



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: HERITAGE CAFÉ AND SPIRITS
NO. 4500115605**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of February 17, 2009. The Hearing Officer's order dated February 6, 2009, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Violation," No. 4500115605 by and between Heritage Café and Spirits, and the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, which is attached hereto and incorporated herein, is **APPROVED**.

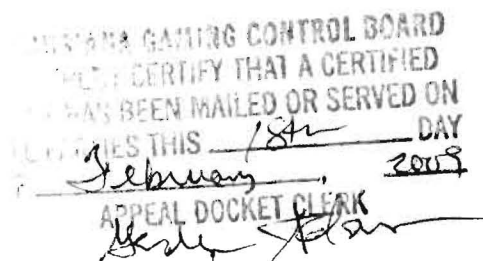
THUS DONE AND SIGNED on this the 17th day of February, 2009.

LOUISIANA GAMING CONTROL BOARD

BY:

H. Charles Gaudin
H. CHARLES GAUDIN, CHAIRMAN

HJC/gac



STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

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ADMINISTRATIVE HEARING OFFICE

IN RE: HERITAGE CAFÉ AND SPIRITS

LICENSE NO: 4500115605

**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 (the "Division") and Heritage Café and Spirits, 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 Heritage Café and Spirits 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 Heritage Café and Spirits respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully Submitted,

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

By: 

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HERITAGE CAFÉ AND SPIRITS

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STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: HERITAGE CAFÉ AND SPIRITS

LICENSE NO: 4500115605

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Heritage Café and Spirits do hereby represent and agree as follows:

WHEREAS, the Division has issued a Notice of Violation to Heritage Café and Spirits alleging certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by the said Notice of Violation were set for hearing on February 9, 2009, before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the Division and Heritage Café and Spirits are desirous of fully and finally compromising and settling all issues and disputes arising out of and in connection with the said Notice of Violation;

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

STIPULATIONS

1. On October 30, 2008 at approximately 1945 hours, the Louisiana State Police General Gaming Division represented by Trooper First Class Ronald Dawsey and Senior Trooper Guitreau entered Heritage Cafe and Spirits with a nineteen year old white female Cooperating Individual (CI-LIC-156-08) (hereinafter "CI") in an effort to assess the licensee's compliance concerning the prevention of underage gaming.

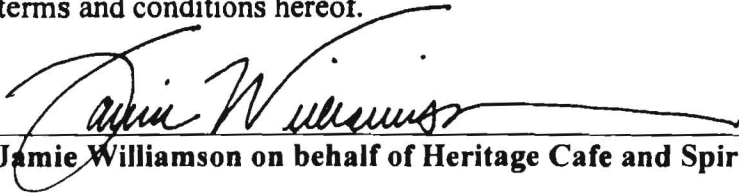
2. Upon entering the establishment, the CI presented a twenty dollar (\$20.00) bill to the cashier and asked for change to play video poker.
3. The CI, at approximately 1953 hours sat and placed a one dollar (\$1.00) bill into a machine (permit # 16517). The CI then immediately cashed out the ticket (#00525) in order to receive a starting time for playing on the machine.
4. The CI then placed twenty dollars (\$20.00) into the machine and started to play and played for twelve minutes before cashing out a ten dollar (\$10.00) payout ticket (#00526).
5. The CI presented the ten dollar (\$10.00) ticket (#00526) to the cashier.
6. The cashier paid the CI ten dollars (\$10.00) without requesting to see her identification.
7. The CI and Senior Trooper Guitreau exited the establishment
8. A few minutes later, Senior Trooper Guitreau and Trooper First Class Ronald Dawsey returned to the establishment, identified themselves to the cashier, Ms. Tia Mahl, and explained the purpose of their visit.
9. Ms. Mahl retrieved the ticket which was cashed out and was provided with an evidence/property bag receipt for the cashed ticket.
10. Ms. Mahl then stated that she wasn't sure if she was to sign the violation ticket and that the establishment owner was on her way.
11. Trooper first Class Ronald Dawsey then explained that her failure to sign the violation ticket would result in an additional violation for failure to cooperate with the division.
12. Heritage Café and Spirits does admit it violated La. R.S. 27:319 (Underage Gambling) and disputes the violation of LAC 42:2419B(1)(b) (Licensed Establishments Shall Render Full Cooperation to Division Agents)

TERMS AND CONDITIONS

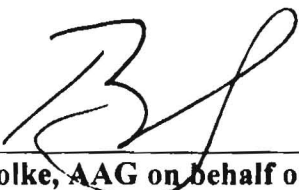
1. Heritage Cafe and Spirits will pay a civil penalty of ONE THOUSAND and No/100 (\$1,000.00) DOLLARS.
2. The Division will dismiss the LAC 42:2419B(1)(b) violation and waive the penalty of FIVE HUNDRED and No/100 (\$500.00) DOLLARS.
3. Within fifteen (15) days of the approval of this Compromise and Settlement, Heritage Cafe and Spirits shall remit payment of the above referenced penalty to the Division.

4. The Division hereby agrees to accept Heritage Cafe and Spirits's payment of the above stated ONE THOUSAND and No/100 (\$1,000.00) DOLLAR penalty in full and final settlement.
5. 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 the Licensee's suitability.
6. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.
7. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Heritage Cafe and Spirits, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.
8. 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, and to comply with each term and condition listed herein, shall result in the immediate suspension of the Heritage Cafe and Spirits license without the necessity of further administrative action, until such time as the penalty is paid in full and Heritage Cafe and Spirits is in compliance with all terms and conditions.

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



Jamie Williamson on behalf of Heritage Cafe and Spirits



**D. Brandt Schmolke, 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: HERITAGE CAFÉ AND SPIRITS

LICENSE NO: 4500115605

ORDER

BE IT REMEMBERED that on this the 6th day of February, 2009, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the parties having appeared, 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; that the Licensee must pay One Thousand and No/100 (\$1,000.00) 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 license without the necessity of any further administrative action until such time as the penalty is paid in full.

SIGNED AND ENTERED this 10th day of February, 2009, in Baton

~~Baton Rouge, Louisiana~~
I HEREBY CERTIFY THAT A CERTIFIED COPY OF THIS ORDER HAS BEEN MAILED OR SERVED ON THE PARTIES THIS 6th DAY OF February, 2009.

Clerk, ADMINISTRATIVE HEARING OFFICE
Samie Williamson
Brandt Schmelke
Sgt. Lionel Siblay

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 2/6/09

BY: CLERK

HON. RICHARD L. REYNOLDS
HEARING OFFICER