



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: SMILIE'S RESTAURANT, INC. D/B/A
SMILIE'S RESTAURANT
NO. 2600201350**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of March 21, 2006. The Hearing Officer's order dated March 6, 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 Smilie's Restaurant, Inc. d/b/a Smilie's Restaurant, No. 2600201350, 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 21st day of March, 2006.

LOUISIANA GAMING CONTROL BOARD

BY:

H. Charles Gaudin
H. CHARLES GAUDIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 21st DAY
OF March 2006
APPEAL DOCKET CLERK
Seraphina

RECEIVED

MAR 06 2006

LGCB
ADMINISTRATIVE HEARING OFFICE

NO. 2600201350

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

**IN RE: SMILIE'S RESTAURANT, INC.
d/b/a SMILIE'S RESTAURANT**

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

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TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

COME NOW State of Louisiana, Department of Public Safety and Corrections, Office of State Police ("Division") and Smilie's Restaurant, Inc. d/b/a Smilie's Restaurant, VGL 2600201350, 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 Smilie's Restaurant, Inc. d/b/a Smilie's 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.




Board

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

Respectfully Submitted,

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

By: 
Agustin Lopez
5725 Jefferson Highway
Jefferson, Louisiana 70121
Telephone: (504) 733-3000
*on behalf of Smilie's Restaurant
d/b/a Smilie's Restaurant*

By: 
Olga M. Bogran, #24302
Assistant Attorney General
1885 North Third Street, 5th Floor
Baton Rouge, Louisiana 70802
Telephone: (504) 599-1153
Facsimile: (504) 599-1163
Counsel for the Office of State Police

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

**IN RE: SMILIE'S RESTAURANT, INC.
d/b/a SMILIE'S RESTAURANT**

NO. 2600201350

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter "the Division") and Smilie's Restaurant, Inc. d/b/a Smilie's Restaurant, VGL 2600201350, do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to Smilie's Restaurant, Inc. d/b/a Smilie's Restaurant, 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 on March 6, 2006, 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. Smilie's Restaurant, Inc. d/b/a Smilie's Restaurant, a licensed video gaming establishment, previously entered into a video poker device agreement with Master Video Poker.



2. Master Video Poker sent video gaming documents ("the Documents") to Smilie's Restaurant, Inc. d/b/a Smilie's Restaurant for execution, including but not limited to the Request to Release Information form, dated March 19, 2001, which was signed by Agustin Lopez.

3. Agustin Lopez is president of Smilie's Restaurant, Inc. d/b/a Smilie's Restaurant.

4. Agustin Lopez admits that he did not sign the Documents in the presence of a notary and the Documents were not notarized in the Affiant's presence. Thus, the Documents were improperly notarized in violation of LAC 42:XI.2405(A)(15).

5. On December 7, 2005, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action to Smilie's Restaurant, Inc. d/b/a Smilie's Restaurant, VGL 2600201350 alleging certain violations of Louisiana Gaming Control Law.

6. Agustin Lopez represents that all of the statements, responses, disclosures and representations provided in 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. 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 Agustin Lopez.

2. Smilie's Restaurant, Inc. d/b/a Smilie's Restaurant agrees to pay a civil penalty of One Thousand Dollars (\$1,000.00).

3. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and Smilie's Restaurant, Inc. d/b/a Smilie's Restaurant, pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

4. 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.

5. If approved, Smilie's Restaurant, Inc. d/b/a Smilie's Restaurant must make payment of the civil penalty to the Division within ten (10) 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.

6. 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 and terms and conditions hereof.

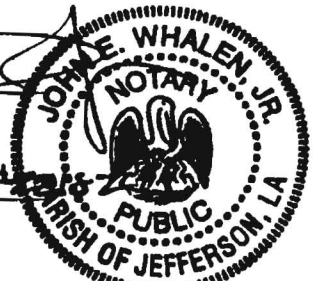
x Agustina Lopez

Agustina Lopez, President of Smilie's Restaurant, Inc. d/b/a Smilie's Restaurant, VGL 2600201350

Sworn to and subscribed before me, the undersigned notary, in the Parish of Jefferson this 20th day of February A.D. 2006.

[Signature]
Notary Signature

JOHN E. WHALEN - 2587
Notary Name and Number



Notary Commission expires upon my death

Bar No. 22182

[Signature]

Olga M. Bogran, 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: SMILIE'S RESTAURANT, INC.
d/b/a SMILIE'S RESTAURANT

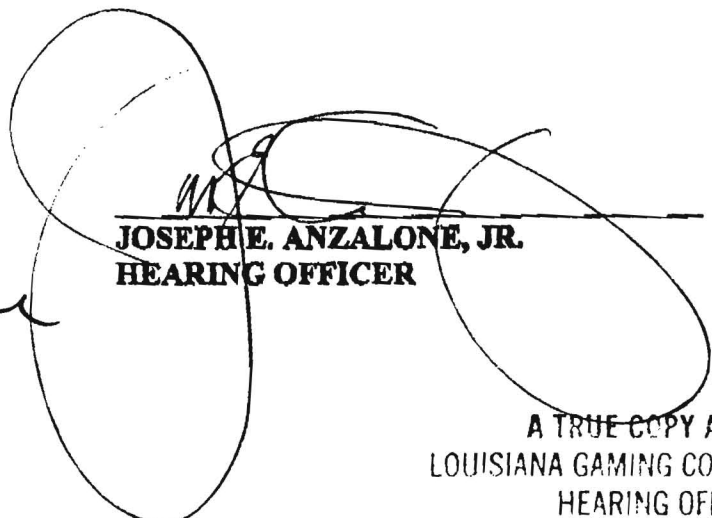
NO. 2600201350

ORDER

BE IT REMEMBERED that on this the 6 day of March, 2006, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, 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 6 day of March, 2006, in Baton Rouge, Louisiana.



JOSEPH E. ANZALONE, JR.
HEARING OFFICER

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 6 DAY
OF March 19 2006
Jill Doninger
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc: Agustin Lopez
Steph Bogran
Sgt. Robert Rodriguez

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 3/6/06

Jill Doninger
BY: CLERK