



State of Louisiana

Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

ANNE LACOUR NEEB
EXECUTIVE DIRECTOR

IN RE: LEBELLA CATERING, INC. D/B/A LABELLA DELI
NO. VP2605206364

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of September 13, 2005. The Hearing Officer's order dated August 25, 2005, 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," Permit No. VP2605206364, by and between LaBella Catering, Inc. d/b/a LaBella's Deli, 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 13 day of September, 2005.

LOUISIANA GAMING CONTROL BOARD

BY:

H. CHARLES GAUDIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 15th DAY
OF September, 2005
APPEAL DOCKET CLERK



STATE OF LOUISIANA

RECEIVED

LOUISIANA GAMING CONTROL BOARD

AUG 18 2005

ADMINISTRATIVE HEARING OFFICE ^{LGCB} ADMINISTRATIVE HEARING OFFICE

IN RE: LABELLA CATERING, INC.
d/b/a LABELLA'S DELI

VGL# 2605206364

**JOINT MOTION FOR ENTRY OF STIPULATIONS AND
APPROVAL OF PROPOSED SETTLEMENT**

ON THE JOINT MOTION OF:

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter "Division"), and LABELLA CATERING, INC. d/b/a LABELLA'S DELI, license No. 2605206364 (hereinafter "Licensee"), who respectfully represent the following:

WHEREAS:

1. The Licensee submitted documents to the Division that were improperly notarized. The Licensee admits to forwarding signed documents to the device owner, Master Video Poker, via an employee/representative of the device owner, for notarization. The Licensee admits that Judy H. Labella and Joseph Labella did not sign the documents in the presence of a notary and the documents were not notarized in presence of Judy H. Labella or Joseph Labella.
2. The Licensee is barred by LAC 42:XI.2405(A)(15) from making or assisting in making false statements, including the submission of improperly notarized documents to the Division.
3. The Licensee submitted improperly notarized documents signed by Judy H. Labella, President and 51% shareholder of the Licensee, to the Division which included but was not limited to the following documents:

Request to Release Information Form, dated May 25, 2001; Annual Licensee Form, Dated March 8, 2002; Registry Information/VERIFICATION Form dated June 12, 2002.

4. The Licensee submitted improperly notarized documents signed by Joseph Labella, Secretary/Treasurer and 49% shareholder of the

TRUE COPY

Representative

Louisiana Gaming Control Board

Licensee, to the Division which included but was not limited to the following documents:

Request to Release Information Form, Renewal Affidavit/Certification, Affidavit of Full Disclosure and Release of All Claims Form, all dated May 25, 2001.

5. The attached affidavits of Judy H. Labella and Joseph Labella support these stipulations and are incorporated into this agreement by reference.
6. This matter has been scheduled for hearing on September 6, 2005 at 9:30 a.m. before the Honorable Joseph 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 submitted improperly notarized documents to the Division in violation of LAC 42:XI.2405(A)(15);
2. In lieu of administrative action against the license, the Licensee shall pay a \$1000.00 civil penalty;
3. The Division hereby agrees to accept the Licensee's payment of the above stated penalty in full and final settlement of 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 Division and Labella Catering, Inc. d/b/a Labella's Deli 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 with fifteen (15) days of

approval by the Board shall result in the suspension of the license until such time as the penalty is paid in full; 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,

**LABELLA CATERING, INC.
d/b/a LABELLA'S CATERING**

BY:



Donald O. Cotton, #24352
Counsel for Licensee
PO Box 2055
Natchitoches, La 71457
Telephone (318) 352-2055
Facsimile (318) 352 1643

Respectfully submitted,

**CHARLES C. FOTI, JR.
ATTORNEY GENERAL**

BY:



O. Young Bonner, #24969
Assistant Attorney General
365 Canal St., Suite 2730
New Orleans, LA 70130
Telephone: (504) 599-1149
Facsimile: (504) 599-1163

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: LABELLA CATERING, INC
d/b/a LABELLA'S CATERING

VGL # 2605206364

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 submitted improperly notarized documents to the Division in violation of LAC 42:XI.2405(A)(15);
2. The Licensee shall pay a \$1000.00 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 Type 2 Video Gaming License of the Licensee being suspended until such time as penalty is paid in full.

THUS DONE AND SIGNED this 25 day of Aug, 2005

in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 25 DAY
OF Aug 2005
[Signature]
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

Donald Cotton
Yang Bonner
Sgt. Roland Rodrigue

[Signature]
JOSEPH E. ANZALONE, JR.
Hearing Officer

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 8/25/05

[Signature]
BY: CLERK

AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within and for the state and Parish aforesaid, personally came and appeared:

JOSEPH LABELLA

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

that he is the Secretary/Treasurer and 49% shareholder of Labella Catering, Inc. d/b/a Labella's Deli, VGL # 2605206364;

that Labella Catering, Inc. previously entered into a video poker agreement with Master Video Poker ("MVP");

that MVP sent video gaming documents to Affiant for execution, particularly the Applicant's Request to Release Information Form dated May 25, 2001; Renewal Affidavit/Certification and Release of All Claims dated May 25, 2001; and Affidavit of Full Disclosure dated may 25, 2001 (the "Documents");

that pursuant to the instructions of MVP, Affiant executed the Documents which were then picked up by a representative of MVP;

that Affiant knows Harry J. Boyer, Jr. personally and affiant signed the Registry Information/VERIFICATION Form dated June 12, 2002, as a witness, but did not sign the document in the presence of Harry J. Boyer, Jr., although the purported notary is Harry J. Boyer, Jr.;

that Affiant does not know the name of the individual who picked up the Documents;

that all of the statements, responses, disclosures and representations provided in the documents submitted to the Division bearing Affiant's signature, are true and correct to the best of Affiant's knowledge, information and belief, and represent a complete and accurate account of the requested information;

that the above information is true and correct to the best of Affiant's knowledge and belief.

THUS DONE AND PASSED in Kenner, Louisiana, on this 15th day of August, 2005.

Signature of Joseph Labella
JOSEPH LABELLA, affiant

Signature of Notary
Notary

Print name and notary number

AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within and for the state and Parish aforesaid, personally came and appeared:

JUDY H. LABELLA

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

that she is the President and 51% shareholder of Labella Catering, Inc. d/b/a Labella's Deli, VGL # 2605206364;

that Labella Catering, Inc. previously entered into a video poker agreement with Master Video Poker ("MVP");

that MVP sent video gaming documents to Affiant for execution, particularly the *Applicant's Request to Release Information Form* dated May 25, 2001; *Annual Licensee Form* dated March 8, 2002; and *Registry Information/VERIFICATION Form* dated June 12, 2002 (the "Documents");

that pursuant to the instructions of MVP, Affiant executed the Documents which were then picked up by a representative of MVP;

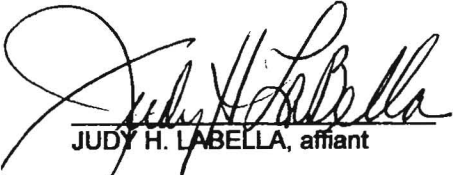
that the documents were improperly notarized documents in that Affiant did not sign the Documents in the presence of a notary and the Documents were not notarized in Affiant's presence;


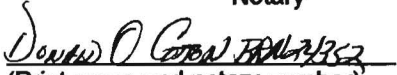
that Affiant does not know the name of the individual who picked up the Documents;

that all of the statements, responses, disclosures and representations provided in the documents submitted to the Division bearing Affiant's signature, are true and correct to the best of Affiant's knowledge, information and belief, and represent a complete and accurate account of the requested information;

that the above information is true and correct to the best of Affiant's knowledge and belief.

THUS DONE AND PASSED in Kenner, Louisiana, on this 15th day of August, 2005.


JUDY H. LABELLA, affiant


Notary

(Print name and notary number)