



*State of Louisiana*  
*Gaming Control Board*

JOHN BEL EDWARDS  
GOVERNOR

RONNIE JONES  
CHAIRMAN

**IN RE: DA METRY STORE, LLC D/B/A  
ACME OYSTER HOUSE  
NO. 2600214444**

**ORDER**

This matter was considered by the Louisiana Gaming Control Board at its meeting of January 16, 2020. The Hearing Officer's order dated January 8, 2020, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action", by and between Da Metry Store, LLC d/b/a Acme Oyster House, No. 2600214444, and the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, which is attached hereto and incorporated herein, is **APPROVED.**

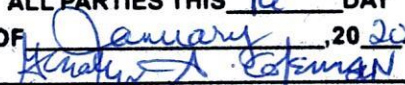
**THUS DONE AND SIGNED** on this the *16<sup>th</sup>* day of *January, 2020.*

**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 16<sup>th</sup> DAY  
OF January, 2020  
  
\_\_\_\_\_  
APPEAL DOCKET CLERK

LGCB-5429-20-B

**RECEIVED**

By GERALYN A. COLEMAN at 11:49 am, Jan 08, 2020

**RECEIVED**

JAN 06 2020

LA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

RE: DA METRY STORE, LLC  
D/B/A ACME OYSTER HOUSE

CASE NO.: 2600214444

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 Da Metry Store, LLC d/b/a Acme Oyster House (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.

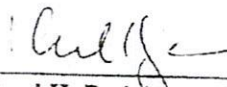
2.

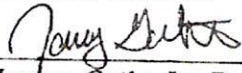
A true and correct copy of the proposed Compromise and Settlement Agreement is attached hereto as Exhibit "A" and incorporated by reference for all purposes.

  
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:   
Michael H. Rodrigue,  
Owner on behalf of  
Da Metry Store, LLC  
d/b/a Acme Oyster House

JEFF LANDRY  
ATTORNEY GENERAL  
By:   
Jeremy Gathe, La. Bar Roll# 34557  
Assistant Attorney General  
1885 North Third Street, 5<sup>th</sup> Floor  
Baton Rouge, Louisiana 70802  
Telephone: (225) 326-6516  
Facsimile: (225) 326-6599  
Counsel for and on behalf of the Office  
of State Police

**EXHIBIT "A"**

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

**RE: DA METRY STORE, LLC  
D/B/A ACME OYSTER HOUSE**

**CASE NO.: 2600214444**

**COMPROMISE AND SETTLEMENT AGREEMENT**

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Da Metry Store, LLC d/b/a Acme Oyster House (hereinafter, the "Licensee"), do hereby represent and agree as follows:

**WHEREAS**, the Louisiana Gaming Control Board has sent a Notice of Recommendation of Administrative Action to Licensee, which Notice contains allegations of certain violations of Louisiana Gaming Control Law; and

**WHEREAS**, the issues raised by said Notice are set for hearing before the Louisiana Gaming Control Board Administrative Hearing Office.

**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;

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

**STIPULATIONS**

1. Licensee is a Type 2 licensed establishment located at 3000 Veterans Blvd. Metairie, Louisiana 70002.

2. On January 4, 2019, the Division received a letter from the Licensee notifying the Division that as of December 31, 2018, Michael H. Rodrigue held a 25% membership interest, Lori D. Rodrigue held a 25% membership interest, and the Rodrigue 2012 Trust No. 1 (the "Rodrigue Trust") held a 50% membership interest in the Licensee. The Division's records indicated at this time that Michael H. Rodrigue and Lori D. Rodrigue each held a 50% membership interest in the Licensee.

3. The Division discovered that the Rodrigue Trust was executed and became effective on December 28, 2012, which resulted in the transfer of membership interests in the Licensee to the trust.

4. According to the Rodrigue Trust, Michael H. Rodrigue and Lori D. Rodrigue each donated their 25% membership interest in the Licensee to the Rodrigue Trust and named Jeune Michelle Rodrigue, Michael H. Rodrigue, Jr., Monique Catherine Rodrigue, and Anthony G. Rodrigue as both income and principal beneficiaries of the trust. Albert J. Vallon, III was appointed as trustee.

5. The beneficiaries did not submit to suitability until March 28, 2019 and the trustee did not submit to suitability until May 10, 2019.

6. The Division conducted a suitability investigation into the beneficiaries and the trustee and did not discover any information which would preclude their participation in the Louisiana gaming industry.

7. Pursuant to LAC 42:XI.2417(B)(4), all Licensees and permittees shall have a continuing duty to notify the division of any fact, event, occurrence, matter or action that may affect the conduct of gaming or the business and financial arrangements incidental thereto or the

ability to conduct the activities for which the licensee or permittee is licensed or permitted. Such notification shall be made within ten calendar days of the fact, event, occurrence, matter or action.

8. The Licensee failed to notify the Division within ten calendar days of its transfer of membership interest to the Rodrigue Trust and remained noncompliant between the dates of December 28, 2012 to January 4, 2019, in violation of LAC 42:XI.2417(B)(4).

#### TERMS AND CONDITIONS

1. In lieu of administrative action, Licensee will pay a penalty of **THREE THOUSAND and NO/100 (\$3,000.00) DOLLARS** for its violation of LAC 42:XI.2417(B)(4).

2. The Division hereby agrees that payment of a total penalty of **THREE THOUSAND and NO/100 (\$3,000.00) DOLLARS** shall be in full and final settlement of all matters set forth in the Notice of Recommendation of Administrative Action.

3. The Division reserves the right to take into consideration this admitted violation in connection with any future investigation, violation or assessment of penalty and in connection with any future assessments of Licensee's suitability.

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

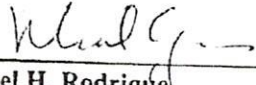
5. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Licensee, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

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 same or to remand the matter to the Hearing Officer for a full hearing on the merits.

7. If approved, Licensee agrees to make full payment of the civil penalty within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board. Licensee agrees that failure to meet this requirement shall 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.



\_\_\_\_\_  
Michael H. Rodriguez  
Owner on behalf of Da Metry Store, LLC  
d/b/a Acme Oyster House



\_\_\_\_\_  
Jeremy Gathe,  
Counsel for and on behalf of  
the Office of State Police

STATE OF LOUISIANA  
LOUISIANA GAMING CONTROL BOARD  
ADMINISTRATIVE HEARING OFFICE

RE: DA METRY STORE, LLC  
D/B/A ACME OYSTER HOUSE

CASE NO.: 2600214444

ORDER

BE IT REMEMBERED that on the 8<sup>th</sup> day of January, 2020, came 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 or representing themselves, and the Hearing Officer having considered the pleadings on file, the proposed Compromise and 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 Da Metry Store, LLC d/b/a Acme Oyster House must pay **THREE THOUSAND AND NO/100 (\$3,000.00) DOLLARS** to the Division within fifteen (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 penalty is paid in full.

SIGNED AND ENTERED this 8<sup>th</sup> day of January, 2020, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE

I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 8 DAY  
OF January, 2020.

Ebony Battsie  
DOCKET CLERK, ADMIN. HEARING OFFICE

CC: DA Metry Store, LLC  
D/B/A Acme Oyster House  
Jeremy Gathe  
Sgt. Eddie Daigle

Suzan S. Ponder  
SUZAN S. PONDER  
HEARING OFFICER

A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA 1/8/20

Ebony Battsie  
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE