



State of Louisiana
Gaming Control Board

JOHN BEL EDWARDS
GOVERNOR

RONNIE JONES
CHAIRMAN

**IN RE: ACES OVER, INC. D/B/A ACES OVER
NO. 2600609847**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of December 19, 2019. The Hearing Officer's order dated December 11, 2019, 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 Aces Over, Inc. d/b/a Aces Over, No. 2600609847, and the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, which is attached hereto and incorporated herein, is **APPROVED**.

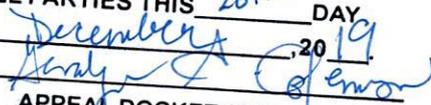
THUS DONE AND SIGNED on this the *19th* day of *December, 2019*.

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 20th DAY
OF December, 2019


APPEAL DOCKET CLERK
LGCB-5402-19-B

RECEIVED

By GERALYN A. COLEMAN at 9:42 am, Dec 11, 2019

RECEIVED

DEC 10 2019

LA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RE: ACES OVER, INC.
D/B/A ACES OVER

CASE NO.: 2600609847

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 Aces Over, Inc. d/b/a Aces Over (hereinafter, the "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 the 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.

TRUE COPY
Geralyn A. Coleman
Representative
Louisiana Gaming Control Board

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

Respectfully Submitted,

By: 
Daryl J. Grush
*President for and on behalf of Aces
Over, Inc. d/b/a Aces Over*

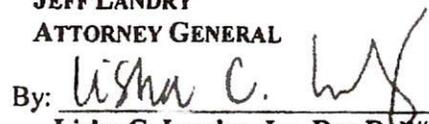
JEFF LANDRY
ATTORNEY GENERAL
By: 
Lisha C. Landry, La. Bar Roll# 34317
Assistant Attorney General
1885 North Third Street, 5th Floor
Baton Rouge, Louisiana 70802
Telephone: (225) 326-6506
Facsimile: (225) 326-6599
*Counsel for and on behalf of the Office
of State Police*

EXHIBIT "A"

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

**RE: ACES OVER, INC.
D/B/A ACES OVER**

CASE NO.: 2600609847

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Aces Over, Inc. d/b/a Aces Over (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 the 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 the 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. The Licensee holds a Type 6 video draw poker gaming license with an expiration date of June 30, 2023.

2. On January 30, 2017, the Division received a Type 1 video draw poker gaming license application from Positivelytilton, LLC d/b/a Triangle West (hereinafter, "Positivelytilton"), which listed the Licensee as the lessor and device owner on Positivelytilton's application.

3. In November of 2018, Positivelytilton notified the Division of a civil lawsuit between Positivelytilton and the Licensee filed in the 24th Judicial District Court, Parish of Jefferson.

4. The Division conducted an investigation into the matter, which revealed that the dispute was in reference to two conflicting lease agreements executed by the parties. The Court found in favor of the Licensee.

5. The Licensee did not notify the Division of the civil lawsuit filed against it by Positivelytilton.

6. Pursuant to LAC 42:XI.2417(B)(4), all licensees 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 within ten calendar days of its occurrence.

7. The Licensee failed to notify the Division of the civil lawsuit filed against it by Positivelytilton within ten calendar days of its occurrence, in violation of LAC 42:XI.2417(B)(4).

TERMS AND CONDITIONS

1. In lieu of administrative action, the Licensee will pay a penalty of **TWO HUNDRED FIFTY and 00/100 (\$250.00) DOLLARS** for its violation of LAC 42:XI.2417(B)(4).

2. The Division hereby agrees that payment of a total penalty of **TWO HUNDRED FIFTY and 00/100 (\$250.00) 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 the 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 the Licensee, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

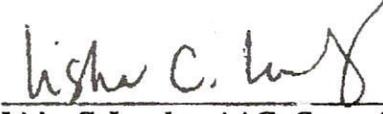
6. This Compromise and Settlement Agreement is subject to approval by the Hearing Officer and the Louisiana Gaming Control Board. It is expressly understood that if this proposed settlement is approved by the Hearing Officer, this agreement is not thereby executory, but will be submitted to the Louisiana 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, the 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. The 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.



**Daryl J. Grush, President for and on behalf
of Aces Over, Inc. d/b/a Aces Over**



**Lisha C. Landry, AAG, Counsel for and
on behalf of the Office of State Police**

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RE: ACES OVER, INC.
D/B/A ACES OVER

CASE NO.: 2600609847

ORDER

BE IT REMEMBERED that on the 11th day of December, 2019, 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 Aces Over, Inc. d/b/a Aces Over must pay **TWO HUNDRED FIFTY AND 00/100 (\$250.00) 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 11th day of December, 2019, 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 11 DAY
OF December, 2019.

Ebony Batiste

DOCKET CLERK, ADMIN. HEARING OFFICE

C: Aces Over, Inc DIBIA AcesOver
Lisha Landry
Sgt. Eddie Daigle

Suzan S. Ponder

HONORABLE SUZAN S. PONDER
ADMINISTRATIVE HEARING OFFICER
A TRUE COPY ATTEST

LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE

BATON ROUGE, LA 12/11/19

Ebony Batiste

DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE