



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

ANNE LACOUR NEEB
EXECUTIVE DIRECTOR

**IN RE: VERA CRUZ RESTAURANT, LLC D/B/A
VERA CRUZ RESTAURANT
NO. 3601213722**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of July 20, 2004. The Hearing Officer's order dated June 10, 2004, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Recommendation of Denial of Original Application", between Vera Cruz Restaurant, LLC d/b/a Vera Cruz Restaurant, No. 3601213722, 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 20 day of July, 2004.

LOUISIANA GAMING CONTROL BOARD

BY:



H. CHARLES GAUDIN, CHAIRMAN

**LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 22nd DAY
OF July 2004
APPEAL/DOCKET CLERK**


STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE



IN RE: VERA CRUZ RESTAURANTS, LLC
d/b/a VERA CRUZ RESTAURANT

NO. 3601213722

JOINT MOTION FOR ENTRY OF STIPULATIONS AND
APPROVAL OF PROPOSED SETTLEMENT

ON THE JOINT MOTION OF:


1. the state of Louisiana, Department of Public Safety and Corrections, Office of State Police, (hereinafter "Division"), and
2. Vera Cruz Restaurants, LLC d/b/a Vera Cruz Restaurant, License No. 3601213722 (hereinafter "applicant"),

who respectfully represent the following:

WHEREAS:

1. On or about August 14, 2003, the Division received an Application filed on behalf of Vera Cruz Restaurants, LLC. On November 3, 2003 the Division was notified by the Internal Revenue Service that Osimar Padilla, owner of applicant, was delinquent in his personal income taxes. Mr. Padilla was notified by certified mail on December 11, 2003 of this problem and was instructed to produce a tax clearance from the IRS within ten (10) calendar days or his application would be denied; the applicant did not provide the tax clearance until on or about June 3, 2004, more than five months after the due date;
2. The applicant is mandated by LAC 42:XL2405(B)(7) to provide proof of current tax filings and payments with any application for a video gaming license;
3. The applicant is further mandated by LAC 42:XL2405(A)(2)&(9) to provide all required and additional information requested by the Division;
4. Permittee was issued a *Notice of Recommendation of Denial of Original Application* by the Louisiana Gaming Control Board on or about March 17, 2004.
5. This matter has been scheduled for hearing on June 10, 2004 at 9:30 a.m. before the Honorable Joseph E. Anzalone, Jr.

TRUE COPY


Representative

Louisiana Gaming Control Board

NOW THEREFORE, in consideration of the foregoing stipulations, the Division and the applicant hereby propose the following settlement, that:

1. The applicant acknowledges that it is mandated by LAC 42:XL2405(B)(7) to provide proof of current tax filings and payments with any application for a video gaming license; and that it is further mandated by LAC 42:XL2405(A)(2)&(9) to provide all required and additional information requested by the Division;
2. The applicant further acknowledges that it failed to produce submit proof of current tax filings from the Internal Revenue Service to the Division until on or about June 3, 2004, which was more than five months past the due date of December 21, 2003;
3. In consideration of the previous and aforementioned settlement of the Denial of Original Application and in lieu of further administrative action, the applicant shall pay a \$500.00 civil penalty;
4. The Division hereby agrees to accept the applicant's payment of the above stated penalty in full and final settlement of the Denial of Original Application and issue a recommendation for approval of its Type 2 video gaming license application;
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 applicant, Vera Cruz Restaurant, Inc. and the Division 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; the failure to submit the civil penalty within fifteen (15) days of approval by the Board shall result in the denial or delay of the granting of the application of the video gaming applicant until such time as the penalty is paid in full; and
9. The Division and the applicant waive their rights to appeal this settlement if the Order is signed by the Hearing Officer and accepted by the Board.

Respectfully submitted,

**VERA CRUZ RESTAURANTS,
LLC
No.3601213722**

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

BY:



Jacob S. Capraro
Attorney for Applicant
La. Bar Roll No. 3862
111 Veterans Boulevard, Ste. 1520
Metairie, Louisiana 70005
Telephone: (504) 837-8080
Facsimile: (504) 833-0863

BY:



Tammy Weaver Matzke
Assistant Attorney General
La. Bar Roll No. 22887
1885 North Third Street, 5th Floor
Baton Rouge, Louisiana 70802
Telephone: (225) 326-6500
Facsimile: (225) 326-6599

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: VERA CRUZ RESTAURANTS, LLC
d/b/a VERA CRUZ RESTAURANT

NO. 3601213722

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. The applicant acknowledges that it failed to produce submit proof of current tax filings from the Internal Revenue Service to the Division until on or about June 3, 2004, which was more than five months past the due date of December 21, 2003;
2. the applicant shall pay a \$500.00 civil penalty;
3. payment of the above penalty shall be submitted to the state within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board; and
4. Upon submission of the above penalty, the applicant's Type 2 video gaming license application shall be issued.

THUS DONE AND SIGNED this 10 day of June, 2004 in
Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 10th DAY
OF June, 2004
BY: Sarah M. Hayes
CLERK, ADMINISTRATIVE HEARING OFFICE
cc: Jacob Lebrun
Danny Naylor
Sabrina Ballard

[Signature]
Joseph E. Anzalone, Jr.
Hearing Officer

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA June 10, 2004
[Signature]
BY: CLERK