



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

IN RE: KEVIN L. IVEY D/B/A THE DAIQUIRI SHOP 2000- NO. 2605110573
KEVIN L. IVEY- NO. 07066

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of December 11, 2007. The Hearing Officer's order dated November 15, 2007, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Revocation," No. 2605110573, and "Notice of Recommendation of Finding of Unsuitability," No. 07006, by and between Kevin L. Ivey d/b/a The Daiquiri Shop 2000 and Kevin L. Ivey, 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 11th day of December, 2007.

LOUISIANA GAMING CONTROL BOARD

BY:


H. CHARLES GAUDIN, CHAIRMAN

HJC/gac

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 12th DAY
OF December, 2007
APPEAL DOCKET CLERK


STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: KEVIN L. IVEY
D/B/A THE DAIQUIRI SHOP 2000

CASE NO. 2605110573

IN RE: KEVIN L. IVEY

CASE NO. 07006

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

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

NOW COMES the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division"), Kevin L. Ivey d/b/a The Daiquiri Shop 2000 License No. 2605110573, and Kevin L. Ivey, Case No. 07006 (Kevin L. Ivey d/b/a The Daiquiri Shop 2000 and Kevin L. Ivey are hereinafter collectively referred to as "Licensee") 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 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 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

Representative
Louisiana Gaming Control Board

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

Respectfully submitted,

KEVIN L. IVEY D/B/A THE DAIQUIRI SHOP 2000
KEVIN L. IVEY

By: 

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d/b/a The Daiquiri Shop 2000 and
Kevin L. Ivey

CHARLES C. FOTI, JR.,
ATTORNEY GENERAL

By: 

Christopher B. Hebert, Bar Roll #29044
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Counsel for the Office of Louisiana State
Police

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: KEVIN L. IVEY
D/B/A THE DAIQUIRI SHOP 2000

CASE NO. 2605110573

IN RE: KEVIN L. IVEY

CASE NO. 07006

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division"), Kevin L. Ivey d/b/a The Daiquiri Shop 2000 License No. 2605110573, and Kevin L. Ivey, Case No. 07006 (Kevin L. Ivey d/b/a The Daiquiri Shop 2000 and Kevin L. Ivey are hereinafter collectively referred to as "Licensee"), do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Enforcement Division has issued a Notice of Recommendation of Administrative Action to Licensee, alleging certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by the said Notice of Recommendation of Revocation are set for hearing on November 15, 2007, before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the Division and Licensee 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:

STIPULATION

1. On February 22, 2006, the Louisiana State Police Licensing Division (the Division) received notification from the Louisiana State Police Criminal Records Section that Kevin L. Ivey (Mr. Ivey) had previously undisclosed arrests. Records show that Mr. Ivey had been arrested on December 10, 2001, for Aggravated Assault and on February 20, 2006, for Forcible Rape and False Imprisonment.

2. Under LAC 42 :XI.24 1 7(B)(4) all permittees or any person required to be found suitable in connection with the granting of a permit shall have a continuing duty to notify the division of his arrest, summons, citation or charge for any criminal offense or violation including D.W.I., with the exception of minor traffic violations. The mandatory language of the law states that "such notification shall be made within ten calendar days of the arrest, summons, citation, charge, fact, event, occurrence, matter or action". Mr. Ivey failed to notify the Division of his arrest or any pending felony charges.

3. Mr. Ivey submitted Annual License Forms for the years of 2002, 2003, 2004, 2005. All of these forms contained an attestation affidavit. He signed all of these forms and did not indicate that he had been arrested. Furthermore when Mr. Ivey submitted a Licensee Renewal for 2006-2007 Mr. Ivey was asked "Have there been any changes in the prior qualification and suitability information". Mr. Ivey clearly marked "No".

TERMS AND CONDITIONS

1. Within fifteen (15) days of the approval of this settlement by the Louisiana Gaming Control Board, Licensee shall pay Six Thousand Five Hundred and no/100 Dollars (\$6,500.00) in lieu of the revocation of its Type 1 Video Gaming License.

2. The Division hereby agrees to accept Six Thousand Five Hundred and no/100 Dollars (\$6,500.00) for the Licensee's violation of La. R.S. 27:310(B)(1)(a)(b)&(c), La. R.S. 27:310(B)(2), La. R.S. 27:309(A), and LAC 42:XI.2417(B)(4).

3. The Division agrees to withdraw its recommendation of finding of unsuitability of Mr. Kevin L. Ivey.

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

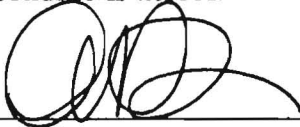
5. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Licensee, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

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.

7. If approved by the Louisiana Gaming Control Board, Licensee must pay Six Thousand Five Hundred and no/100 Dollars (\$6,500.00) within fifteen (15) calendar days of such approval. Any failure to meet this requirement will result in immediate suspension of the gaming license until such payment is made without the necessity of any further administrative action.

8. The Division reserves the right to take into consideration these committed violations in connection with any future investigation, violation or assessment of penalty, and in connection with any future assessments of the Licensee's suitability.

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



**Allison U. Rovira, on behalf of Kevin L. Ivey
d/b/a The Daiquiri Shop 2000 and
Kevin L. Ivey**



**Christopher B. Hebert, 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: KEVIN L. IVEY
D/B/A THE DAIQUIRI SHOP 2000

CASE NO. 2605110573

IN RE: KEVIN L. IVEY

CASE NO. 07006

ORDER


BE IT REMEMBERED that on the 15th day of November 2007, 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,

ORDER, 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.

SIGNED AND ENTERED this 15th day of November, 2007, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 15th DAY
OF November 2007
Jill Dornye
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Allison Rollins
Christopher Hebert
Lt. Deland Fabre


RICHARD L. REYNOLDS
HEARING OFFICER

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 11/15/07
Jill Dornye
BY, CLERK