



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DANE K. MORGAN
CHAIRMAN

**IN RE: HOLMES SEAFOOD, INC.
D/B/A HOLMES SEAFOOD RESTAURANT
NO. 2600215484**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of October 20, 2009. The Hearing Officer's order dated September 23, 2009, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing," No. 2600215484, by and between Holmes Seafood, Inc. d/b/a Holmes Seafood Restaurant, 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 20th day of October, 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 20th DAY
OF October, 2009
APPEAL DOCKET CLERK


STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RECEIVED

SEP 23 2009

LGCB
ADMINISTRATIVE HEARING OFFICE

IN RE: **HOLMES SEAFOOD, INC. D/B/A
HOLMES SEAFOOD RESTAURANT**

LICENSE NO: 2600215484

**JOINT MOTION FOR APPROVAL OF
COMPROMISE AND SETTLEMENT AGREEMENT**

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

NOW COME State of Louisiana, Department of Public Safety and Corrections, Office of State Police (the "Division") and Holmes Seafood, Inc. d/b/a Holmes Seafood Restaurant, who file this 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 Holmes Seafood, Inc. d/b/a Holmes Seafood Restaurant 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 Office 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.

A handwritten signature in black ink, appearing to be "H. J. ...", is written over a faint, illegible stamp or watermark.

WHEREFORE, PREMISES CONSIDERED, The Division and Holmes Seafood, Inc.
d/b/a Holmes Seafood Restaurant respectfully request that this Honorable Administrative
Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully Submitted,

**JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL**

By: 

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Counsel for the Office of State Police

By: 

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*Counsel for Holmes Seafood, Inc.
d/b/a Holmes Seafood Restaurant*

STIPULATIONS

1. On or about July 21, 2009, the Office of State Police received information that Holmes Seafood, Inc. d/b/a Holmes Seafood Restaurant was operating without valid Louisiana Alcohol and Tobacco Control (ATC) permits.
2. An investigation revealed that permit numbers AR 260000019383-R and AR 260000019383-B were originally issued to Holmes Seafood on March 1, 2008, with expiration dates of February 28, 2009.
3. On or about July 22, 2009, a video draw poker compliance inspection was conducted at Holmes Seafood and the ATC permits were observed to be expired.
4. Between February 28, 2009, and July 21, 2009, Holmes Seafood generated net revenue of approximately \$20,275.50.
5. Holmes Seafood, Inc. d/b/a Holmes Seafood Restaurant failed to timely notify the Division of its failure to maintain valid ATC permits.
6. Holmes Seafood, Inc. d/b/a Holmes Seafood Restaurant is now current with its ATC permits and back in compliance.

TERMS AND CONDITIONS

1. Holmes Seafood, Inc. d/b/a Holmes Seafood Restaurant will pay a civil penalty of FOUR THOUSAND and No/100 (\$4,000.00) DOLLARS.
2. The Division will dismiss the Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing.
3. Within fifteen (15) days of the approval of this Compromise and Settlement, Holmes Seafood, Inc. d/b/a Holmes Seafood Restaurant shall remit payment of the above referenced penalty to the Division.
4. The Division hereby agrees to accept Holmes Seafood, Inc. d/b/a Holmes Seafood Restaurant's payment of the above stated FOUR THOUSAND and No/100 (\$4,000.00) DOLLAR penalty in full and final settlement.
5. The Division reserves the right to take into consideration these admitted violations in connection with any future investigation, violation or assessment of penalty and in connection with any future assessments of the Licensee's suitability.
6. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.

7. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Holmes Seafood, Inc. d/b/a Holmes Seafood Restaurant, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.
8. 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. Failure to pay the penalty within fifteen (15) days of approval of this settlement, and to comply with each term and condition listed herein, shall result in the immediate suspension of the Holmes Seafood, Inc. d/b/a Holmes Seafood Restaurant license without the necessity of further administrative action, until such time as the penalty is paid in full and Holmes Seafood, Inc. d/b/a Holmes Seafood Restaurant is in compliance with all terms and conditions.

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



**Allison Rovira, counsel for and on behalf of
Holmes Seafood, Inc. d/b/a Holmes Seafood Restaurant**



**D. Brandt Schmolke, AAG on behalf of
State of Louisiana Department of Public Safety & Corrections,
Office of State Police**

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: **HOLMES SEAFOOD, INC. D/B/A
HOLMES SEAFOOD RESTAURANT**

LICENSE NO: 2600215484

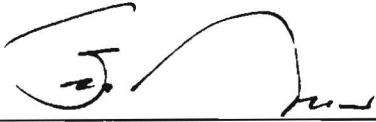
ORDER


BE IT REMEMBERED that on this the 23rd day of Jan, 2009, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the parties having appeared, 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 Four Thousand and No/100 (\$4,000.00) 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 25th day of Jan, 2009, in Baton

LOUISIANA GAMING CONTROL BOARD
Rouge, Louisiana
FILED
RECORDED ON
23rd
Jill Orzye
CLERK
cc: Allison U. Ruvier
Brandt Schmalke
Sgt. Harold Sublay


HON. WILLIAM H. BROWN
HEARING OFFICER

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE
BATON ROUGE, LA 7/23/09

BY: CLERK