



*State of Louisiana*  
*Gaming Control Board*

*BOBBY JINDAL*  
GOVERNOR

*DANE K. MORGAN*  
CHAIRMAN

**IN RE: BIG DRINK, LLC D/B/A SUDZ TAVERN  
NO. 3800112270**


**ORDER**

This matter was considered by the Louisiana Gaming Control Board at its meeting of April 21, 2011. The Hearing Officer's order dated March 28, 2011, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," No. 3800112270, by and between Big Drink, LLC d/b/a Sudz Tavern, and the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, which is attached hereto and incorporated herein, is **APPROVED**.

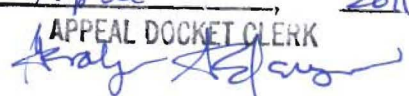
**THUS DONE AND SIGNED on this the 21<sup>st</sup> day of April, 2011.**

**LOUISIANA GAMING CONTROL BOARD**

**BY:**

  
\_\_\_\_\_  
**DANE K. MORGAN, CHAIRMAN**

**DKM/gac**

**LOUISIANA GAMING CONTROL BOARD**  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 25<sup>th</sup> DAY  
OF April, 2011  
APPEAL DOCKET CLERK  


LGCB-0547-11

**RECEIVED**

By Geralyn Coleman at 2:31 pm, Mar 28, 2011

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

**RECEIVED**

MAR 29 2011

LGCB  
ADMINISTRATIVE HEARING OFFICE

IN RE: **BIG DRINK, LLC**  
**D/B/A SUDZ TAVERN**

CASE NO.: 3800112270

**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 Big Drink, LLC d/b/a Sudz Tavern (hereinafter, "Sudz Tavern"), 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 Sudz Tavern 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.

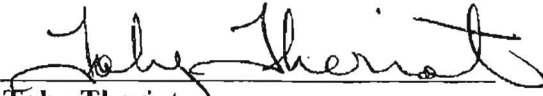
2.

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  
*Geraldyn Coleman*  
Representative  
Louisiana Gaming Control Board

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

Respectfully Submitted,

By:   
**Toby Theriot**  
106-E Barriere Road  
Belle Chase, Louisiana 70037  
Telephone: (504) 433-5500  
**On Behalf of Big Drink, LLC**  
**d/b/a Sudz Tavern**

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

By:   
**Dawn M. Himel, Bar Roll #31007**  
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**

**IN RE: BIG DRINK, LLC**  
**D/B/A SUDZ TAVERN**

**CASE NO.: 3800112270**

**COMPROMISE AND SETTLEMENT AGREEMENT**

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Big Drink, LLC d/b/a Sudz Tavern (hereinafter, "Sudz Tavern") do hereby represent and agree as follows:

**WHEREAS**, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to Sudz Tavern 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 before the Louisiana Gaming Control Board Administrative Hearing Office on March 28, 2011; and

**WHEREAS**, the Division and Sudz Tavern 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. Sudz Tavern operates a bar located at 106-E Barriere Road, Belle Chase, Louisiana 70037.

2. Toby Theriot (hereinafter, "Mr. Theriot") owns thirty-three and one-third (33 1/3%) percent of the interest in Sudz Tavern.

3. Mr. Theriot married Mary Allison Theriot (hereinafter, "Mrs. Theriot") on November 13, 2009.

4. Sudz Tavern submitted a personal history questionnaire to the Division for Mrs. Theriot on April 14, 2010, five months after the marriage occurred.

5. Sudz Tavern did not notify the Division of the marriage until the personal history questionnaire for Mrs. Theriot was submitted on April 14, 2010, which is in violation of **LAC 42:XI.2417(B)(4)**.

#### **TERMS AND CONDITIONS**

1. In lieu of Administrative Action of its Gaming License, Sudz Tavern will pay a civil penalty of TWO HUNDRED FIFTY AND NO/100 (\$250.00) DOLLARS for its violation of **LAC 42:XI.2417(B)(4)**.

2. The Division hereby agrees to accept Sudz Tavern's payment of the above stated penalty in full and final settlement of the Notice of Recommendation of Administrative Action for the licensee's violation of **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 Sudz Tavern's suitability.

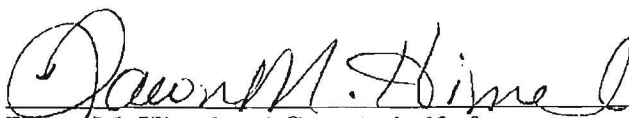
4. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.

5. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Sudz Tavern, 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 by the Louisiana Gaming Control Board, and to comply with each term and condition listed herein, shall result in the immediate suspension of Sudz Tavern's license without the necessity of 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.

  
\_\_\_\_\_  
**Toby Theriot, on behalf of Big Drink, LLC**  
**d/b/a Sudz Tavern**

  
\_\_\_\_\_  
**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: BIG DRINK, LLC  
D/B/A SUDZ TAVERN

CASE NO.: 3800112270

ORDER

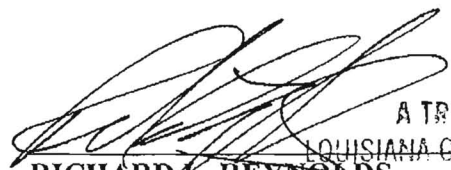
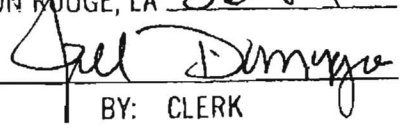
BE IT REMEMBERED that on the 28<sup>th</sup> day of March, 2011, came for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the parties having appeared by and through their respective attorneys of record, and the Hearing Officer having considered the pleadings on 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 Big Drink, LLC d/b/a Sudz Tavern must pay Two Hundred Fifty and No/100 (\$250.00) 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 28<sup>th</sup> day of March, 2011, in Baton

Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
TRUE COPY HAS BEEN SERVED ON  
March 28<sup>th</sup> DAY  
3:21  
CLERK, ADMINISTRATIVE HEARING OFFICE  
cc: Day Theriot  
Dawn Hines  
Sgt. Lionel Sidley

  
A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
HEARING OFFICER  
BATON ROUGE, LA 3/28/11  
  
BY: CLERK