



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DALE A. HALL
CHAIRMAN

**IN RE: LOGANSFORT GAMING, LLC D/B/A
LOGANSFORT TRUCKSTOP
NO. 1601502532**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of June 21, 2012. The Hearing Officer's order dated June 6, 2012, 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 Logansport Gaming, LLC d/b/a Logansport Truckstop, No. 1601502532, 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 June, 2012.

LOUISIANA GAMING CONTROL BOARD

BY: _____

Dale A. Hall
DALE A. HALL, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD

I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 21st DAY
OF June, 2012

APPEAL DOCKET CLERK
Ashley Stinson

LGCB-1512-12-B

RECEIVED

By Geralyn Coleman at 11:20 am, Jun 06, 2012

RECEIVED

JUN 05 2012

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

LGCB
ADMINISTRATIVE HEARING OFFICE

IN RE: LOGANSPOUT GAMING, LLC
D/B/A LOGANSPOUT TRUCKSTOP

CASE NO.: 1601502532

**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 Logansport Gaming, LLC d/b/a Logansport Truckstop (hereinafter, "Licensee"), 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 Licensee 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 and incorporated by reference for all purposes.

TRUE COPY

Representative
Louisiana Gaming Control Board

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

Respectfully Submitted,

By: 

Leon Miletello, Jr.
Post Office Box 78255
Shreveport, Louisiana 71137
Telephone: (318) 697-6675
Owner and Member of
Logansport Gaming, LLC
d/b/a Logansport Truckstop

JAMES D. "BUDDY" CALDWELL,
ATTORNEY GENERAL

By: 

Dawn M. Himel, LA Bar #31007
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: LOGANSFORT GAMING, LLC
D/B/A LOGANSFORT TRUCKSTOP

CASE NO.: 1601502532

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Logansport Gaming, LLC d/b/a Logansport Truckstop (hereinafter, "Licensee") do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has sent a Notice of Recommendation of Administrative Action to Licensee, which Notice contains allegations of 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 before the Louisiana Gaming Control Board Administrative Hearing Office on June 6, 2012; and

WHEREAS, the Division and Licensee 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. The Licensee is a Type 5 (truck stop) video gaming licensee located at 2220 Main Street, Logansport, Louisiana 71249.

2. A fire occurred inside the kitchen of the on-site restaurant at the licensed establishment on January 31, 2011.

3. The State of Louisiana, Office of State Fire Marshall, Code Enforcement, and Building Safety declared the on-site restaurant was not permitted to be used until a satisfactory final inspection had been conducted.

4. The on-site restaurant was closed and not operational from the time of the fire on January 31, 2011, until March 16, 2012. Therefore, the Licensee did not have an on-site restaurant from January 31, 2011, until March 16, 2012, in violation of La. R.S. 27:306(A)(4)(c)(ii), LAC 42:XL2405(B)(9)(a), (b), (c), (d), and (e), and LAC 42:XL2405(B)(10)(a), (b), and (c).

5. The on-site restaurant was not operational for more than thirty (30) consecutive calendar days, the Licensee did not request a waiver or an extension of the provisions of LAC 42:XL2405(B)(9), and the Licensee failed to surrender its license, in violation of LAC 42:XL2405(B)(9)(a), (b), (c), (d), and (e), and LAC 42:XL2405(B)(9)(a), (b), (c), (d), and (e).

6. The Licensee failed to timely notify the Division, in writing, of the fire and closure of its on-site restaurant, in violation of LAC 42:XL2405(B)(9)(a), (b), (c), (d), and (e), LAC 42:XL2405(B)(10)(a), (b), and (c), and LAC 42:XL2417(B)(4).

7. While the on-site restaurant was closed and not operational (from January 31, 2011, through the reopening of the restaurant on March 16, 2012), the Licensee allowed the continued operation of the game room and playing of the video gaming devices, in violation of La. R.S. 27:306(A)(4)(c)(ii), LAC 42:XL2405(B)(9)(a), (b), (c), (d), and (e), and LAC 42:XL2405(B)(10)(a), (b), and (c).

TERMS AND CONDITIONS

1. In lieu of Administrative Action of its Gaming License, Licensee will pay a civil penalty of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS for its violations of La. R.S. 27:306(A)(4)(c)(ii), LAC 42:XI.2405(B)(9)(a), (b), (c), (d), and (e), LAC 42:XI.2405(B)(10)(a), (b), and (c), and LAC 42:XI.2417(B)(4).

2. The Division hereby agrees that payment of a civil penalty of FIFTY THOUSAND AND NO/100 (\$50,000.00) DOLLARS shall be in full and final settlement of all matters set forth in the Notice of Recommendation of Administrative Action for Licensee's violations of La. R.S. 27:306(A)(4)(c)(ii), LAC 42:XI.2405(B)(9)(a), (b), (c), (d), and (e), LAC 42:XI.2405(B)(10)(a), (b), and (c), and LAC 42:XI.2417(B)(4).

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 Licensee'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 Licensee, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations, and understandings of the parties.

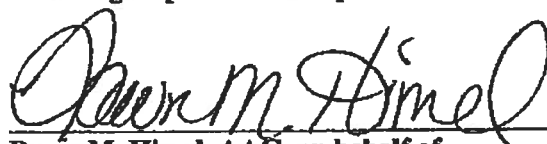
6. This Compromise and Settlement Agreement is subject to approval by the Hearing Officer and the Louisiana Gaming Control Board. It is expressly understood that if this proposed settlement is approved by the Hearing Officer, this agreement is not thereby executory, but will be submitted to the Louisiana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

7. If approved, the Licensee agrees to make full payment of the civil penalty to the Division within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board. Licensee agrees that failure to meet this requirement shall result in immediate suspension of the gaming permit without the necessity of any further administrative action until such time as the penalty is paid in full.

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



Leon Miletello, Jr.
Owner and Member
On behalf of Logansport Gaming, LLC
d/b/a Logansport Truckstop



Dawn M. Himel, 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: LOGANSFORT GAMING, LLC
D/B/A LOGANSFORT TRUCKSTOP

CASE NO.: 1601502532

ORDER

BE IT REMEMBERED that on the 6th day of June, 2012, came 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 representing themselves, 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 Logansport Gaming, LLC d/b/a Logansport Truckstop must pay FIFTY THOUSAND AND NO/100 (\$50,000.00) 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 6th day of June, 2012, in Baton

Rouge, Louisiana
LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 6th DAY
June 2012
BY: [Signature]
Sgt. Michael Doby
cc: Legn Miletello, Jr.
Deward Hamel

[Signature]

WILLIAM H. BROWN
HEARING OFFICER

TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA June 6, 2012
[Signature]
BY: CLERK