



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

RONNIE JONES
CHAIRMAN

**IN RE: 5216, INC. D/B/A THE SWAMP ROOM
NO. 2600105829**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of March 19, 2014. The Hearing Officer's order dated March 6, 2014, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Violation/Inspection Report", by and between 5216, Inc. d/b/a The Swamp Room, No. 2600105829, 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 19th day of March, 2014.

LOUISIANA GAMING CONTROL BOARD

BY:



RONNIE JONES, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 20th DAY
OF March, 2014

APPEAL DOCKET CLERK


LGCB-2678-14-B

RECEIVED

By GERALYN at 1:43 pm, Mar 06, 2014

RECEIVED

FEB 28 2014

LCCB
ADMINISTRATIVE HEARING OFFICE

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: 5216, INC. D/B/A THE SWAMP ROOM

CASE NO. 2600105829

JOINT MOTION FOR APPROVAL OF
COMPROMISE AND SETTLEMENT AGREEMENT

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:


NOW COMES the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and 5216, Inc. d/b/a The Swamp Room (hereinafter, "Licensee"), 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 Licensee are desirous of compromising and settling all disputes between them relative to this 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.



Brad A. Ryan
Representative
Louisiana Gaming Control Board

WHEREFORE, PREMISES CONSIDERED, the Division and Licensee respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully submitted,

By: 
Warren Horn, Bar Roll# 14380
Heller, Draper, Patrick, and Horn, L.L.C.
650 Poydras Street, Suite 2500
New Orleans, LA 70130
Telephone: (504) 299-3340
Counsel for 5216, Inc. d/b/a The Swamp Room

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

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

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

IN RE: 5216, INC. D/B/A THE SWAMP ROOM

CASE NO. 2600105829

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and 5216, Inc. d/b/a The Swamp Room (hereinafter, "Licensee"), do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Violation/ Inspection Report to the Licensee, which Violation/ Inspection Report contains allegations of certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by the said Violation/ Inspection Report, are set for hearing February 24, 2014, before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the Division and Licensee are desirous of fully and finally compromising and settling all issues and disputes arising out of and in connection with the said Violation/ Inspection Report;

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

STIPULATIONS

1. On August 7, 2013, the Division conducted an underage compliance inspection in Jefferson Parish; whereby, the Licensee was one of the establishments investigated.

2. During the course of the Division's investigation of the Licensee, one of the Licensee's employees allowed and underage patron to play a video gaming device and cashed out the underage patron's payout ticket.

3. The Licensee stipulates that it allowed an underage patron to play a video gaming device and subsequently cashed out the underage patron's payout ticket.

TERMS AND CONDITIONS

1. Within fifteen (15) days of the approval of this settlement by the Louisiana Gaming Control Board, the Licensee shall pay ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS for the violation of La. R.S. 27:443.

2. The Division hereby agrees that payment of a civil penalty of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS shall be in full and final settlement of all matters set forth in the Violation/ Inspection Report for the Licensee's violation of La. R.S. 27:443.

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

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

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. 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.

7. If approved by the Louisiana Gaming Control Board, the Licensee must pay ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS within fifteen (15) calendar days of such approval. Any failure to meet this requirement will result in immediate suspension of the gaming license without the necessity of any further administrative action until such time as the penalty is paid in full.

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



Warren Horn
Heller, Draper, Patrick, and Horn, L.L.C. on behalf of
5216, Inc. d/b/a The Swamp Room



Mesa T. Brown, 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: 5216, INC. D/B/A THE SWAMP ROOM

CASE NO. 2600105829

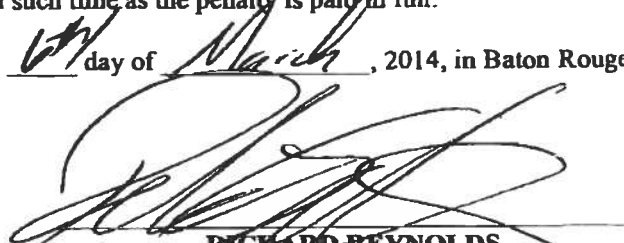
ORDER

BE IT REMEMBERED that on the 6th day of March 2014, 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**, that the Licensee must pay ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS to the Division within fifteen (15) days of the approval by the Louisiana Gaming Control Board. Failure to do so shall result in the immediate suspension of the license of 5216, Inc. d/b/a The Swamp Room without the necessity of any further administrative action until such time as the penalty is paid in full.

SIGNED AND ENTERED this 6th day of March, 2014, in Baton Rouge,

Louisiana.



RICHARD REYNOLDS
HEARING OFFICER
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE LA Blery

Handwritten notes:
Honor 2/20/14
Warrent then
mess Brown
Sgt. Linnel Schatz

