



*State of Louisiana*  
*Gaming Control Board*

BOBBY JINDAL  
GOVERNOR

DANE K. MORGAN  
CHAIRMAN

**IN RE: 90 WEST RESTAURANT, L.L.C. D/B/A 90 WEST  
NO. 4500215323**

**ORDER**

This matter was considered by the Louisiana Gaming Control Board at its meeting of November 17, 2009. The Hearing Officer's order dated October 14, 2009, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," No. 4500215323, by and between 90 West Restaurant, L.L.C. d/b/a 90 West Restaurant, 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 17<sup>th</sup> day of November, 2009.**

**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 18<sup>th</sup> DAY  
OF November, 2009

APPEAL DOCKET CLERK  


**RECEIVED**

OCT 14 2009

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

LGCB  
ADMINISTRATIVE HEARING OFFICE

**IN RE: 90 WEST RESTAURANT, L.L.C.  
d/b/a 90 WEST RESTAURANT**

**LIC. NO. 4500215323**

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

**TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:**

**COME NOW** the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter "the Division") and 90 West Restaurant, L.L.C. d/b/a 90 West Restaurant, who file this, their 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 the 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 Officer and the Louisiana Gaming Control Board.

2.

A true and correct copy of the proposed Compromise and Settlement Agreement

TRUE COPY  
*Henry Henson*  
Administrative Hearing Officer

is attached hereto as Exhibit "A" and incorporated by reference for all purposes.

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


Respectfully Submitted,

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



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**Julius DeSoto, Member  
on behalf of 90 West Restaurant, L.L.C.  
d/b/a 90 West Restaurant  
P.O. Box 450  
Boutee, LA 70039  
Telephone: (504) 232-6308**



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Facsimile: (504) 599-1163  
*Counsel for the Division***

**EXHIBIT "A"**

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

**IN RE: 90 WEST RESTAURANT, L.L.C.  
d/b/a 90 WEST RESTAURANT**

**LIC. NO. 4500215323**

**COMPROMISE AND SETTLEMENT AGREEMENT**

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter the "Division") and 90 West Restaurant, L.L.C. d/b/a 90 West Restaurant, VGL No. 4500215323 (hereinafter the "Licensee") do hereby represent and agree as follows:

**WHEREAS**, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to the Licensee, which notice alleges 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; and

**WHEREAS**, the parties hereto are desirous of fully and finally compromising and settling all disputes and issues raised 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. Following Hurricane Gustav, the Division discovered that 90 West Restaurant, L.L.C. d/b/a 90 West Restaurant was closed in excess of thirty days.

2. The Licensee acknowledges that it was in violation of La. R.S. 27:308(B)(4), LAC 42.XI.2405(B)(9)(a)(e) and LAC 42.XI.2417(B)(4) in that it failed to remain in continuous operation, failed to timely notify the Division of the cessation of operation and failed to temporarily turn in the license.

4. On August 25, 2009, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action alleging certain violations of Louisiana Gaming Control Law.

## **TERMS AND CONDITIONS**

1. The Licensee agrees to pay a civil penalty of Five Hundred Dollars (\$500.00).

2. The Division hereby agrees to accept the payment of Five Hundred Dollars (\$500.00) in full and final settlement of the Notice of Recommendation of Administrative Action.

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

4. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and the Licensee pertaining to the subject matter

contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.


5. 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.

6. If approved, the Licensee must make full payment of the civil penalty and delinquency fee 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 license without the necessity of any further administrative action until such time as the penalty is paid in full.

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

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

  
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**Julius DeSoto, Member**  
**on behalf of 90 West Restaurant, L.L.C.**  
**d/b/a 90 West Restaurant**  
P.O. Box 450  
Boutee, LA 70039  
Telephone: (504) 232-6308

  
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*Counsel for the Division*

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

**IN RE: 90 WEST RESTAURANT, L.L.C.  
d/b/a 90 WEST RESTAURANT**

**LIC. NO. 4500215323**

**ORDER**

**BE IT REMEMBERED** that on the 14<sup>th</sup> day of Oct, 2009, 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**; that the Licensee must pay Five Hundred and No/100 (\$500.00) 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 14<sup>th</sup> day of Oct, 2009, in

LOUISIANA GAMING CONTROL BOARD  
BY: I CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON:  
Baton Rouge, Louisiana  
2009  
OFFICE

*Julius DeSoto*  
*Alga Boyson*  
*Sgt. Leonell Siblay*

*[Signature]*  
HEARING OFFICER

A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA 10/14/09

*[Signature]*  
CLERK