



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DANE K. MORGAN
CHAIRMAN

IN RE: MILLSAP WATERPROOFING, INC.
NO. P086502875

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of July 21, 2009. The Hearing Officer's order dated July 13, 2009, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Suspension and Penalty" No. P086502875, by and between Millsap Waterproofing, Inc., 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 21st day of July, 2009.


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 22nd DAY
OF July, 2009
APPEAL DOCKET CLERK


RECEIVED

JUL 13 2009

LCCB
ADMINISTRATIVE HEARING OFFICE

JUL 13 2009

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

RE: MILLSAP WATERPROOFING, INC.

P086502875

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Millsap Waterproofing, Inc. (hereinafter, "Millsap"), do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Suspension and Penalty to Millsap alleging certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by the said Notice of Recommendation of Suspension and Penalty are set for hearing before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the Division and Millsap are desirous of fully and finally compromising and settling all issues and disputes arising out of and in connection with the said Notice of Recommendation of Suspension and Penalty;

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

STIPULATIONS

1. Millsap failed to submit its Annual Affidavit and annual permit fee of Two Hundred Fifty and No/100 (\$250.00) by March 27, 2009, the anniversary date of Millsap's Non-Gaming Supplier permit.

A handwritten signature in black ink, appearing to be "Gerard", is written over a faint, illegible stamp.

TERMS AND CONDITIONS

1. Millsap hereby agrees to submit its Annual Affidavit and annual permit fee of Two Hundred Fifty and No/100 (\$250.00) within 15 days of approval by the Louisiana Gaming Control Board.
2. In lieu of suspension, Millsap hereby agrees to pay a penalty of Sixty Two and 50/100 (\$62.50) pursuant to La. R.S. 27:29.5 and a civil penalty of Five Hundred and No/100 (\$500.00) within 15 days of approval by the Louisiana Gaming Control Board.
3. The Division hereby agrees to accept Millsap's payment of the above stated penalty in full and final settlement of the Notice of Recommendation of Suspension and Penalty.
4. The Division hereby agrees to dismiss the Notice of Recommendation of Suspension and Penalty against Millsap.
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 Millsap's suitability.
6. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.
7. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Millsap, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.
8. 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. Failure to pay the penalties and/or annual permit fee within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board, and to comply with each term and condition listed herein, shall result in the immediate suspension of Millsap's license without the necessity of further administrative action, until such time as the penalties and/or annual permit fee are paid in full.

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



**Charles Millsap, President
Millsap Waterproofing, Inc.**



**Nicolette C. Pichon, 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

RE: MILLSAP WATERPROOFING, INC.

P086502875

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

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

NOW COME the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Millsap Waterproofing, Inc. (hereinafter, "Millsap"), 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 Millsap 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.

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

Respectfully Submitted,

By: Charles Millsap
Charles Millsap
2414 McAllister Road
Houston, TX 77092
Telephone: (713) 956-6677
Facsimile: (713) 956-5131
President of Millsap Waterproofing, Inc.

JAMES D. "BUDDY" CALDWELL,
ATTORNEY GENERAL

By: Nicolette C. Pichon
Nicolette C. Pichon, Bar Roll #31527
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

RE: MILLSAP WATERPROOFING, INC.

P086502875

ORDER

BE IT REMEMBERED that on the 13th day of July, 2009, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the parties having appeared by and through their respective attorneys of record, 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 Millsap must (1) submit its Annual Affidavit and annual permit fee of Two Hundred Fifty (\$250.00) within 15 days of approval by the Louisiana Gaming Control Board and, (2) must pay a total penalty of Five Hundred Sixty Two and 50/100 (\$562.50) within 15 days of approval by the Louisiana Gaming Control Board. Failure to do so shall result in the immediate suspension of the gaming license without the necessity of any further administrative action until such time as the penalties and/or annual permit fee are paid in full.

SIGNED AND ENTERED this 13th day of July, 2009, in Baton

LOUISIANA GAMING CONTROL BOARD
CLERK CERTIFIED
THIS DOCUMENT HAS BEEN MAILED
ON 13th JULY 2009

[Signature]
CLERK, ADMINISTRATIVE HEARING OFFICE
cc: Charles Millsap
Nicolette Archon
Sgt. Lionel Sibley

[Signature]
HEARING OFFICER

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE

BATON ROUGE, LA 7-13-09
[Signature]