



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DANE K. MORGAN
CHAIRMAN

**IN RE: LKM DAIQUIRIS, L.L.C.
D/B/A RICK'S DAIQUIRIS
NO. 3601115699**

ORDER


This matter was considered by the Louisiana Gaming Control Board at its meeting of November 17, 2009. The Hearing Officer's order dated November 4, 2009, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," No. 3601115699, by and between LKM Daiquiris, L.L.C. d/b/a Rick's Daiquiris, 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 17th day of November, 2009.

LOUISIANA GAMING CONTROL BOARD

BY: 
DANE K. MORGAN, CHAIRMAN

DKM/gac

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 18th DAY
OF November, 2009
APPEAL DOCKET CLERK


STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RECEIVED

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LGCB
ADMINISTRATIVE HEARING OFFICE

IN RE: LKM DAIQUIRIS, L.L.C.
d/b/a RICK'S DAIQUIRIS

LICENSE NO. 3601115699

JOINT MOTION FOR APPROVAL OF COMPROMISE AND
SETTLEMENT AGREEMENT

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

COME NOW the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter "the Division") and LKM Daiquiris, L.L.C. d/b/a Rick's Daiquiris (hereinafter "the Licensee") 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 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 Officer and the Louisiana Gaming Control Board.

2.

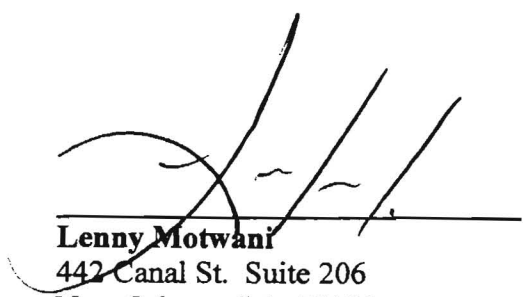
A true and correct copy of the proposed Compromise and Settlement Agreement

TRUE COPY
[Signature]
[Stamp]

is attached hereto as Exhibit "A" and incorporated by reference for all purposes.

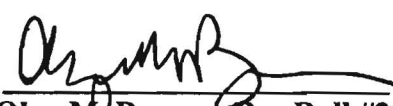
WHEREFORE, PREMISES CONSIDERED, The Division and the Licensee respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully Submitted,



Lenny Motwani
442 Canal St. Suite 206
New Orleans, LA 70130
Telephone: (504)621-4684
On behalf of the Licensee

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL



Olga M. Bogran, Bar Roll #24302
Assistant Attorney General
Gaming Division
400 Royal St. Suite 1230
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Telephone: (504)599-1153
Facsimile: (504) 599-1163
Counsel for the Division

EXHIBIT "A"

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

**IN RE: LKM DAIQUIRIS, L.L.C.
d/b/a RICK'S DAIQUIRIS**

LICENSE NO. 3601115699

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter the "Division") and LKM Daiquiris, L.L.C. d/b/a Rick's Daiquiris, (hereinafter the "Licensee") do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to the Licensee, 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 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. The Division provided notification to the Licensee that attendance was mandatory at a compulsive gambling training session. The Licensee received notification of the dates of scheduled training sessions.
2. Failure to attend the required class gave rise to a Notice of Recommendation of Administrative Action, issued by the Louisiana Gaming Control Board on September 15, 2009.
3. The Licensee acknowledges that it was in violation of gaming law in that it failed to attend the required compulsive gambling training session.
4. Subsequent to the receipt of the Notice of Recommendation of Administrative Action, the Licensee attended a compulsive gambling training session.

TERMS AND CONDITIONS

1. The Licensee agrees to pay a civil penalty of Five Hundred Dollars (\$500.00).
2. The Division hereby agrees to accept the payment of Five Hundred Dollars (\$500.00) in full and final settlement of the Notice of Recommendation of Administrative Action.
3. The Division reserves the right to take into consideration these admitted stipulations and violations in connection with any future investigation, violation or assessment of penalty, and in connection with any future determination of the suitability of the Licensee.
4. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and the Licensee pertaining to the Licensee's failure to

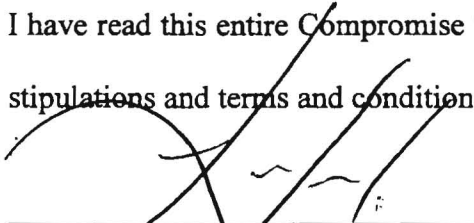
attend the compulsive gambling training session on the dates specified in the Notice of Recommendation of Administrative Action and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

5. 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.

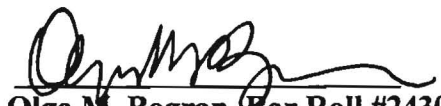
6. If approved, the Licensee must make full payment of the civil penalty to the Division within fifteen (15) days of approval by the Louisiana Gaming Control Board. Failure to do so shall result in the immediate suspension of the license without the necessity of any further administrative action until such time as the penalty is paid in full.

7. 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.



Lenny Motwani
442 Canal St. Suite 206
New Orleans, LA 70130
Telephone: (504)621-4684
On behalf of the Licensee



Olga M. Bogran, Bar Roll #24302
Assistant Attorney General
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Facsimile: (504) 599-1163
Counsel for the Division

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: LKM DAIQUIRIS, L.L.C.
d/b/a RICK'S DAIQUIRIS

LICENSE NO. 3601115699

ORDER

BE IT REMEMBERED that on the 4th day of Nov, 2009, came on 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, 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**; that the Licensee must pay Five Hundred and No/100 (\$500.00) 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 4th day of Nov, 2009, in

Baton Rouge, Louisiana.

[Handwritten signature]
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE
cc: Lkm Daiquiris LLC
Olga Boyra
Sgt. Monell Sibday

[Handwritten signature]
HEARING OFFICER

SEE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 11/4/09
[Handwritten signature]
BY: CLERK