



State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

**IN RE: PAPA MARCOS LA SFD PD, INC. D/B/A
KD'S POBOY SOUP N SALAD
NO. VP1001203925**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of December 16, 2003. The Hearing Officer's order dated November 20, 2003, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of the "Notice of Recommendation of Administrative Action," by and between Papa Marcos LA SFD PD, Inc. d/b/a KD's PoBoy Soup N Salad, No. VP1001203925, and the Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division, which is attached hereto and incorporated herein, is **APPROVED**.

THUS DONE AND SIGNED on this the 16th day of December, 2003.

LOUISIANA GAMING CONTROL BOARD

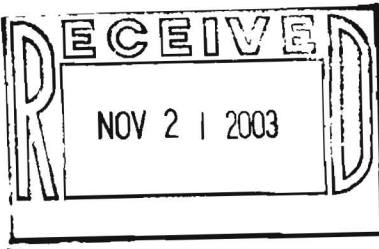
BY:



HILLARY J. CRAIN, CHAIRMAN

**LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 17th DAY
OF December, 2003**

APPEAL DOCKET CLERK

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: PAPA MARCOS LA SEAFOOD, INC.
d/b/a KD'S PO-BOY SOUP/SALAD

NO. 1001203925A
INSPECTION NO. 012746

JOINT MOTION FOR ENTRY OF STIPULATIONS AND
APPROVAL OF PROPOSED SETTLEMENT

ON THE JOINT MOTION OF:

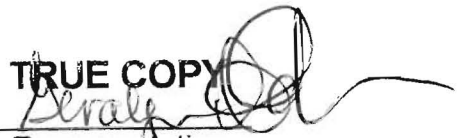
1. the Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division (hereinafter "Division"), and
2. Papa Marcos LA Seafood, Inc. d/b/a KD's Po-boy Soup/Salad, License No. 1001203925A (hereinafter "licensee"),

who respectfully represent the following:

WHEREAS:

1. On or about June 13, 2003, an agent of the Division noted that an advertisement in the 2003/2004 "User-Friendly Phone Book", which advertised the licensee's gaming establishment, did not include the problem gambling toll-free telephone number;
2. The licensee is mandated by La. R.S. 27:27.3 to place the toll-free telephone number of the National Council on Problem Gambling (or other similar, Board-approved toll-free telephone number) in any advertisement of its gaming activities or gaming establishment;
3. Pursuant to its agent's observations, the Division issued Violation/Inspection Report #012746 to the licensee on or about June 19, 2003, citing violation of La. R.S. 27:27.3. Attendant to this Violation/Inspection Report, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action to the licensee on or about September 3, 2003.
4. Previously the Division issued Violation/Inspection Report #012719 to the licensee on or about May 19, 2003, citing violation of La.R.S. 27:27.3; an Order approving settlement in the amount of \$250.00 was signed September 17, 2003 by

TRUE COPY


Representative

Louisiana Gaming Control Board

Hearing Officer J.E. Anzalone, Jr. and approved by the Louisiana Gaming Control Board on October 2, 2003¹; the current matter is considered by the Division to be a second violation of the same statute.

5. This matter has been scheduled for hearing on November 20, 2003 at 9:30 a.m. before the Honorable Joseph E. Anzalone, Jr.

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

1. The licensee acknowledges that it was in violation of La. R.S. 27:27.3, in that it did not place the required problem gambling toll-free telephone number in the 2003/2004 "User-Friendly Phone Book" advertisement that advertised its gaming establishment;
2. In consideration of the previous and aforementioned settlement of Violation/Inspection Report #012719 and in lieu of further administrative action against the licensee's video gaming license, the licensee shall pay a \$500.00 civil penalty;
3. The Division hereby agrees to accept the licensee's payment of the above stated penalty in full and final settlement of Violation/Inspection Report No. 012746 and this Notice of Recommendation of Administrative Action;
4. The Division reserves the right to take into consideration these violations in connection with any future violation;
5. The form and substance of this settlement are to be interpreted under the laws of the State of Louisiana;
6. This settlement constitutes the entire agreement between the Division and Papa Marcos LA Seafood, Inc. d/b/a KD's Po-Boys Soup/Salad pertaining to the subject matter contained herein, and supercedes all prior and contemporaneous agreements, representations, and understandings of the parties;
7. 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

¹ Please see *Notice of Decision In Re. Papa Marcos La. SFD, Inc. D/B/A Kd's Poboyp Soup N Salad No. VP1001203925* attached hereto as Exhibit "A".

shall result in the video gaming license of the licensee being suspended and its gaming devices being disabled; and


8. The Division and the licensee waive their rights to appeal this settlement if the Order is signed by the Hearing Officer and accepted by the Board.

Respectfully submitted,


PAPA MARCOS LA SEAFOOD, INC.
d/b/a KD'S PO-BOY SOUP/SALAD
No. 1001203925A

RICHARD P. IEYOUB
ATTORNEY GENERAL

BY:


Beverly Pittman, President
Papa Marcos LA Seafood, Inc.
d/b/a KD's Po-Boy Soup/Salad
240 West Prien Lake Road
Lake Charles, Louisiana 70601
Telephone: (337) 479-2009

BY:


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STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: PAPA MARCOS LA SEAFOOD, INC.
d/b/a KD'S PO-BOY SOUP/SALAD

NO. 1001203925A
INSPECTION NO. 012746

ORDER

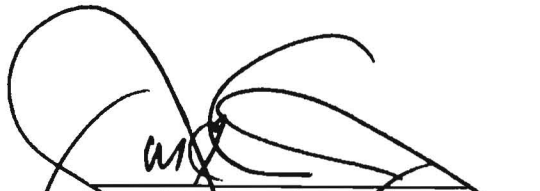
Considering the foregoing Joint Motion For Entry of Stipulations and Approval of Proposed Settlement, IT IS HEREBY ORDERED that such proposed settlement be approved, to wit:

1. the licensee acknowledges that it was in violation of La. R.S. 27:27.3, in that it did not place the required problem gambling toll-free telephone number in the "User-Friendly Phone Book" advertisement that advertised its gaming establishment;
2. the licensee shall pay a \$500.00 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 video gaming license of the licensee being suspended and its gaming devices being disabled.

THUS DONE AND SIGNED this 20 day of Nov., 2003 in
Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 20th DAY
OF November 2003
Bill Demme
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Beverly Pittman
Tammy Matzke
Sabrina Ballard


Joseph E. Anzalone, Jr.
Hearing Officer
A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 11.2003
Bill Demme
BY: CLERK

STATE OF LOUISIANA
PARISH OF Calcasieu

AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within and for the State and Parish aforesaid, PERSONALLY CAME AND APPEARED:

BEVERLY PITTMAN,

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

that affiant is an owner and President of Papa Marcos LA SFD PD, Inc. d/b/a KD's PoBoy Soup N Salad (license no. 1001203925);

that the licensee received a Notice of Recommendation of Administrative Action (Violation/Inspection Report No. 012746) from the Louisiana Gaming Control Board, citing violation of La. R.S. 27:27.3;

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 licensee, 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 Lake Charles, Louisiana, on this 14TH day of November, 2003.

Beverly Pittman
Beverly Pittman, Affiant

Judy Lee
Notary Public
My commission expires Upon Death