



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DANE K. MORGAN
CHAIRMAN

**IN RE: KD HOFFMAN ENTERPRISES, LLC
D/B/A COMMUNITY GRILL
NO. 4400215801**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of November 17, 2009. The Hearing Officer's order dated November 9, 2009, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing," No. 4400215801, by and between KD Hoffman Enterprises, LLC d/b/a Community Grill, 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 17th day of November, 2009.

LOUISIANA GAMING CONTROL BOARD

BY:


DANE K. MORGAN, CHAIRMAN

DKM/gac

DKM/gac
November 17, 2009
APPEAL DOCKET CLERK
LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A TRUE COPY HAS BEEN MAILED OR SERVED ON ALL PARTIES THIS 17 DAY OF November, 2009

RECEIVED

NOV 05 2009

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

LGCB
ADMINISTRATIVE HEARING OFFICE

**IN RE: KD HOFFMAN ENTERPRISES, LLC LICENSE NO: 4400215801
D/B/A COMMUNITY GRILL**

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

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

NOW COME State of Louisiana, Department of Public Safety and Corrections, Office of State Police (the "Division") and KD Hoffman Enterprises, LLC d/b/a Community Grill, 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 KD Hoffman Enterprises, LLC d/b/a Community Grill 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.

TRUE COPY
Representative
Louisiana Gaming Control Board

WHEREFORE, PREMISES CONSIDERED, the Division and KD Hoffman Enterprises, LLC d/b/a Community Grill respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully Submitted,

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

By: 

**D. Brandt Schmelze (#30048)
188 North Third Street
P.O. Box 94005
Baton Rouge, Louisiana 70804
Telephone: (225) 326-6500
Facsimile: (225) 326-6599
*Counsel for the Office of State Police***

By: 

**Kevin Hoffman
6617 West Judge Perez Drive
Arabi, Louisiana 70032
Phone: (504) 202-1934
Facsimile: (504) 333-6816
*On behalf of KD Hoffman
Enterprises, LLC d/b/a Community
Grill***

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: KD HOFFMAN ENTERPRISES, LLC LICENSE NO: 4400215801
D/B/A COMMUNITY GRILL

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and KD Hoffman Enterprises, LLC d/b/a Community Grill do hereby represent and agree as follows:

WHEREAS, the Division has issued a Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing to KD Hoffman Enterprises, LLC d/b/a Community Grill alleging certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by the said Notice of Recommendation of Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing were set for hearing on November 2, 2009, before the Louisiana Gaming Control Board Administrative Hearing Office; and

WHEREAS, the Division and KD Hoffman Enterprises, LLC d/b/a Community Grill 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 Revocation, Order of Immediate Emergency Suspension, and Notice of Hearing;

NOW, THEREFORE, in consideration of the foregoing, the parties hereto do hereby agree and stipulate as follows:

STIPULATIONS

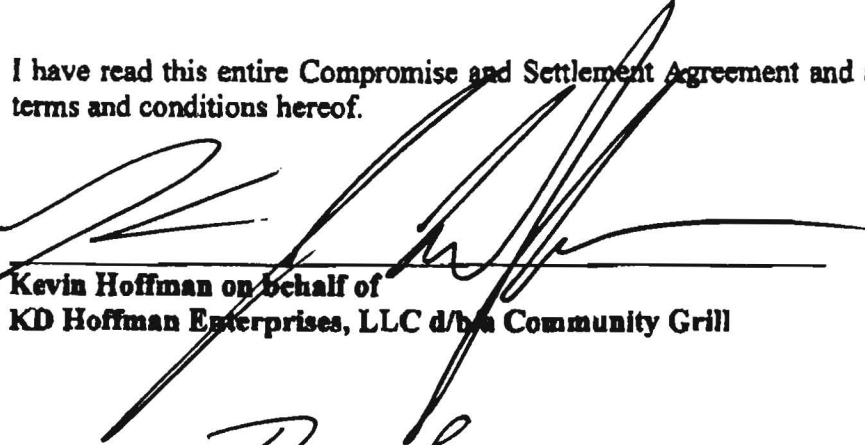
1. On or about August 14, 2009, the Division conducted an inspection of KD Hoffman Enterprises, LLC d/b/a Community Grill.
2. An investigation revealed that permit number AR-440000985 expired on April 30, 2009.
3. KD Hoffman Enterprises, LLC d/b/a Community Grill failed to timely notify the Division of its failure to maintain a valid ATC permit.
4. KD Hoffman Enterprises, LLC d/b/a Community Grill presented evidence at the Immediate Emergency Suspension Hearing on September 21, 2009 that it is now current with its ATC permit and back in compliance.

TERMS AND CONDITIONS

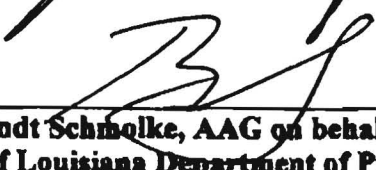
1. KD Hoffman Enterprises, LLC d/b/a Community Grill will pay a civil penalty of THREE THOUSAND FIVE HUNDRED and No/100 (\$3,500.00) DOLLARS.
2. The Division hereby agrees to accept KD Hoffman Enterprises, LLC d/b/a Community Grill's payment of the above stated THREE THOUSAND FIVE HUNDRED and No/100 (\$3,500.00) DOLLAR penalty in full and final settlement.
3. The Division reserves the right to take into consideration these admitted violations in connection with any future investigation, violation or assessment of penalty and in connection with any future assessments of the Licensee'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 KD Hoffman Enterprises, LLC d/b/a Community Grill, 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. Failure to pay the penalty within fifteen (15) days of approval of this settlement, and to comply with each term and condition listed herein, shall result in the immediate suspension of the KD Hoffman Enterprises, LLC d/b/a Community Grill license

without the necessity of further administrative action, until such time as the penalty is paid in full and KD Hoffman Enterprises, LLC d/b/a Community Grill is in compliance with all terms and conditions.

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



**Kevin Hoffman on behalf of
KD Hoffman Enterprises, LLC d/b/a Community Grill**



**D. Brandt Schmolke, 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: **KD HOFFMAN ENTERPRISES, LLC**
D/B/A COMMUNITY GRILL

LICENSE NO: 4400215801

ORDER

BE IT REMEMBERED that on this the 9th day of November, 2009, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, and the parties having appeared, 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 Three Thousand Five Hundred and No/100 (\$3,500.00) 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 9th day of November, 2009, in Baton

LOUISIANA GAMING CONTROL BOARD
Rouge, Louisiana
ALL PARTIES TO THIS HEARING HAVE BEEN MAILED OR SERVED ON
ALL PARTIES TO THIS HEARING
BY: [Signature] DAY
DUCKETT CLERK, ADMINISTRATIVE HEARING OFFICE
cc: Keith Hoffman
Brandt Schmelke
Sgt. Laurel Subey

[Signature]
HON. RICHARD L. REYNOLDS
HEARING OFFICER
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 11/9/09
BY: [Signature] CLERK

A TRUE COPY ATTEST