



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: BRJ, INC. D/B/A RHYTHMS NIGHTCLUB
NO. 2605106745**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of March 21, 2006. The Hearing Officer's order dated February 22, 2006, 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 BRJ, Inc. d/b/a Rhythms Nightclub, No. 2605106745, 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 21st day of March, 2006.

LOUISIANA GAMING CONTROL BOARD

BY: *H. Charles Gaudin*
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 March 2006
APPEAL DOCKET CLERK
Suzanne

RECEIVED

FEB 21 2006

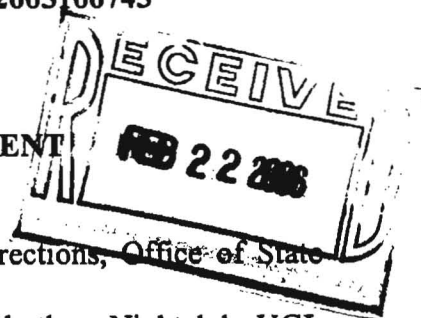
LGCB
ADMINISTRATIVE HEARING OFFICE

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

**IN RE: BRJ, INC.
d/b/a RHYTHMS NIGHTCLUB**

NO. 2605106745

COMPROMISE AND SETTLEMENT AGREEMENT



The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter "the Division") and BRJ Inc. d/b/a Rhythms d/b/a Rhythms Nightclub, VGL 2605106745, do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to BRJ Inc. d/b/a Rhythms d/b/a Rhythms Nightclub, which notice alleges certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by the said Notice of Recommendation of Administrative Action are set for hearing on February 22, 2006, before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the parties hereto are desirous of fully and finally compromising and settling all disputes and issues raised in connection with the said Notice of Recommendation of Administrative Action;

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

STIPULATIONS

1. BRJ Inc. d/b/a Rhythms d/b/a Rhythms Nightclub, a licensed video gaming establishment, previously entered into a video poker device agreement with Master Video Poker.

TRUE COPY
[Signature]
Representative
Louisiana Gaming Control Board

2. Master Video Poker sent video gaming documents ("the Documents") BRJ Inc. d/b/a Rhythms d/b/a Rhythms Nightclub for execution, including but not limited to the Annual license form, dated May 14, 2003, which was signed by James Lemarie.

3. James Lemarie is the president of BRJ Inc. d/b/a Rhythms d/b/a Rhythms Nightclub.

4. James Lemarie admits that he did not sign the Documents in the presence of a notary and the Documents were not notarized in the Affiant's presence. Thus, the Documents were improperly notarized in violation of LAC 42:XI.2405(A)(15).

5. On December 7, 2005, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action to BRJ Inc. d/b/a Rhythms d/b/a Rhythms Nightclub VGL 2605106745 alleging certain violations of Louisiana Gaming Control Law.

6. James Lemarie represents that all of the statements, responses, disclosures and representations provided in documents submitted to the Division bearing his signature, are true and correct to the best of his knowledge, information and belief, and represent a complete and accurate account of the requested information.

TERMS AND CONDITIONS

1. Any and all information discovered throughout the course of this or any other investigation may be used in any future determination of the suitability of James Lemarie.

2. BRJ Inc. d/b/a Rhythms d/b/a Rhythms Nightclub agrees to pay a civil penalty of One Thousand Dollars (\$1,000.00).

3. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and BRJ Inc. d/b/a Rhythms d/b/a Rhythms Nightclub, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

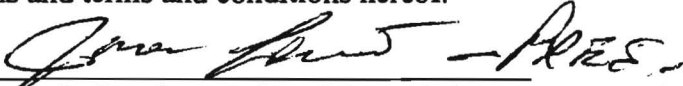
4. This Compromise and Settlement Agreement is subject to approval by the Hearing Officer and the Louisiana Gaming Control Board. It is expressly understood that if this

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.

5. If approved, BRJ Inc. d/b/a Rhythms d/b/a Rhythms Nightclub must make payment of the civil penalty to the Division within ten (10) days of approval by the Louisiana Gaming Control Board. Failure to do so shall result in the immediate suspension of the license without the necessity of any further administrative action until such time as the penalty is paid in full.

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

I have read this entire Compromise Settlement Agreement, understand it, and agree to all stipulations and terms and conditions hereof.



James Lemarie, President of BRJ Inc. d/b/a Rhythms d/b/a Rhythms Nightclub,
VGL 605106745

Sworn to and subscribed before me, the undersigned notary, in the Parish of ORLEANS LA this 8th day of February A.D. 2006.


Notary Signature

G. PATRICK HAND, JR. #6499
Notary Name and Number

Notary Commission expires at death


Olga M. Bogran, AAG on behalf of
State of Louisiana
Department of Public Safety & Corrections
Office of State Police

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: BRJ, INC.
d/b/a RHYTHMS NIGHTCLUB

NO. 2605106745

ORDER

BE IT REMEMBERED that on this the 22nd day of February, 2006, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the Hearing Officer having considered the pleadings on file, the proposed 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**.

SIGNED AND ENTERED this 22nd day of February, 2006, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 22nd DAY
OF February 19 2006
Jul Ramsey
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE



WILLIAM H. BROWN
HEARING OFFICER

cc: James Lemarie
Dpa Bogran
Sgt. Roland Rodriguez

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 2/22/06
Jul Ramsey
BY: CLERK

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

**IN RE: BRJ, INC.
d/b/a RHYTHMS NIGHTCLUB**

NO. 2605106745

**JOINT MOTION FOR APPROVAL OF COMPROMISE AND
SETTLEMENT AGREEMENT**

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

COME NOW State of Louisiana, Department of Public Safety and Corrections, Office of State Police (“Division”) and BRJ Inc. d/b/a Rhythms d/b/a Rhythms Nightclub, VGL 2605106745 who file this, their 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 BRJ Inc. d/b/a Rhythms d/b/a Rhythms Nightclub 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.

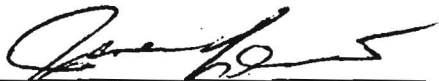
2.


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.

WHEREFORE, PREMISES CONSIDERED, The Division and BRJ Inc. d/b/a Rhythms d/b/a Rhythms Nightclub respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully Submitted,

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

By: 
James Lemarie
3617 Williams
Kenner, LA 70065
Telephone: (504) 669-3327
on behalf of BRJ, Inc.
d/b/a Rhythms Nightclub

By: 
Olga M. Bogran, #24302
Assistant Attorney General
1885 North Third Street, 5th Floor
Baton Rouge, Louisiana 70802
Telephone: (504) 599-1153
Facsimile: (504) 599-1163
Counsel for the Office of State Police