



State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

IN RE: FRANCIS B. MONTALBANO
D/B/A MAISON BOURBON
NO. VP3601104451

ORDER

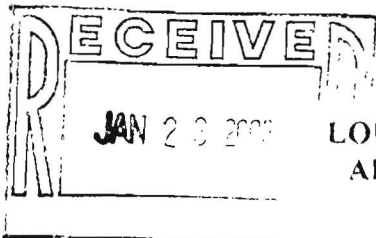
This matter was considered by the Louisiana Gaming Control Board at its meeting of February 18, 2003. The Hearing Officer's order dated January 22, 2003, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Violation and Hearing," by and between Francis B. Montalbano d/b/a Maison Bourbon, No. VP3601104451, 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 February, 2003.

LOUISIANA GAMING CONTROL BOARD

BY: [Signature]
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 February 2003
APPEAL DOCKET CLERK
[Signature]



STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

JAN 16 2003

ADMINISTRATIVE
DOCKET CLERK

IN RE: FRANCIS B. MONTALBANO
d/b/a MAISON BOURBON

CASE NO. 3601104451

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. Francis B. Montalbano d/b/a Maison Bourbon, License No. 3601104451 (hereinafter "licensee").

who respectfully represent the following:

WHEREAS:

1. On or about March 8, 2002, 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, 2002;
3. On or about April 2, 2002, the Division received the licensee's annual form, fees and state tax clearance; however, the local tax clearance certificate was not included. The licensee's local tax clearance certificate was not received by the Division prior to July 1, 2002.
4. Pursuant to this information, the Division issued Violation/Inspection Report #13840 to the licensee on or about September 20, 2002, citing violation of LAC 42:XI.2405(B)(7). The Division subsequently received the local tax clearance certificate on October 22, 2002.
5. Attendant to the Violation/Inspection Report, the Louisiana Gaming Control Board issued a Notice of Violation and Hearing (Violation/Inspection Report 13840) to the licensee on or about November 20, 2002.

TRUE COPY

Representative
Louisiana Gaming Control Board


6. This matter has been scheduled for hearing on January 22, 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 LAC 42:XI.2405(B)(7), in that it did not submit the local tax clearance certificate to the Division by July 1, 2002;
2. In lieu of further administrative action, the licensee shall pay a \$250.00 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. 13840 and this Notice of Violation and Hearing;
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 Francis B. Montalbano d/b/a Maison Bourbon 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 suspended 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.

FRANCIS B. MONTALBANO
d/b/a MAISON BOURBON
VG# 3601104451

BY: 
Francis B. Montalbano
Owner
635-641 Bourbon Street
New Orleans, Louisiana 70130
Telephone: (504) 522-8818

RICHARD P. LEYOUNG
ATTORNEY GENERAL

BY: 
Karen Day White
Assistant Attorney General
La. Bar Roll No. 25933
339 Florida Street, Ste. 500
Baton Rouge, Louisiana 70801
Telephone: (225) 342-2465
Facsimile: (225) 342-4244

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: FRANCIS B. MONTALBANO
d/b/a MAISON BOURBON

CASE NO. 3601104451

ORDER

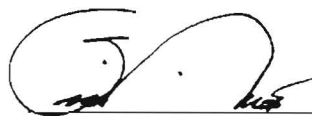
Considering the foregoing Joint Motion For Entry of Stipulations and Approval of Proposed Settlement, IT IS HEREBY ORDERED that such proposed settlement be approved. to wit:

1. the licensee acknowledges that it was in violation of LAC 42:XI.2405(B)(7), in that it did not submit the local tax clearance certificate to the Division by July 1, 2002;
2. the licensee shall pay a civil penalty in the amount of \$250.00;
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 Francis B. Montalbano d/b/a Maison Bourbon being suspended and its gaming devices being disabled.

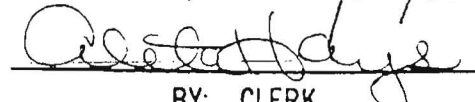
THUS DONE AND SIGNED this 17 day of January, 2003 in
Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 22nd DAY
OF January 2003
OF Francis B. Montalbano
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Francis Montalbano
Karen White Esq.
Sabrina Ballard


William H. Brown
Hearing Officer

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 1/22/03


BY: CLERK

STATE OF LOUISIANA
PARISH OF Jefferson

AFFIDAVIT

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

FRANCIS B. MONTALBANO.

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

that affiant is an owner of Francis B. Montalbano d/b/a Maison Bourbon ("licensee"), whose establishment is located at 635-641 Bourbon Street, New Orleans, Louisiana 70130;

that Francis B. Montalbano d/b/a Maison Bourbon received a Notice of Recommendation of Suspension (Violation/Inspection Report No. 13840) from the Louisiana Gaming Control Board, citing violation of 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 Metairie, Louisiana, on this
14th day of January, 2003
Francis B. Montalbano
Francis B. Montalbano, Affiant

Rex J. Bubacz
Notary Public
My commission expires 12/31/04
Rex J. Bubacz
Notary Public