



*State of Louisiana*  
*Gaming Control Board*

*KATHLEEN BABINEAUX BLANCO*  
GOVERNOR

*H. CHARLES GAUDIN*  
CHAIRMAN

**IN RE: KILMARTIN INDUSTRIES INCORPORATED**  
**NO. P076501327**

**ORDER**

This matter was considered by the Louisiana Gaming Control Board at its meeting of May 16, 2006. The Hearing Officer's order dated April 19, 2006, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Suspension and Penalty," by and between Kilmartin Industries Incorporated, No. P076501327, 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 16 day of May, 2006.

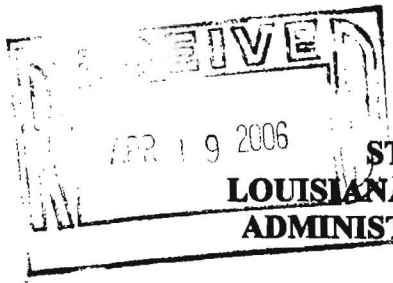
**LOUISIANA GAMING CONTROL BOARD**

**BY:**

  
\_\_\_\_\_  
**H. CHARLES GAUDIN, CHAIRMAN**

**LOUISIANA GAMING CONTROL BOARD**  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 17th DAY  
OF May, 2006

**APPEAL DOCKET CLERK**  




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

**RECEIVED**

APR 19 2006

LGCB  
ADMINISTRATIVE HEARING OFFICE  
**P076501327**

**IN RE: KILMARTIN INDUSTRIES INCORPORATED**

**COMPROMISE AND SETTLEMENT AGREEMENT**

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter "the Division") and Kilmartin Industries Incorporated (hereinafter "Kilmartin Industries") do hereby represent and agree as follows:

**WHEREAS**, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Suspension and Penalty to Kilmartin Industries alleging certain violations of Louisiana Gaming Control Law; and

**WHEREAS**, the issues raised by the said Notice of Recommendation of Suspension and Penalty are set for hearing on April 19, 2006, before the Louisiana Gaming Control Board Administrative Hearing Office; and

**WHEREAS**, the Division and Kilmartin Industries 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 Suspension and Penalty;

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

TRUE COPY  
*[Signature]*  
Representative  
Louisiana Gaming Control Board

## **STIPULATIONS**

1. On July 6, 2005, the Louisiana Office of State Police issued, via U.S. mail, an Annual Affidavit form to Kilmartin Industries. Kilmartin Industries was to submit the Annual Affidavit and the annual permit fee by October 25, 2005, which represents the anniversary date of its Gaming Supplier Permit.

2. On September 7, 2005, the Division mailed an URGENT REMINDER to KILMARTIN INDUSTRIES via U.S. mail. As of November 18, 2005 the permittee had not submitted an Annual Affidavit form or the annual permit fee.

3. On February 3, 2006, the Louisiana Gaming Control Board issued a Notice of Recommendation of Suspension and Penalty to Kilmartin Industries alleging certain violations of Louisiana Gaming Control Law.

4. Kilmartin Industries' Annual Affidavit form and annual permit fee were received by the Division on March 24, 2006.

5. Kilmartin Industries does admit it violated La. R.S.27:29(I) and La. R.S. 27:29.2(E).

## **TERMS AND CONDITIONS**

1. Kilmartin Industries will pay a civil penalty of FIVE HUNDRED DOLLARS (\$500.00) and a penalty of SEVEN HUNDRED FIFTY DOLLARS (\$750.00) pursuant to La. R.S. 27:29.5(C).

2. The Division hereby agrees to accept Kilmartin Industries' payment of the above stated penalty in full and final settlement of the Notice of Recommendation of Suspension and Penalty issued on February 3, 2006.

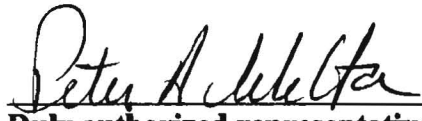
3. The Division reserves the right to take into consideration these admitted violations in connection with any future investigation, violation or assessment of penalty.

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

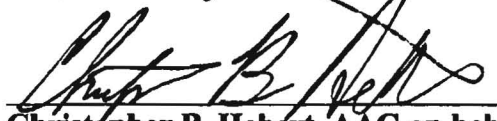
5. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Kilmartin Industries pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

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. Failure to pay the penalty within fifteen (15) days of approval of this settlement shall result in the immediate suspension of Kilmartin Industries' permit.

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



**Duly authorized representative of Kilmartin Industries Incorporated**



**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: KILMARTIN INDUSTRIES INCORPORATED**

**P076501327**

**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 Kilmartin Industries Incorporated (hereinafter “Kilmartin Industries”), 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 Kilmartin Industries 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 Kilmartin Industries respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully Submitted,

**CHARLES C. FOTI, JR.  
ATTORNEY GENERAL**

By: Stacy L. Aponte  
**Stacy L. Aponte, Gaming License Rep.  
Kilmartin Industries Incorporated  
79 Walton Street  
Attleboro, MA 02703-0350  
Telephone: (508) 226-3310  
Facsimile: (225) 226-2033  
Representative for Kilmartin Industries**

By: Christopher B. Hebert  
**Christopher B. Hebert, #29044  
Assistant Attorney General  
1885 North Third Street, 5th Floor  
Baton Rouge, Louisiana 70802  
Telephone: (225) 326-6500  
Facsimile: (225) 326-6599  
Counsel for Office of State Police**

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

IN RE: KILMARTIN INDUSTRIES INCORPORATED

P076501327

ORDER

BE IT REMEMBERED that on this the 19<sup>th</sup> day of April, 2006, 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,

**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**.

SIGNED AND ENTERED this 19<sup>th</sup> day of April, 2006, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 19<sup>th</sup> DAY  
April 2006  
Gill Dominger  
CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Stacy Aponte  
Christopher Hebat  
Dgt. Deland Falcon



WILLIAM H. BROWN  
HEARING OFFICER

A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA 4/19/06

Gill Dominger  
BY: CLERK