



State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN


**IN RE: RED EYE GRILL II, LLC
D/B/A RED EYE GRILL II
NO. VP2600111736**


ORDER

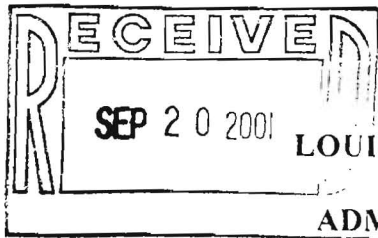
This matter was considered by the Louisiana Gaming Control Board at its meeting of October 16, 2001. The Hearing Officer's order dated September 17, 2001, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of "The Notice of Violation and Hearing," by and between Red Eye Grill II, LLC d/b/a Red Eye Grill II, No. VP2600111736, and the Department of Public Safety and Corrections, Office of State Police, Video Gaming Division, which is attached hereto and incorporated herein, is **APPROVED**.

THUS DONE AND SIGNED on this the 17th day of October, 2001.

LOUISIANA GAMING CONTROL BOARD

BY: 
HILLARY J. CRAIN, CHAIRMAN

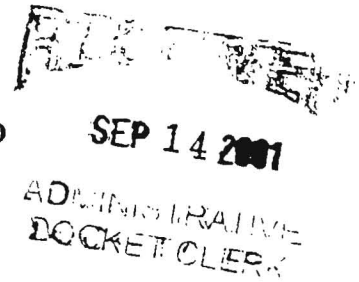
LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 17th DAY
OF November, 2001
APPEAL DOCKET CLERK




STATE OF LOUISIANA

LOUISIANA GAMING CONTROL BOARD

ADMINISTRATIVE HEARING OFFICE



IN RE: RED EYE GRILL II

LIC. NO.: 2600111736

JOINT MOTION FOR ENTRY OF STIPULATIONS AND
APPROVAL OF PROPOSED SETTLEMENT

ON THE JOINT MOTION OF:

1. The Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division (hereinafter "Division"), and
2. Red Eye Grill II, License No. 2600111736 (hereinafter "Licensee"), who respectfully represent the following:

WHEREAS:

1. On or about February 19, 2001, the Division mailed an advisory notice notifying the Licensee of a mandatory compulsive gambling training program to be held in Baton Rouge on March 22 & 23, 2001;
2. The Licensee received this advisory notice on February 24, 2001, as evidenced by the signed and dated return receipt;
3. Neither an owner or a Division-approved designated representative of the Licensee attended the mandatory training program held on March 22 or 23, 2001;
4. On or about May 23, 2001, the Division mailed a second advisory notice notifying the Licensee of a mandatory compulsive gambling training program to be held in Baton Rouge on June 14, 2001;
5. The Licensee received this advisory notice on May 24, 2001, as evidenced by the signed and dated return receipt;
6. Neither an owner or a Division-approved designated representative of the Licensee attended the mandatory training program held on June 14, 2001;

TRUE COPY
[Signature]
Representative
Gaming Control Board

7. Pursuant to this information, the Division issued a citation to the Licensee (Violation/Inspection Report #012939) on or about June 25, 2001, alleging violations of LAC 42:III.118(G) and LAC 42:XI.2405(B)(9);
8. Subsequently, the Louisiana Gaming Control Board issued a Notice of Violation and Hearing to the Licensee on or about August 1, 2001;

The Division and Licensee have had the occasion to review all of the facts and circumstances attendant to the violations and agree and stipulate as follows:

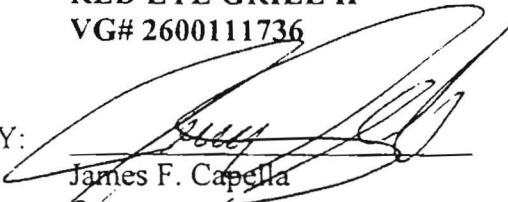
1. The Licensee acknowledges that it was in violation of LAC 42:III.118(G) and LAC 42:XI.2405(B)(9), in that it did not attend the mandatory compulsive gambling training programs held on March 22 & 23, 2001 and June 14, 2001, either through an owner or a Division-approved designated representative;
2. In lieu of revocation or suspension of the Licensee's video gaming license, the Licensee shall pay a \$500.00 civil penalty;
3. The Licensee shall attend the next scheduled mandatory compulsive gambling training program. The Licensee shall be notified of the date, time and location of such program in writing by the Division;
4. The Division hereby agrees to accept the Licensee's payment of the above stated penalty in full and final settlement of Violation/Inspection Report No. 012939;
5. The Division reserves the right to take into consideration these violations in connection with any future violation;
6. The form and substance of this settlement are to be interpreted under the laws of the State of Louisiana;
7. This settlement constitutes the entire agreement between the Division and Red Eye Grill II pertaining to the subject matter contained, herein, and supercedes all prior and contemporaneous agreements, representations, and understandings of the parties;
8. 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;

9. The failure of the Licensee to submit the above penalty within fifteen (15) days of approval of this settlement by the Board shall result in the suspension of its license; and
10. 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
VG# 2600111736

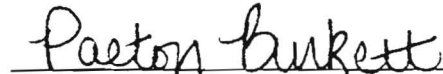
BY:



James F. Capella
Owner
1057 Veterans Blvd.
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Telephone: (504) 833-6900

RICHARD P. IEYOUB
ATTORNEY GENERAL

BY:



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STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: RED EYE GRILL II

LIC. NO.: 2600111736

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. Red Eye Grill II acknowledges its violation of LAC 42:III.118(G) and LAC 42:XI.2405(B)(9), and shall be assessed a \$500.00 civil penalty;
2. Red Eye Grill II shall attend the next scheduled mandatory compulsive gambling training program, and shall be notified of such in writing by the Division;
3. Payment of the above penalty shall be submitted to the Division within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board;
4. Failure by Red Eye Grill II to submit the above penalty within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board shall result in its license being suspended and its video gaming devices being disabled.

THUS DONE AND SIGNED this 17 day of Sept,
2001, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 18th DAY
OF September 2001
Alfred B. Bays
BOOKLET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: James Capella
Raeton Burkett, Esq.
Sabrina Ballard

J. E. Anzalone, Jr.
Hearing Officer

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 9/18/01

Alfred B. Bays
BY: CLERK

STATE OF LOUISIANA

PARISH OF Jefferson

AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within and for the State and Parish aforesaid, PERSONALLY CAME AND APPEARED:

JAMES F. CAPELLA,

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

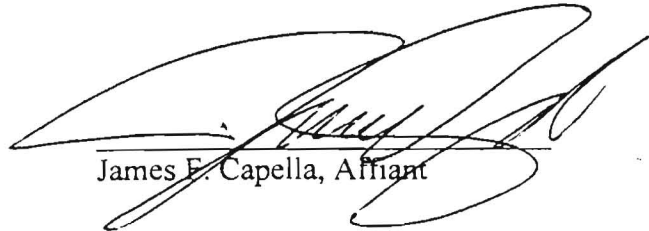
That affiant is the owner of Red Eye Grill II, which is located at 1057 Veterans Blvd., Metairie, Louisiana 70005;

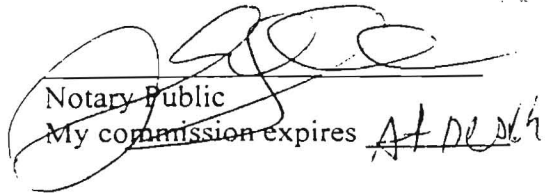
That Red Eye Grill II received a Notice of Violation and Hearing dated August 1, 2001 from the Louisiana Gaming Control Board, citing violations of LAC 42:III.118(D) & (G), LAC 42:XI.2405(B)(9) and LAC 42:XI.2421(A);

That in the interest of settling this matter, affiant has willfully entered into a Joint Motion for Entry of Stipulations and Approval of Proposed Settlement with the Division, via the Attorney General's Office; and

That affiant signed the above-cited motion of his own volition, without duress or coercion.

THUS DONE AND PASSED in Metairie, Louisiana, on this 6 day of September, 2001.


James F. Capella, Affiant


Notary Public
My commission expires 11/15/02