



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

IN RE: RED EYE GRILL II, LLC D/B/A RED EYE GRILL II
NO. 2600111736

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of February 21, 2006. The Hearing Officer's order dated January 10, 2006, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Recommendation of Administrative Action," by and between Red Eye Grill II, LLC d/b/a Red Eye Grill II, No. 2600111736, 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 21 day of February, 2006.

LOUISIANA GAMING CONTROL BOARD

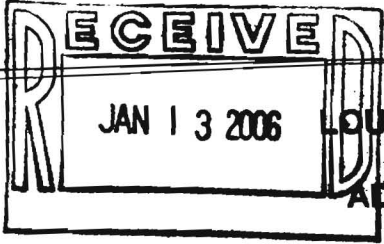
BY:



H. CHARLES GAUDIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 21st DAY
OF February 2006

APPEAL DOCKET CLERK

STATE OF LOUISIANA

RECEIVED

JAN 10 2006

LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

LGCB
ADMINISTRATIVE HEARING OFFICE

IN RE: RED EYE GRILL II, LLC
d/b/a RED EYE GRILL II

VGL# 2600111736

**JOINT MOTION FOR ENTRY OF STIPULATIONS AND
APPROVAL OF PROPOSED SETTLEMENT**

ON THE JOINT MOTION OF:

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter "Division"), and Red Eye Grill II, LLC d/b/a Red Eye Grill II, license No. 2600111736 (hereinafter "Licensee"), who respectfully represent the following:

WHEREAS:

1. The Licensee submitted documents to the Division that were improperly notarized. The Licensee admits that James Capella signed documents at the office of Master Video Poker in the presence of an individual who employees of Master Video Poker represented as a notary. The Licensee admits that James Capella did not question if the person was a notary.
2. The Licensee is barred by LAC 42:XI.2405(A)(15) from making or assisting in making false statements, including the submission of improperly notarized documents to the Division.
3. The Licensee submitted improperly notarized documents signed by James Capella, owner of a 100% membership interest of the Licensee, to the Division which included but was not limited to the following documents:

Annual Licensee Form dated March 16, 2001; Registry/VERIFICATION FORM DATED June 13, 2002; Renewal Affidavit/certification Form dated June 25, 2002; Request to Release Information Form, dated June 25, 2002; Annual Licensee Form dated April 14, 2003.

4. The attached affidavit of James Capella supports these stipulations and is incorporated into this agreement by reference.

TRUE COPY
[Signature]
Representative
Louisiana Gaming Control Board

~~5. This matter has been scheduled for hearing on January 10, 2006 at 9:00 a.m. before the Honorable William H. Brown.~~

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

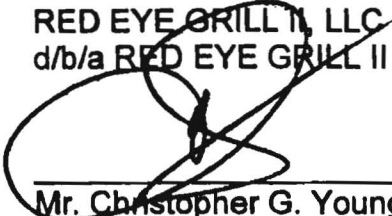
1. The Licensee submitted improperly notarized documents to the Division in violation of LAC 42:XI.2405(A)(15);
2. In lieu of administrative action against the license, the Licensee shall pay a \$1000.00 civil penalty;
3. The Division hereby agrees to accept the Licensee's payment of the above stated penalty in full and final settlement of this Notice of Recommendation of Administrative Action;
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 Red Eye Grill II, LLC d/b/a Red Eye Grill II 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 with fifteen (15) days of approval by the Board shall result in the suspension of the license until such time as the penalty is paid in full; 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,

RED EYE GRILL II, LLC
d/b/a RED EYE GRILL II


BY:


Mr. Christopher G. Young, #22189
Counsel for Licensee
P.O. Box 55297
Metairie, LA 70055
Telephone (504) 915-5953
Facsimile (504) 835-4881

Respectfully submitted,

CHARLES C. FOTI, JR.
ATTORNEY GENERAL

BY:


O. Young Bonner, #24969
Assistant Attorney General
365 Canal St., Suite 2730
New Orleans, LA 70130
Telephone: (504) 599-1149
Facsimile: (504) 599-1163

STATE OF LOUISIANA

LOUISIANA GAMING CONTROL BOARD

ADMINISTRATIVE HEARING OFFICE

IN RE: RED EYE GRILL II, LLC
d/b/a RED EYE GRILL II

VGL # 260111736

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 submitted improperly notarized documents to the Division in violation of LAC 42:XI.2405(A)(15);
2. The Licensee shall pay a \$1000.00 civil penalty;
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 Type 1 Video Gaming License of the Licensee being suspended until such time as penalty is paid in full.

THUS DONE AND SIGNED this 10 day of January, 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 10th DAY
January 2006
Bill Domyer
 CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Christopher Young
 Young Bonner
 Sgt. Roland Rodriguez



WILLIAM H. BROWN
Hearing Officer

A TRUE COPY ATTEST
 LOUISIANA GAMING CONTROL BOARD
 HEARING OFFICE
 BATON ROUGE, LA 1/10/06

Bill Domyer
 BY: CLERK

AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within and for the state and Parish aforesaid, personally came and appeared:

DENISE CAPELLA

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

that she is the spouse of James Capella, owner of a 100% membership interest of the Red Eye Grill II, LLC d/b/a Red Eye Grill II, VGL # 2600111736;

that all of the statements, responses, disclosures and representations provided in the documents submitted to the Division bearing Affiant's signature, are true and correct to the best of Affiant's knowledge, information and belief, and represent a complete and accurate account of the requested information.

THUS DONE AND PASSED in Jefferson, Louisiana, on this 8th day of January, 2008.


DENISE CAPELLA, affiant



Notary

Chris G. Young BAR NO.
(Print name and notary number) 22159

AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within and for the state and Parish aforesaid, personally came and appeared:

JAMES CAPELLA

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

that he is a Member owning a 100% membership interest of the Red Eye Grill II, LLC d/b/a Red Eye Grill II, VGL # 2600111736;

that the Red Eye Grill II, LLC previously entered into a video poker agreement with Master Video Poker ("MVP");

that pursuant to the instructions of MVP, Affiant signed documents particularly the *Annual Licensee Form* dated March 16, 2001; *Registry/VERIFICATION Form* dated June 13, 2002; *Renewal Affidavit/Certification Form* dated June 25, 2002; *Request to Release Information Form* dated June 25, 2002 and *Annual Licensee Form* dated April 14, 2003 at the office of MVP in the presence of an individual that an MVP employee represented as a notary.

that Affiant does not know the name of the individual who purportedly notarized the documents;


that all of the statements, responses, disclosures and representations provided in the documents submitted to the Division bearing Affiant's signature, are true and correct to the best of Affiant's knowledge, information and belief, and represent a complete and accurate account of the requested information;

that the above information is true and correct to the best of Affiant's knowledge and belief.

THUS DONE AND PASSED in Jefferson, Louisiana, on this 5th day of JANUARY, 2008.



JAMES CAPELLA, affiant



Notary
Chariz G. Young BA2 NO.
(Print name and notary number) 22189