



State of Louisiana

Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

NOTICE OF DECISION

IN RE: MEL'S DINER PART II, INC.
D/B/A MEL'S DINER
NO. VP5006210202

TO: John Naumann
Post Office Box 53302
Lafayette, LA 70505

CERTIFIED MAIL: 7003 1680 0000 7626 7874
RETURN RECEIPT REQUESTED

Tammy Matzke, AAG
1885 North 3rd Street; Suite 500
Baton Rouge, LA 70802

CERTIFIED MAIL: 7003 1680 0000 7626 7881
RETURN RECEIPT REQUESTED

Lt. Jules Pinero, LSP
7919 Independence Boulevard
Baton Rouge, LA 70806

CERTIFIED MAIL: 7003 1680 0000 7626 7898
RETURN RECEIPT REQUESTED

NOTICE IS HEREBY given that on March 16, 2004, the decision of the Louisiana Gaming Control Board was signed in the above entitled matter. (SEE COPY OF THE ENCLOSED DECISION)

An appeal from a decision of the Board shall be filed within ten (10) days of notice of the decision in the Nineteenth Judicial District Court and shall be reviewed solely on the record as provided by La. R.S. 27:26.

Louisiana Gaming Control Board, Baton Rouge, Louisiana this 17th day of March, 2004.



Geraldyn A. Coleman
Appeal Docket Clerk

NOTIFIED:

John Naumann
Tammy Matzke, AAG
Lt. Jules Pinero, LSP-Video Gaming Division

3/17/04



State of Louisiana

Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

**IN RE: MEL'S DINER PART II, INC. D/B/A
MEL'S DINER
NO. VP5006210202**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of March 15, 2004. The Hearing Officer's order dated March 8, 2004, 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 Mel's Diner Part II, Inc. d/b/a Mel's Diner, No. VP5006210202, 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 16th day of March, 2004.

LOUISIANA GAMING CONTROL BOARD

BY:

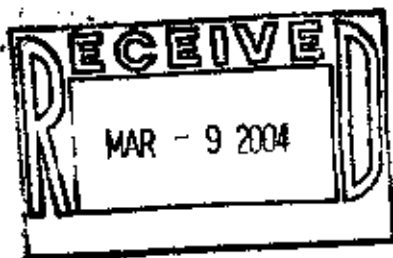


HILLARY J. CRAIN, CHAIRMAN

**LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 17th DAY
OF March 2004**

APPEAL DOCKER CLERK





STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: MEL'S DINER PART II, INC.
d/b/a MEL'S DINER

NO. 5006210202
INSPECTION NO. 013076

JOINT MOTION FOR ENTRY OF STIPULATIONS AND
APPROVAL OF PROPOSED SETTLEMENT

ON THE JOINT MOTION OF:

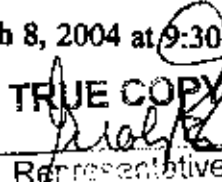
1. the Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division (hereinafter "Division"), and
2. the Mel's Diner Part II, Inc. d/b/a Mel's Diner VGL. No. 5006210202 (hereinafter "licensee"),

who respectfully represent the following:

WHEREAS:

1. On October 30, 2003, an advertisement representing Mel's Diner, was observed on a highway billboard sign by a division agent. This advertisement failed to include the required toll-free telephone number for problem gambling.
2. The licensee is mandated by La. R.S. 27:27.3 to place the toll-free telephone number of the National Council on Problem Gambling (or other similar, Board-approved toll-free telephone number) in any advertisement of its gaming activities or gaming establishment;
3. Pursuant to its agent's observations, the Division issued Violation/Inspection Report # 013076 to the licensee on October 31, 2003, citing violation of La. R.S. 27:27.3. 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 31, 2003.
4. This matter has been scheduled for hearing on March 8, 2004 at 9:30 a.m. before the Honorable Joseph E. Anzalone, Jr.

TRUE COPY


Representative

Louisiana Gaming Control Board

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 La. R.S. 27:27.3, in that it did not place the required problem gambling toll-free telephone number on its advertisement observed October 30, 2003;
2. 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. 013076 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 Division and Mel's Diner Part II, Inc. d/b/a Mel's Diner 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,

MEL'S DINER PART II
d/b/a MEL'S DINER
No. 5006210202

CHARLES C. FOTI, JR.
ATTORNEY GENERAL

BY:



John Naumann
President
Mel's Diner
P.O. Box 53302
Lafayette, Louisiana 70505

BY:



Tammy W. Matzke
Assistant Attorney General
La. Bar Roll No. 22887
1885 North Third Street
Baton Rouge, LA 70802
Telephone: (225) 326-6500
Facsimile: (225) 326-6599

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: MEL'S DINER PART II
d/b/a MEL'S DINER

NO. 5006210202
INSPECTION NO. 013076

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 La. R.S. 27:27.3, in that it did not place the required problem gambling toll-free telephone number on the bill board advertisement that advertised its gaming establishment;
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 until such time as the penalty is paid in full.

THUS DONE AND SIGNED this 8 day of March, 2004 in
Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 8 DAY
OF March, 2004
OF Sandra Haines
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

A. John Naumann
Jimmy Mable
Sandra Ballard

Joseph E. Angelone, Jr.
A TRUE COPY ATTEST
HEARING OFFICER
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 3-8-04

Rosa Nguyen
BY: CLERK

STATE OF LOUISIANA
PARISH OF LAFAYETTE

AFFIDAVIT

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

JOHN NAUMAN,

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

that affiant is the President of Mel's Diner Part II, Inc. d/b/a Mel's Diner and thereby authorized to act on its behalf (license no. 5006210202);

that the licensee received a Notice of Recommendation of Administrative Action (Violation/Inspection Report No. 013076) from the Louisiana Gaming Control Board, citing violation of LAC 42:XL2405.(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 LAFAYETTE, Louisiana, on this 1st day of MARCH, 2004.


John Naumann, Affiant


Notary Public
My commission expires INDEFINITE