



State of Louisiana

Gaming Control Board

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

HILLARY J. CRAIN
CHAIRMAN

**IN RE: PAPA MARCOS LA SFD, INC. D/B/A
KD'S POBOY SOUP N SALAD
NO. VP1001203925**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of October 21, 2003. The Hearing Officer's order dated September 17, 2003, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Recommendation of Administrative Action," by and between Papa Marcos LA SFD PD, Inc. d/b/a KD's PoBoy Soup N Salad, No. VP1001203925, 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 22 day of October, 2003.

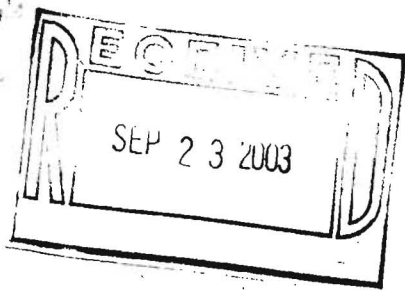
LOUISIANA GAMING CONTROL BOARD

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 23 DAY
OF October 2003

APPEAL DOCKET CLERK

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RECEIVED

SEP 15 2003

LGCB
ADMINISTRATIVE HEARING OFFICE

IN RE: PAPA MARCOS LA SFD PD, INC.
d/b/a KD'S POBOY SOUP N SALAD

CASE NO. 1001203925

**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. Papa Marcos LA SFD PD, Inc. d/b/a KD's PoBoy Soup N Salad, License No. 1001203925 (hereinafter "licensee"),

who respectfully represent the following:

WHEREAS:

1. On or about May 19, 2003, an agent of the Division noted that the an advertisement in the Lagniappe Newspaper (Volume 21, No. 10), which advertised the licensee's gaming establishment, did not include the problem gambling toll-free telephone number;
2. The licensee is mandated by La. R.S. 27:27.3 to place the toll-free telephone number of the National Council on Problem Gambling (or other similar, Board-approved toll-free telephone number) in any advertisement of its gaming activities or gaming establishment;
3. Pursuant to its agent's observations, the Division issued Violation/Inspection Report #012719 to the licensee on or about May 19, 2003, citing violation of La. R.S. 27:27.3. Attendant to this Violation/Inspection Report, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action to the licensee on or about July 30, 2003.
4. This matter is scheduled for hearing on September 23, 2003 at 9:30 a.m. before the Honorable J. E. Anzalone, Jr.,

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 La. R.S. 27:27.3, in that it did not place the required problem gambling toll-free telephone number in the May 19, 2003 Lagniappe Newspaper advertisement that advertised its gaming establishment;
2. In lieu of further administrative action against the licensee's video gaming license, the licensee shall pay a \$250.00 civil penalty;
3. 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. 012719 and this Notice of Recommendation of Administrative Action;
4. The Division reserves the right to take into consideration these violations in connection with any future violation;
5. The form and substance of this settlement are to be interpreted under the laws of the State of Louisiana;
6. This settlement constitutes the entire agreement between the Division and Papa Marcos LA SFD PD, Inc. d/b/a KD's PoBoy Soup N Salad pertaining to the subject matter contained herein, and supercedes all prior and contemporaneous agreements, representations, and understandings of the parties;
7. 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
8. 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,

**PAPA MARCOS LA SFD PD, INC.
d/b/a KD's POBOY SOUP N SALAD**

**RICHARD P. IEYOUB
ATTORNEY GENERAL**

BY:


Beverly Pittman

President

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BY:


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Assistant Attorney General

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

**IN RE: PAPA MARCOS LA SFD PD, INC.
d/b/a KD'S POBOY SOUP N SALAD**

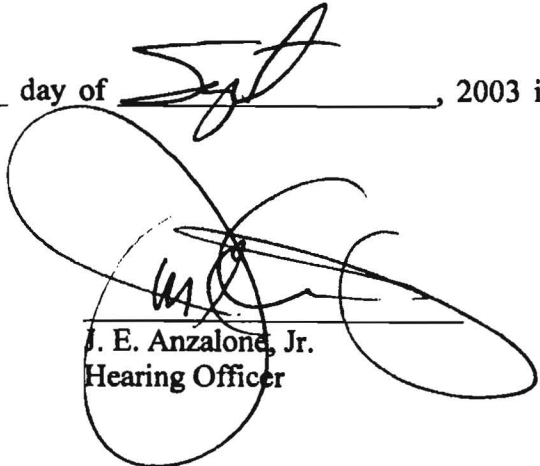
CASE NO. 1001203925

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 La. R.S. 27:27.3, in that it did not place the required problem gambling toll-free telephone number in the newspaper advertisement that advertised its gaming establishment;
2. the licensee shall pay a \$250.00 civil penalty;
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 17 day of Sept, 2003 in
Baton Rouge, Louisiana.



J. E. Anzalone, Jr.
Hearing Officer

**LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 17th DAY
OF September 2003
Jill Domingue
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE**

**A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 9-17-03**

Jill Domingue
BY: CLERK

cc: Beverly Pittman
Karen White
Sabanna Ballard

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:

BEVERLY PITTMAN,

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

that affiant is an owner and President of Papa Marcos LA SFD PD, Inc. d/b/a KD's PoBoy Soup N Salad (license no. 1001203925);

that the licensee received a Notice of Recommendation of Administrative Action from the Louisiana Gaming Control Board, citing violation of La. R.S. 27:27.3;

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 motions of her own volition, without duress or coercion.

THUS DONE AND PASSED in Lake Charles, Louisiana, on this 8th day of September, 2003.

Beverly Pittman
Beverly Pittman, Affiant

Douglas R. Lyons
Notary Public
My commission expires Life.