



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: MICHELLE M, INC. D/B/A
MR. ED'S SEAFOOD & POBOY RESTAURANT
NO. 2600204715**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of January 16, 2007. The Hearing Officer's order dated December 13, 2006, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," No. 2600204715, by and between Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant, 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 16th day of *January*, 2007.

LOUISIANA GAMING CONTROL BOARD

BY:

Robert M Fleming
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 January, 2007
APPEAL DOCKET CLERK
Gerald Stinson

RECEIVED

DEC 12 2006

LCCB
ADMINISTRATIVE HEARING OFFICE

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

**IN RE: MICHELLE M, INC
d/b/a MR. ED'S SEAFOOD &
POBOY RESTAURANT**

NO. 2600204715

DEC 1

**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 ("Division") and Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant, VGL 2600204715, who file this, their 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 Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant 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 Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully Submitted,

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

By: 
Edmond McIntyre
1001 Live Oak
Metairie, Louisiana 70005
Telephone: (504) 838-0022
*on behalf of Michelle M, Inc
d/b/a Mr. Ed's Seafood
& Poboy Restaurant*

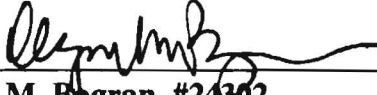
By: 
Olga M. Bogran, #24302
Assistant Attorney General
One Canal Place
365 Canal Street Suite 2730
*New Orleans, LA 70130
Telephone: (504) 599-1149
Facsimile: (504) 599-1163
Counsel for the Office of State Police*

EXHIBIT "A"

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

**IN RE: MICHELLE M, INC.
d/b/a MR. ED'S SEAFOOD &
POBOY RESTAURANT**

NO. 2600204715

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter "the Division") and Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant, VGL 2600204715, do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant, which notice alleges 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 on December 12, 2006, before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the parties hereto are desirous of fully and finally compromising and settling all disputes and issues raised 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. Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant, a licensed video gaming establishment, previously entered into a video poker device agreement with Master Video Poker.

2. Master Video Poker sent video gaming documents ("the Documents") to Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant including but not limited to the Request to Release Information form, dated June 17, 2002, which was signed by Edmond McIntyre.

3. Edmond McIntyre is President of Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant.

4. Edmond McIntyre admits that he did not sign the Documents in the presence of a notary and the Documents were not notarized in the Affiant's presence. Thus, the Documents were improperly notarized in violation of LAC 42:XI.2405(A)(15).

5. Debra McIntyre is Secretary/Treasurer of Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant.

6. Debra McIntyre admits that she did not sign the Documents in the presence of a notary and the Documents were not notarized in the Affiant's presence. Thus, the Documents were improperly notarized in violation of LAC 42:XI.2405(A)(15).

7. On October 5, 2006, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action to Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant, VGL # 2600204715, alleging certain violations of Louisiana Gaming Control Law.

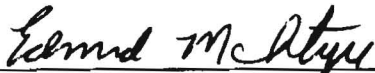
8. Edmond McIntyre and Debra McIntyre represent that all of the statements, responses, disclosures and representations provided in documents submitted to the Division bearing his or her signature, are true and correct to the best of his or her knowledge, information and belief, and represent a complete and accurate account of the requested information.

TERMS AND CONDITIONS

1. Any and all information discovered throughout the course of this or any other investigation may be used in connection with any future violation(s), assessment of penalty or in any future determination of the suitability of Edmond McIntyre, Debra McIntyre, or Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant.
2. Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant agrees to pay a civil penalty of One Thousand Dollars (\$1,000.00).
3. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.
4. 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.
5. If approved, Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy Restaurant must make payment of the civil penalty to the Division within ten (10) days of approval by the Louisiana Gaming Control Board. Failure to do so shall result in the immediate suspension of the license without the necessity of any further administrative action until such time as the penalty is paid in full.

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

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


Edmond McIntyre, Individually and as President of Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy, VGL 2600204715



Debra McIntyre, Individually and as Secretary /Treasurer of Michelle M, Inc. d/b/a Mr. Ed's Seafood & Poboy, VGL 2600204715

Sworn to and subscribed before me, the undersigned notary, in the Parish of Jefferson this 14 day of November A.D. 2006.


Notary Signature

Antoinette T. Tregle #012877
Notary Name and Number

Notary Commission expires at death


Olga M. Bogran, 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: MICHELLE M, INC
d/b/a MR. ED'S SEAFOOD &
POBOY RESTAURANT

NO.2600204715

ORDER

BE IT REMEMBERED that on this the 13th day of December 2006, came on for consideration the Joint 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**.

SIGNED AND ENTERED this 13th day of December, 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 13th DAY
OF December, 2006
OF Jill Amoye
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

@: Edmond McIntyre
Olga Boylan
Sgt. Roland Rodriguez
Danna Stevens



WILLIAM H. BROWN
HEARING OFFICER

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 12/13/06

Jill Amoye
BY: CLERK