



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: KENNETH R. WILLIAMS D/B/A CLUB AVALANCHE
KENNETH R. WILLIAMS - NO. 09003**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of June 16, 2009. The Hearing Officer's order dated May 18, 2009, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Denial of Original Application," No. 6103115632, "Notice of Recommendation of Finding of Unsuitability," No. 09003, by and between Kenneth R. Williams d/b/a Club Avalanche, and Kenneth R. Williams, and the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, by request of all parties, is **VACATED** and the matter is **REMANDED** to the Hearing Officer.

THUS DONE AND SIGNED on this the 16th day of June, 2009.

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 SLAVED ON
ALL PARTIES THIS 19th DAY
OF June, 2009
APPEAL DOCKET CLERK
Gerilyn Adams

RECEIVED

MAY 13 2009

LCCB
ADMINISTRATIVE HEARING OFFICE

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

**IN RE: KENNETH R. WILLIAMS D/B/A LICENSE NO: 6103115632
 CLUB AVALANCHE**

IN RE: KENNETH R. WILLIAMS NO. 09003

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

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

COME NOW State of Louisiana, Department of Public Safety and Corrections, Office of State Police (the "Division") and Kenneth R. Williams d/b/a Club Avalanche and Kenneth R. Williams, individually, 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 Kenneth R. Williams d/b/a Club Avalanche and Kenneth R. Williams, individually 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.



WHEREFORE, PREMISES CONSIDERED, The Division and Kenneth R. Williams d/b/a Club Avalanche and Kenneth R. Williams, individually respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully Submitted,

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

By: 

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By: 

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Kenneth R. Williams d/b/a Club

Avalanche and Kenneth R.

Williams, individually

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: KENNETH R. WILLIAMS D/B/A LICENSE NO: 6103115632
CLUB AVALANCHE

IN RE: KENNETH R. WILLIAMS NO. 09003

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Kenneth R. Williams d/b/a Club Avalanche and Kenneth R. Williams, individually do hereby represent and agree as follows:

WHEREAS, the Division has issued a Notice of Recommendation of Denial of Original Application to Kenneth R. Williams d/b/a Club Avalanche alleging certain violations of Louisiana Gaming Control Law and a Notice of Recommendation of Finding of Unsuitability to Kenneth R. Williams, individually; and

WHEREAS, the issues raised by the said Notices of Recommendation of Denial of Original Application and Recommendation of Finding of Unsuitability were set for hearing on June 1, 2009, before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the Division and Kenneth R. Williams d/b/a Club Avalanche and Kenneth R. Williams, individually are desirous of fully and finally compromising and settling all issues and disputes arising out of and in connection with the said Notice of Denial of Renewal Application;

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

STIPULATIONS

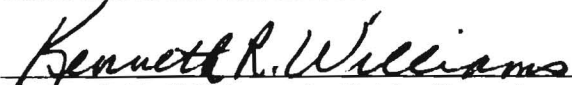
1. On June 23, 2008, the Louisiana State Police, Gaming Division received a Type 1 Video Gaming Application for Kenneth R. Williams d/b/a Club Avalanche.
2. During the course of its investigation the Division determined that an establishment license for Tyrone J. Fontenette d/b/a Westside Sports Bar (VGL#6103111712) already existed for the location for which Mr. Williams was applying.
3. The type 1 video gaming license for Tyrone J. Fontenette d/b/a Westside Sports Bar had not expired, nor had Mr. Fontenette surrendered the license.
4. Further investigation was conducted by the Division and it was determined that the previous licensee vacated the premises in December of 2007 and Mr. Williams had been operating his own business at that location and was receiving revenues generated by video poker gaming devices placed at that location by Young's Gaming.
5. Young's Gaming was the owner and operator of the gaming devices placed at the location pursuant to an agreement between Tyrone J. Fontenette d/b/a Westside Sports Bar and Young's Gaming d/b/a Town and Country.
6. There was no evidence that a transfer of the previously licensed establishment had occurred. Mr. Williams was operating a separate and distinct business of his own.
7. On May 19, 2008, Young's Gaming submitted a disablement request to the Division in regard to Tyrone J. Fontenette d/b/a Westside Sports Bar.
8. The devices were disabled on May 29, 2008.
9. From December 1, 2007, through May 29, 2008, Kenneth R. Williams d/b/a Club Avalanche received \$16,899.93 in video poker device revenue from Young's gaming.
10. During that period Kenneth R. Williams d/b/a Club Avalanche was operating without a video gaming license.
11. Additionally, during that period the location was still licensed to Tyrone J. Fontenette d/b/a Westside Sports Bar.

TERMS AND CONDITIONS

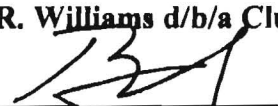
1. Kenneth R. Williams d/b/a Club Avalanche will pay a civil penalty of FIVE THOUSAND and No/100 (\$5,000.00) DOLLARS.
2. The Division will dismiss the Notice of Recommendation of Denial of Original Application and the Notice of Recommendation of Finding of Unsuitability.

3. Within fifteen (15) days of the approval of this Compromise and Settlement, Kenneth R. Williams d/b/a Club Avalanche shall remit payment of the above referenced penalty to the Division.
4. The Division hereby agrees to accept Kenneth R. Williams d/b/a Club Avalanche's payment of the above stated FIVE THOUSAND and No/100 (\$5,000.00) DOLLAR penalty in full and final settlement.
5. 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.
6. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.
7. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Kenneth R. Williams d/b/a Club Avalanche and Kenneth R. Williams, individually, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.
8. 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. Failure to pay the penalty within fifteen (15) days of approval of this settlement, and to comply with each term and condition listed herein, shall result in the immediate suspension of the Kenneth R. Williams d/b/a Club Avalanche license without the necessity of further administrative action, until such time as the penalty is paid in full and Kenneth R. Williams d/b/a Club Avalanche is in compliance with all terms and conditions.

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



Kenneth R. Williams, individually and on behalf of
Kenneth R. Williams d/b/a Club Avalanche



D. Brandt Schmolke, 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: KENNETH R. WILLIAMS D/B/A LICENSE NO: 6103115632
 CLUB AVALANCHE

IN RE: KENNETH R. WILLIAMS NO. 09003


ORDER

BE IT REMEMBERED that on this the 18th day of May, 2009, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the parties having appeared, 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 Thousand and No/100 (\$5,000.00) 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 18th day of May, 2009, in Baton

LOUISIANA GAMING CONTROL BOARD
Baton Rouge, Louisiana
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MADE AND DEPOSITED ON
ALL PARTIES OF THIS ORDER
OF April 2009
BOOK CLERK, ADMINISTRATIVE HEARING OFFICE
cc: Kenneth Williams
Brandt Schmalke


HON. RICHARD L. REYNOLDS
HEARING OFFICER
A TRUE COPY ATTACHED TO THIS ORDER
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 5-18-09
