



# State of Louisiana

Gaming Control Board

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

HILLARY J. CRAIN  
CHAIRMAN

## IN RE: BENJAMIN & CYNTHIA BELLARD D/B/A BENJIE'S DAIQUIRI NO. VP4905112913

### ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of February 18, 2003. The Hearing Officer's order dated February 4, 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 Benjamin & Cynthia Bellard d/b/a Benjie's Daiquiri, No VP4905112913, 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 20<sup>th</sup> day of February, 2003.

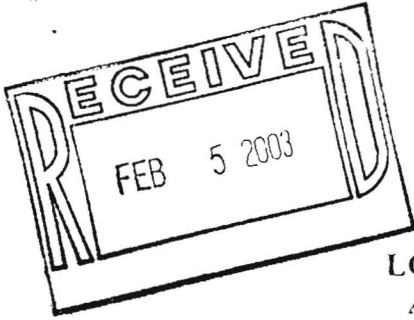
LOUISIANA GAMING CONTROL BOARD

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 24<sup>th</sup> DAY  
OF February, 2003

APPEAL DOCKET CLERK  




RECEIVED

FEB 03 2003

ADMINISTRATIVE  
DOCKET CLERK

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

IN RE: BENJAMIN/CYNTHIA BELLARD  
d/b/a BENJIE'S DAIQUIRIS

CASE NO. 4905112913

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. Benjamin/Cynthia Bellard d/b/a Benjie's Daiquiris, License No. 4905112913 (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 LAC 42:XI.2405(B)(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 June 21, 2002, the Division received the licensee's annual license form, fee and state tax clearance certificate. However, the local tax clearance certificate was not included;
4. Pursuant to this information, the Division issued a Notice of Violation and Hearing (Violation/Inspection Report #13936) to the licensee on or about September 20, 2002, alleging violations of LAC 42:XI.2405(B)(7);
5. On or about January 24, the Division received a copy of the licensee's local tax clearance certificate;

TRUE COPY  
  
Representative  
Louisiana Gaming Control Board

6. This matter has been scheduled for hearing on February 4, 2003 at 9:30 a.m. before the Honorable J. E. Anzalone, Jr.;

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

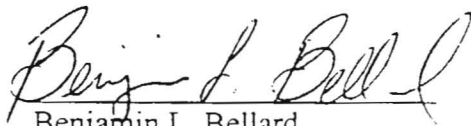
1. The licensee acknowledges that it was in violation of LAC 42:XI.2405(B)(7), in that it did not submit the appropriate local tax clearance certificate to the Division by July 1, 2002;
2. In lieu of suspension of the licensee's video gaming license, the licensee shall pay a \$250.00 civil penalty;
3. 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. 13936;
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 Benjie's Daiquiris, 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.

**Benjamin L. Bellard**  
d/b/a Benjie's Daiquiris  
VG# 4905112913

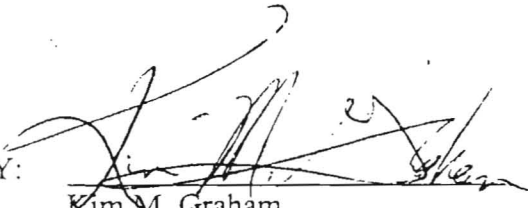
**RICHARD P. IEYOUB**  
**ATTORNEY GENERAL**

BY:



Benjamin L. Bellard  
Benjamin/Cynthia Bellard  
d/b/a Benjie's Daiquiris  
P. O. Box 1264  
Port Barre. Louisiana 70577  
**Licensee**

BY:



Kim M. Graham  
Assistant Attorney General  
La. Bar Roll No. 20932  
365 Canal Street, One Canal Place  
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New Orleans, Louisiana 70130  
Telephone: (504)-599-1175  
Facsimile: (504) 599-1163  
**Attorney for Division**

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

IN RE: BENJAMIN/CYNTHIA BELLARD  
d/b/a BENJIE'S DAIQUIRIS

CASE NO. 4905112913

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 appropriate local tax clearance certificate to the Division by July 1, 2002;
2. Benjie's Daiquiris, Inc., 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 Benjie's Daiquiris being suspended and its gaming devices being disabled.

THUS DONE AND SIGNED this 4 day of February,  
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 4th DAY  
OF February 2003  
[Signature]  
CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Benjamin Bellard  
Kim Graham, Esq.  
Sabrina Bellard

[Signature]  
J. E. Anzalone, Jr.  
Hearing Officer  
**TRUE COPY ATTEST**  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA 2/4/03  
[Signature]  
BY: CLERK

STATE OF LOUISIANA  
PARISH OF ST. LANDRY

**AFFIDAVIT**

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

**BENJAMIN L. BELLARD**

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

that affiant is an owner of Benjie's Daiquiris , ("licensee"), whose establishment is located at 17680 Hwy. 190, Suite A;

that Benjie's Daiquiris received a Notice of Recommendation of Suspension (Violation/Inspection Report No. 13936) from the Louisiana Gaming Control Board, citing violation of LAC 42:XI.2405(B)(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 on behalf of the licensee, 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 Opelousas, Louisiana, on this 31<sup>st</sup> day of January, 2003.

Benjie L. Bellard  
Affiant

Cynthia R. Cormier  
Notary Public  
My commission expires with life