



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: ORCHARD, INC.
D/B/A APPLE INN MOTEL
NO. 2900300650**

ORDER


This matter was considered by the Louisiana Gaming Control Board at its meeting of June 16, 2009. The Hearing Officer's order dated May 28, 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. 2900300650, by and between Orchard, Inc. d/b/a Apple Inn Motel, 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 16th day of June, 2009.

LOUISIANA GAMING CONTROL BOARD

BY: 
H. CHARLES GAUDIN, CHAIRMAN

HJC/gac

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 16th DAY
OF June, 2009
APPEAL DOCKET CLERK


RECEIVED

MAY 27 2009

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

**LGCB
ADMINISTRATIVE HEARING OFFICE**

**IN RE: ORCHARD, INC.
d/b/a APPLE INN MOTEL**

LIC. NO. 2900300650

**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 Orchard, Inc. d/b/a Apple Inn Motel, 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

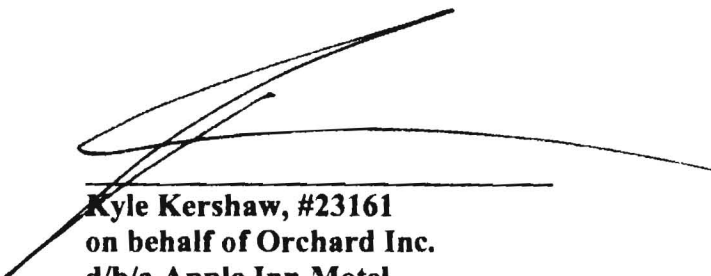


is attached hereto as Exhibit "A" and incorporated by reference for all purposes.

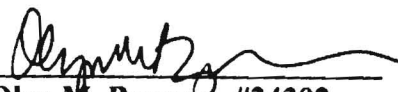
WHEREFORE, PREMISES CONSIDERED, The Division and the Licensee respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully Submitted,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL



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on behalf of Orchard Inc.
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Counsel for the Licensee



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Counsel for the Division

EXHIBIT "A"

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

**IN RE: ORCHARD, INC.
d/b/a APPLE INN MOTEL**

LIC. NO. 2900300650

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter the "Division") and Orchard, Inc. d/b/a Apple Inn Motel, VGL No. 2900300650 (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 Licensee, a Type III Video Poker licensee, failed to have a bartender on duty in a bar containing three video poker devices. During follow-up inspections, the investigating trooper issued one verbal warning and two Violation/Inspection reports regarding the failure to comply with gaming law.
2. The Licensee acknowledges that it was in violation of La.R.S.7:306(A)(2)(e)(iv) by failing to always have a bartender on duty in a bar containing video poker devices as required by law.
3. The Licensee has since removed the video gaming devices from the unmanned bar.


TERMS AND CONDITIONS

1. The Licensee agrees to pay a civil penalty of One Thousand Dollars (\$1000.00).
2. The Division hereby agrees to accept the payment of One Thousand Dollars (\$1000.00) 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 subject matter contained herein 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 and delinquency fee 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, Terms and Conditions hereof.

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



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on behalf of Orchard Inc.
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Counsel for the Licensee



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Counsel for the Division

STATE OF LOUISIANA
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LIC. NO. 2900300650

ORDER

BE IT REMEMBERED that on the 10 day of May, 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 One thousand and No/100 (\$1000.00) 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 10 day of May, 2009, in

LOUISIANA GAMING CONTROL BOARD
Baton Rouge, Louisiana
ALL COPIES OF THIS ORDER MUST BE FILED IN THE
OFFICE OF THE HEARING OFFICER
cc. Hyle Horshaw
Olga Bixler
Sgt. Lionel Sidney

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 528-09
HEARING OFFICER
Jill Domyer
FILE CLERK