



# State of Louisiana

Gaming Control Board

KATHLEEN BABINEAUX BLANCO  
GOVERNOR

H. CHARLES GAUDIN  
CHAIRMAN

ANNE LACOUR NEEB  
EXECUTIVE DIRECTOR

## IN RE: STUART GAY NO. P040037914

### ORDER

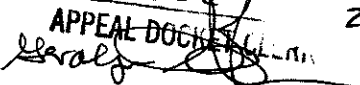
This matter was considered by the Louisiana Gaming Control Board at its meeting of November 16, 2004. The Hearing Officer's order dated October 12, 2004, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Recommendation of Suspension and Penalty," Permit No. P040037914, by and between Stuart Gay, 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 16 day of November, 2004.

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 17 DAY  
OF November 2004  
APPEAL DOCKET # 04-0037914  


STATE OF LOUISIANA

RECEIVED

LOUISIANA GAMING CONTROL BOARD

OCT 12 2004

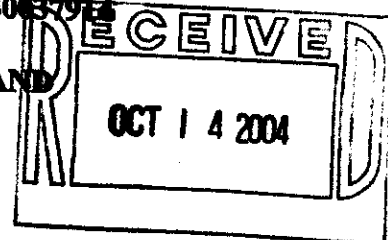
ADMINISTRATIVE HEARING OFFICE

LGCB  
ADMINISTRATIVE HEARING OFFICE

IN RE: STUART M. GAY

NO. P040037914

JOINT MOTION FOR ENTRY OF STIPULATIONS AND  
APPROVAL OF PROPOSED SETTLEMENT



ON THE JOINT MOTION OF:


1. the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, (hereinafter "Division"), and
2. Stuart M. Gay, Permit No. P040037914 (hereinafter "permittee"),

who respectfully represent the following:

WHEREAS:

1. On February 2, 2004, the Division received notification from the Louisiana Department of Revenue that permittee was not current in the filing of all applicable state tax returns or in the payment of all taxes owed. Permittee was notified on April 17, 2004 by personal service mail that permittee had thirty (30) days to provide the Division with documentation that a tax clearance had been issued. Permittee did not provide documentation of a tax clearance to the Division until on or about August 23, 2004.
2. The permittee is mandated by La. R.S. 27:28B(3) to remain current with all tax filings and payments owed to the state of Louisiana, any political subdivision of Louisiana, or the Internal Revenue Service.
3. Permittee was issued a *Notice of Recommendation of Suspension* by the Louisiana Gaming Control Board on or about August 5, 2004.
4. This matter has been scheduled for hearing on October 12, 2004 at 9:00 a.m. before the Honorable William H. Brown.

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


TRUE COPY  
  
Representative  
Louisiana Gaming Control Board

1. The permittee acknowledges that La. R.S. 27:28B(3) mandates permit holders to remain current with all tax filings and payments owed to the state of Louisiana, any political subdivision of Louisiana, or the Internal Revenue Service;
2. The permittee further acknowledges that permittee was notified on April 17, 2004 by personal service that permittee had thirty (30) days to provide the Division with documentation that a tax clearance had been issued. Permittee did not provide documentation of a tax clearance to the Division until on or about August 23, 2004.
3. In consideration of the previous and aforementioned delay in submission of the mandatory tax Louisiana state tax clearance and in lieu of further administrative action against the permittee's gaming permit, the permittee shall pay a \$250.00 civil penalty;
4. The Division hereby agrees to accept the permittee's payment of the above stated penalty in full and final settlement of this Notice of Recommendation of Administrative Action;
5. The Division reserves the right to take into consideration these violations in connection with any future violation;
6. The form and substance of this settlement are to be interpreted under the laws of the State of Louisiana;
7. This settlement constitutes the entire agreement between the Division and Stuart Gay pertaining to the subject matter contained herein, and supercedes all prior and contemporaneous agreements, representations, and understandings of the parties;
8. 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 permittee being suspended until such time as the penalty is paid in full;
9. The Division and the permittee waive their rights to appeal this settlement if the Order is signed by the Hearing Officer and accepted by the Board.

Respectfully submitted,


**STUART GAY**  
**No. P040037914**

BY:

  
Stuart Gay  
5731 Durbridge Drive  
New Orleans, Louisiana 70131

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

BY:

  
Tammy Weaver Matzke  
Assistant Attorney General  
La. Bar Roll No. 22887  
1885 North Third Street, 5<sup>th</sup> Floor  
Baton Rouge, Louisiana 70802  
Telephone: (225) 326-6500  
Facsimile: (225) 326-6599

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

**IN RE: STUART M. GAY**

**NO. P040037914**

**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 permittee acknowledges that he was notified on or about April 17, 2004 by certified mail that permittee had thirty (30) days to provide the Division with documentation that a tax clearance had been issued and that he did not provide documentation of a tax clearance to the Division until August 23, 2004.
2. the permittee shall pay a \$250.00 civil penalty;
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 Non Key Gaming Employee Permit of the permittee being suspended until such time as penalty is paid in full.

THUS DONE AND SIGNED this 12<sup>th</sup> day of Oct, 2004 in  
Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD  
I HEREBY CERTIFY THAT A CERTIFIED  
COPY HAS BEEN MAILED OR SERVED ON  
ALL PARTIES THIS 15<sup>th</sup> DAY  
OF October 2004  
Bill Domingue  
CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Stuart Gay  
Tammy Matzke  
Sgt. Rock Schepnysh

  
William H. Brown  
Hearing Officer

A TRUE COPY ATTEST  
LOUISIANA GAMING CONTROL BOARD  
HEARING OFFICE  
BATON ROUGE, LA 10/2/04  
Bill Domingue  
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:

**STUART M. GAY,**

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

that affiant is the holder of Non-Key Gaming Employee Permit No. P040037914;

that the permittee received a Notice of Recommendation of Administrative Action from the Louisiana Gaming Control Board, citing violation of La. R.S. 27:28B(3);

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 permittee, 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 Kenner, Louisiana, on this  
4<sup>th</sup> day of October, 2004.

  
Stuart Gay, Affiant

  
Notary Public  
My commission expires DEATH.