



State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

**IN RE: KIYO ENTERPRISES LLC
D/B/A THE ITALIAN PIE
NO. VP3601211434**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of March 18, 2003. The Hearing Officer's order dated February 24, 2003, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Recommendation of Suspension," by and between Kiyos Enterprises LLC d/b/a The Italian Pie, No. VP3601211434, 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 18th day of March, 2003.

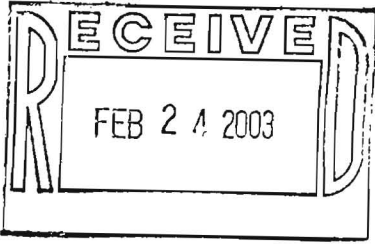
LOUISIANA GAMING CONTROL BOARD

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 20th DAY
OF March, 2003

APPEAL DOCKET CLERK

RECEIVED

FEB 20 2003

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

ADMINISTRATIVE
DOCKET CLERK

IN RE: KIYO ENTERPRISES, LLC
d/b/a THE ITALIAN PIE

CASE NO. 3601211434

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. Kiyō Enterprises, LLC d/b/a The Italian Pie, License No. 3601211434 (hereinafter "licensee"), who respectfully represent the following:

WHEREAS:

1. On or about March 8, 2002, the Division mailed the annual form, which must be submitted annually by all licensees, to the licensee;
2. The licensee was mandated by LAC 42:XI.2405(B)(7) to submit the above annual form to the Division, along with all appropriate fees and current tax clearance certificates, on or before July 1, 2002;
3. On or about March 15, 2002, the Division received the licensee's annual license form and fee. However, the state and local tax clearance certificates were not included.
4. Pursuant to this information, the Division issued a Notice of Violation and Hearing (Violation/Inspection Report #13892) to the licensee on or about September 23, 2002, alleging violations of LAC 42:XI.2405(B)(7). On September 27, 2002, the Division received notification of the licensee's receipt of this notice.
5. On February 13, 2003, the Division received a copy of the licensee's tax clearance certificates.

TRUE COPY

Representative
Louisiana Gaming Control Board

6. This matter has been scheduled for hearing on February 24, 2003 at 9:30 a.m. before the Honorable J. E. Anzalone, Jr.

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

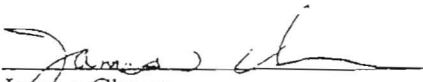
1. The licensee acknowledges that it was in violation of LAC 42:XI.2405(B)(7), in that it did not submit the appropriate tax clearance certificates to the Division by July 1, 2002;
2. In lieu of suspension of the licensee's video gaming license, the licensee shall pay a \$250.00 civil penalty;
3. The Division hereby agrees to accept the licensee's payment of the above stated penalty in full and final settlement of Violation/Inspection Report No. 13892;
4. The Division reserves the right to take into consideration these violations in connection with any future violation;
5. The form and substance of this settlement are to be interpreted under the laws of the State of Louisiana;
6. This settlement constitutes the entire agreement between the Division and The Italian Pie, pertaining to the subject matter contained herein, and supercedes all prior and contemporaneous agreements, representations, and understandings of the parties;
7. 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 video gaming license of the licensee being suspended and its gaming devices being disabled; and
8. 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.

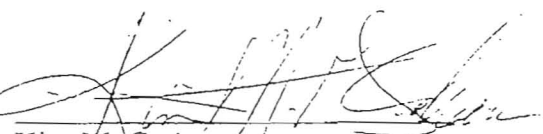
James Chang
Kiyō Enterprises, LLC
d/b/a The Italian Pie
VG# 3601211434

RICHARD P. IEYOUNG
ATTORNEY GENERAL

BY:


James Chang
Kiyō Enterprises, LLC
d/b/a The Italian Pie
417 S. Rampart Street
New Orleans, Louisiana 70112
Licensee

BY:


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Facsimile: (504) 599-1163
Attorney for Division

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: KIYO ENTERPRISES, LLC
d/b/a THE ITALIAN PIE

CASE NO. 3601211434

ORDER

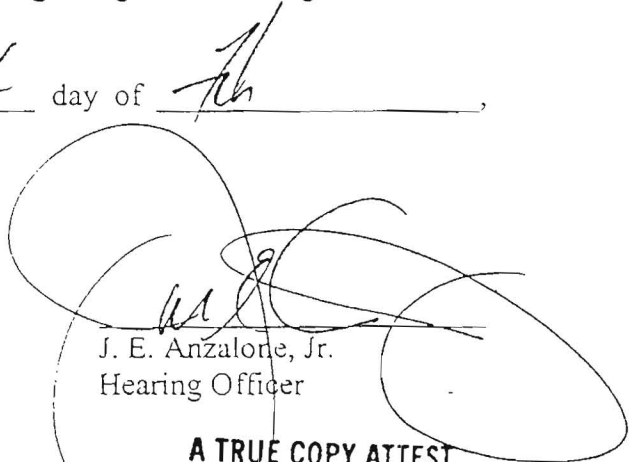
Considering the foregoing Joint Motion For Entry of Stipulations and Approval of Proposed Settlement, IT IS HEREBY ORDERED that such proposed settlement be approved, to wit:

1. the licensee acknowledges that it was in violation of LAC 42:XI.2405 (B)(7), in that it did not submit the appropriate tax clearance certificates to the Division by July 1, 2002;
2. The Italian Pie, shall pay a civil penalty in the amount of \$250.00;
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. 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 Italian Pie being suspended and its gaming devices being disabled.

THUS DONE AND SIGNED this 24 day of Feb,
2003 in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 24th DAY
OF February 2003
Alita Hayes
DUCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: James Chang
Kim Graham, Esq.
Sabrina Ballard


J. E. Anzalone, Jr.
Hearing Officer

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 2/24/03
Alita Hayes
BY: CLERK

STATE OF LOUISIANA
PARISH OF Jefferson

AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within and for the State and Parish aforesaid, PERSONALLY CAME AND APPEARED:

JAMES CHANG

who, after first being duly sworn, declared and acknowledged to me, Notary, under oath:

that affiant is an owner of The Italian Pie, ("licensee"), whose establishment is located at 417 S. Rampart Street, New Orleans, Louisiana 70112;

that The Italian Pie received a Notice of Recommendation of Suspension (Violation/Inspection Report No. 13892) from the Louisiana Gaming Control Board, citing violation of LAC 42:XI.2405(B)(7);

that in the interest of settling this matter, affiant has willfully entered into a Joint Motion for Entry of Stipulations and Approval of Proposed Settlement with the Division on behalf of the licensee, via the Attorney General's Office; and

that affiant signed the above-cited motion of his own volition, without duress or coercion.

THUS DONE AND PASSED in New Orleans, Louisiana, on this 19 day of February, 2003.

James Chang
Affiant

Ronald M. Beagle
Notary Public

My commission expires AT MY DEATH

Ronald M. Beagle
Notary Public
Commission Is for Life



ORLEANS PARISH
CONFIRMATION OF RECEIPT OF
RENEWAL APPLICATION FOR VIDEO GAMING LICENSE

This is to confirm that a copy of DPSSP 0049 (R 01/96), Renewal Application for Gaming License 2002 has been received from:

(Name of Establishment) _____

(Address) _____

(City, State, Zip) _____

9/30/2002
Date

[Signature]
(Received By)

Bureau of Revenue
1300 Perdido St., Rm 1W15
New Orleans, Louisiana 70112-2114
Phone (504) 565-8299
Fax (504) 565-6425

CITY OF NEW ORLEANS
DEPARTMENT OF FINANCE/BUREAU OF REVENUE
TAX CLEARANCE CERTIFICATE

FOR VIDEO POKER

In accordance with Section 10-119 of the Code of the City of New Orleans, no alcoholic beverage permits will be issued if there are any delinquent taxes arising from the operation of the business.

This certificate acknowledges that all taxes are current for the City of New Orleans. This certificate must be filed with the State Police Gaming Board.

DATE: 9/30/2002 STATE SALES TAX # _____

BUSINESS NAME:
OWNER'S NAME:
ACCT NO:
BUSINESS ADDRESS:
MAILING ADDRESS:

This Clearance covers:

Sales Taxes for the period: 1/2000 - 8/2002

Amusement Tax for the period: NA

Occupational License Tax for the period: 2000 - 2002

I hereby certify that the above taxpayer has met all City of New Orleans tax obligations and is current. This search is of unaudited records.

Blanche
BUREAU OF REVENUE REPRESENTATIVE

CITY OF NEW ORLEANS SEAL