



State of Louisiana

Gaming Control Board

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

HILLARY J. CRAIN  
CHAIRMAN

**IN RE: MICHAEL J. HEBERT D/B/A  
TROPICAL ISLAND  
NO. VP5002204972**

The "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" signed by the Hearing Officer on November 17, 2003, in the matter of the "Notice of Recommendation of Revocation or Suspension," by and between Michael J. Hebert d/b/a Tropical Island, No. 5002204972, and the Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division, was considered by the Louisiana Gaming Control Board at its meeting of December 16, 2003.

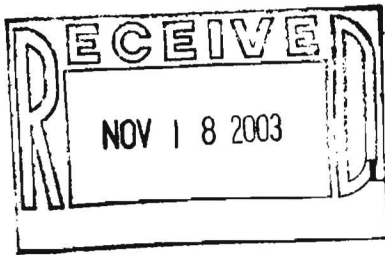
**ORDER**

**IT IS ORDERED THAT** this matter is **REMANDED** to the Hearing Officer for a hearing for the presentation of evidence of all facts regarding the establishment closure including, but not limited to, the number of days the establishment was closed, the operation of video gaming devices during closure and the establishment's video poker revenue, after which, the Hearing Officer is to determine an appropriate penalty in accordance with the evidence and this Board's prior decisions.

THUS SIGNED AND SIGNED on this the 18<sup>th</sup> day of December, 2003.

**LOUISIANA GAMING CONTROL BOARD**  
I HEREBY CERTIFY THAT A CERTIFIED COPY HAS BEEN MAILED OR SERVED ON ALL PARTIES THIS 19<sup>th</sup> DAY OF December 2003  
APPEAL DOCKET CLERK  
*[Signature]*

**LOUISIANA GAMING CONTROL BOARD**  
*[Signature]*  
HILLARY J. CRAIN, CHAIRMAN



**RECEIVED**

NOV 17 2003

LGCB  
ADMINISTRATIVE HEARING OFFICE

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

**IN RE: MICHAEL J. HEBERT d/b/a TROPICAL ISLAND      CASE NO. 5002204972**

**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 J. Hebert d/b/a Tropical Island, License No. 5002204972 (hereinafter "licensee"),

who respectfully represent the following:

**WHEREAS:**

1. During the course of attempting to conduct a routine compliance audit of the licensee, the Division discovered that the licensee's establishment was closed from October of 2002 until March of 2003 because of damages sustained from Hurricane Lilli;
2. It was further discovered that the licensee failed to notify the Division of the closure and surrender its license, as required by LAC 42:XI.2405(B)(12)(a);
3. Device revenue reports reflect that the machines were played occasionally during the establishment's closure;
4. Pursuant to this information, the Louisiana Gaming Control Board issued a Notice of Recommendation of Revocation or Suspension to the licensee on or about August 26, 2003; and
5. This matter has been scheduled for hearing on November 10, 2003 at 9:30 a.m. before the Honorable J. E. Anzalone, Jr.,

  
**TRUE COPY**

Representative  
Louisiana Gaming Control Board

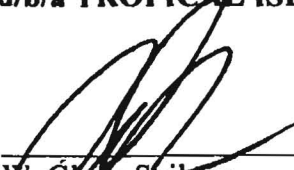
**NOW THEREFORE**, in consideration of the foregoing stipulations, the Division and the licensee hereby propose the following settlement, that:

1. The licensee acknowledges that it was in violation of LAC 42:XI.2405(B)(12)(a), in that it did not notify the Division that its establishment was closed from October of 2002 through March of 2003, nor did it surrender its license pursuant to that closure;
2. In lieu of revocation or suspension of the licensee's video gaming license, the licensee shall pay **\$244.70**, which represents the licensee's share of five (5) days of video gaming revenue;
3. The Division hereby agrees to accept the licensee's payment of the above stated penalty in full and final settlement of this Notice of Recommendation of Revocation or Suspension;
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 Division and Michael J. Herbert d/b/a Tropical Island 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; 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 J. HEBERT**  
**d/b/a TROPICAL ISLAND**

BY:

  
\_\_\_\_\_  
W. Glenn SotEAU  
Counsel for licensee  
P. O. Box 344  
Breaux Bridge, Louisiana 70517  
Telephone: (337) 332-4561  
Facsimile: (337)332-4562

**RICHARD P. IEYOUB**  
**ATTORNEY GENERAL**

BY:

  
\_\_\_\_\_  
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Assistant Attorney General  
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339 Florida Street, Ste. 500  
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**STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE**

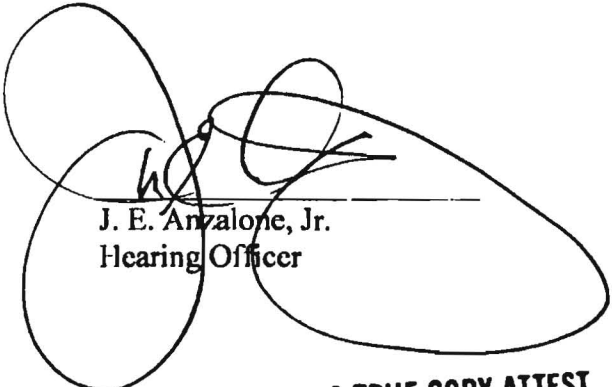
**IN RE: MICHAEL J. HEBERT d/b/a TROPICAL ISLAND                      CASE NO. 5002204972**

**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:

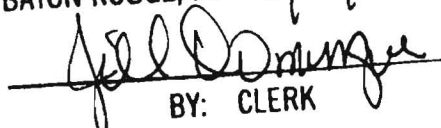
1. the licensee acknowledges that it was in violation of LAC 42:XI.2405(B)(12)(a), in that it did not notify the Division that it's establishment was closed from October of 2002 through March of 2003, nor did it surrender its license pursuant to that closure;
2. in lieu of revocation or suspension of the licensee's video gaming license, the licensee shall pay \$244.70, which represents the licensee's share of five (5) days of video gaming revenue;
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.

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

  
\_\_\_\_\_  
J. E. Anzalone, Jr.  
Hearing Officer

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 17th DAY  
OF November 2003  
BY: Jill Domingue  
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: w. Glean Soileau  
Karen White  
Sabrina Ballard

A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA 11/17/03  
  
BY: CLERK