



State of Louisiana

KATHLEEN BABINEAUX BLANCO
GOVERNOR

Gaming Control Board

H. CHARLES GAUDIN
CHAIRMAN

ANNE LACOUR NEEB
EXECUTIVE DIRECTOR

IN RE: TYJUAN SMITH NO. P040018290

ORDER


This matter was considered by the Louisiana Gaming Control Board at its meeting of November 16, 2004. The Hearing Officer's order dated October 21, 2004, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Recommendation of Suspension and Penalty," Permit No. P040018290, by and between Tyjuan Smith, and the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, which is attached hereto and incorporated herein, is **APPROVED**.

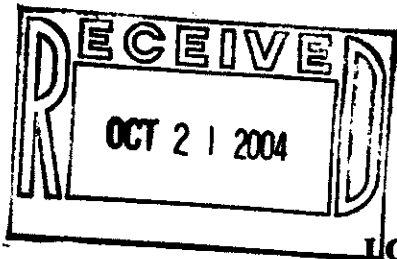
THUS DONE AND SIGNED on this the 16 day of November, 2004.

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 17th DAY
OF November, 2004
APPEAL DOCKET CLERK




STATE OF LOUISIANA

LOUISIANA GAMING CONTROL BOARD

ADMINISTRATIVE HEARING OFFICE

IN RE: TYJUAN SMITH

NO. P040018290

JOINT MOTION FOR ENTRY OF STIPULATIONS AND
APPROVAL OF PROPOSED SETTLEMENT

ON THE JOINT MOTION OF:

1. the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, (hereinafter "Division"), and
2. Tyjuan Smith, Permit No. P040018290 (hereinafter "permittee"),

who respectfully represent the following:

WHEREAS:

1. On April 12, 2004, the Division received notification from the Internal Revenue Service that permittee was not current in the filing of all applicable federal tax returns or in the payment of all taxes owed. Permittee was notified on May 24, 2004 by certified mail that permittee had thirty (30) days to provide the Division with documentation that a tax clearance had been issued. Permittee did not provide documentation of a tax clearance to the Division until on or about September 13, 2004.
2. The permittee is mandated by La. R.S. 27:28B(3) to remain current with all tax filings and payments owed to the state of Louisiana, any political subdivision of Louisiana, or the Internal Revenue Service.
3. Permittee was issued a *Notice of Recommendation of Suspension* by the Louisiana Gaming Control Board on or about August 30, 2004.
4. This matter has been scheduled for hearing on October 21, 2004 at 9:30 a.m. before the Honorable Joseph E. Anzalone, Jr.

NOW THEREFORE, in consideration of the foregoing stipulations, the Division and the permittee hereby propose the following settlement, that:

TRUE COPY

Representative

Louisiana Gaming Control Board

1. The permittee acknowledges that La. R.S. 27:28B(3) mandates permit holders to remain current with all tax filings and payments owed to the state of Louisiana, any political subdivision of Louisiana, or the Internal Revenue Service;
2. The permittee further acknowledges that permittee was notified on April 12, 2004 by certified mail that permittee had thirty (30) days to provide the Division with documentation that a tax clearance had been issued. Permittee did not provide documentation of a tax clearance to the Division until on or about September 13, 2004.
3. In consideration of the previous and aforementioned delay in submission of the mandatory federal tax clearance and in lieu of further administrative action against the permittee's gaming permit, the permittee shall pay a \$250.00 civil penalty;
4. The Division hereby agrees to accept the permittee's payment of the above stated penalty in full and final settlement of this Notice of Recommendation of Administrative Action;
5. The Division reserves the right to take into consideration these violations in connection with any future violation;
6. The form and substance of this settlement are to be interpreted under the laws of the State of Louisiana;
7. This settlement constitutes the entire agreement between the Division and Tyjuan Smith pertaining to the subject matter contained herein, and supercedes all prior and contemporaneous agreements, representations, and understandings of the parties;
8. 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 permittee being suspended until such time as the penalty is paid in full;
9. The Division and the permittee waive their rights to appeal this settlement if the Order is signed by the Hearing Officer and accepted by the Board.

Respectfully submitted,

TYJUAN SMITH
No. P040018290

BY: *Tyjuan Smith*
Tyjuan Smith
14101 Michoud Blvd., Apt. 315
New Orleans, Louisiana 70126

CHARLES C. FOTI, JR.
ATTORNEY GENERAL

BY: *Tammy Weaver Matzke*
Tammy Weaver Matzke
Assistant Attorney General
La. Bar Roll No. 22887
1885 North Third Street, 5th Floor
Baton Rouge, Louisiana 70802
Telephone: (225) 326-6500
Facsimile: (225) 326-6599

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: TYJUAN SMITH

NO. P040018290

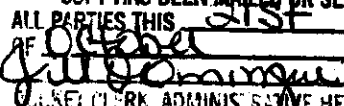
ORDER

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 permittee acknowledges that he was notified on or about April 12, 2004 by certified mail that permittee had thirty (30) days to provide the Division with documentation that a tax clearance had been issued and that he did not provide documentation of a tax clearance to the Division until September 13, 2004.
2. the permittee 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 Non Key Gaming Employee Permit of the permittee being suspended until such time as penalty is paid in full.

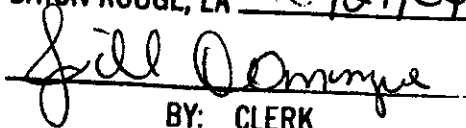
THUS DONE AND SIGNED this 21 day of Oct, 2004 in
Baton Rouge, Louisiana.


Joseph E. Anzalone, Jr.
Hearing Officer

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 21st DAY
OF October 2004

CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Tyjuan Smith
Tammy Mathe
Sgt. Rock Schexnaydra

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 10/21/04


BY: CLERK

STATE OF LOUISIANA
PARISH OF LOUISIANA

AFFIDAVIT

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

TYJUAN SMITH,

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

that affiant is the holder of Non-Key Gaming Employee Permit No. P040018290;

that the permittee received a Notice of Recommendation of Administrative Action from the Louisiana Gaming Control Board, citing violation of La. R.S. 27:28B(3);

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 permittee, 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
19th day of October, 2004.

Tyjuan Smith
Tyjuan Smith, Affiant

Mark J. Roberts
Notary Public
My commission expires at death

