



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

IN RE: ERNST CAFÉ, INC.
D/B/A ERNST CAFÉ'
NO. 3601202957

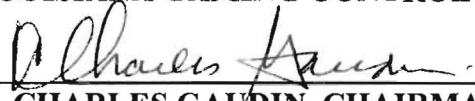
ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of April 21, 2009. The Hearing Officer's order dated March 23, 2009, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," No. 3601202957, by and between Ernst Café, Inc. d/b/a Ernst Cafe, 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 21st day of April, 2009.

LOUISIANA GAMING CONTROL BOARD

BY:



H. CHARLES GAUDIN, CHAIRMAN

HJC/gac

ADMINISTRATIVE HEARING OFFICE
LCSB

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

**IN RE: ERNST CAFÉ, INC.
D/B/A ERNST CAFÉ**

LICENSE NO. 3601202957

**JOINT MOTION FOR APPROVAL OF
COMPROMISE AND SETTLEMENT AGREEMENT**

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

NOW COMES the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Ernst Café, Inc. d/b/a Ernst Café (hereinafter, "Licensee"), who file this 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 Licensee are desirous of compromising and settling all disputes between them relative to this 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 Office and the Louisiana Gaming Control Board.

2.

A true and correct copy of the proposed Compromise and Settlement Agreement is attached hereto as Exhibit "A" and incorporated by reference for all purposes.



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

Respectfully submitted,

**ERNST CAFE, INC.
d/b/a ERNST CAFE**

By: _____

**Christopher E. Young, #22189
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*Counsel for Ernest Cafe***

**JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL**

By: _____

**Meas T. Brown, #30567
Assistant Attorney General
1885 North Third Street, 5th Floor
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Telephone: (225) 326-6500
Facsimile: (225) 326-6599
*Counsel for the Office of State Police***

Exhibit "A"

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: ERNST CAFÉ, INC.
D/B/A ERNST CAFÉ

LICENSE NO. 3601202957

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Ernst Café, Inc. d/b/a Ernst Café (hereinafter, "Licensee"), do hereby represent and agree as follows:

WHEREAS, on January 13, 2009, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action to the Licensee, alleging certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by the said Notice of Recommendation of Administration, are set for hearing on March 23, 3009, before the Louisiana Gaming Control Board Administrative Hearing Office; and

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 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 James Besselman, Jr., who serves as President, Treasurer, and 80% owner of the Licensee, married Cynthia Besselman on April 1, 2005.
2. The Licensee also stipulates that it did not notify the Division of the marriage of James Besselman, Jr., and Cynthia Besselman until April 17, 2008, when it submitted its renewal application, in violation of La. R.S. 27:310(D) and LAC 42:XI.2417(B)(4).

TERMS AND CONDITIONS

1. Within fifteen (15) days of the approval of this settlement by the Louisiana Gaming Control Board, the Licensee shall pay One Thousand Dollars(\$1,000.00) for the violations of La. R.S. 27:310(D) and LAC 42:XI.2417(B)(4).
2. The Division hereby agrees to accept a One Thousand Dollar (\$1,000.00) penalty for the Licensee's violations of La. R.S. 27:29(I) and La. R.S 27:29(3)(F).
3. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.
4. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and the Licensee pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.
5. The Division reserves the right to take into consideration these admitted violations in connection with any future investigation, violation or assessment of penalty, and in connection with any future assessments of the Licensee's suitability.
6. 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.

7. If approved by the Louisiana Gaming Control Board, the Licensee must pay One Thousand Dollars (\$1,000.00) within fifteen (15) calendar days of such approval. Any failure to meet this requirement will 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 Compromise Settlement Agreement and agree to all stipulations and terms and conditions hereof.



Christopher G. Young, On behalf of,
Ernst Café, Inc. ~~of the~~ Ernst Café



Mesa T. Brown, AAG on behalf of
State of Louisiana, Department of Public
Safety & Corrections, Office of State Police

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: ERNST CAFÉ, INC.
D/B/A ERNST CAFÉ

LICENSE NO. 3601202957

ORDER

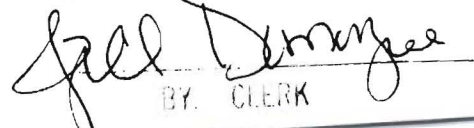
BE IT REMEMBERED that on the 23rd day of March, 2009, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the Hearing Officer having considered the pleadings on file, the proposed Settlement Agreement, and the said Motion, and it appearing to the Hearing 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 One Thousand Dollars and No/100 (\$1,000.00) to the Division within fifteen (15) days of the approval by the Louisiana Gaming Control Board. Failure to do so shall result in the immediate suspension of the license of Ernst Café, Inc. d/b/a Ernst Café without the necessity of any further administrative action until such time as the penalty is paid in full.

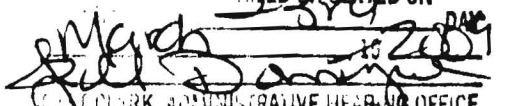
SIGNED AND ENTERED this 23rd day of March, 2009, in Baton Rouge, Louisiana.



RICHARD L. REYNOLDS
HEARING OFFICER

A TRUE COPY ATTEST
 LOUISIANA GAMING CONTROL BOARD
 HEARING OFFICER
 BATON ROUGE, LA 3/23/09

 BY: CLERK

LOUISIANA GAMING CONTROL BOARD
 THAT A CERTIFIED
 TRUE COPY HAS BEEN
 FILED OR SERVED ON

March 23 2009

 CLERK, ADMINISTRATIVE HEARING OFFICE
 cc: Christopher Young
 Mesa Brown
 Sgt Lovell Sibley