



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: CHEERS ENTERPRISE, INC. D/B/A CHEERS
NO. 2600111856**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of May 20, 2008. The Hearing Officer's order dated April 9, 2008, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," No. 2600111856, by and between Cheers Enterprise, Inc. d/b/a Cheers, 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 20th day of May, 2008.

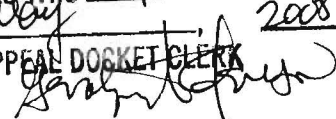
LOUISIANA GAMING CONTROL BOARD

BY:



H. CHARLES GAUDIN, CHAIRMAN

HJC/gac

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 21st DAY
OF May 2008
APPEAL DOCKET CLERK


RECEIVED

APR 14 2008

LGCB
ADMINISTRATIVE HEARING OFFICE



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

IN RE: CHEERS ENTERPRISE, INC. D/B/A CHEERS

LICENSE NO. 2600111856

**JOINT MOTION FOR APPROVAL OF
COMPROMISE AND SETTLEMENT AGREEMENT**

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

NOW COMES the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Cheers Enterprise, Inc. d/b/a Cheers (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.

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

Respectfully submitted,

Cheers Enterprise, Inc. d/b/a Cheers

By: 

Douglas Rozek, Authorized
Representative
Cheers Enterprise, Inc. d/b/a Cheers
4157 Loire Drive
Kenner, Louisiana 70065

**JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL**

By: 

Katie L. Dampier, Bar Roll #30465
Assistant Attorney General
1885 North Third Street, 5th 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**

IN RE: CHEERS ENTERPRISE, INC. D/B/A CHEERS

LICENSE NO. 2600111856

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Cheers Enterprise, Inc. d/b/a Cheers (hereinafter, "Licensee"), do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action, alleging 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 April 9, 2008, before the Louisiana Gaming Control Board Administrative Hearing Office; and

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 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. On August 18, 2007, the Division issued, via U.S. mail, a certified thirty (30) day compliance letter in reference to a tax delinquency of Douglas Rozek, 34% owner of the Licensee, to the Licensee. A letter was mailed to the Licensee's business and residential address of record. The Licensee had thirty (30) days to contact an agent for the Internal Revenue Service to settle the delinquency.

2. The return receipt for the certified letter sent to the business address of the Licensee

was signed for by D. Lewis on 8/27/07 and the return receipt for the certified letter sent to the residential address of record was returned stamped "Attempted-Not Known, Return to Sender."

3. On December 3, 2007, the Division issued Notice of Availability of Compliance Conference to the Licensee.

4. On January 8, 2008, the Licensee and a representative from the Division attended the Compliance Conference.

5. On February 8, 2008, the Louisiana Gaming Control Board issued Notice of Recommendation of Administrative Action to the Licensee alleging certain violations of Louisiana Gaming Control Law.

6. On April 8, 2008, the IRS informed the Division that Douglas Rozek had received a tax clearance.

7. The Licensee does admit it violated La. R.S. 27:308(B)(3), La R.S. 27:308.2, LAC 42:XI.2405(B)(1)(b), and LAC 42:XI.2417 (C)(1)(i).

TERMS AND CONDITIONS

1. Within fifteen (15) days of the approval of this settlement by the Louisiana Gaming Control Board, the Licensee shall pay a civil penalty of Two Hundred Fifty Dollars (\$250.00) for the violation of LAC 42:XI.2405(B)(1)(b) and LAC 42:XI.2417(C)(1)(i).

2. The Division hereby agrees to accept the payment of Two Hundred Fifty Dollars

(\$250.00) in full and final settlement of the Notice of Recommendation of Administrative Action

3. The Division reserves the right to take into consideration these admitted violations in connection with any future investigation, violation or assessment of penalty, and in connection with any future assessments of the 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 the 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 by the Louisiana Gaming Control Board, the Licensee must pay Two Hundred Fifty Dollars (\$250.00) within fifteen (15) calendar days of such approval. Any failure to meet this requirement will 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 Settlement Agreement and agree to all stipulations and terms and conditions hereof.



**Douglas Rozek, a Duly Authorized
Representative of Cheers Enterprise, Inc. d/b/a Cheers**



**Katie L. Dampier, Bar Roll #30465
AAG, on behalf of the State of Louisiana,
Department of Public Safety & Corrections,
Office of State Police**

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

IN RE: CHEERS ENTERPRISE, INC. D/B/A CHEERS LICENSE NO. 2600111856

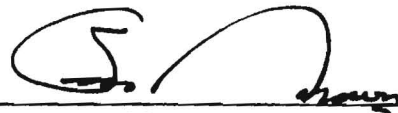
ORDER

BE IT REMEMBERED that on the 9th day of April, 2008, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and 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**; that the Licensee must pay Two Hundred Fifty Dollars and No/100 (\$250.00) 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 9th day of April, 2008, in Baton Rouge, Louisiana.



Richard Reynolds *William C Brown*
HEARING OFFICER

LOUISIANA GAMING CONTROL BOARD
CERTIFY THAT A CERTIFIED
COPIES BEEN MAILED OR SERVED ON
7th 19th DAY
Jill Ommaye
ADMINISTRATIVE HEARING OFFICE

cc: Douglas Rezek
Katie Dampier
Lt. James McCaune

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 4/14/08

Jill Ommaye
BY: CLERK