



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DALE A. HALL
CHAIRMAN

**IN RE: NEW ORLEANS BREAKFAST & PANCAKE HOUSE, III
D/B/A NEW ORLEANS CRESCENT CITY GRILL
NO. 2600215890**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of May 17, 2012. The Hearing Officer's order dated May 2, 2012, 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 New Orleans Breakfast & Pancake House, III d/b/a New Orleans Crescent City Grill, No. 2600215890, 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 17th day of May, 2012.

LOUISIANA GAMING CONTROL BOARD

BY:

DALE A. HALL, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 18th DAY
OF May, 2012
APPEAL DOCKET CLERK

LGCB-1437-12-B

RECEIVED

By Geralyn Coleman at 2:41 pm, May 02, 2012

RECEIVED

MAY 02 2012

LGCB
ADMINISTRATIVE HEARING OFFICE

STATE OF LOUISIANA

LOUISIANA GAMING CONTROL BOARD

ADMINISTRATIVE HEARING OFFICE

IN RE: NEW ORLEANS BREAKFAST
& PANCAKE HOUSE III
d/b/a NEW ORLEANS
CRESCENT CITY GRILL

LICENSE No. 2600215890

JOINT MOTION FOR APPROVAL OF COMPROMISE AND
SETTLEMENT AGREEMENT

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

COME NOW the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and New Orleans Breakfast & Pancake House III d/b/a New Orleans Crescent City Grill (hereinafter, the "Licensee") 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 the 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 Officer and the Louisiana Gaming Control Board.

2.


A true and correct copy of the proposed Compromise and Settlement Agreement

TRUE COPY
Geralyn Coleman
Representative
Louisiana Gaming Control Board

is attached hereto as Exhibit "A" and incorporated by reference for all purposes.

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

Respectfully Submitted,



Yumeka Johnson
1673 Baratavia Blvd.
Marrero, La 70072
*Member of New Orleans Breakfast
& Pancake House III*

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

By: 

Olga M. Bogran, Bar Roll #24302
Assistant Attorney General
Gaming Division
400 Royal St. Suite 1230
New Orleans, LA 70130
Telephone: (504)599-1153
Facsimile: (504) 599-1163
Counsel for the Division

EXHIBIT "A"

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

**IN RE: NEW ORLEANS BREAKFAST
& PANCAKE HOUSE III
d/b/a NEW ORLEANS
CRESCENT CITY GRILL**

LICENSE No. 2600215890

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and New Orleans Breakfast & Pancake House III d/b/a New Orleans Crescent City Grill (hereinafter, the "Licensee") do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to the Licensee, which notice contains allegations of 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 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. The Licensee stipulates that it failed to timely file an Annual Report with Louisiana Secretary of State and was consequently deemed to be "not in good standing" with the Louisiana Secretary of State.

2. The Division stipulates that the Louisiana Secretary of State reports the Licensee "in good standing" as of October 18, 2011.¹

TERMS AND CONDITIONS

1. The Licensee agrees to pay, within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board, a civil penalty of five hundred and 00/100 Dollars (\$500.00) for violation of LAC 42:XI.2405(B)(1)(a) and LAC 42:XI.2417(A)(1).

2. The Division hereby agrees that payment of a civil penalty of five hundred and 00/100 Dollars (\$500.00) shall be in full and final settlement of all matters set forth in the Notice of Recommendation of Administrative Action.

3. The Division reserves the right to take into consideration these admitted stipulations and violations in connection with any future investigation, violation or assessment of penalty, and in connection with any future determination of the suitability of the Licensee.

4. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and the Licensee pertaining to the Licensee's failure to timely submit the annual form and fees as required by gaming law and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

¹ Exhibit 1 (Copy of Louisiana Secretary of State corporate database report).

5. 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.

6. If approved, the Licensee must make full payment of the civil penalty 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 License without the necessity of any further administrative action.

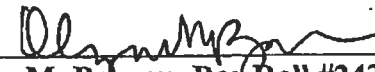
7. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.

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



Yumeka Johnson
1673 Baratavia Blvd.
Marrero, La 70072
*Member of New Orleans Breakfast
& Pancake House III*

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

By: 
Olga M. Bogran, Bar Roll #24302
Assistant Attorney General
Gaming Division
400 Royal St. Suite 1230
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Telephone: (504)599-1153
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Counsel for the Division

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

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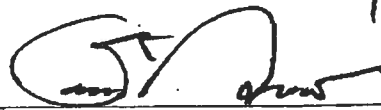
ORDER

BE IT REMEMBERED that on the 2nd day of May, 2012, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the parties having appeared in person or by and through their respective attorneys of record, 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 500 hundred and 00/100 Dollars (\$500.00) 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.

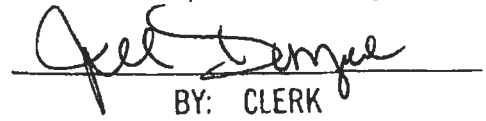
SIGNED AND ENTERED this 2nd day of May, 2012, in

Baton Rouge, Louisiana.
I HEREBY CERTIFY THAT A CERTIFIED
TRUE COPY HAS BEEN MADE OF THE ORIGINAL



HEARING OFFICER A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 05.02.12

cc: Shelley Johnson
Debra Boyan
Sgt. Lonell Subley
CLERK, ADMINISTRATIVE HEARING OFFICE



BY: CLERK