disabled.

THUS DONE AND SIGNED this 24<sup>th</sup> day of Feb

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 24<sup>th</sup> DAY  
OF February 2003  
BY Alecia Bayes  
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Nelda Turner  
Kim Graham, Esq.  
Sabrina Ballard

  
J. E. Anzalone  
Hearing Officer  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA 2/24/03

Alecia Bayes  
BY: CLERK

STATE OF LOUISIANA  
PARISH OF ORLEANS

**AFFIDAVIT**

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

**NELDA TURNER**

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

that affiant is an owner of Original Black Magic, ("licensee"), whose establishment is located at 8535 Apple Street, New Orleans, Louisiana 70118;

that Original Black Magic received a Notice of Recommendation of Suspension (Violation/Inspection Report No. 13881) 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 New Orleans, Louisiana, on this 20<sup>th</sup> day of FEBRUARY, 2003.

Nelda Turner  
Affiant

**CYNTHIA M. TUVAGUE**  
**NOTARY PUBLIC**  
**ST. BERNARD PARISH, LOUISIANA**  
**MY COMMISSION IS ISSUED FOR LIFE**

Cynthia M. Tuvague  
Notary Public  
My commission expires at Death