



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

**IN RE: ELBERT T. GARDNER D/B/A TONY'S HILLTOP
NO. VP0900112608**

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 29, 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 Elbert T. Gardner d/b/a Tony's Hilltop, No. VP0900112608, 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 20th DAY
OF January 2004
APPEAL DOCKET CLERK**



STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE



IN RE: ELBERT T. GARDNER
d/b/a TONY'S HILLTOP

CASE NO. 0900112608

**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. Elbert T. Gardner d/b/a Tony's Hilltop, License No. 0900112608 (hereinafter "Licensee"),

who respectfully represent the following:

WHEREAS:

1. On or about July 29, 2003, the Division conducted an inspection of the licensed establishment;
2. The investigating officer observed a portable outdoor advertisement sign at the intersection of Louisiana Highway 1 and Myrtis Texas Line Road that displayed on the north side, "Tony's Hilltop—Video Poker—Pool—Beer." The advertisement sign did not contain the number of the National Council on Problem Gaming or a similar toll-free number approved by the Louisiana Gaming Control Board;
3. Further inspection of the establishment revealed a video gaming Uniform Logo sign attached to the south outside wall of the establishment that did not contain the appropriate toll-free number;
4. On or about July 29, 2003, the Division issued Violation/Inspection Report #012655 citing violation of La. R.S. 27:27.3 to the Licensee;
5. 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 30, 2003 for the Licensee's failure to place the toll-free telephone number of the National Council on Problem Gambling or similar

TRUE COPY

Representative

Louisiana Gaming Control Board

toll-free number approved by the board on its signage advertising video gaming at the establishment;

6. This matter has been scheduled for hearing on December 29, 2003 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 La. R.S. 27:27.3, in that it did not include the toll-free number of the National Council on Problem Gambling or similar toll-free number approved by the board on its signage advertising video gaming;
2. The Licensee has submitted evidence that the required telephone number has been installed to the appropriate signage on the south wall of the establishment, and the signage advertising video gaming on the portable sign has been removed, a copy of which is attached hereto;
3. The Licensee understands that the corrective measures taken are only sufficient and accepted as long as the signage stays in its present location;
3. In lieu of an 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. 012655 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,


ELBERT T. GARDNER
d/b/a TONY'S HILLTOP
VG# 0900112608

BY:


Elbert T. Gardner
Owner
10846 Myrtis Texas Line Road
Vivian, La. 71082
Telephone: (318) 223-4466

RICHARD P. IEYOUB
ATTORNEY GENERAL

BY:


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STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: ELBERT T. GARDNER
d/b/a TONY'S HILLTOP

CASE NO. 0900112608

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. 27:27.3, in that it did not include the toll-free number of the National Council on Problem Gambling or similar toll-free number approved by the board on its signage advertising video gaming;
2. having signage advertising gaming activities at the gaming establishment without the toll-free telephone number of the National Council on Problem Gambling or similar telephone number affixed, 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 Elbert T. Gardner d/b/a Tony's Hilltop being revoked and its gaming devices being disabled.

THUS DONE AND SIGNED this 29 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 29 DAY
OF December, 2003
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

CC: Elbert Gardner
Le Arne Malnar
Sabrina Ballard


Joseph E. Anzalone, Jr.
Hearing Officer

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA December 29, 2003

Bernie Hayes
BY: CLERK

STATE OF LOUISIANA
PARISH OF Cade

AFFIDAVIT

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

ELBERT T. GARDNER,

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

that affiant is an owner of Elbert T. Gardner d/b/a Tony's Hilltop ("Licensee"), whose establishment is located at 10846 Myrtia Texas Line Road, Vivian, Louisiana 71082;

that Elbert T. Gardner d/b/a Tony's Hilltop received a Notice of Recommendation of Administrative Action (Violation/Inspection Report No. 012655) from the Louisiana Gaming Control Board, citing violation of La. R.S. 27:27.3;

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 Vivian, Louisiana, on this 22 day of December, 2003.

Elbert T. Gardner
Elbert T. Gardner, Affiant

Sanya H. Coon
Notary Public
My commission expires Life

