



State of Louisiana  
Gaming Control Board

KATHLEEN BABINEAUX BLANCO  
GOVERNOR

H. CHARLES GAUDIN  
CHAIRMAN

**IN RE: 1201 BURGUNDY LLC D/B/A COSIMO'S  
C/O VINCENT MARCELLO  
NO. 360112558**

**ORDER**

This matter was considered by the Louisiana Gaming Control Board at its meeting of March 21, 2006. The Hearing Officer's order dated March 15, 2006, 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 1201 Burgundy LLC d/b/a Cosimo's c/o Vincent Marcello, No. 360112558, 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 21<sup>st</sup> day of March, 2006.

LOUISIANA GAMING CONTROL BOARD

BY:

H. Charles Gaudin  
H. CHARLES GAUDIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 22<sup>nd</sup> DAY  
OF March, 2006

APPEAL DOCKET CLERK

Gerald Stemon

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

RECEIVED

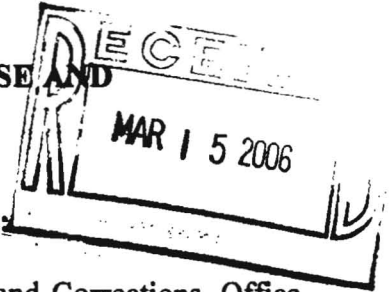
MAR 15 2006

LGCB  
ADMINISTRATIVE HEARING OFFICE

IN RE: 1201 BURGUNDY LLC D/B/A COSIMO'S  
C/O VINCENT MARCELLO

LICENSE NO. 3601112558

JOINT MOTION FOR APPROVAL OF COMPROMISE AND  
SETTLEMENT AGREEMENT



TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

COME NOW State of Louisiana, Department of Public Safety and Corrections, Office of State Police ("Division") and 1201 Burgundy LLC d/b/a Cosimo's c/o Vincent Marcello (hereinafter "Cosimo's") VGL 3601112558, who file this their 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 Cosimo's 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.

TRUE COPY

**WHEREFORE, PREMISES CONSIDERED,** The Division and Cosimo's respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully submitted,

**1201 BURGUNDY L.L.C. D/B/A COSIMO'S**

By: 

**Vincent Marcello on behalf of  
1201 Burgundy L.L.C. d/b/a Cosimo's  
VGL 3601112558**

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

By: 

**Gail C. Holland, Bar Roll #23783  
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***

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

**IN RE: 1201 BURGUNDY LLC D/B/A COSIMO'S  
C/O VINCENT MARCELLO**

**LICENSE NO. 3601112558**

**COMPROMISE AND SETTLEMENT AGREEMENT**

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter "the Division") and 1201 Burgundy LLC d/b/a Cosimo's c/o Vincent Marcello (hereinafter "Cosimo's") VGL 3601112558, do hereby represent and agree as follows:

**WHEREAS**, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to Cosimo's, which notice alleges certain violations of Louisiana Gaming Control Law; and

**WHEREAS**, the issues raised by the said Notice of Recommendation of Administrative Action are set for hearing on March 15, 2006, before the Louisiana Gaming Control Board Administrative Hearing Office; and

**WHEREAS**, the parties hereto are desirous of fully and finally compromising and settling all disputes and issues raised in connection with the said Notice of Recommendation of Administrative Action;

**NOW, THEREFORE**, in consideration of the foregoing, the parties hereto do hereby agree and stipulate as follows:

**STIPULATIONS**

1. Cosimo's is licensed as a Type 1 video gaming establishment.
2. Cosimo's sent improperly notarized video gaming documents, including, but not limited to, the Video Gaming Application (the "Documents") to the Division.

3. On December 27, 2005, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action to Cosimo's alleging certain violations of Louisiana Gaming Control Law.

4. Vincent Marcello admits that he did not sign the Documents in the presence of a notary and that the Documents were not notarized in the Affiant's presence. Thus, the Documents were improperly notarized in violation of LAC 42:XI.2405 (A)(15).

5. Vincent Marcello stipulates that all of the statements, responses, disclosures and representations provided in the Documents bearing his signature, are true and correct to the best of his knowledge, information and belief, and represent a complete and accurate account of the requested information.

#### **TERMS AND CONDITIONS**

1. Any and all information discovered throughout the course of this or any other investigation may be used in any future determination of the suitability of Vincent Marcello.

2. Cosimo's agrees to pay a civil penalty of One Thousand and No/100 (\$1,000.00) Dollars.

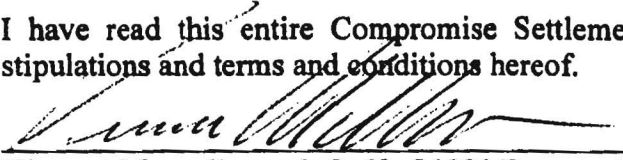
3. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Cosimo's pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

4. 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.


5. If approved, Cosimo's must make payment of the civil penalty to the Division within ten (10) days of approval by the Louisiana Gaming Control Board. Failure to do so shall result in the immediate suspension of the license without the necessity of any further administrative action until such time as the penalty is paid in full.

6. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.

I have read this entire Compromise Settlement Agreement, understand it, and agree to all stipulations and terms and conditions hereof.

  
\_\_\_\_\_  
**Vincent Marcello, on behalf of 1201 Burgundy LLC  
d/b/a Cosimo's, VGL 3601112558**

Sworn to and subscribed before this 7<sup>th</sup> day of March A.D. 2006.




\_\_\_\_\_  
**NOTARY PUBLIC**

Printed Name

Bar Roll #

**RONALD P. WHITTINGTON - LSBA 13446**

  
\_\_\_\_\_  
**Gail C. Holland, AAG 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

IN RE: 1201 BURGUNDY LLC D/B/A COSIMO'S  
C/O VINCENT MARCELLO

LICENSE NO. 3601112558

ORDER

BE IT REMEMBERED that on this the 15th day of March, 2006, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement. The Hearing Officer having considered the pleadings on file, the proposed 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.

SIGNED AND ENTERED this 15 day of March, 2006, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 15th DAY  
OF March, 2006  
Bill Omerize  
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Vincent Marcello  
Dad Holland  
Sgt. Roland Rutledge



WILLIAM H. BROWN  
HEARING OFFICER

A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA 3/15/06  
Bill Omerize  
BY: CLERK