



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DALE A. HALL
CHAIRMAN

**IN RE: QUYNH NGUYEN, INC. D/B/A NATAL'S DELI
NO. 3601212540**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of July 19, 2012. The Hearing Officer's order dated July 2, 2012, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action" by and between Quynh Nguyen, Inc. d/b/a Natal's Deli, No. 3601212540, 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 19th day of July, 2012.

LOUISIANA GAMING CONTROL BOARD

BY:



DALE A. HALL, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 20th DAY
OF July, 2012
APPEAL DOCKET CLERK



LGCB-1571-12-B

RECEIVED

By Geralyn Coleman at 1:37 pm, Jul 02, 2012

RECEIVED

JUN 18 2012

LGCB
ADMINISTRATIVE HEARING OFFICE

STATE OF LOUISIANA LOUISIANA

GAMING CONTROL BOARD

ADMINISTRATIVE HEARING OFFICE

IN RE: QUYNH NGUYEN, INC.
D/B/A NATAL'S DELI

CASE NO.: 3601212540

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

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

NOW COME the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Quynh Nguyen, Inc. d/b/a Natal's Deli (hereinafter, "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 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,

By: _____

Kha N. Do
7342-A Chef Menteur Hwy
New Orleans, Louisiana 70126
Telephone: (504) 371-2119
*95% Shareholder/President/Treasurer
of Quynh Nguyen, Inc. d/b/a Natul's Deli*

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

By: _____

Dawn M. Himel, LA Bar #31007
Assistant Attorney General
1885 North Third Street, 5th Floor
Baton Rouge, Louisiana 70802
Telephone: (225) 326-6500
Facsimile: (225) 326-6599
Counsel for the Office of State Police

STATE OF LOUISIANA LOUISIANA
GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: QUYNH NGUYEN, INC.
D/B/A NATAL'S DELI

CASE NO.: 3601212540

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Quynh Nguyen, Inc. d/b/a Natal's Deli (hereinafter, "Licensee") do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has sent a Notice of Recommendation of Administrative Action to Licensee, which Notice contains allegations of 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 Office on July 2, 2012; 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;

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

STIPULATIONS

1. Licensee is a Type 2 (restaurant) video gaming licensee located at 7342-A Chef Menteur Hwy, New Orleans, Louisiana 70126.
2. Kha N. Do is the 95% shareholder, President, and Treasurer of Licensee. Mai Thi Do is the 5% shareholder and Secretary of Licensee.
3. The licensed establishment is connected to Natal's Supermarket, which is owned by Kha N. Do.
4. On June 23, 2011, and June 24, 2011, the licensed establishment was not engaged in the retail sale of prepared foods or the sale of alcoholic beverages for on-premises or immediate consumption, was not preparing and serving food or alcoholic beverages for on-premises consumption, and was not operating a fully equipped kitchen for the preparation of uncooked foods for on-premises or immediate consumption. Therefore, the licensed establishment was closed and not operating as a restaurant, but Licensee was allowing customers of Natal's Supermarket to play the video draw poker gaming devices at the licensed establishment, in violation of La. R.S. 27:301(B)(8), La. R.S. 301(B)(12)(b) and (d), La. R.S. 27:310(B)(1)(c), LAC 42:XL2407(A)(1), LAC 42:XL2415(D)(3)(d), and LAC 42:XL2417(A)(1).
5. On June 24, 2011, the outside entrance to the licensed establishment was locked with a padlock; there was no outside separate entrance to the licensed establishment, in violation of LAC 42:XL2415(D)(3)(d), LAC 42:XL2417(A)(1), and La. R.S. 27:310(B)(1)(c).
6. On June 24, 2011, the door connecting the licensed establishment and Natal's Supermarket was blocked so that it remained in the "open" position; the licensed establishment

was not separated from the connecting business by an automatic closing door, in violation of LAC 42:XL2415(D)(3)(a), LAC 42:XL2417(A)(1), and La. R.S. 27:310(B)(1)(c).

7. On June 24, 2011, the cash register in the licensed establishment was unplugged and not in use, there were no tables for seating or eating inside the licensed establishment, there were only tables for seating and eating inside Natal's Supermarket, and there was no food or alcohol available for sale inside the licensed establishment, in violation of La. R.S. 27:301(B)(8), La. R.S. 301(B)(12)(b) and (d), La. R.S. 27:310(B)(1)(c), LAC 42:XL2407(A)(1), LAC 42:XL2415(D)(3)(d), and LAC 42:XL2417(A)(1).

8. On June 24, 2011, there were two patrons playing the video draw poker gaming devices located inside the licensed establishment. However, there were no employees of Licensee inside the licensed establishment; the video draw poker devices were being played, but were not being monitored, in violation of La. R.S. 27:310(B)(1)(c), LAC 42:XL2407(A)(1), LAC 42:XL2415(D)(3)(d), and LAC 42:XL2417(A)(1).

9. On October 7, 2011, the outside entrance to the licensed establishment was accessible, the door connecting the licensed establishment and Natal's Supermarket was in the closed position, the cash register in the licensed establishment was operational, and there were tables and chairs located in the licensed establishment. However, patrons were ordering and paying for their food inside Natal's Supermarket, then consuming their food inside the licensed establishment and were retrieving their alcoholic beverages from Natal's Supermarket, then carrying them into and paying for them inside the licensed establishment, in violation of La. R.S. 27:301(B)(8), La. R.S. 301(B)(12)(b), (c), and (d), La. R.S. 27:310(B)(1)(c), LAC 42:XL2407(A)(1), LAC 42:XL2415(D)(3)(d), and LAC 42:XL2417(A)(1).

10. Licensee failed to segregate its food and alcohol sales, in violation of La. R.S. 301(B)(12)(c), La. R.S. 27:310(B)(1)(c), LAC 42:XL2411(A)(7), LAC 42:XL2411(A)(10)(b)(i) and (ii), LAC 42:XL2415(D)(3)(c), and LAC 42:XL2417(A)(1).

11. Licensee failed to possess and maintain a health permit from the Office of Public Health, Department of Health and Hospitals for the licensed establishment, but was operating under the health permit for Natal's Supermarket for the licensed establishment, in violation of LAC 42:XL2417(A)(1) and La. R.S. 27:310(B)(1)(c). The health permit issued to Natal's Supermarket expired on June 30, 2011. Licensee applied for a new health permit for the licensed establishment and in the name of the Licensee on March 9, 2012.

12. Licensee: failed to maintain monthly sales records; was unable to provide balance sheets, income statements, monthly sale reports, or payroll records for the licensed establishment; was unable to explain how the sales were segregated from the sales of Natal's Supermarket; combined the sales of the licensed establishment with the sales of Natal's Supermarket when reporting for tax purposes; failed to maintain purchase receipts; and failed to segregate purchases by and reimburse other businesses for food and alcohol purchases for the licensed establishment, in violation of La. R.S. 301(B)(12)(c), La. R.S. 27:310(B)(1)(c), LAC 42:XL2411(A)(7), LAC 42:XL2411(A)(10)(b)(i) and (ii), LAC 42:XL2415(D)(3)(c), LAC 42:XL2417(A)(1), and LAC 42:XL2417(C)(1)(i).

13. Licensee submitted purchase invoices for the period of October 2010 through June 2011, that indicated purchases made by Natal's Grocery, Natal's Supermarket, Tom's Seafood & Grill, Tom's Seafood Steak, and Tom's Seafood Market. There were no invoices in the name of the Licensee or the licensed establishment. A comparison of the menu to the purchase invoices submitted showed that many ingredients necessary to prepare certain items

listed for sale on the menu were not purchased. All food items and non-alcoholic beverages needed to operate the licensed establishment were purchased by Natal's Supermarket and were transferred to the licensed establishment. However, the Licensee failed to prove and failed to maintain documents to prove Licensee purchased any food or beverages from or reimbursed Natal's Supermarket for those items. Licensee violated La. R.S. 301(B)(12)(c), La. R.S. 27:310(B)(1)(c), LAC 42:XL2411(A)(7), LAC 42:XL2411(A)(10)(b)(i) and (ii), LAC 42:XL2415(D)(3)(c), LAC 42:XL2417(A)(1), and LAC 42:XL2417(C)(1)(i).

14. On January 25, 2012, the Louisiana Department of Revenue (hereinafter, "LDR") denied Kha N. Do and Mai Thi Do tax clearances. Licensee failed to remedy the tax delinquencies within thirty days of receiving a certified "30-day letter" from the Division, which was received by Licensee on January 31, 2012. Kha N. Do and Mai Thi Do were again denied tax clearances from LDR on February 9, 2012, February 24, 2012, and April 3, 2012. Licensee violated La. R.S. 27:310(B)(1)(c), LAC 42:XL2405(B)(1)(b), LAC 42:XL2417(A)(1), and LAC 42:XL2417(C)(1)(i). On April 26, 2012, LDR granted Kha N. Do a tax clearance. On May 3, 2012, LDR granted Mai Thi Do a tax clearance.

15. On May 9, 2012, the Division conducted a follow-up inspection and found Licensee to be in full compliance with the above-mentioned violations.

TERMS AND CONDITIONS

1. In lieu of Administrative Action of its Gaming License, Licensee will pay a civil penalty of SIX THOUSAND AND NO/100 (\$6,000.00) DOLLARS for its violations of La. R.S. 27:301(B)(8), La. R.S. 301(B)(12)(b), (c), and (d), La. R.S. 27:310(B)(1)(c), LAC 42:XL2405(B)(1)(b), LAC 42:XL2407(A)(1), LAC 42:XL2411(A)(7), LAC 42:XL2411(A)(10)(b)(i) and (ii), LAC 42:XL2415(D)(3)(a), (b), (c), and (d), LAC 42:XL2417(A)(1), LAC 42:XL2417(C)(1)(i).

2. The Division hereby agrees that payment of a civil penalty of SIX THOUSAND AND NO/100 (\$6,000.00) DOLLARS shall be in full and final settlement of all matters set forth in the Notice of Recommendation of Administrative Action for Licensee's violations of La. R.S. 27:301(B)(8), La. R.S. 301(B)(12)(b), (c), and (d), La. R.S. 27:310(B)(1)(c), LAC 42:XL2405(B)(1)(b), LAC 42:XL2407(A)(1), LAC 42:XL2411(A)(7), LAC 42:XL2411(A)(10)(b)(i) and (ii), LAC 42:XL2415(D)(3)(a), (b), (c), and (d), LAC 42:XL2417(A)(1), LAC 42:XL2417(C)(1)(i).

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 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 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.

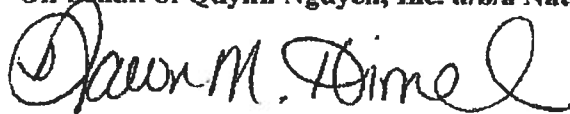
7. If approved, the Licensee agrees to make full payment of the civil penalty to the Division within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board. Licensee agrees that failure to meet this requirement shall result in immediate suspension

of the gaming permit without the necessity of any further administrative action until such time as the penalty is paid in full.

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



Kha N. Do
95% Shareholder/President/Treasurer
On behalf of Quynh Nguyen, Inc. d/b/a Natal's Deli



Dawn M. Himel, 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: QUYNH NGUYEN, INC.
D/B/A NATAL'S DELI

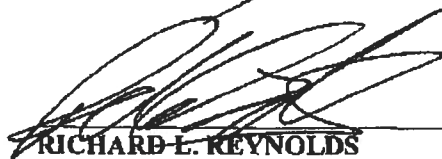
CASE NO.: 3601212540

ORDER

BE IT REMEMBERED that on the 2nd day of July, 2012, came 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 or representing themselves, 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 Quynh Nguyen, Inc. d/b/a Natal's Deli must pay SIX THOUSAND AND NO/100 (\$6,000.00) DOLLARS 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 2nd day of July, 2012, in Baton Rouge, Louisiana.

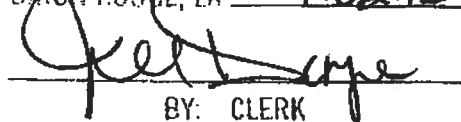


RICHARD L. REYNOLDS

HEARING OFFICER A TRUE COPY ATTEST

LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE

BATON ROUGE, LA 07-02-12



BY: CLERK

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
[Signature]
[Signature]
[Signature]
cc: Kha N. D.
Dawn Daniel
Sgt. Lemell Subey