



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: CURB SIDE DAIQUIRIS, INC.
D/B/A CURB SIDE DAIQUIRIS
NO. 3601106884**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of June 16, 2009. The Hearing Officer's order dated May 13, 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. 3601106884, by and between Curb Side Daiquiris, Inc. d/b/a Curb Side Daiquiris, 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 16th day of June, 2009.

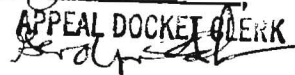
LOUISIANA GAMING CONTROL BOARD

BY:



H. CHARLES GAUDIN, CHAIRMAN

HJC/gac

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 16th DAY
OF June, 2009
APPEAL DOCKET CLERK


RECEIVED

MAY 12 2009

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

LGCB
ADMINISTRATIVE HEARING OFFICE

**IN RE: CURB SIDE DAIQUIRIS, INC.
d/b/a CURB SIDE DAIQUIRIS**

LIC. NO. 3601106884

**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 Eugene Theriot d/b/a Theriot's King of Hamburger, 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

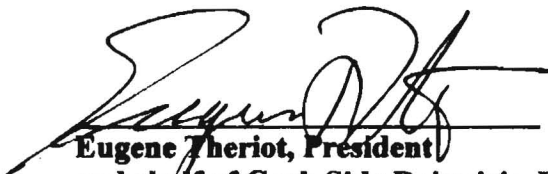


is attached hereto as Exhibit "A" and incorporated by reference for all purposes.

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,

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


**Eugene Theriot, President
on behalf of Curb Side Daiquiris, Inc.**

**d/b/a Curb Side Daiquiris
1040 Elysian Fields
New Orleans, LA 70117**


**Olga M. Bogran, #24302
400 Royal Street Suite 1230**

**Office of the Attorney General
New Orleans, Louisiana 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: CURB SIDE DAIQUIRIS, INC.
d/b/a CURB SIDE DAIQUIRIS**

LIC. NO. 3601106884

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter the "Division") and Curb Side Daiquiris, Inc. d/b/a Curb Side Daiquiris, VGL No. 3601106884 (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 alleges 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. During the background investigation of a new application, the Division discovered that Eugene Theriot, President of Curb Side Daiquiris, Inc. d/b/a Curb Side Daiquiris, was arrested on April 4, 2008, on charges of DWI.
2. On February 25, 2009, the Division issued Violation/Inspection Report # 16172, citing violation of LAC 42:XI.2417(B)(4).
3. The Licensee acknowledges that it was in violation of gaming law in that it failed to timely disclose an arrest.
4. On February 9, 2009, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action alleging certain violations of Louisiana Gaming Control Law.

TERMS AND CONDITIONS

1. The Licensee agrees to pay a civil penalty of Five Hundred Dollars (\$500.00).
2. The Division hereby agrees to accept the payment of Five Hundred Dollars Dollars (\$500.00) in full and final settlement of 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 subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and

understandings of the parties.

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 and delinquency fee 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 until such time as the penalty is paid in full.

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.



Eugene Theriot, President
on behalf of Curb Side Daiquiris, Inc.

d/b/a Curb Side Daiquiris
1040 Elysian Fields
New Orleans, LA 70117



Olga M. Bogran, #24362
400 Royal Street Suite 1230

Office of the Attorney General
New Orleans, Louisiana 70130
Telephone: (504) 599-1153
Facsimile: (504) 599-1163
Counsel for the Division

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: CURB SIDE DAIQUIRIS, INC.
d/b/a CURB SIDE DAIQUIRIS

LIC. NO. 3601106884

ORDER

BE IT REMEMBERED that on the 13 day of May, 2009,
came on for consideration the Joint Motion for Approval of Compromise and Settlement
Agreement, and the parties having appeared 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,

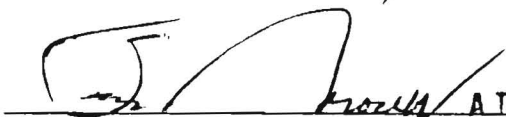
ORDERED, ADJUDGED, AND DECREED that the Compromise and
Settlement Agreement attached to the parties' Joint Motion for Approval of Compromise
and Settlement Agreement be, and the same is hereby, **APPROVED**; that the Licensee
must pay Five Hundred and No/100 (\$500.00) Dollars to the Division within 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 13 day of May, 2009, in

Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON

14th DAY
2009
CO. Eugene Thorne
Olga Bougran
Sgt. Lowell Sibbey


A TRUE COPY ATTEST
HEARING OFFICER, LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA. 51409
