



State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

IN RE: SAMMY'S FOOD SERVICE AND DELI
NO. VP3601611098

ORDER


This matter was considered by the Louisiana Gaming Control Board at its meeting of February 18, 2003. The Hearing Officer's order dated January 28, 2003, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Recommendation of Suspension," by and between Sammy's Food Service and Deli, No. VP3601611098, and the Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division, which is attached hereto and incorporated herein, is APPROVED.

THUS DONE AND SIGNED on this the 18th day of February, 2003.

LOUISIANA GAMING CONTROL BOARD

BY:


HILLARY J. CRAIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 20th DAY
OF February, 2003
APPEAL DOCKET CLERK


STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

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ADMINISTRATIVE
DOCKET CLERK

IN RE: SAMMY'S FOOD SERVICE AND DELI

CASE NO. 3601611098

JOINT MOTION FOR ENTRY OF STIPULATIONS AND
APPROVAL OF PROPOSED SETTLEMENT

ON THE JOINT MOTION OF:

1. the Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division (hereinafter "Division"), and
2. Sammy's Food Service and Deli, License No. 3601611098 (hereinafter "licensee"),

who respectfully represent the following:

WHEREAS:

1. On or about March 8, 2002, the Division mailed the annual form, which must be submitted annually by all licensees, to the licensee;
2. The licensee was mandated by La. R.S. 27:311(K)(4), LAC 42:XI.2405(B)(4) and (7) to submit the above annual form to the Division, along with all appropriate fees and current tax clearance certificates, on or before July 1, 2002;
3. On or about July 2, 2002, the Division received the licensee's annual form and fees; however, the state and local tax clearance certificates were not included. The licensee's state and local tax clearance certificates were not received by the Division prior to July 1, 2002.
4. Pursuant to this information, the Division issued Violation/Inspection Report #13875 to the licensee on or about September 23, 2002, citing violation of LAC 42:XI.2405(B)(7). Attendant to this Violation/Inspection Report, the Louisiana Gaming Control Board issued a Notice of Recommendation of Suspension to the licensee on or about December 3, 2002.
5. This matter has been scheduled for hearing on February 11, 2003 at 9:00 a.m. before the Honorable William H. Brown,

TRUE COPY

Representative
Louisiana Gaming Control Board

NOW THEREFORE, in consideration of the foregoing stipulations, the Division and the licensee hereby propose the following settlement, that:

1. The licensee acknowledges that it was in violation of LAC 42:X1.2405(B)(7), in that it did not submit the state and local tax clearance certificates to the Division by July 1, 2002;
2. The licensee has submitted the delinquent state and local tax clearances, a copy of each attached hereto;
3. In lieu of suspension of its video gaming license, the licensee shall pay a \$250.00 civil penalty;
4. The Division hereby agrees to accept the licensee's payment of the above stated penalty in full and final settlement of Violation/Inspection Report No. 13875 and this Notice of Recommendation of Suspension;
5. The Division reserves the right to take into consideration these violations in connection with any future violation;
6. The form and substance of this settlement are to be interpreted under the laws of the State of Louisiana;
7. This settlement constitutes the entire agreement between the Division and Sammy's Food Service and Deli pertaining to the subject matter contained herein, and supercedes all prior and contemporaneous agreements, representations, and understandings of the parties;
8. This settlement is subject to approval by the Hearing Officer of the Louisiana Gaming Control Board; it is expressly understood that if this proposed settlement is approved by the Hearing Officer, this agreement is not executory and will be submitted to the Board for its determination as to whether the matter should be heard by the Hearing Officer; if approved, however, payment of the above penalties must be submitted to the Division within fifteen (15) days of approval of this settlement by the Board; the failure to submit the civil penalty within fifteen (15) days of approval by the Board shall result in the video gaming license of the licensee being suspended and its gaming devices being disabled; and
9. The Division and the licensee waive their rights to appeal this settlement if the Order is signed by the Hearing Officer and accepted by the Board.

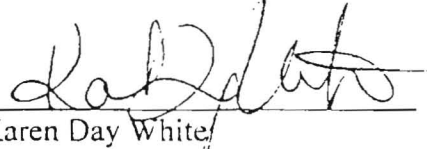
Respectfully submitted,

SAMMY'S FOOD SERVICE & DELI
VG#3601611098

BY: 

Regina Schloegel
Owner
3000 Elysian Fields Avenue
New Orleans, Louisiana 70122
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Telephone: (225) 336-9600
Facsimile: (225) 709-1554

RICHARD P. IEYOUB
ATTORNEY GENERAL

BY: 

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Assistant Attorney General
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339 Florida Street, Ste. 500
Baton Rouge, Louisiana 70801
Telephone: (225) 342-2465
Facsimile: (225) 342-4244

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: SAMMY'S FOOD SERVICE AND DELI

CASE NO. 3601611098

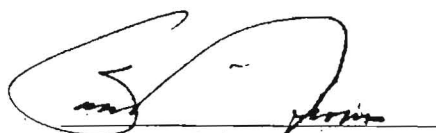
ORDER

Considering the foregoing Joint Motion For Entry of Stipulations and Approval of Proposed Settlement, IT IS HEREBY ORDERED that such proposed settlement be approved, to wit:

1. the licensee acknowledges that it was in violation of LAC 42:XI.2405(B)(7), in that it did not submit the state and local tax clearance certificates to the Division by July 1, 2002;
2. having submitted the delinquent tax clearances, the licensee shall pay a civil penalty in the amount of \$250.00;
3. payment of the above penalty shall be submitted to the state within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board; and
4. the failure to submit the above penalty within fifteen (15) days of approval of this settlement by the Board shall result in the video gaming license of the licensee being suspended and its gaming devices being disabled.

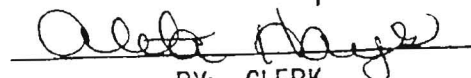
THUS DONE AND SIGNED this 28th day of January, 2003 in
Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 28th DAY
OF January 2003
Shirley D. Boudreaux
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE


William H. Brown
Hearing Officer

cc: Regiwa Schwoegel
Karen White, Esq.
Sabrina Ballard

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 1/28/03


BY: CLERK

STATE OF LOUISIANA
PARISH OF _____

AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within and for the State and Parish aforesaid, PERSONALLY CAME AND APPEARED:

REGINA SCHLOEGEL,

who, after first being duly sworn, declared and acknowledged to me, Notary, under oath:

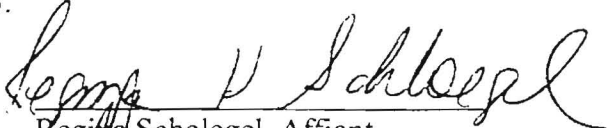
that affiant is an owner of Sammy's Food and Service Deli ("licensee"), which establishment is located at 3000 Elysian Fields Avenue, New Orleans, Louisiana 70122;

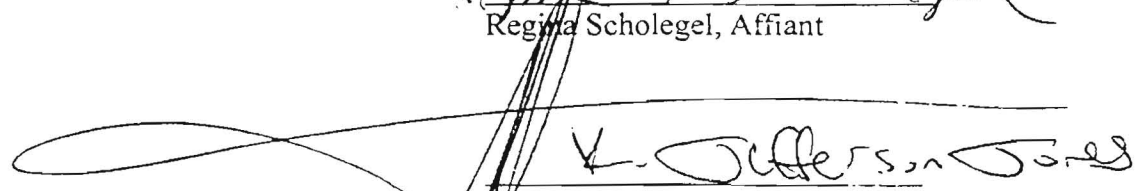
that the licensee received a Notice of Recommendation of Suspension (Violation/Inspection Report No. 13875) from the Louisiana Gaming Control Board, citing violations of La. R.S. 27:311(K)(4), LAC 42:XI.2405(B)(4) and (7);

that in the interest of settling this matter, affiant has willfully entered into a Joint Motion for Entry of Stipulations and Approval of Proposed Settlement with the Division, via the Attorney General's Office; and

that affiant signed the above-cited motion of his own volition, without duress or coercion.

THUS DONE AND PASSED in New Orleans, Louisiana, on this 14th day of January, 2003.


Regina Scholegel, Affiant


Notary Public
My commission expires death