



JOHN BEL EDWARDS
GOVERNOR

RONNIE S. JOHNS
CHAIRMAN

**IN RE: SAKE, LLC D/B/A THE RUSTY NAIL
NO. 3601115419**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of August 19, 2021. The Hearing Officer's order dated July 14, 2021, 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 Sake, LLC d/b/a The Rusty Nail, No. 3601115419, 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 *August, 2021*.

LOUISIANA GAMING CONTROL BOARD

BY:



RONNIE S. JOHNS, CHAIRMAN

RSJ/gac

RECEIVED

By GERALYN A. COLEMAN at 8:58 am, Jul 14, 2021

RECEIVED

JUL 08 2021

LA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

SAKE, LLC
D/B/A THE RUSTY NAIL

CASE NO.: 3601115419

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 Sake, LLC d/b a The Rusty Nail (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.

JEFF LANDRY,
ATTORNEY GENERAL.

By: 

David Brown
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New Orleans, Louisiana 70130
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Member of Sake, LLC d/b/a/ The Rusty Nail

By: 

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Assistant Attorney General
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Counsel for the Office of State Police

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RE: SAKE, LLC
D/B/A THE RUSTY NAIL

CASE NO.: 360115419

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Sake, LLC d/b a The Rusty Nail (hereinafter, "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 1 licensed establishment located at 1102 Constance Street, New Orleans, Louisiana 70130.

2. On March 9, 2020, the Division mailed a Video Gaming Advisory Notice to Licensee informing them of the requirement to submit the annual fee and forms no later than June 30, 2020.

3. On May 13, 2021, the Division received the required annual renewal forms and fee. Licensee is now compliant with Louisiana Gaming law.

4. Licensee failed to timely submit the required annual fee and supporting documents, in violation of La. R.S. 27:435(K)(4)(a) and (d) and LAC 42:XI.2405(B)(4).

TERMS AND CONDITIONS

1. In lieu of administrative action, Licensee will pay a penalty of **SEVEN HUNDRED FIFTY and 00/100 (\$750.00) DOLLARS** for its violation of La. R.S. 27:435(K)(4)(a) and (d) and LAC 42:XI.2405(B)(4).

2. The Division hereby agrees that payment of a total penalty of **SEVEN HUNDRED FIFTY and 00/100 (\$750.00) 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.

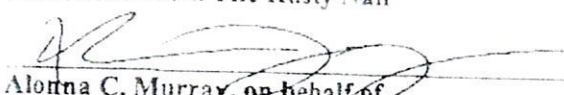
6. This Compromise and Settlement Agreement is subject to approval by the Hearing Officer and the Louisiana Gaming Control Board. It is expressly understood that if this proposed settlement is approved by the Hearing Officer, this agreement is not thereby executory, but will be submitted to the Louisiana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



David Brown, on behalf of
Sake, LLC d/b/a The Rusty Nail



Alonna C. Murray, 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

RE: SAKE, LLC
D/B/A THE RUSTY NAIL

CASE NO.: 3601115419

ORDER

BE IT REMEMBERED that on the 14th day of July, 2021, 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 Sake, LLC d b/a The Rusty Nail must pay SEVEN HUNDRED FIFTY and 00/100 (\$750.00) 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 14th day of July, 2021, 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 14 DAY
OF July, 2021.

Chony Bateste
DOCKET CLERK, ADMIN. HEARING OFFICE

CC: Sake, LLC D/B/A The Rusty Nail
Alonna C. Murray
Sgt. Todd McConnell

Suzan S. Ponder
SUZAN S. PONDER
HEARING OFFICER

ATRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 7/14/21

Chony Bateste
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE