



State of Louisiana

Gaming Control Board

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

HILLARY J. CRAIN
CHAIRMAN

IN RE: DAIQUIRIS AND CO. #5
NO. VP3601111617

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of May 15, 2001. The Hearing Officer's order dated April 10, 2001, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of "The Notice of Violation and Hearing," by and between Daiquiris and Co. #5, No. VP3601111617, and the 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 15th day of May, 2001.

LOUISIANA GAMING CONTROL BOARD

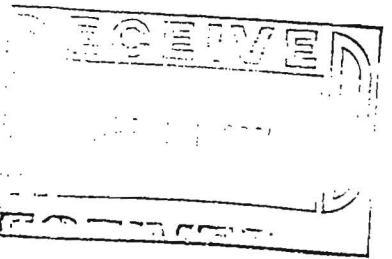
BY:


HILLARY J. CRAIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 16th DAY
OF May 2001

APPEAL DOCKET CLERK


STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE



APR 05 2001

IN RE: DAIQUIRIS AND CO. #5

NO.: 3601111617


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. Daiquiris and Co. #5, Video Gaming License #3601111617 (hereinafter "licensee"), who respectfully represent the following:

WHEREAS:

1. On or about August 7, 2000, the Division mailed an advisory notice notifying the licensee of a mandatory compulsive gambling training program to be held in New Orleans on August 28, 2000;
2. The licensee received this advisory notice on August 21, 2000, as evidenced by the signed and dated return receipt;
3. Eugene Earin attended the August 31th, 2000 compulsive gambling training program held in New Orleans on behalf of the licensee
4. Eugene Earin is not on the Division's list of designated representatives for the licensee.
5. Pursuant to this information, the Division issued a citation to the licensee (Violation/Inspection Report #012907) on or about December 6, 2000, alleging violations of LAC 42:III.118(D) and LAC 42:XI.2405(B)(9);
6. Subsequently, the Louisiana Gaming Control Board issued a Notice of Violation and Hearing to the licensee on or about February 8th, 2001;

TRUE COPY

Representative
Louisiana Gaming Control Board

The Division and licensee have had the occasion to review all of the facts and circumstances attendant to the violations and agree and stipulate as follows:

1. The Division agrees to dismiss the violation of LAC 42:III.118(D) and LAC 42:XI.2405(B)(9), alleging that licensee did not attend the mandatory compulsive gambling training programs held on August 28, 2000 and November 15, 2000, either through an owner or a Division-approved designated representative;
2. The licensee acknowledges that it violated LAC 42:XI.2407(B)(4) in that it failed to list Eugene Earin on the list of designated representative for Daiquiris and Company #5.
3. The licensee shall pay the sum of one hundred dollars and 00/100 (\$100 00/100) for its first violation of LAC 42:XI.2407(B)(4);
4. The licensee shall provide a current list of designated representatives;
4. 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. 012907;
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 Daiquiris and Co. #5 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;
9. The failure of the licensee to submit the above penalties within fifteen (15) days of approval of this settlement by the Board shall result in the suspension of its license; and


10. 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,

DAIQUIRIS AND CO. #5
VG# 3601111617

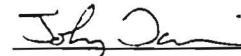
RICHARD P. IEYOUB
ATTORNEY GENERAL

BY:



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STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: DAIQUIRIS AND CO. #5

NO.: 3601111617

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 Division dismisses the allegations that Daiquiris and Co. #5 violated LAC 42:III.118(D) and LAC 42:XI.2405(B)(9);
2. Daiquiris and Co. #5 admits that it violated LAC 42:XI.2407(B)(4) by failing to list Eugene Earin on its current list of designated representatives and agrees to pay the sum of one hundred dollars and 00/100 (\$100 00/100) for its first violation of LAC 42:XI.2407(B)(4) ;
3. Daiquiris and Co. #5 shall submit to the Division a current list of designated representatives within fifteen days of approval of this settlement;
4. payment of the above penalty shall be submitted to the Division within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board;
5. failure by Daiquiris and Co. #5 to submit the above penalty and the current list of designated representative within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board shall result in the suspension of its license.

THUS DONE AND SIGNED this 10 day of April

2001 in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD

I HEREBY CERTIFY THAT A CERTIFIED

COPY HAS BEEN MAILED OR SERVED ON

ALL PARTIES THIS 10th DAY

OF April 2001

DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

Greg Fay
Roby Davis, Esq.
Sgt. James Finest

A TRUE COPY ATTEST

LOUISIANA GAMING CONTROL BOARD, Jr.

Hearing Officer

BATON ROUGE, LA 4-10-01

Alta Hayes

4 BY: CLERK

STATE OF LOUISIANA
PARISH OF TANGIPAHOLA

AFFIDAVIT

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

Greg Fay,

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

that affiant is the owner of Daiquris and Co. #5, which is located at 5405 Janice Ave., Kenner, LA 70065;

that Daiquris and Co. #5 received a Notice of Violation and Hearing dated February 8th, 2001 from the Louisiana Gaming Control Board, citing violations of LAC 42:III.118(D) and LAC 42:XI.2405(B)(9);

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, via the Attorney General's Office; and

that affiant signed the above-cited motion of his/her own volition, without duress or coercion.

THUS DONE AND PASSED in Hammock, Louisiana, on this 2nd day of April, 2001.

Greg Fay
Greg Fay, Affiant

Cochet Hall
Notary Public
My commission expires At Death