



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

RONNIE JONES
CHAIRMAN

IN RE: CINDY & JOSEPH, LLC D/B/A
AUGUST MOON RESTAURANT
NO. 3601217107

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of August 20, 2015. The Hearing Officer’s order dated August 3, 2015, 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 Cindy & Joseph, LLC d/b/a August Moon Restaurant, No. 3601217107, 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 20th day of August, 2015.

LOUISIANA GAMING CONTROL BOARD

BY:



RONNIE JONES, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD

I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON

ALL PARTIES THIS 21st DAY
OF August, 2015.



APPEAL DOCKET CLERK

LGCB-3486-15-B

RECEIVED
AUG 4 2015
BY: _____

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

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AGCB
ADMINISTRATIVE HEARING OFFICE

IN RE: CINDY & JOSEPH, LLC
D/B/A AUGUST MOON RESTAURANT

LICENSE NO. 3601217107

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 Cindy & Joseph, LLC d/b/a August Moon Restaurant (hereinafter, "Licensee") 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 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.

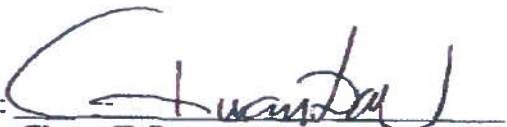
A true and correct copy of the proposed Compromise and Settlement Agreement is attached hereto as Exhibit "A" and incorporated by reference for all purposes.

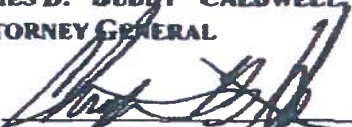
TRUE COPY

Representative
Louisiana Gaming Control Board

WHEREFORE, PREMISES CONSIDERED, the Division and Licensee respectfully request that this Honorable Administrative Hearing Officer approve the parties' Compromise and Settlement Agreement.

Respectfully Submitted,

By: 
Chuan T. Dao
3635 Prytania Street
New Orleans, Louisiana 70115
Telephone: (504) 939-9860
*Member and on behalf of Cindy & Joseph,
LLC d/b/a August Moon Restaurant*

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL
By: 
Christopher B. Hebert, Bar Roll #29044
Assistant Attorney General
1885 North Third Street, 5th Floor
Baton Rouge, Louisiana 70802
Telephone: (225) 326-6500
Facsimile: (225) 326-6599
Counsel for the Office of State Police

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: CINDY & JOSEPH, LLC
D/B/A AUGUST MOON RESTAURANT

LICENSE NO. 3601217107

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Cindy & Joseph, LLC d/b/a August Moon Restaurant (hereinafter, "Licensee") do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action to 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 on August 17, 2015, 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 arising out of and 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 Division, in conjunction with the Department of Health and Hospitals, has developed an online video training program (the "Video") to assist licensees in identifying and providing information to patrons that may be suffering from a gambling addiction.

2. An Advisory Notice (the "Notice"), dated December 18, 2014, was sent, by certified mail, advising Licensee that, pursuant to gaming regulations, each Type 1-5 video gaming establishment licensee was required to view the Video online. The Notice further advised that failure to view the Video within ten (10) days from receipt of the Notice would result in a recommendation for imposition of civil penalties, suspension, revocation, or disablement of the video poker gaming devices.

3. The Notice included instructions for accessing the Video and for printing a certificate as proof of having viewed the Video. Additionally, submitting the request for the certificate triggers an internal message to the Division as notification that the licensee has viewed the Video.

4. Licensee received the Notice on December 22, 2014, as evidenced by the signed certified mail receipt. As of June 9, 2015, Licensee had failed to view the Video.

5. According to the Division records, Licensee viewed the Video on July 16, 2015. This was not within the ten (10) days of receipt of the Notice, as required by the Division.

TERMS AND CONDITIONS

1. Licensee agrees to pay a civil penalty of FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS.

2. The Division hereby agrees that payment of a civil penalty of FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS shall be in full and final settlement of all matters set forth in the Notice of Recommendation of Administrative Action for Licensee's violation of La. R.S. 27:27.1(N), LAC 42:III.118(D), LAC 42:XL2405(B)(8), LAC 42:XL2421(A)(1).

3. Licensee understands that continued failure to timely view the required online compulsive gambling training video shall result in the Division's recommendation of revocation.

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

5. The Division reserves the right to take into consideration this admitted violation in connection with any future investigation, violation, or assessment of penalty, and in connection with any future assessments of the Licensee's suitability.

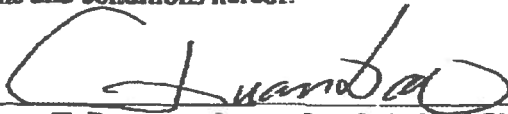
6. This Compromise and Settlement Agreement is subject to approval by the Hearing Officer and the Louisiana Gaming Control Board. It is expressly understood that if this proposed settlement is approved by the Hearing Officer, this agreement is not thereby executory, but will be submitted to the Louisiana 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.

7. If approved by the Louisiana Gaming Control Board, the Licensee must pay FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS within fifteen (15) calendar days of such approval. Any failure to meet this requirement will result in the immediate suspension of the

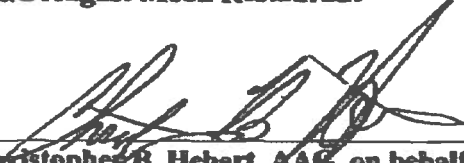
gaming license without the necessity of any further administrative action until such time as the penalty is paid in full.

8. 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 and Settlement Agreement and agree to all stipulations and terms and conditions hereof.



**Chuan T. Dao, member and on behalf of Cindy & Joseph, LLC
d/b/a August Moon Restaurant**



**Christopher B. Hebert, 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: CINDY & JOSEPH, LLC
D/B/A AUGUST MOON RESTAURANT

LICENSE NO. 3601217107

ORDER

BE IT REMEMBERED that on the 3rd day of August 2015, 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 or representing themselves, and the Hearing Officer having considered the pleadings on file, the proposed Compromise and 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 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 Licensee's gaming license without the necessity of any further administrative action until such time as the penalty is paid in full.

SIGNED AND ENTERED this 3rd day of August, 2015, in Baton

ROBERTA LOUISIANA
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE

I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 3rd DAY
OF August, 2015

DOCKET CLERK, ADMIN. HEARING OFFICE

cc: Chawn T. Dao; August Moon Restaurant
Christopher J. Hebert
Pat Linell Sibley


HEARING OFFICER

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE

BATON ROUGE, LA 8-11-15

DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE