



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

**IN RE: JACK G. FERTITTA D/B/A TONY'S
NO. VP6100613196**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of January 20, 2004. The Hearing Officer's order dated December 19, 2003, 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 Jack G. Fertitta d/b/a Tony's, No. VP6100613196, 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**.

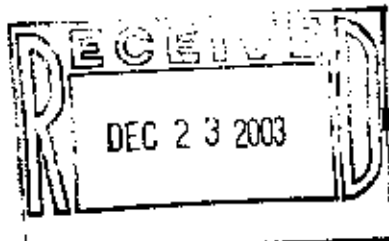
THUS DONE AND SIGNED on this the 20th day of January, 2004.

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 21st DAY
OF January 2004
APPEAL DOCKET CLERK



STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RECEIVED

DEC 16 2003

IN RE: JACK G. FERTITTA
d/b/a TONY'S

LGCB
ADMINISTRATIVE HEARING OFFICE
CASE NO. 6100613196
V.I.R. # 14454

**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. Jack G. Fertitta d/b/a Tony's, License No. 6100613196 (hereinafter "Licensee"),

who respectfully represent the following:

WHEREAS:

1. On or about March 1, 2003, 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, 2003;
3. On or about June 1, 2003, the Division mailed a reminder notice to the Licensee of its obligation to submit the fees and tax clearances by July 1, 2003;
4. On or about July 10, 2003, the Division received the Licensee's annual form and fee; however, the local and state tax clearance certificates were not included. The Licensee's local and state tax clearance certificates were not received by the Division prior to July 1, 2003.
5. Pursuant to this information, the Division issued Violation/Inspection Report #14454 to the Licensee on or about July 29, 2003, citing the violations of La. R.S. 27:311(K)(4), LAC 42:XI.2405(B)(7), and LAC 42:XI.2405(B)(4).
6. On or about August 21, 2003, the Division received the Licensee's local and state tax clearance certificates.

TRUE COPY


Representative
Louisiana Gaming Control Board

7. Attendant to the 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 for the Licensee's failure to submit the Annual Form, fee, and local and state tax clearance certificates before July 1, 2003.
8. This matter has been scheduled for hearing on December 17, 2003 at 9:00 a.m. before the Honorable William H. Brown,


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 La. R.S. 27:311(K)(4) and LAC 42:XL2405(B)(4), in that it did not submit the annual form or fee to the Division by July 1, 2003;
3. In lieu of an administrative action, the licensee shall pay a \$500.00 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. 14454 and this Notice of Recommendation of Administrative Action;
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 the Licensee 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 revoked 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,

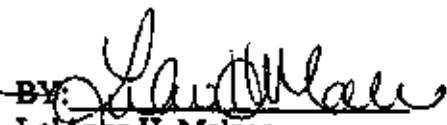
JACK G. FERTITTA
d/b/a TONY'S
VG# 6100613196

BY:



Jack Gathian Fertitta
Owner
P.O. Box 4086
Baton Rouge, La. 70821
Telephone: (225) 749-1968

RICHARD P. IEYOUB
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Baton Rouge, Louisiana 70801
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Facsimile: (225) 342-4244

STATE OF LOUISIANA
PARISH OF West Baton Rouge

AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within and for the State and Parish aforesaid, PERSONALLY CAME AND APPEARED:

JACK GATHIAN FERTITTA,

who, after first being duly sworn, declared and acknowledged to me, Notary, under oath:

that affiant is an owner of Jack Gathian Fertitta d/b/a Tony's ("Licensee"), whose establishment is located at 3631 Highway 1, South, Port Allen, Louisiana 70767;

that Jack Gathian Fertitta d/b/a Tony's received a Notice of Recommendation of Administrative Action (Violation/Inspection Report No. 14454) from the Louisiana Gaming Control Board, citing violation of La. R.S. 27:311(K)(4), LAC 42:XI.2405(B)(4), and LAC 42:XI.2405(B)(7);

that in the interest of settling this matter, affiant has willfully entered into a Joint Motion for Entry of Stipulations and Approval of Proposed Settlement with the Division on behalf of the Licensee, via the Attorney General's Office; and

that affiant signed the above-cited motion of his own volition, without duress or coercion.

THUS DONE AND PASSED in Port Allen, Louisiana, on this, 15 day of December, 2003.

Jack Gathian Fertitta
Jack G. Fertitta
Jack G. Fertitta, Affiant

Jeanette S. Laurant
Notary Public

My commission expires
My Commission expires with life

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: JACK GATHIAN FERTITTA
d/b/a TONY'S

CASE NO. 6100613196
V.I.R. # 14454

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 La. R.S. 27:311(K)(4) and LAC 42:XI.2405(B)(4), in that it did not submit the Annual Form and fee to the Division by July 1, 2003;
2. payment of the ^{*500.00} above penalty shall be submitted to the state within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board; and
3. 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 Jack G. Fertitta d/b/a Tony's being revoked and its gaming devices being disabled.

THUS DONE AND SIGNED this 19th day of Dec, 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 19th DAY
OF December, 2003
Rorane Hayes
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

CC: Jack Fertitta
The Hon. J. Malnar
Sabrina Ballard


William H. Brown
Hearing Officer

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA December 19th, 2003

Rorane Hayes
BY: CLERK