



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

IN RE: THE DUCK OFF, LLC
D/B/A THE DUCK OFF
NO. 3601114589

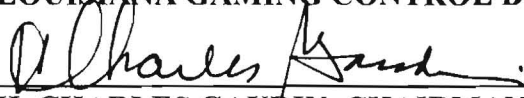
ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of August 19, 2008. The Hearing Officer's order dated July 9, 2008, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," No. 3601114589, by and between The Duck Off, LLC d/b/a The Duck Off, 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, 2008.

LOUISIANA GAMING CONTROL BOARD

BY:


H. CHARLES GAUDIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 25th DAY
OF August 2008

HJC/gac

APPEAL DOCKET CLERK



RECEIVED

JUL 09 2008

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

LGCB
ADMINISTRATIVE HEARING OFFICE

IN RE: THE DUCK OFF, LLC
D/B/A THE DUCK OFF

LICENSE NO.: 3601114589

JOINT MOTION FOR APPROVAL OF COMPROMISE AND
SETTLEMENT AGREEMENT

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

COMES NOW the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (the "Division") and The Duck Off, LLC d/b/a The Duck Off (sometimes hereinafter referred to as 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 Licensee are desirous of compromising and settling all matters relative to this 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
[Signature]
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,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

By: 

Eric A. Wright, #26149
Wright, McMillan & Moore
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Counsel for The Duck Off, LLC
d/b/a The Duck Off

By: 

Michael L. Tyler, #29463
Assistant Attorney General
1835 North Third Street, 5th Floor
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Phone: (225) 326-6500
Facsimile: (225) 326-6599
Counsel for the Division

EXHIBIT "A"**STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE****IN RE: THE DUCK OFF, LLC
D/B/A THE DUCK OFF****LICENSE NO. 3601114589****COMPROMISE AND SETTLEMENT AGREEMENT**

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter "the Division") and The Duck Off, LLC d/b/a The Duck Off (sometimes hereinafter referred to as the "Licensee") do hereby represent and agree as follows:

WHEREAS, on February 19, 2008, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action to The Duck Off, LLC d/b/a The Duck Off, alleging certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by said Notice of Recommendation of Administrative Action are set for hearing on July 9, 2008, before the Louisiana Gaming Control Board Administrative Hearing Office; and

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 of Recommendation of Administrative Action;

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

STIPULATIONS

1. On April 14, 2007, a law enforcement task force consisting of the New Orleans Police Department, the Louisiana Alcohol and Tobacco Control Enforcement Office ("LATC"),

the Louisiana Fire Marshal's Office, and the Louisiana State Probation & Parole Office conducted a raid (the "multi-agency raid") on The Duck Off, LLC d/b/a The Duck Off.

2. According to the New Orleans Police Department, the multi-agency raid was conducted in response to an independent investigation into alleged criminal activity in and around the area of the licensed establishment.

3. The results of the raid were findings of numerous violations of the fire code at the licensed establishment, eight (8) individuals being arrested at the licensed establishment, and findings of numerous administrative violations of the LATC control law by the Licensee.

4. LATC held an administrative hearing against the Licensee for the alleged violations. On August 2, 2007, the Commissioner of the LATC rendered a decision in that matter. The decision stated, "It is hereby ordered that The Duck Off, LLC d/b/a The Duck Off forfeit any seized item(s), and be assessed a \$2,000.00 fine. It is further ordered that permit 3600010083 be suspended for thirty days commencing on September 4, 2007".

5. The Division's check of the computer generated daily reports for Licensee showed that \$598.20 was played on their devices, and \$103.00 in net device revenue was generated between the suspension period of September 4, 2007, through October 3, 2007.

6. On June 7, 2007, an agent of the Division interviewed the Licensee's sole member, Mr. Larry Meyers, at the licensed establishment. During the interview, Mr. Larry Meyers disclosed the following:

- a. The Division was not notified of the multi-agency raid;
- b. His mother, Ms. Marie Meyers, was placed on the business' bank account, and Mr. Michael Roussel had been employed in the capacity of manager of the business;
- c. The City of New Orleans Alcohol Beverage Control Board had issued him a summons to appear before the New Orleans City Council regarding the issues stemming from multi-agency raid; and

d. The Division was not notified of the summons issued to the Licensee by the New Orleans City Council.

7. On August 29, 2007, an agent of the Division met with the Assistant New Orleans City Attorney that prosecuted the Licensee's case in front of the New Orleans City Council. According to the Assistant City Attorney, the matter was deemed to be under advisement by the city council.

8. On June 7, 2007, an agent of the Division mailed a 10-day certified letter to the Licensee requesting the business' bank signatory authorization card and suitability documents for Ms. Meyers and Mr. Roussel. The Licensee received the letter on June 14, 2007. The Licensee failed to produce the documents within the requisite time period.

9. On July 27, 2007, an agent of the Division, while at an LATC hearing, spoke with Mr. Meyers, his attorney, and Mr. Roussel. Mr. Meyers was asked if he had received the 10-day letter, and the reason for his failure to respond. Mr. Meyers acknowledged receipt of the 10-day letter, and he also stated that he was working on providing the requested information.

10. On September 6, 2007, an agent of the Division met with Mr. Meyers at his place of employment, the New Orleans Fire Department, and hand delivered a second 10-day letter requesting the Licensee's bank signatory authorization card and suitability documents for Ms. Meyers and Mr. Roussel. On September 19, 2007, the requisite documents were delivered to the Division.

11. The Licensee failed to inform the Division of the following: the multi-agency raid that occurred on April 14, 2007; the inspection violation reports that were issued by the Louisiana Fire Marshal's Office on April 14, 2007, and April 16, 2007; the summons issued by the City of New Orleans on April 17, 2007; the suspension of its ATC permit for thirty (30) days; and the involvement of the business with Ms. Marie Meyers and Mr. Michael Roussel.

12. The Licensee failed to inform the Division of the multi-agency raid, the inspection violation reports that were issued by the Louisiana Fire Marshal's Office, the summons issued by the City of New Orleans, the suspension of its ATC permit for thirty (30)

days, Ms. Marie Meyers and Mr. Michael Roussel's involvement with the business of the Licensee, to comply with all applicable federal, state and local laws and regulations, to surrender its license during its thirty (30) day suspension period, and to timely respond to the 10-day letters that were issued by an agent of the Division during the investigation of the Licensee, all in violation of La. R.S. 27:310(C), La. R.S. 27:310(D), LAC 42:XI.2405(B)(9)(a), LAC 42:XI.2417(A)(1), LAC 42:XI.2417(B)(3 & 4), and LAC 42:XI.2417(C)(1)(i).

TERMS AND CONDITIONS

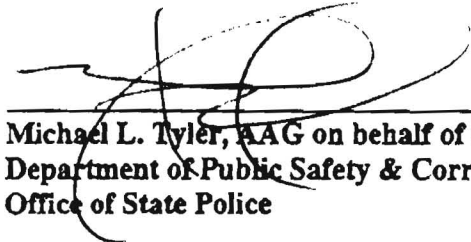
1. The Duck Off, LLC d/b/a The Duck Off will pay a civil penalty of FIVE THOUSAND DOLLARS and No/100 (\$5,000.00), for violating La. R.S. 27:310(C), La. R.S. 27:310(D), LAC 42:XI.2405(B)(9)(a), LAC 42:XI.2417(A)(1), LAC 42:XI.2417(B)(3 & 4), and LAC 42:XI.2417(C)(1)(i).
2. The Division hereby agrees to accept the Licensee's payment of the above stated penalty in full and final settlement of the Notice of Recommendation of Administrative Action that was issued on February 19, 2008.
3. The Division reserves the right to take into consideration these admitted violations and this Compromise and Settlement Agreement, in connection with any future investigations, violations, or assessments of a penalty.
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, regarding 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 the same or to remand the matter to the Hearing Officer for a full hearing on the merits. Failure to pay the penalty within fifteen (15) days of approval of this settlement shall result in the immediate suspension of The Duck Off, LLC d/b/a The Duck Off's license without the necessity of further administrative action, until such time as the penalty is paid in full.

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



Larry A. Meyers, Sole Member, on behalf of The Duck Off, LLC d/b/a The Duck Off



Michael L. Tyler, 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: THE DUCK OFF, LLC
D/B/A THE DUCK OFF

LICENSE NO.: 3601114589

ORDER


BE IT REMEMBERED that on this the 9th day of July, 2008, 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 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 the Licensee must pay Five Thousand Dollars and No/100 (\$5,000.00) to the Division within fifteen (15) days of the approval by the Louisiana Gaming Control Board. Failure to do so shall result in the immediate suspension of the license of The Duck Off, LLC d/b/a The Duck Off without the necessity of any further administrative action until such time as the penalty is paid in full.

SIGNED AND ENTERED this 9th day of July, 2008,
in Baton Rouge, Louisiana.


HEARING OFFICER

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT I AM A CERTIFIED
CLERK AND HAVE SERVED ON
July 9th 2008 DAY
Julie Darnay
HEARING OFFICE
cc: Eric Wright
Michael Tyler
Sgt. Dino Carabagnie

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 7/9/08

BY: CLERK