



# State of Louisiana

Gaming Control Board

KATHLEEN BABINEAUX BLANCO  
GOVERNOR

HILLARY J. CRAIN  
CHAIRMAN

## NOTICE OF DECISION

IN RE: MICHAEL P. ORTEGO D/B/A  
D/B/A SUBWAY  
NO. VP5002212772

TO: Michael P. Ortego  
Post Office Box 1383  
Broussard, LA 70518

CERTIFIED MAIL: 7003 1680 0000 7626 7904  
RETURN RECEIPT REQUESTED

Tammy Matzke, AAG  
1885 North 3<sup>rd</sup> Street; Suite 500  
Baton Rouge, LA 70802

CERTIFIED MAIL: 7003 1680 0000 7626 7911  
RETURN RECEIPT REQUESTED

Lt. Jules Pinero, LSP  
7919 Independence Boulevard  
Baton Rouge, LA 70806

CERTIFIED MAIL: 7003 1680 0000 7626 7928  
RETURN RECEIPT REQUESTED

**NOTICE IS HEREBY** given that on March 16, 2004, the decision of the Louisiana Gaming Control Board was signed in the above entitled matter. (SEE COPY OF THE ENCLOSED DECISION)

An appeal from a decision of the Board shall be filed within ten (10) days of notice of the decision in the Nineteenth Judicial District Court and shall be reviewed solely on the record as provided by La. R.S. 27:26.

Louisiana Gaming Control Board, Baton Rouge, Louisiana this 17<sup>th</sup> day of March, 2004.

  
\_\_\_\_\_  
Geraldyn A. Coleman  
Appeal Docket Clerk

**NOTIFIED:**

Michael P. Ortego  
Tammy Matzke, AAG  
Lt. Jules Pinero, LSP-Video Gaming Division

3/17/04



State of Louisiana

Gaming Control Board

KATHLEEN BABINEAUX BLANCO  
GOVERNOR

HILLARY J. CRAIN  
CHAIRMAN

**IN RE: MICHAEL P. ORTEGO D/B/A  
SUBWAY  
NO. VP5002212772**

**ORDER**

This matter was considered by the Louisiana Gaming Control Board at its meeting of March 15, 2004. The Hearing Officer's order dated February 23, 2004, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Recommendation of Administrative Action," by and between Michael P. Ortego d/b/a Subway, No. VP5002212772, 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 16<sup>th</sup> day of March, 2004.


LOUISIANA GAMING CONTROL BOARD

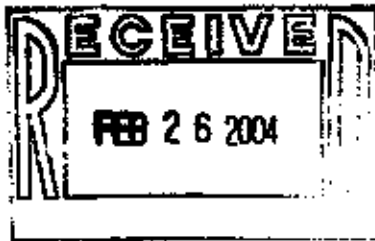
BY:

  
HILLARY J. CRAIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD

I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 17<sup>th</sup> DAY  
OF March 2004

APPEAL DOCKET CLERK  




STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

IN RE: MICHAEL ORTEGO  
d/b/a SUBWAY

NO. 5002212772  
VIOLATION REPORT NO. 14452

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. Michael Ortego d/b/a Subway, License No. 5002212772 (hereinafter "licensee"),

who respectfully represent the following:

WHEREAS:

1. On or about March 01, 2003, the Division mailed licensee the Annual Form required to be submitted with all appropriate fees as well as current tax clearance certificates on or before July 1, 2003. On or about April 21, 2003, the Division received the licensee's Annual Form and annual fee; however the licensee failed to submit the appropriate tax clearance certificates. On or about May 12, 2003, the Division sent a notice advising licensee of its failure to submit the required tax clearances;
2. The licensee is mandated by LAC 42:XL2405(B)(7) to submit proof of current tax filings and payments, including tax clearance certificates from the state and all appropriate local taxing authorities to the division along with the annual fee as provided in Subsection B.4 no later than July 1 of each year;
3. On or about July 29, 2003, the Division issued Violation/Inspection Report #14452, citing violation of LAC 42:XL2405(B)(7). Attendant to this Violation/Inspection Report, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action to the licensee on or about October 9, 2003; licensee submitted the appropriate tax clearances to the division on or about January 9, 2004.

TRUE COPY

Representative

Louisiana Gaming Control Board

4. This matter has been scheduled for hearing on February 23, 2004 at 9:30 a.m. before the Honorable Joseph E. Anzalone, Jr.

**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:XL2405(B)(7) in that it did not submit proof of current tax filings from appropriate local taxing authorities to the Division until on or about November 17, 2003, which was more than three months past the due date of July 1, 2003 for this current year;
2. In consideration of the previous and aforementioned settlement of Violation/Inspection Report #14457 and in lieu of further administrative action against the licensee's video gaming license, the licensee shall pay a \$250.00 civil penalty;
3. 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. 14452 and this Notice of Recommendation of Administrative Action;
4. The Division reserves the right to take into consideration these violations in connection with any future violation;
5. The form and substance of this settlement are to be interpreted under the laws of the State of Louisiana;
6. This settlement constitutes the entire agreement between the licensee, Flying J, Inc. and the Division pertaining to the subject matter contained herein, and supercedes all prior and contemporaneous agreements, representations, and understandings of the parties;
7. 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 until such time as the penalty is paid in full, and
8. 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,

MICHAEL ORTEGO d/b/a  
SUBWAY  
No.9862212772

CHARLES C. FOTI, JR.  
ATTORNEY GENERAL

BY: *Michael Ortega*  
Michael Ortega  
d/b/a Subway  
Post Office Box 1383  
Broussard, Louisiana 70518

BY: *Jimmy Weaver Matzke*  
Jimmy Weaver Matzke  
Assistant Attorney General  
La. Bar Roll No. 22887  
1885 North Third Street, 5<sup>th</sup> Floor  
Baton Rouge, Louisiana 70802  
Telephone: (225) 326-6500  
Facsimile: (225) 326-6599

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

IN RE: MICHAEL ORTEGO  
&/s/ SUBWAY

NO. 5002312772  
VIOLATION REPORT NO. 14452

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:

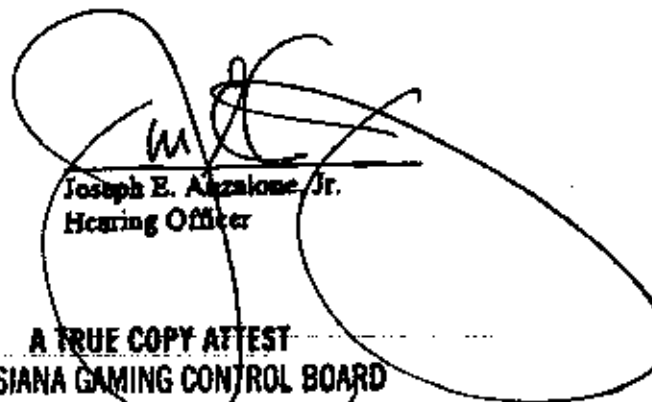
1. The licensee acknowledges that it was in violation of LAC 42:XL2405(B)(7) in that it did not submit proof of current tax filings from appropriate local taxing authorities to the division until on or about January 9, 2004 which was three months past the due date of July 1, 2003 for this current year;
2. the licensee shall pay a \$250.00 civil penalty;
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 until such time as the penalty is paid in full.

THIS DONE AND SIGNED this 23 day of Feb, 2004 in

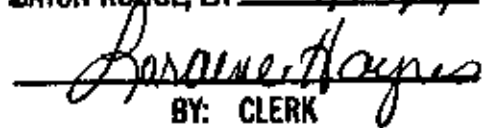
Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 23rd DAY  
OF February 2004  
BY Barbara Hayes  
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Michael Ortega  
Jeremy Matzke  
Sabrina Balkard

  
Joseph E. Abzalone Jr.  
Hearing Officer

A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA 2/23/04

  
BY: CLERK