



State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

IN RE: CARLO FAZZIO, JR., INC. D/B/A BEANNIE'S NO. VP5501104309

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of February 18, 2003. The Hearing Officer's order dated February 4, 2003, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Recommendation of Suspension," by and between Carlo Fazzio, Jr., Inc. d/b/a Beannie's, No VP5501104309, 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**.

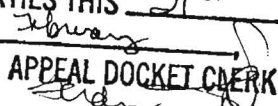
THUS DONE AND SIGNED on this the 20th day of February, 2003.

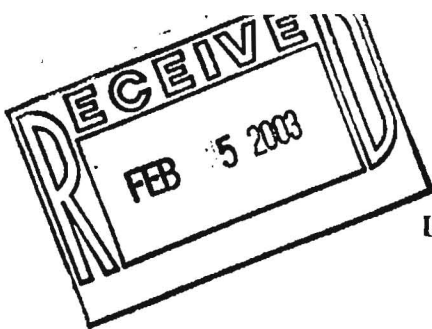
LOUISIANA GAMING CONTROL BOARD

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 21st DAY
OF February 2003
APPEAL DOCKET CLERK




STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RECEIVED

JAN 22 2003
ADMINISTRATIVE
DOCKET CLERK

IN RE: CARLO FAZZIO, JR., INC. d/b/a BEANNIE'S

CASE NO. 5501104309

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. Carlo Fazzio, Jr., Inc. d/b/a Beannie's, License No. 5501104309 (hereinafter "licensee"),

who respectfully represent the following:

WHEREAS:

1. On or about March 8, 2002, the Division mailed the annual form, which must be submitted annually by all licensees, to the licensee;
2. The licensee was mandated by La. R.S. 27:311(K)(4), LAC 42:XI.2405(B)(4) and (7) to submit the above annual form to the Division, along with all appropriate fees and current tax clearance certificates, on or before July 1, 2002;
3. On or about March 15, 2002, the Division received the licensee's annual form and fees; however, the state and local tax clearance certificates were not included. The licensee's state and local tax clearance certificates were not received by the Division prior to July 1, 2002.
4. Pursuant to this information, the Division issued Violation/Inspection Report #13886 to the licensee on or about September 23, 2002, citing violation of LAC 42:XI.2405(B)(7). Attendant to this Violation/Inspection Report, the Louisiana Gaming Control Board issued a Notice of Recommendation of Suspension to the licensee on or about December 3, 2002.
5. This matter has been scheduled for hearing on February 19, 2003 at 9:30 a.m. before the Honorable J. 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 LAC 42:XI.2405(B)(7), in that it did not submit the state and local tax clearance certificates to the Division by July 1, 2002;
2. The licensee has submitted the delinquent state and local tax clearances, a copy of each attached hereto;
3. In lieu of suspension of the licensee's video gaming license, the licensee shall pay a \$250.00 civil penalty;
4. 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. 13886 and this Notice of Recommendation of Suspension;
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 Carlo Fazio, Jr., Inc. d/b/a Beannie's 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 video gaming license of the licensee being suspended and its gaming devices being disabled; and
9. 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,

CARLO FAZZIO, JR., INC.
d/b/a BEANNIE'S
VG# 5501104309

BY: 
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RICHARD P. IEYOUB
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STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: CARLO FAZZIO, JR., INC. d/b/a BEANNIE'S

CASE NO. 5501104309

ORDER

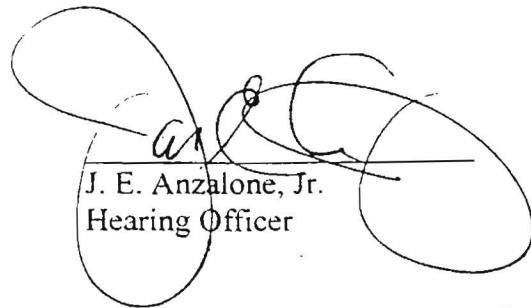
Considering the foregoing Joint Motion For Entry of Stipulations and Approval of Proposed Settlement, IT IS HEREBY ORDERED that such proposed settlement be approved. to wit:

1. the licensee acknowledges that it was in violation of LAC 42:XI.2405(B)(7), in that it did not submit the state and local tax clearance certificates to the Division by July 1, 2002;
2. having submitted the delinquent state and local tax clearances to the Division, the licensee shall pay a civil penalty in the amount of \$250.00;
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.

THUS DONE AND SIGNED this 4 day of Feb, 2003 in
Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 4th DAY
OF February 2003
Carla Thayer
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Frank Blackburn Esq.
Karen White Esq.
Sabrina Ballard


J. E. Anzalone, Jr.
Hearing Officer

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 2/4/03


BY: CLERK