



*State of Louisiana*  
*Gaming Control Board*

BOBBY JINDAL  
GOVERNOR

RONNIE JONES  
CHAIRMAN

**IN RE: PENNY'S CAFÉ, INC. D/B/A  
PENNY'S CAFÉ  
NO. 4400209900**

**ORDER**

This matter was considered by the Louisiana Gaming Control Board at its meeting of October 16, 2013. The Hearing Officer's order dated September 30, 2013, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing" by and between Penny's Café, Inc. d/b/a Penny's Café, No. 4400209900, 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 16<sup>th</sup> day of October, 2013.**

**LOUISIANA GAMING CONTROL BOARD**

BY: \_\_\_\_\_

**RONNIE JONES, 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 October, 2013

APPEAL DOCKET CLERK

*Analyst. C. Brown*

LGCB-2431-13-B

**RECEIVED**

By GERALYN COLEMAN at 1:54 pm, Sep 30, 2013

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

**RECEIVED**  
SEP 30 2013  
LGCB  
ADMINISTRATIVE HEARING OFFICE

RE: PENNY'S CAFÉ, INC.  
D/B/A PENNY'S CAFÉ

LICENSE NO.: 4400209900

**JOINT MOTION FOR APPROVAL OF COMPROMISE AND  
SETTLEMENT AGREEMENT**

**TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:**

*NOW COME* the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Penny's Café, Inc. d/b/a Penny's Café (hereinafter, "Penny's Café"), who file this 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 Penny's Café 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 Office and the Louisiana Gaming Control Board.

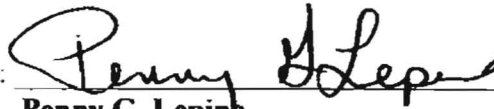
2.

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.


TRUE COPY  
  
Representative  
Louisiana Gaming Control Board

**WHEREFORE, PREMISES CONSIDERED,** the Division and Penny's Café respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully Submitted,

By:   
**Penny G. Lepine**  
100 St. Bernard Parkway  
St. Bernard, Louisiana 70085  
Telephone: (504) 272-0262  
*President and Owner of Penny's Café, Inc.*  
*d/b/a Penny's Café*

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

By:   
**Christopher B. Hebert, Bar Roll #29044**  
Assistant Attorney General  
1885 North Third Street, 5<sup>th</sup> Floor  
Baton Rouge, Louisiana 70802  
Telephone: (225) 326-6500  
Facsimile: (225) 326-6599  
*Counsel for the Office of State Police*

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

**RE: PENNY'S CAFÉ, INC.**  
**D/B/A PENNY'S CAFÉ**

**LICENSE NO.: 4400209900**

**COMPROMISE AND SETTLEMENT AGREEMENT**

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Penny's Café, Inc. d/b/a Penny's Café (hereinafter, "Penny's Café"), do hereby represent and agree as follows:

**WHEREAS**, the Louisiana Gaming Control Board has sent a *Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing* to Penny's Café, which Notice contains allegations of certain violations of Louisiana Gaming Control Law;

**WHEREAS**, at the suspension hearing on August 26, 2013, the suspension was lifted and the recommendation against Penny's Café was amended to administrative action; and

**WHEREAS**, the issues raised by said Notice are set for hearing before the Louisiana Gaming Control Board Administrative Hearing Office on September 30, 2013; and

**WHEREAS**, the Division and Penny's Café are desirous of fully and finally compromising and settling all issues and disputes arising out of and in connection with said notice;

**NOW, THEREFORE**, in consideration of the foregoing, the parties hereto do hereby agree and stipulate as follows:

## **STIPULATIONS**

1. Penny's Café allowed its alcohol permit issued by the Louisiana Department of Alcohol and Tobacco Control (hereinafter, "ATC") to expire on April 30, 2013.
2. Penny's Café allowed its alcohol permit issued by the Parish of St. Bernard to expire on February 28, 2013.
3. On July 24, 2013, the Division inspected the licensed establishment and found that Penny's Café was selling alcohol with an expired ATC permit and local alcohol permit.
4. As of August 1, 2013, Penny's Café had not renewed its ATC permit or local alcohol permit.
5. Penny's Café has operated three (3) video gaming devices with an expired local alcohol permit since March 1, 2013, and an expired ATC permit since May 1, 2013.
6. Penny's Café failed to notify the Division of the expirations of its ATC permit and local alcohol permit.
7. On or about August 15, 2013, Penny's Café renewed their ATC permit with an expiration date of April 30, 2015, and renewed their local alcohol permit with an expiration date of February 28, 2014.

## **TERMS AND CONDITIONS**

1. In lieu of Administrative Action, Penny's Café will pay a penalty of THREE THOUSAND FIVE HUNDRED AND NO/100 (\$3,500.00) DOLLARS for its violations of La. R.S. 27:402(10), La. R.S. 27:402(14), La. R.S. 27:412(A)(1), (2), and (3), La. R.S. 27:412(B)(1), La. R.S. 27:413(A), La. R.S. 27:427(B)(1)(c), LAC 42:XI.2405(B)(1)(a), LAC 42:XI.2405(C)(1) and (2), LAC 42:XI.2417(A)(1), LAC 42:XI.2417(B)(2)(d), LAC 42:XI.2417(B)(4), LAC 42:XI.2417(C)(1)(c).

2. The Division hereby agrees that payment of a penalty of THREE THOUSAND FIVE HUNDRED AND NO/100 (\$3,500.00) DOLLARS shall be in full and final settlement of all matters set forth in the *Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing* for Penny's Café's violations of La. R.S. 27:402(10), La. R.S. 27:402(14), La. R.S. 27:412(A)(1), (2), and (3), La. R.S. 27:412(B)(1), La. R.S. 27:413(A), La. R.S. 27:427(B)(1)(c), LAC 42:XI.2405(B)(1)(a), LAC 42:XI.2405(C)(1) and (2), LAC 42:XI.2417(A)(1), LAC 42:XI.2417(B)(2)(d), LAC 42:XI.2417(B)(4), LAC 42:XI.2417(C)(1)(c).

3. The Division reserves the right to take into consideration these admitted violations in connection with any future investigation, violation or assessment of penalty and in connection with any future assessments of Penny's Café's suitability.

4. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.


5. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Penny's Café, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations, and understandings of the parties.

6. 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 the Hearing Officer approves this proposed settlement, 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.

7. If approved, Penny's Café agrees to make full payment of the civil penalty within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board. Penny's Café agrees that failure to meet this requirement shall result in immediate suspension of the video draw poker license without the necessity of any further administrative action until the penalty is paid in full.

I have read this entire Compromise and Settlement Agreement and agree to all stipulations and terms and conditions hereof.

  
\_\_\_\_\_  
**Penny G. Lepine, President and Owner of and  
on behalf of Penny's Café, Inc. d/b/a Penny's Café**

  
\_\_\_\_\_  
**Christopher B. Hebert, AAG, on behalf of the  
State of Louisiana, Department of Public Safety &  
Corrections, Office of State Police**



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

**RE: PENNY'S CAFÉ, INC.**  
**D/B/A PENNY'S CAFÉ**

**LICENSE NO.: 4400209900**

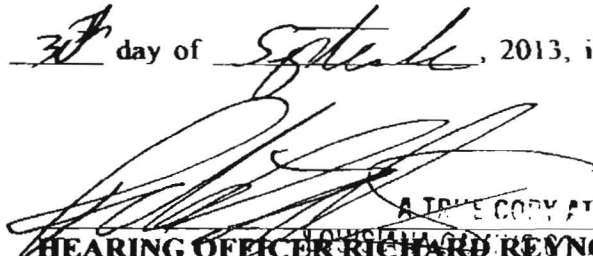

**ORDER**

**BE IT REMEMBERED** that on the 30<sup>th</sup> day of September, 2013, 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 or authorized person, and the Hearing Officer having considered the pleadings on file, the proposed Compromise and 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 Penny's Café must pay a total penalty of **THREE THOUSAND FIVE HUNDRED AND NO/100 (\$3,500.00) 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 permit without the necessity of any further administrative action until the penalty is paid in full.

**SIGNED AND ENTERED** this 30<sup>th</sup> day of September, 2013, in Baton

**Baton Rouge, Louisiana**  
September 30<sup>th</sup> 2013  
Jae Song  
c. Penny Co Lapine  
Christopher Hebut  
Sgt. Lunell Sublog

  
**HEARING OFFICER RICHARD REYNOLDS**  
A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE LA 9.30.13  
  
BY: CLE