



*State of Louisiana*  
Gaming Control Board

BOBBY JINDAL  
GOVERNOR

H. CHARLES GAUDIN  
CHAIRMAN

**IN RE: THE ARABI CAFÉ, INC. D/B/A ARABI PO-BOY  
NO. 4400212663**

**ORDER**


This matter was considered by the Louisiana Gaming Control Board at its meeting of July 15, 2008. The Hearing Officer's order dated June 23, 2008, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," No. 4400212663, by and between The Arabi Café, Inc. d/b/a Arabi Po-Boy, 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 15<sup>th</sup> day of July, 2008.**

**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 15<sup>th</sup> DAY  
OF July 2008  
APPEAL DOCKET CLERK  


**RECEIVED**

JUN 20 2008

LGCB  
ADMINISTRATIVE HEARING OFFICE

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

**IN RE: THE ARABI CAFÉ, INC. D/B/A ARABI PO-BOY      LICENSE NO. 4400212663**

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

**TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:**

COME NOW the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and The Arabi Café, Inc. d/b/a Arabi Po-Boy (hereinafter, "Arabi" or "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,

**THE ARABI CAFÉ, INC. D/B/A ARABI PO-BOY**

By:   
**Mitchell D. Smith**  
650 Friscoville Avenue  
Arabi, Louisiana 70032  
Telephone: (504) 858-0347  
**Representative for The Arabi Café,  
Inc. d/b/a Arabi Po-Boy**

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

By:   
**Danielle Boudreaux**, Assistant Attorney General  
La Bar Roll No. 29770  
1885 North Third Street, 5<sup>th</sup> Floor  
Baton Rouge, Louisiana 70802  
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Facsimile: (225) 326-6599  
**Counsel for the Office of State Police**

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

IN RE: THE ARABI CAFÉ, INC. D/B/A ARABI PO-BOY      LICENSE NO. 4400212663

**COMPROMISE AND SETTLEMENT AGREEMENT**

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and The Arabi Café, Inc. d/b/a Arabi Po-Boy (hereinafter, "Arabi" or "Licensee"), License No. 4400212663, do hereby represent and agree as follows:

**WHEREAS**, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action, alleging certain violations of Louisiana Gaming Control Law; and

**WHEREAS**, the issues raised by the said Notice of Recommendation of Administrative Action are set for hearing before the Louisiana Gaming Control Board Administrative Hearing Officer; 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 Administrative Action; and

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

## **STIPULATIONS**

1. Mitchell D. Smith ("Smith") has 50% ownership interest in The Arabi Café, Inc. d/b/a Arabi Po-Boy ("Arabi").
2. On November 23, 2007, Smith was arrested in Jefferson Parish for operating a vehicle while intoxicated ("DWI").
3. On December 10, 2007, the Division contacted Smith, and he indicated that he was unaware of having to notify the Division of his recent arrest.
4. The Licensee does admit it violated LAC 42:XI.2417(B)(4) by failing to timely notify the Division of Smith's DWI arrest.

## **TERMS AND CONDITIONS**

1. Within fifteen (15) days of the approval of this settlement by the Louisiana Gaming Control Board, the Licensee shall pay a civil penalty of Five Hundred Dollars (\$500.00) for the violation of LAC 42:XI.2417(B)(4).
2. The Division hereby agrees to accept the payment of Five Hundred Dollars (\$500.00) in full and final settlement of the Notice of Recommendation of Administrative Action.
3. 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.
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 the 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, the Licensee must pay <sup>Five</sup> ~~One~~ ~~Hundred Dollars (\$1,000.00)~~ <sup>Hundred Dollars (\$500.00) ~~ADT~~</sup> within fifteen (15) calendar days of such approval. Any failure to meet this requirement will result in immediate suspension of the gaming license without the necessity of any further administrative action until such time as the penalty is paid in full.

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

  
Mitchell D. Smith

on behalf of The Arabi Café, Inc. d/b/a Arabi Po-Boy

  
Danielle Boudreaux

Danielle Boudreaux, La Bar Roll #29770  
Assistant Attorney General, on behalf of the State of Louisiana,  
Department of Public Safety & Corrections,  
Office of State Police

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

IN RE: THE ARABI CAFÉ, INC. D/B/A ARABI PO-BOY      LICENSE NO. 4400212663

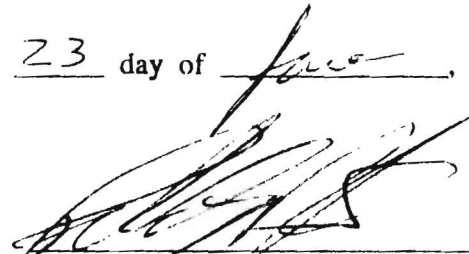
ORDER

BE IT REMEMBERED that on the 23<sup>rd</sup> day of June, 2008, came on for consideration the Motion for Approval of Compromise and Settlement Agreement, 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 Five Hundred Dollars (\$500.00) 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 23 day of June, 2008, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A COPY OF THIS ORDER HAS BEEN MAILED OR SERVED ON  
ALL PARTIES WITHIN \_\_\_\_\_ DAY(S) OF \_\_\_\_\_, 2008.  
June 23rd 2008  
Jill D'Amico  
ADMINISTRATIVE HEARING OFFICE  
cc: Mitchell D. Smith  
Danielle Boudreau  
Sgt. Dino Carlomagno

  
\_\_\_\_\_  
HEARING OFFICER  
A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA 6/23/08  
Jill D'Amico  
\_\_\_\_\_  
BY: CLERK