



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

IN RE: CLARENCE E. SIMMONS, JR.
D/B/A KELLY'S PUB
NO. 2600112630

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of July 18, 2006. The Hearing Officer's order dated June 26, 2006, 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 Clarence E. Simmons, Jr. d/b/a Kelly's Pub, No. 2600112630, 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 July, 2006.

LOUISIANA GAMING CONTROL BOARD

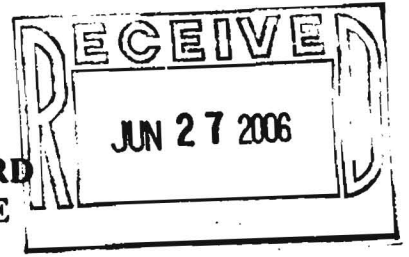
BY:



H. CHARLES GAUDIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 19th DAY
OF July 2006
APPEAL DOCKET CLERK


STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE



IN RE: CLARENCE E. SIMMONS, JR.
d/b/a KELLY'S PUB

NO. 2600112630

JOINT MOTION FOR APPROVAL OF COMPROMISE AND
SETTLEMENT AGREEMENT

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

COME NOW State of Louisiana, Department of Public Safety and Corrections, Office of State Police ("the Division") and Clarence E. Simmons, Jr. d/b/a Kelly's Pub, VGL: 2600112630 ("the Licensee"), 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 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 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.




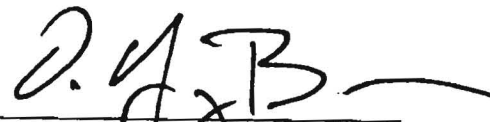
Representative
Louisiana Gaming Control Board

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,

**CHARLES C. FOTI, JR.
ATTORNEY GENERAL**

By: 
Clarence E. Simmons, Jr.
5032 Senac Drive
Metairie, Louisiana 70002
504 888-2021
Sole Proprietor of Kelly's Pub

By: 
O. Young Bonner, #24969
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Counsel for the Office of State Police

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

**IN RE: CLARENCE E. SIMMONS, JR.
d/b/a KELLY'S PUB**

NO. 2600112630

ORDER

BE IT REMEMBERED that on this 26 day of June, 2006, 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**.

SIGNED AND ENTERED this 26 day of June, 2006, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
THIS _____ DAY
OF _____ 2006
COURT CLERK, ADMINISTRATIVE HEARING OFFICE

*Clarence Simmons
Yann Banner
Sgt. Roland Rodriguez*

JOSEPH E. ANZALONE, JR.
HEARING OFFICER

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA

[Signature]
BY: CLERK

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

**IN RE: CLARENCE E. SIMMONS, JR.
d/b/a KELLY'S PUB**

NO. 2600112630

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter "the Division") and Clarence E. Simmons, Jr. d/b/a Kelly's Pub, VGL 2600112630 (hereinafter "the Licensee"), do hereby represent and agree as follows:

WHEREAS, on February 17, 2006, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action to the Licensee alleging certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by said Notice of Recommendation of Administrative Action are set for hearing on June 26, 2006, before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the Division and the Licensee are desirous of fully and finally compromising and 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. Clarence E. Simmons, Jr. is the sole proprietor of Kelly's Pub.
2. The Licensee previously entered into a video poker device agreement with Master Video Poker.
3. Improperly notarized video gaming documents ("the Documents") were submitted to the Division, including but not limited to the *Request to Release Information* dated July 24, 2001, signed by Clarence E. Simmons, Jr., and the *Annual Licensee Form* dated May 1, 2003, signed by Clarence E. Simmons, Jr.
4. Clarence E. Simmons, Jr. traveled to the office of MVP and signed the Documents in the presence of a woman that employees of MVP represented as a notary. However, investigation by the Division revealed that the purported notary was not a notary. Thus, the Documents were improperly notarized in violation of LAC 42:XI.2405(A)(15).
5. Clarence E. Simmons, Jr. represents that all of the statements, responses, disclosures and representations provided in the Documents submitted to the Division bearing his signature are true and correct to the best of his knowledge, information and belief, and represent a complete and accurate account of the requested information.

TERMS AND CONDITIONS

1. Within fifteen (15) days of the approval of this settlement by the Louisiana Gaming Control Board, the Licensee shall pay a civil penalty of One Thousand Dollars (\$1000.00).

2. The Division hereby agrees to accept the payment of the above stated penalty in full and final settlement of all violations alleged in the February 17, 2006, Notice of Recommendation of Administrative Action.

3. Any and all information discovered throughout the course of this or any other investigation may be used in any future determination of the suitability of Clarence E. Simmons, Jr.

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 the Licensee 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 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.

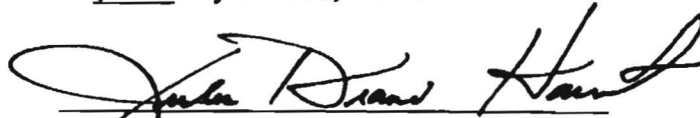
7. If approved, however, payment of the above penalty must be submitted to the Division within (15) fifteen days of approval of this settlement by the Board. The failure to

submit the civil penalty within fifteen (15) days of approval by the Board shall result in the immediate suspension of the license 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.


Clarence E. Simmons, Jr., Sole Proprietor of Kelly's Pub

Sworn to and subscribed before me this 16th day of June, 2006.


Notary (number and stamp)
#010182

JULIE DIANE HUNT
Notary (printed name)


O. Young Bonnet, AAG on behalf of
State of Louisiana
Department of Public Safety & Corrections,
Office of State Police