



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DANE K. MORGAN
CHAIRMAN

**IN RE: MALONEY CINQUE, L.T.D.
D/B/A THE CARNIVAL CLUB
NO. 3601500165**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of August 18, 2009. The Hearing Officer's order dated August 12, 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. 3601500165, by and between Maloney Cinque, L.T.D. d/b/a The Carnival Club, 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 August, 2009.

LOUISIANA GAMING CONTROL BOARD

BY:


DANE K. MORGAN, CHAIRMAN

DKM/gac

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 18th DAY
OF August, 2009
APPEAL DOCKET CLERK


STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RECEIVED

AUG 11 2009

LGCB
ADMINISTRATIVE HEARING OFFICE

IN RE: MALONEY CINQUE, L.T.D.
d/b/a THE CARNIVAL CLUB

LIC. NO. 3601500165

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 Maloney Cinque, L.T.D. d/b/a The Carnival Club, (hereinafter "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,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL



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Facsimile: (504) 599-1163
Counsel for the Division



Allison Rovira, #27634
on behalf of Maloney Cinque, L.T.D.
d/b/a The Carnival Club
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Telephone: (225)756-9696
Facsimile: (504)756-9750
Counsel for the Licensee

EXHIBIT "A"

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

**IN RE: MALONEY CINQUE, L.T.D.
d/b/a THE CARNIVAL CLUB**

LIC. NO. 3601500165

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter the "Division") and Maloney Cinque, L.T.D. d/b/a The Carnival Club, VGL No. 3601500165 (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. The Louisiana State Police Criminal Records Department notified the Division that Robert S. Maloney, Vice-President and shareholder of Maloney Cinque, L.T.D. d/b/a The Carnival Club, was arrested on January 31, 2009, and charged with violation of La. R.S. 14:37 *Aggravated Assault with a Handgun*.

2. The Licensee acknowledges that it was in violation of gaming law in that it failed to disclose the arrest as required by law.

3. On June 5, 2009, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action alleging certain violations of Louisiana Gaming Control Law.

TERMS AND CONDITIONS

1. The Licensee agrees to pay a civil penalty of Five Hundred Dollars (\$500.00).

2. The Division hereby agrees to accept the payment of Five Hundred Dollars (\$500.00) 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 fifteen (15) 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 and terms and conditions hereof.



Allison Rovira, #27634
on behalf of Maloney Cinque, L.T.D.
d/b/a The Carnival Club
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Counsel for the Licensee



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Counsel for the Division

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

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ORDER

BE IT REMEMBERED that on the 12 day of August, 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 Five Hundred and No/100 (\$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 12 day of August, 2009, in

LOUISIANA GAMING CONTROL BOARD
Baton Rouge, Louisiana.
ALL PAGES THIS DAY
cc: Allison Parra
Olga Bagan
Sgt. Lowell Sibley


HEARING OFFICER

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 8/12/09
