



State of Louisiana
Gaming Control Board

JOHN BEL EDWARDS
GOVERNOR

RONNIE JONES
CHAIRMAN

IN RE: MALONEY CINQUE, LTD
D/B/A THE CARNIVAL CLUB
NO. 3601500165

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of February 20, 2020. The Hearing Officer's order dated January 29, 2020, 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 Maloney Cinque, Ltd d/b/a The Carnival Club, No. 3601500165, 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 February, 2020.

LOUISIANA GAMING CONTROL BOARD

BY:

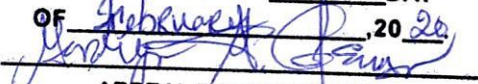


RONNIE JONES, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD

I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 20th DAY

OF February 20, 2020



APPEAL DOCKET CLERK

LGCB-5471-20-B

RECEIVED

By GERALYN A. COLEMAN at 3:50 pm, Jan 29, 2020

RECEIVED

JAN 28 2020

LA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RE: MALONEY CINQUE, LTD
D/B/A THE CARNIVAL CLUB

CASE NO.: 3601500165

JOINT MOTION FOR APPROVAL OF AMENDED COMPROMISE AND
SETTLEMENT AGREEMENT

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

NOW COME the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Maloney Cinque, LTD d/b/a The Carnival Club (hereinafter, "Licensee"), who file this Joint Motion for Approval of Amended 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 an Amended 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 Amended Compromise and Settlement Agreement is attached hereto as Exhibit "A" and incorporated by reference for all purposes.

TRUE COPY
Geralyn A. Coleman
Representative
Louisiana Gaming Control Board

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

Respectfully Submitted,

By: 
Allison U. Rovira Modicut, Bar Roll# 27634
730 North Street
Baton Rouge, Louisiana 70802
Telephone: (225) 381-0019
Facsimile: (225) 381-0178
*Counsel for and on behalf of
Maloney Cinque, LTD
d/b/a The Carnival Club*

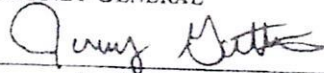
JEFF LANDRY
ATTORNEY GENERAL
By: 
Jeremy Gathe, La. Bar Roll# 34557
Assistant Attorney General
1885 North Third Street, 5th Floor
Baton Rouge, Louisiana 70802
Telephone: (225) 326-6516
Facsimile: (225) 326-6599
Counsel for the Office of State Police

EXHIBIT "A"

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RE: MALONEY CINQUE, LTD
D/B/A THE CARNIVAL CLUB

CASE NO.: 3601500165

AMENDED COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Maloney Cinque, LTD d/b/a The Carnival Club (hereinafter, "Licensee"), do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has sent a Notice of Recommendation of Administrative Action to Licensee, which Notice contains allegations of certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by said Notice are set for hearing before the Louisiana Gaming Control Board Administrative Hearing Office.

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 said Notice;

NOW, THEREFORE, in consideration of the foregoing, the parties hereto do hereby agree and stipulate as follows:

STIPULATIONS

1. Licensee is a Type 5 licensed establishment located at 2401 Elysian Fields, New Orleans, Louisiana 70117.

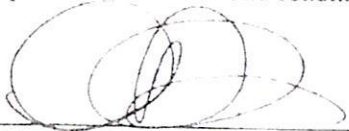
2. On June 25, 2019, the Division received notice of the death of Bobbie Jean Maloney (hereinafter, "Ms. Maloney").
3. The Division's records indicated that Ms. Maloney held a 20% membership interest in Licensee.
4. According to Ms. Maloney's death certificate, she passed away on January 29, 2019. Ms. Maloney died intestate, unmarried, and with no descendants.
5. At the time of her death, Ms. Maloney was survived by her parents, Robert S. Maloney and Bonny B. Maloney. Ms. Maloney was also survived by her siblings Kurt B. Maloney, Robert S. Maloney Jr., Julie A. Maloney-Wenck, and Craig S. Maloney (hereinafter, "Ms. Maloney's siblings").
6. Ms. Maloney's father, Robert S. Maloney, died on June 2, 2019.
7. Ms. Maloney's 20% membership interest in Licensee transferred to Ms. Maloney's siblings in equal shares, subject to a usufruct of her living parent, Bonny B. Maloney.
8. There is no judgment of possession available at this time, however, naked ownership transferred to Ms. Maloney's siblings upon her death.
9. Ms. Maloney's siblings have previously met suitability in connection with this license. Bonny B. Maloney met suitability on January 9, 2020.
10. The Division found no information to preclude Ms. Maloney's siblings and Bonny B. Maloney's continued participation in the gaming industry.
11. Licensee is now compliant with Louisiana Gaming Law.
12. Licensee failed to notify the Division within ten calendar days of Ms. Maloney's death, in violation of LAC 42:XI.2417(B)(4).

TERMS AND CONDITIONS

1. In lieu of administrative action, Licensee will pay a penalty of **FIVE HUNDRED and NO/100 (\$500.00) DOLLARS** for its violation of LAC 42:XI.2417(B)(4).
2. The Division hereby agrees that payment of a total penalty of **FIVE HUNDRED and NO/100 (\$500.00) DOLLARS** 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 this admitted violation in connection with any future investigation, violation or assessment of penalty and in connection with any future assessments of Licensee's suitability.
4. The terms of this Amended Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.
5. This Amended Compromise and Settlement Agreement constitutes the entire agreement between the Division and Licensee, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.
6. This Amended 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, Licensee agrees to make full payment of the civil penalty within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board. Licensee agrees

that failure to meet this requirement shall 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 Amended Compromise and Settlement Agreement and agree to all stipulations and terms and conditions hereof.



*Allison U. Rovira Modicut,
Counsel for and on behalf of
Maloney Cinque, LTD
d/b/a The Carnival Club*



*Jeremy Gathe,
Counsel for and on behalf of
the Office of State Police*

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RE: MALONEY CINQUE, LTD
D/B/A THE CARNIVAL CLUB

CASE NO.: 3601500165

ORDER

BE IT REMEMBERED that on the 29 day of January, 2020, came for consideration the Joint Motion for Approval of Amended Compromise and Settlement Agreement, and the parties having appeared by and through their respective attorneys of record or representing themselves, and the Hearing Officer having considered the pleadings on file, the proposed Amended Compromise and Settlement Agreement, and the said Motion, and it appearing to the Hearing Officer that the said Amended Compromise and Settlement Agreement should be approved; it is, therefore,

ORDERED, ADJUDGED, AND DECREED that the Amended Compromise and Settlement Agreement attached to the parties' Joint Motion for Approval of Amended Compromise and Settlement Agreement be, and the same is hereby, APPROVED; that Maloney Cinque, LTD d/b/a The Carnival Club must pay FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS 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 29th day of January, 2020, in Baton

Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE

I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON

ALL PARTIES THIS 29 DAY
OF January, 2020
Epony Batiste

DOCKET CLERK, ADMIN. HEARING OFFICE

Allison U. Rovira Modicutt
Jeremy Gatne
Sgt. Eddie Daigle

Suzan S. Ponder
SUZAN S. PONDER
HEARING OFFICER

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 01/29/20

Epony Batiste
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE