



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: 5101 WEST ESPLANADE, LTD D/B/A
AUSTIN'S RESTAURANT
NO. 2600214036**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of March 21, 2006. The Hearing Officer's order dated March 9, 2006, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," by and between 5101 West Esplanade, LTD d/b/a Austin's Restaurant, No. 2600214036, 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 21st day of March, 2006.

LOUISIANA GAMING CONTROL BOARD

BY: H. Charles Gaudin
H. CHARLES GAUDIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 22nd DAY
OF March, 2006

APPEAL DOCKET CLERK

Sheraly Johnson

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RECEIVED

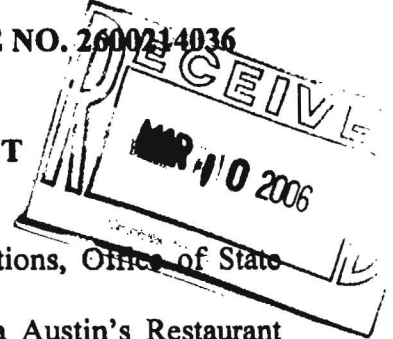
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ADMINISTRATIVE HEARING OFFICE

IN RE: 5101 WEST ESPLANADE, LTD.
D/B/A AUSTIN'S RESTAURANT

LICENSE NO. 2600714036

COMPROMISE AND SETTLEMENT AGREEMENT



The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter the "Division") and 5101 West Esplanade, Ltd. d/b/a Austin's Restaurant (hereinafter "AUSTIN'S") do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to AUSTIN'S alleging certain violations of Louisiana Gaming Control Law; and

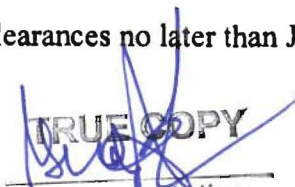
WHEREAS, the issues raised by the said Notice of Recommendation of Administrative Action are set for hearing on March 9, 2006, before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the Division and AUSTIN'S are desirous of fully and finally compromising and settling all issues and disputes arising out of and in connection with the said Notice of Recommendation of Administrative Action;

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

STIPULATIONS

1. On or about March 1, 2004, the Division mailed an annual licensee form (DPSSP 6643) to AUSTIN'S by U.S. mail service. As indicated in this mailing, and by rule, the licensee is required to submit the appropriate licensing fee and tax clearances no later than July 1.

TRUE COPY

Representative
Louisiana Gaming Control Board

2. On or about August 19, 2004, the Division received the requested licensing fee and tax clearance.

3. On or about October 14, 2004, the gold copy of violation/inspection #15009 was mailed to AUSTIN'S advising of the violation for not timely submitting these items. On November 29, 2004, the Division received a certified return receipt card, signed by Christopher Davis, indicating that the establishment had received the violation/inspection report on November 24, 2004.

4. AUSTIN'S does admit it violated La. R.S. 27:310(B)(1)(c), LAC 42:XI.2405(B)(4)(b), and LAC 42:XIII.2903(A).

TERMS AND CONDITIONS

1. AUSTIN'S will pay a civil penalty of FIVE HUNDRED (\$500.00) DOLLARS.

2. The Division hereby agrees to accept AUSTIN'S payment of the above stated penalty in full and final settlement of the Notice of Recommendation of Administrative Action issued on December 2, 2005.

3. The Division reserves the right to take into consideration these admitted violations in connection with any future investigation, violation or assessment of penalty.

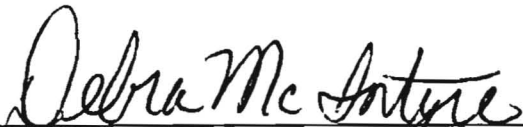
4. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.

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

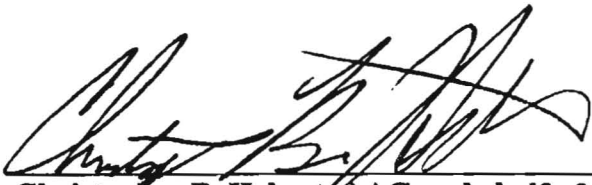
6. This Compromise and Settlement Agreement is subject to approval by the Hearing Officer and the Louisiana Gaming Control Board. It is expressly understood that if this proposed settlement is approved by the Hearing Officer, this agreement is not thereby executory,

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. Failure to pay the penalty within fifteen (15) days of approval of this settlement shall result in the immediate suspension of AUSTIN'S permit.

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



Duly authorized representative of
5101 West Esplanade, Ltd. d/b/a
Austin's Restaurant



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

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

**IN RE: 5101 WEST ESPLANADE, LTD.
D/B/A AUSTIN'S RESTAURANT**

LICENSE NO. 2600214036

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

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

COME NOW State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter the "Division") and 5101 West Esplanade, Ltd. d/b/a Austin's Restaurant (hereinafter "AUSTIN'S"), 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 AUSTIN'S 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.

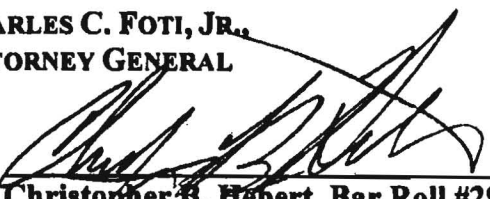
2.

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.

WHEREFORE, PREMISES CONSIDERED, The Division and AUSTIN'S respectfully request that this Honorable Administrative Hearing Officer approve the parties' **Compromise and Settlement Agreement.**

Respectfully submitted,

By: 
Debra McIntyre, Owner
Austin's Restaurant
#3 Sanctuary Lane
Metairie, Louisiana 70006
Telephone: (504) 888-5533
Representative for 5101 West Esplanade,
Ltd. d/b/a Austin's Restaurant

CHARLES C. FOTI, JR.,
ATTORNEY GENERAL
By: 
Christopher B. Hebert, Bar Roll #29044
Assistant Attorney General
1885 North Third Street, 5th 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**

**IN RE: 5101 WEST ESPLANADE, LTD.
D/B/A AUSTIN'S RESTAURANT**

LICENSE NO. 2600214036

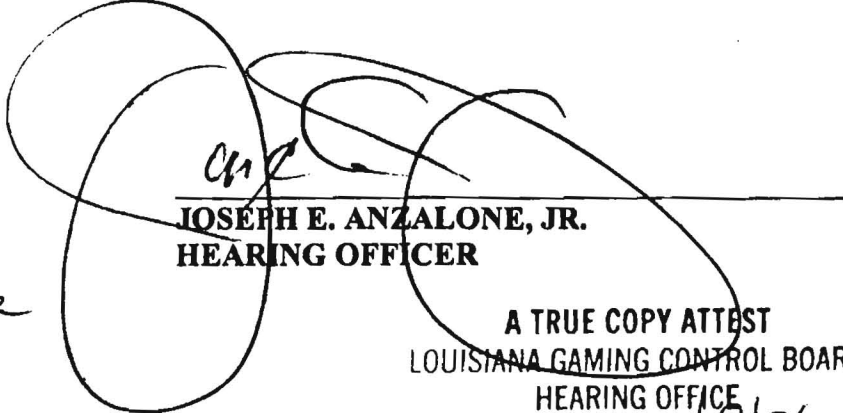
ORDER

BE IT REMEMBERED that on this 9 day of March, 2006, 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, and the Hearing Officer having considered the pleadings on file, the proposed 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,

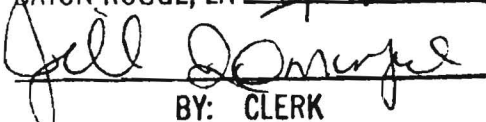
ORDERED, ADJUDGED, AND DECREED that the Compromise and Settlement Agreement attached to the parties' Joint Motion for Approval of Compromise and Settlement Agreement be, and the same is hereby, **APPROVED**.

SIGNED AND ENTERED this 9 day of March, 2006, in Baton Rouge, Louisiana.

**LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 9 DAY
OF March 2006
Jill Domergue
DOCUMENT CLERK, ADMINISTRATIVE HEARING OFFICE**
cc: Debra McIntyre
Christopher Hebert
Sgt. Roland Rénegre



**JOSEPH E. ANZALONE, JR.
HEARING OFFICER**

**A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 3/9/06

BY: CLERK**