



State of Louisiana

Gaming Control Board

M. J. "MIKE" FOSTER, JR.
GOVERNOR

HILLARY J. CRAIN
CHAIRMAN

IN RE: KENNY G'S NO. VP0801111458


ORDER

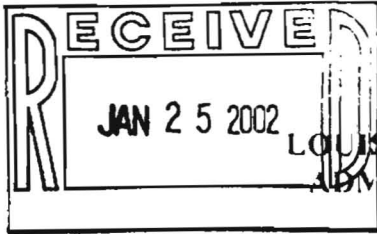
This matter was considered by the Louisiana Gaming Control Board at its meeting of February 19, 2002. The Hearing Officer's order dated January 23, 2002, based on the "Joint Motion for Entry of Stipulations and Approval of Proposed Settlement" in the matter of "The Notice of Violation and Hearing," by and between Kenny G's, No. VP0801111458, and the Department of Public Safety and Corrections, Office of State Police, Video Gaming Division, which is attached hereto and incorporated herein, is **APPROVED.**

THUS DONE AND SIGNED on this the 19th day of February, 2002.

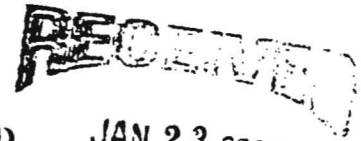
LOUISIANA GAMING CONTROL BOARD

BY: 
HILLARY J. CRAIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 20th DAY
OF February, 2002
APPEAL DOCKET CLERK




STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE



ADMINISTRATIVE
DOCKET CLERK
CASE NO. 0801111458

IN RE: KENNY G'S

JOINT MOTION FOR ENTRY OF STIPULATIONS AND
APPROVAL OF PROPOSED SETTLEMENT

ON THE JOINT MOTION OF:

1. the Louisiana Department of Public Safety and Corrections, Office of State Police, Video Gaming Division (hereinafter "Division"), and
2. Kenny G's, License No. 0801111458 (hereinafter "licensee"),

who respectfully represent the following:

WHEREAS:

1. On or about March 23, 2001, the Division mailed the annual form, which must be submitted annually by all licensees, to the licensee;
2. The licensee was mandated by La. R.S. 27:311(K)(4), LAC 42:XI.2405(B)(4) and (7) to submit the above annual form to the Division, along with all appropriate fees and current tax clearance certificates, on or before July 1, 2001;
3. On or about June 20, 2001, the Division mailed to the licensee a notice reminding it of its obligation to submit the appropriate fees and documents on or before July 1, 2001;
4. The licensee failed to submit the required fees and documents by July 1st, though it subsequently filed the same with the Division on or about August 17, 2001;
5. Pursuant to this information, the Division issued a Notice of Violation and Hearing (Violation/Inspection Report #012948) to the licensee on or about September 20, 2001, alleging violations of La. R.S. 27:311(K)(4), LAC 42:XI.2405(B)(4) and (7); and
6. This matter has been scheduled for hearing before the Honorable J. E. Anzalone, Jr.,

NOW THEREFORE, in consideration of the foregoing stipulations, the Division and the licensee hereby propose the following settlement, that:

1. The licensee acknowledges that it was in violation of La. R.S. 27:311(K)(4), LAC 42:XI.2405(B)(4) and (7), in that it did not submit the appropriate annual fee, processing fee, tax clearances and annual form to the Division by July 1, 2001;
2. In lieu of revocation or suspension of the licensee's video gaming license, the licensee shall pay a \$500.00 civil penalty;
3. The Division hereby agrees to accept the licensee's payment of the above stated penalty in full and final settlement of Violation/Inspection Report No. 012948;
4. The Division reserves the right to take into consideration these violations in connection with any future violation;
5. The form and substance of this settlement are to be interpreted under the laws of the State of Louisiana;
6. This settlement constitutes the entire agreement between the Division and Kenny G's pertaining to the subject matter contained herein, and supercedes all prior and contemporaneous agreements, representations, and understandings of the parties;
7. This settlement is subject to approval by the Hearing Officer of the Louisiana Gaming Control Board; it is expressly understood that if this proposed settlement is approved by the Hearing Officer, this agreement is not executory and will be submitted to the Board for its determination as to whether the matter should be heard by the Hearing Officer; if approved, however, payment of the above penalties must be submitted to the Division within fifteen (15) 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 video gaming license of Kenny G's being suspended and its gaming devices being disabled; and
8. The Division and the licensee waive their rights to appeal this settlement if the Order is signed by the Hearing Officer and accepted by the Board.

Respectfully submitted.

KENNY G'S
VG# 0801111458

BY:



Bert Houston
Owner
1009 East Texas
Bossier City, Louisiana 71111
Telephone: (318) 742-0560

RICHARD P. IEYOUB
ATTORNEY GENERAL

BY:



Karen Day White
Assistant Attorney General
La. Bar Roll No. 25933
339 Florida Street, Ste. 500
Baton Rouge, Louisiana 70801
Telephone: (225) 342-2465
Facsimile: (225) 342-4244

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: KENNY G'S

CASE NO. 0801111458

ORDER

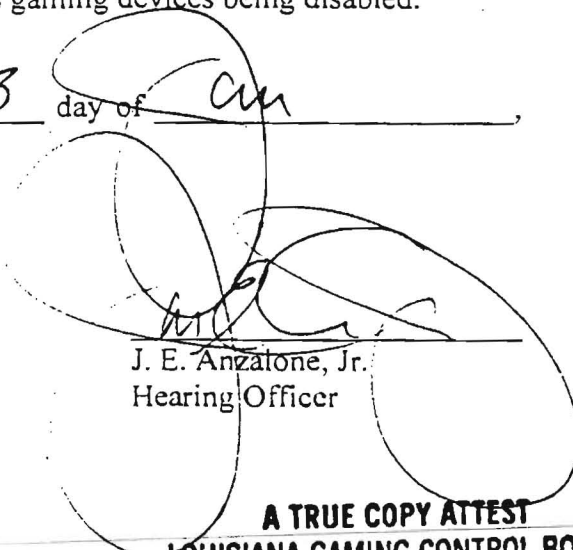
Considering the foregoing Joint Motion For Entry of Stipulations and Approval of Proposed Settlement, IT IS HEREBY ORDERED that such proposed settlement be approved. to wit:

1. Kenny G's acknowledges that it was in violation of La. R.S. 27:311(K)(4), LAC 42:XI.2405(B)(4) and (7), in that it did not submit the appropriate annual fee, processing fee, tax clearances and annual form to the Division by July 1, 2001;
2. Kenny G's shall pay a civil penalty in the amount of \$500.00;
3. payment of the above penalty shall be submitted to the Division within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board; and
4. the failure to submit the above penalty within fifteen (15) days of approval of this settlement by the Board shall result in the video gaming license of Kenny G's being suspended and its gaming devices being disabled.

THUS DONE AND SIGNED this 23 day of Jan,
2002 in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 24th DAY
OF January 2002
C. C. Ballard
DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE

cc. Bert Houston
Karen White, Esq.
Sabriwa Ballard


J. E. Anzalone, Jr.
Hearing Officer

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 1-24-02
C. C. Ballard
BY: CLERK

STATE OF LOUISIANA
PARISH OF Caddo

AFFIDAVIT

BEFORE ME, the undersigned Notary Public, duly commissioned and qualified within and for the State and Parish aforesaid, PERSONALLY CAME AND APPEARED:

BERT HOUSTON,

who, after first being duly sworn, declared and acknowledged to me, Notary, under oath:

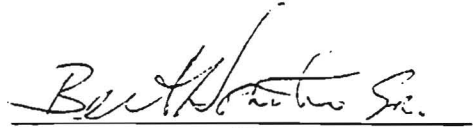
that affiant is the owner of Kenny G's, which is located at 1009 East Texas, Bossier City, Louisiana 71111;

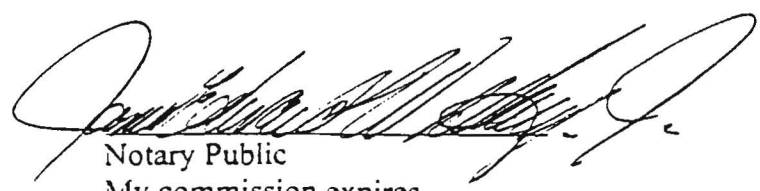
that Kenny G's received a Notice of Violation and Hearing (Violation/Inspection Report No. 12948) from the Louisiana Gaming Control Board, citing violations of La. R.S. 27:311(K)(4), LAC 42:XI.2405(B)(4) and (7);

that in the interest of settling this matter, affiant has willfully entered into a Joint Motion for Entry of Stipulations and Approval of Proposed Settlement with the Division, via the Attorney General's Office; and

that affiant signed the above-cited motion of his own volition, without duress or coercion.

THUS DONE AND PASSED in Caddo, Louisiana, on this 4th day of December, 2001.


Bert Houston, Affiant


Notary Public
My commission expires _____

JAMES EDWARD WORTHÉ, JR., NOTARY PUBLIC
CADD0 PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE