



*State of Louisiana*  
*Gaming Control Board*

*BOBBY JINDAL*  
GOVERNOR

*DANE K. MORGAN*  
CHAIRMAN

**IN RE: PIROGUE'S CAFÉ, LLC D/B/A PIROGUE'S CAFÉ  
NO. 4800214849**

**ORDER**

The Hearing Officer's order dated August 24, 2009, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Revocation" No. 4800214849, by and between Pirogue's Café, LLC d/b/a Pirogue's Café, and the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, was considered by the Louisiana Gaming Control Board at its meeting of September 15, 2009.

**ORDER**

**IT IS ORDERED THAT** the matter be **REMANDED**.

**THUS DONE AND SIGNED** on this the *15<sup>th</sup>* day of *September, 2009*

**LOUISIANA GAMING CONTROL BOARD**

**BY:**

*Dane K. Morgan*  
\_\_\_\_\_  
**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 *16<sup>th</sup>* DAY  
OF *September*, *2009*  
APPEAL DOCKET CLERK  
*[Signature]*

**RECEIVED**

AUG 18 2009

IGOB  
ADMINISTRATIVE HEARING OFFICE

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

**IN RE:           PIROGUE'S CAFÉ, LLC D/B/A           LICENSE NO: 4800214849  
                  PIROGUE'S CAFE**

**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 Pirogue's Café, LLC d/b/a Pirogue's Cafe, 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 Pirogue's Café, LLC d/b/a Pirogue's Cafe are desirous of compromising and settling all disputes between them relative to the referenced revocation 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 Pirogue's Café, LLC  
d/b/a Pirogue's Cafe respectfully request that this Honorable Administrative Hearing Officer  
approve the parties' Compromise and Settlement Agreement.

Respectfully Submitted,

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

By: 

**D. Brandt Schmolke (#30048)**

188 North Third Street

P.O. Box 94005

Baton Rouge, Louisiana 70804

Telephone: (225) 326-6500

Facsimile: (225) 326-6599

*Counsel for the Office of State Police*

By: 

**Gerri Terrio**

719 W. 10<sup>th</sup>

Reserve, Louisiana 70084

Ph: 985-479-7800

*Pirogue's Café, LLC d/b/a*

*Pirogue's Cafe*

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

**IN RE:           PIROGUE'S CAFÉ, LLC D/B/A           LICENSE NO: 4800214849**  
**PIROGUE'S CAFE**

**COMPROMISE AND SETTLEMENT AGREEMENT**

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Pirogue's Café, LLC d/b/a Pirogue's Cafe do hereby represent and agree as follows:

**WHEREAS**, the Division has issued a Notice of Recommendation of Revocation to Pirogue's Café, LLC d/b/a Pirogue's Cafe alleging certain violations of Louisiana Gaming Control Law; and

**WHEREAS**, the issues raised by the said Notice of Recommendation of Revocation were set for hearing on August 17, 2009, before the Louisiana Gaming Control Board Administrative Hearing Office; and

**WHEREAS**, the Division and Pirogue's Café, LLC d/b/a Pirogue's Cafe 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 Revocation;

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

**STIPULATIONS**

1. On January 19, 2009, the Louisiana State Police, Gaming Division conducted a compliance inspection of Pirogue's Café, LLC d/b/a Pirogue's Cafe.

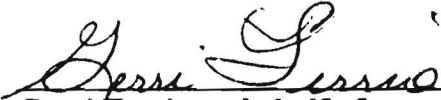
2. During the inspection, it was discovered that the Licensee had allowed its ATC permit to expire on April 30, 2008.
3. On January 26, 2009, the Licensee notified the Division that it had renewed its ATC permit and forwarded the valid permit to the Division. The effective dates of the new permit are May 1, 2008 through April 30, 2009.
4. Pirogue's Café, LLC d/b/a Pirogue's Café failed to maintain a valid ATC permit and operated its video gaming devices for approximately eight months without the permit.
5. During this time the Licensee received net device revenue in the amount of \$4,280.53.

### **TERMS AND CONDITIONS**

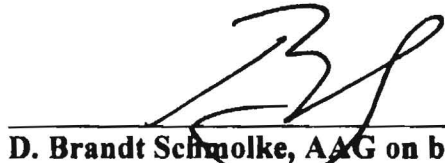
1. Pirogue's Café, LLC d/b/a Pirogue's Cafe will pay a civil penalty of TWO THOUSAND ONE HUNDRED and No/100 (\$2,100.00) DOLLARS.
2. The Division will dismiss the Notice of Recommendation of Revocation.
3. Within fifteen (15) days of the approval of this Compromise and Settlement, Pirogue's Café, LLC d/b/a Pirogue's Cafe shall remit payment of the above referenced penalty to the Division.
4. The Division hereby agrees to accept Pirogue's Café, LLC d/b/a Pirogue's Cafe's payment of the above stated TWO THOUSAND ONE HUNDRED and No/100 (\$2,100.00) 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 Pirogue's Café, LLC d/b/a Pirogue's Cafe, 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 Pirogue's Café, LLC d/b/a Pirogue's Cafe license without the necessity of further administrative action, until such time as the penalty is paid in full and Pirogue's Café, LLC d/b/a Pirogue's Cafe 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.



**Gerri Terrio on behalf of  
Pirogue's Café, LLC d/b/a Pirogue's Cafe**



**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:           PIROGUE'S CAFÉ, LLC D/B/A           LICENSE NO: 4800214849  
                  PIROGUE'S CAFE


**ORDER**


BE IT REMEMBERED that on this the 24<sup>th</sup> day of August, 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 Two Thousand One Hundred and No/100 (\$2,100.00) 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 24<sup>th</sup> day of August, 2009, in Baton

LOUISIANA GAMING CONTROL BOARD  
Baton Rouge, Louisiana  
RECEIVED  
ADMINISTRATIVE HEARING OFFICE  
192009  
DAY

  
\_\_\_\_\_  
HON. RICHARD L. REYNOLDS  
HEARING OFFICER

A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA. 8/25/09  
  
\_\_\_\_\_  
CLERK

cc: Gerri Terrio  
Brandt Schmolke  
Sgt. Lonell Sibbey