



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: CLEARVIEW CINEMA ONE, INC. D/B/A
NEW ORLEANS ORIGINAL DAIQUIRIS
NO. 2600110291**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of April 21, 2009. The Hearing Officer's order dated April 13, 2009, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," No. 2600110291, by and between Clearview Cinema One, Inc. d/b/a New Orleans Original Daiquiris, 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 April, 2009.

LOUISIANA GAMING CONTROL BOARD

BY:



H. CHARLES GAUDIN, CHAIRMAN

HJC/gac

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STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

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ADMINISTRATIVE HEARING OFFICE

IN RE: CLEARVIEW CINEMA ONE, INC. LICENSE NO. 2600110291
d/b/a NEW ORLEANS ORIGINAL DAIQUIRIS

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

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

COME NOW the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter "the Division") and the Licensee, 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 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 Officer 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.

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,

**CLEARVIEW CINEMA ONE, INC.
D/B/A NEW ORLEANS ORIGINAL
DAIQUIRIS**

By: 

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*Counsel for Clearview Cinema One, Inc.
d/b/a New Orleans Original Daiquiris*

**JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL
STATE OF LOUISIANA**

By: 

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Counsel for the Division

EXHIBIT "A"

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

**IN RE: CLEARVIEW CINEMA ONE, INC. LICENSE NO. 2600110291
d/b/a NEW ORLEANS ORIGINAL DAIQUIRIS**

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter the "Division") and Clearview Cinema One, Inc. d/b/a New Orleans Original Daiquiris, License No. 2600110291 (hereinafter the "Licensee") do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to the Licensee, 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 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. Mr. David Briggs, Jr. is the Chairman of the Board of Clearview Cinema One, Inc. Clearview Cinema One, Inc. d/b/a New Orleans Original Daiquiris is the holder of Type I video poker license number 2600110291.
2. On December 23, 2005, Mr. Briggs was arrested by the St. Tammany Parish Sheriff's Department and charged with first offense DWI. After a trial on October 16, 2007, Mr. Briggs was found not guilty and the matter was expunged.
3. The Licensee failed to notify the Division of Mr. Briggs' arrest as required by Louisiana Gaming law. During an investigation, arising from a change in stock distribution, the Division discovered the fact of Mr. Briggs' arrest.
4. On February 9, 2009, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action alleging certain violations of Louisiana Gaming Control Law.
5. The Licensee acknowledges that it was in violation of gaming law in that it failed to timely disclose an arrest.

TERMS AND CONDITIONS

1. The Licensee agrees to pay a civil penalty of Two Hundred Fifty Dollars (\$250.00).
2. The Division hereby agrees to accept the payment of Two Hundred Fifty Dollars (\$250.00) in full and final settlement of the Notice of Recommendation of Administrative Action.

3. The Division reserves the right to take into consideration these admitted stipulations and violations in connection with any future investigation, violation or assessment of penalty, and in connection with any future determination of the suitability of the Licensee.

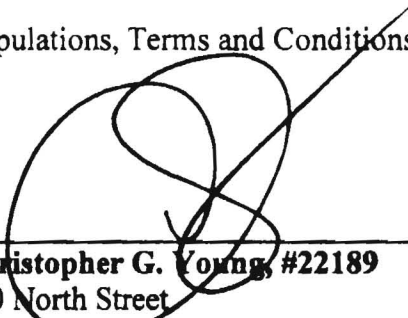
4. This Compromise and Settlement Agreement constitutes the entire agreement between the Division and the Licensee pertaining to the subject matter contained herein and supersedes all prior and contemporaneous agreements, representations and understandings of the parties.

5. 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.


6. If approved, the Licensee must make full payment of the civil penalty and delinquency fee 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.

7. 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, Terms and Conditions hereof.



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ORDER

BE IT REMEMBERED that on the _____ day of _____, 2009, 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; that the Licensee must pay Two Hundred Fifty and No/100 (\$250.00) Dollars 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 gaming license without the necessity of any further administrative action until such time as the penalty is paid in full.

SIGNED AND ENTERED this 13th day of April, 2009, in
Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
SECRETARY
13th
2009
SECRET CLERK, ADMINISTRATIVE HEARING OFFICE
cc: Christopher Gray
Gregory Brown
Michael S. Sullivan

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE
HEARING OFFICER
BATON ROUGE, LA 47309
BY: Clerk
Jill Danyes