



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DANE K. MORGAN
CHAIRMAN

**IN RE: JOHN SILVY, JR. D/B/A
BROTHERS THREE
NO. 3601107369**


ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of April 20, 2010. The Hearing Officer's order dated March 15, 2010, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," No. 3601107369, by and between John Silvy, Jr. d/b/a Brothers Three, 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 20th day of April, 2010.

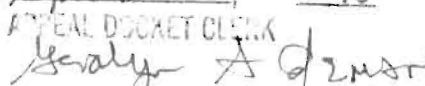
LOUISIANA GAMING CONTROL BOARD

BY:



DANE K. MORGAN, CHAIRMAN

DKM/gac

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 21st DAY
OF April, 2010
APPEAL DOCKET CLERK


RECEIVED

MAR 10 2010

LGCB
ADMINISTRATIVE HEARING OFFICE

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

**IN RE: JOHN SILVY, JR.
D/B/A BROTHERS THREE**

CASE NO. 3601107369

**JOINT MOTION FOR APPROVAL OF COMPROMISE AND
SETTLEMENT AGREEMENT**

RECEIVED
By _____
MAR 15 2010

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

COMES NOW the State of Louisiana, Department of Public Safety and Corrections, Office of State Police ("the Division") and John Silvy, Jr. d/b/a Brothers Three (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 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
John Silvy
John Silvy

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: 

Christopher G. Young, #22189
The Young Law Group, APLC
780 North Street
Baton Rouge, Louisiana 70802
Phone: (504) 915-6815
Facsimile: (225) 346-6815
Counsel for John Silvy, Jr.
d/b/a Brothers Three

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

By: 

Michael L. Tyler, #29463
Assistant Attorney General
1885 N. Third Street, 5th Floor
Baton Rouge, Louisiana 70802
Phone: (225) 326-6500
Facsimile: (225) 326-6599
Counsel for Office of State Police

EXHIBIT "A"

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

**IN RE: JOHN SILVY, JR.
D/B/A BROTHERS THREE**

CASE NO. 3601107369

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter the "Division") and John Silvy, Jr. d/b/a Brothers Three (sometimes hereinafter referred to as "Licensee") do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to John Silvy, Jr. d/b/a Brothers Three, alleging certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by said Notice of Recommendation of Administrative Action are set for hearing on December 11, 2009, 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 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. On September 29, 2008, the Division was notified that SILVY, LLC d/b/a Comet Inn had purchased the business assets of C.F.S., LLC d/b/a Comet Inn.
2. On November 26, 2008, the Division received an application for a Type I Video Draw Poker License from SILVY, LLC d/b/a Comet Inn.
3. During the Division's background investigation of the application submitted by SILVY, LLC d/b/a Comet Inn, the Division discovered that John Silvy, Jr. had been previously investigated under the license currently held by sole proprietor John Silvy, Jr. d/b/a Brothers Three.
4. The Division's review of its file on John Silvy, Jr. d/b/a Brothers Three revealed that John Silvy, Jr. failed to timely notify the Division of the following matters: (1) a July 16, 2003, arrest for DWI, Reckless Operation, Wrong Way on a One Way Street, and Failure to Wear a Seatbelt; and (2) a March 30, 2004, arrest for DWI, Careless Operation, and Wrong Way on One Way, in violation of LAC 42:XI.2417(B)(4) and LAC 42:XI2417(C)(1)(e).

TERMS AND CONDITIONS

1. John Silvy, Jr. d/b/a Brothers Three will pay a civil penalty of One Thousand Dollars and No/100 (\$1,000.00) in satisfaction of the violations of the Louisiana Gaming Control Law.
2. The Division hereby agrees to accept the Licensee's payment of the above stated penalty in full and final settlement of the Notice of Recommendation of Administrative Action issued on December 11, 2009.
3. The Division reserves the right to take into consideration these admitted violations in connection with any future investigations, violations or assessments of a 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 Licensee, regarding 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 the 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 Guarisco John Silvy, Jr. d/b/a Brothers Three's license without the necessity of further administrative action, until such time as the penalty is paid in full.

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



Christopher G. Young, Attorney, on behalf of John Silvy, Jr. d/b/a Brothers Three

**Michael L. Tyler, 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: JOHN SILVY, JR.
D/B/A BROTHERS THREE

CASE NO. 3601107369

ORDER

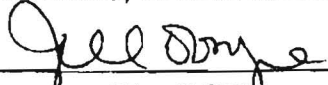
BE IT REMEMBERED that on this the 5th day of March, 2010, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the Hearing Officer having considered the pleadings on file, the proposed Settlement Agreement, and said Motion, and it appearing to the Hearing 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 Dollars and No/100 (\$1,000.00) 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 John Silvy, Jr. d/b/a Brothers Three without the necessity of any further administrative action until such time as the penalty is paid in full.

SIGNED AND ENTERED this 15th day of March, 2010, in Baton Rouge, Louisiana.


HEARING OFFICER

LOUISIANA GAMING CONTROL BOARD
THAT A CERTIFIED
RECORDED ON
March 15th 2010 DAY
LOCKET CLERK, ADMINISTRATIVE HEARING OFFICE
cc: Christopher Yang
Michael Tyler
Sgt. Voneil Bibby

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 3/15/10

BY: CLERK