



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

RONNIE JONES
CHAIRMAN

IN RE: TUNG NHI, INC. D/B/A
LEE'S GRILL & SEAFOOD
NO. 3601216916

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of May 18, 2015. The Hearing Officer's order dated May 11, 2015, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action", by and between Tung Nhi, Inc. d/b/a Lee's Grill & Seafood, No. 3601216916, 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 18th day of *May*, 2015.

LOUISIANA GAMING CONTROL BOARD

BY:



RONNIE JONES, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD

I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON

ALL PARTIES THIS 19th DAY
OF May, 2015.



APPEAL DOCKET CLERK

LGCB-3352-15-B

RECEIVED

By GERALYN at 3:37 pm, May 11, 2015

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RECEIVED

MAY 08 2015

LGCB
ADMINISTRATIVE HEARING OFFICE

RE: TUNG NHI, INC. D/B/A
LEE'S GRILL & SEAFOOD

LIC. NO.: 3601216916

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

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

NOW COME the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Tung Nhi, Inc. d/b/a Lee's Grill & Seafood (hereinafter, "Lee's"), 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 Lee's are desirous of 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.


TRUE COPY
Gerald A. Brown
Representative
Louisiana Gaming Control Board

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

Respectfully Submitted,

By: 
Tung Thanh Nguyen
2800 Tulane Ave.
New Orleans, Louisiana 70119
Telephone: (504) 344-4017
*Owner of and on behalf of Tung Nhi, Inc.
d/b/a Lee's Grill & Seafood*

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

By: 
Kanick Lewis, Jr., Bar Roll #32890
Assistant Attorney General
1885 North Third Street, 5th Floor
Baton Rouge, Louisiana 70802
Telephone: (225) 326-6500
Facsimile: (225) 326-6599
Counsel for the Office of State Police

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

**RE: TUNG NHI, INC. D/B/A
LEE'S GRILL & SEAFOOD**

LIC. NO.: 3601216916

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Tung Nhi, Inc. d/b/a Lee's Grill & Seafood (hereinafter, "Lee's") do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to Lee's, which Notice contains allegations of certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by the said Notice of Recommendation of Administrative Action has been set for hearing before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the Division and Lee's are desirous of fully and finally settling all issues and disputes arising out of and 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. Lee's is a Type 2 licensed establishment located at 2800 Tulane Ave., New Orleans, Louisiana 70119.

2. On February 18, 2014, the Division mailed a Video Gaming Advisory Notice to Lee's informing them of the requirement and deadline date of June 30, 2014, to submit the annual fee and annual renewal application.

3. On June 16, 2014, the Division mailed an Urgent Reminder to Lee's reminding them that they had not submitted their Annual License Fee and Licensee Forms and providing information about surrendering the gaming license.

4. On January 23, 2015, Lee's submitted the required documents and annual fee to the Division.

5. Lee's failed to timely submit the required annual fee and supporting documents, a violation of **LAC 42:XI.2405(B)(4)(a) and (b)**.

TERMS AND CONDITIONS

1. In lieu of Administrative Action of its Gaming License, Lee's will pay a civil penalty of SEVEN HUNDRED AND FIFTY AND NO/100 (\$750.00) DOLLARS for its violation of **LAC 42:XI.2405(B)(4)(a) and (b)**.

2. The Division hereby agrees to accept Lee's payment of the above stated penalty in full and final settlement of the Notice of Recommendation of Administrative Action for Lee's violation of **LAC 42:XI.2405(B)(4)(a) and (b)**.

3. The Division reserves the right to take into consideration this admitted violation in connection with any future investigation, violation or assessment of penalty and in connection with any future assessments of Lee's suitability.

4. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.

5. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Lee's, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations, and understandings of the parties.

6. 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 the Hearing Officer approves this proposed settlement, 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.

7. If approved, Lee's agrees to make full payment of the civil penalty to the Division within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board. Lee's agrees that failure to meet this requirement shall result in immediate suspension of the gaming license without the necessity of any further administrative action, until such time as the penalty is paid in full.

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



**Tung Thanh Nguyen, Owner of and on behalf of
Tung Nhi, Inc. d/b/a Lee's Grill & Seafood**



**Kanick Lewis, Jr., 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

RE: TUNG NHI, INC. D/B/A
LEE'S GRILL & SEAFOOD

LIC. NO.: 3601216916

ORDER

BE IT REMEMBERED that on the 11th day of May, 2015, came 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 or representing themselves, and the Hearing Officer having considered the pleadings on file, the proposed Compromise and 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 Tung Nhi, Inc. d/b/a Lee's Grill & Seafood must pay SEVEN HUNDRED AND FIFTY AND NO/100 (\$750.00) 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 11th day of May, 2015, in Baton

LOUISIANA GAMING CONTROL BOARD
Rouge, Louisiana
HEARING OFFICE

I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 11th DAY

on May 11, 2015
Debra Matthews
DOCKET CLERK, ADMIN. HEARING OFFICE

[Signature]
RICHARD L. REYNOLDS
HEARING OFFICER

A TRUE COPY ATTEST

LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE

Debra Matthews
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Tung NHI, INC, d/b/a Lee's Grill & Seafood
Tung Thanh Nguyen
Kanth Lewis, Jr.
Sgt. Lonell Sibley