



State of Louisiana

KATHLEEN BABINEAUX BLANCO
GOVERNOR

Gaming Control Board

HILLARY J. CRAIN
CHAIRMAN

NOTICE OF DECISION

**IN RE: MICHAEL J. HEBERT D/B/A TROPICAL ISLAND
NO. VP5002204972**

TO: W. Glenn Soileau, Esq.
Post Office Box 344
Breaux Bridge, LA 70517

CERTIFIED MAIL: 7003 1680 0000 7626 8055
RETURN RECEIPT REQUESTED

Karen D. White, AAG
1885 North 3rd Street; Suite 500
Baton Rouge, LA 70802

CERTIFIED MAIL: 7003 1680 0000 7626 8062
RETURN RECEIPT REQUESTED

Lt. Jules Pinero, LSP
7919 Independence Boulevard
Baton Rouge, LA 70806

CERTIFIED MAIL: 7903 1680 0000 7626 8079
RETURN RECEIPT REQUESTED

NOTICE IS HEREBY given that on March 16, 2004, the decision of the Louisiana Gaming Control Board was signed in the above entitled matter. (SEE COPY OF THE ENCLOSED DECISION)

An appeal from a decision of the Board shall be filed within ten (10) days of notice of the decision in the Nineteenth Judicial District Court and shall be reviewed solely on the record as provided by La. R.S. 27:26.

Louisiana Gaming Control Board, Baton Rouge, Louisiana this 17th Day of March, 2004.



Geralyn A. Coleman
Appeal Docket Clerk

NOTIFIED:

W. Glenn Soileau, Esq.
Karen D. White, AAG
Lt. Jules Pinero, LSP-Video Gaming Division

3/17/04



State of Louisiana

Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

IN RE: MICHAEL J. HEBERT D/B/A TROPICAL ISLAND NO. VP5002204972

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of March 15, 2004. The Hearing Officer's order dated February 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 Revocation or Suspension," by and between Michael J. Hebert d/b/a Tropical Island, No. VP5002204972, and the Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division, which is attached hereto and incorporated herein, is **APPROVED**.

THUS DONE AND SIGNED on this the 16th day of March, 2004.

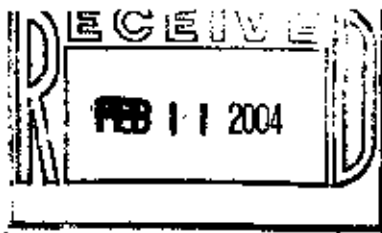
LOUISIANA GAMING CONTROL BOARD

BY:


HILLARY J. CRAIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 17th DAY
OF March 2004

APPEAL DOCKET CLERK

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RECEIVED

JAN 22 2004

IN RE: MICHAEL J. HEBERT d/b/a TROPICAL ISLAND

LGCB
ADMINISTRATIVE HEARING OFFICE
CASE NO. 5002204972

JOINT MOTION FOR ENTRY OF STIPULATIONS AND
APPROVAL OF PROPOSED SETTLEMENT


ON THE JOINT MOTION OF:

1. the Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division (hereinafter "Division"), and
2. Michael J. Hebert d/b/a Tropical Island, License No. 5002204972 (hereinafter "licensee"),

who respectfully represent the following:

WHEREAS:

1. During the course of attempting to conduct a routine compliance audit of the licensee, the Division discovered that the licensee's establishment was closed from October of 2002 until March of 2003 because of damages sustained from Hurricane Lilli;
2. It was further discovered that the licensee failed to notify the Division of the closure and surrender its license, as required by LAC 42:XL2405(B)(12)(a);
3. Device revenue reports reflect that of the 164 days that the establishment was closed, the video gaming devices were played on 30 of those days with the licensee accruing an average daily net revenue of \$12.76;
4. Pursuant to this information, the Louisiana Gaming Control Board issued a Notice of Recommendation of Revocation or Suspension to the licensee on or about August 26, 2003; and
5. Upon considering a previous Joint Motion for Entry of Stipulations and Approval of Proposed Settlement, the Louisiana Gaming Control Board remanded this matter for hearing before the Honorable J. E. Anzalone, Jr.,

TRUE COPY

 Representative
 Louisiana Gaming Control Board


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

1. The licensee acknowledges that it was in violation of LAC 42:XL2405(B)(12)(a), in that it did not notify the Division that its establishment was closed from October of 2002 through March of 2003, nor did it surrender its license pursuant to that closure;
2. The licensee hereby agrees that its video gaming license shall be suspended for a period of thirty (30) days, which reflects the number of days that the video gaming devices were unlawfully operated, such suspension beginning on the date that this settlement is approved by the Louisiana Gaming Control Board, and terminating thirty (30) calendar days therefrom;
3. The licensee further agrees that, in accordance with video gaming regulations, the video gaming devices located at its establishment shall be disabled during the above suspension period;
4. The Division hereby agrees to accept the above license suspension and device disablement in full and final settlement of this Notice of Recommendation of Revocation or Suspension;
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 Division and Michael J. Hebert d/b/a Tropical Island 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, the devices shall be immediately disabled and the licensee's suspension period shall commence; and
9. The Division and the licensee waive their rights to appeal this settlement if the Order is signed by the Hearing Officer and accepted by the Board.

Respectfully submitted,

MICHAEL J. HEBERT
d/b/a TROPICAL ISLAND


BY:



W. Glenn Boileau
Counsel for licensee
P. O. Box 344
Breaux Bridge, Louisiana 70517
Telephone: (337) 332-4561
Facsimile: (337) 332-4562

RICHARD P. IEYOUB
ATTORNEY GENERAL

BY:



Karen Day White
Assistant Attorney General
La. Bar Roll No. 25933
339 Florida Street, Ste. 500
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STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: MICHAEL J. HEBERT d/b/a TROPICAL ISLAND CASE NO. 5002204972

ORDER

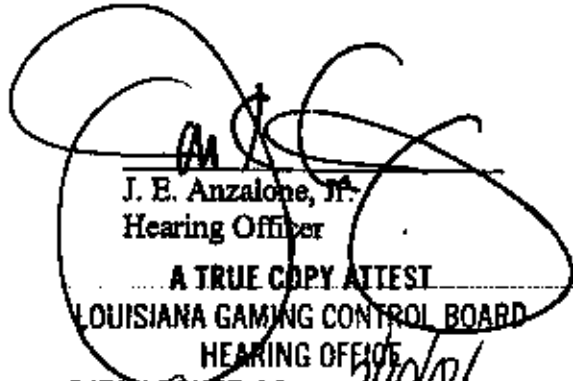
Considering the foregoing Joint Motion For Entry of Stipulations and Approval of Proposed Settlement, IT IS HEREBY ORDERED that such proposed settlement be approved, to wit:

1. the licensee acknowledges that it was in violation of LAC 42:XI.2405(B)(12)(a), in that it did not notify the Division that it's establishment was closed from October of 2002 through March of 2003, nor did it surrender its license pursuant to that closure;
2. the licensee's video gaming license shall be suspended for a period of thirty (30) days, which reflects the number of days that that the video gaming devices were unlawfully operated;
3. the suspension shall begin on the date that this settlement is approved by the Louisiana Gaming Control Board, and shall terminate thirty (30) calendar days therefrom;
4. the video gaming devices located at the licensee's establishment shall be disabled during the above suspension period;
5. the failure to submit the above penalty within fifteen (15) days of approval of this settlement by the Board shall result in the video gaming license of the licensee being suspended and its gaming devices being disabled.

THUS DONE AND SIGNED this 10 day of Feb, 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 February 2004
BY Karen White
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: W. Glenn Sabeau
Karen White
Sabrina Ballard


J. E. Anzalone, Jr.
Hearing Officer

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 2/10/04

Rorane Kay
BY: CLERK