



State of Louisiana
Gaming Control Board

JOHN BEL EDWARDS
GOVERNOR

RONNIE JONES
CHAIRMAN

**IN RE: MALONEY SEPT, LTD
D/B/A BIG EASY TRAVEL PLAZA
NO. 3601509389**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of February 20, 2020. The Hearing Officer's order dated January 29, 2020, 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 Maloney Sept, Ltd d/b/a Big Easy Travel Plaza, No. 3601509389, and the State of Louisiana, Department of Public Safety and Corrections, Office of State Police, which is attached hereto and incorporated herein, is **APPROVED.**

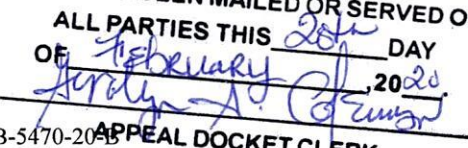
THUS DONE AND SIGNED on this the *20th* day of *February, 2020.*

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 20th DAY
OF February, 2020

APPEAL DOCKET CLERK
LGCB-5470-2015

RECEIVED

By GERALYN A. COLEMAN at 3:58 pm, Jan 29, 2020

RECEIVED

JAN 28 2020

LA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RE: MALONEY SEPT, LLC
D/B/A BIG EASY TRAVEL PLAZA

CASE NO.: 3601509389

JOINT MOTION FOR APPROVAL OF COMPROMISE AND
SETTLEMENT AGREEMENT

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

NOW COME the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Maloney Sept, LLC d/b/a Big Easy Travel Plaza (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 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
Geraldyn A. Coleman
Louisiana Gaming Control Board
Louisiana Gaming Control

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: 
Allison U. Rovira Modicut, Bar Roll# 27634
730 North Street
Baton Rouge, Louisiana 70802
Telephone: (225) 381-0019
Facsimile: (225) 381-0178
*Counsel for and on behalf of
Maloney Sept, LLC
d/b/a Big Easy Travel Plaza*

JEFF LANDRY
ATTORNEY GENERAL
By: 
Jeremy Gathe, La. Bar Roll# 34557
Assistant Attorney General
1885 North Third Street, 5th Floor
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Facsimile: (225) 326-6599
Counsel for the Office of State Police

EXHIBIT "A"

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RE: MALONEY SEPT, LLC
D/B/A BIG EASY TRAVEL PLAZA

CASE NO.: 3601509389

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Maloney Sept, LLC d/b/a Big Easy Travel Plaza (hereinafter, "Licensee"), do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has sent a Notice of Recommendation of Administrative Action to Licensee, which Notice contains allegations of certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by said Notice are set for hearing before the Louisiana Gaming Control Board Administrative Hearing Office.

WHEREAS, the Division and Licensee are desirous of fully and finally compromising and settling all issues and disputes arising out of and in connection with said Notice;

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

STIPULATIONS

1. Licensee is a Type 5 licensed establishment located at 5000 Old Gentilly Highway, New Orleans, Louisiana 70126.

2. On February 7, 2019, the Division conducted a compliance inspection at the licensed establishment, which revealed the following violations of Louisiana Gaming Law and regulations.

3. Licensee failed to maintain an onsite restaurant at the licensed establishment, in violation of La R.S. 27:402(10), and La. R.S. 27:417(A)(2)(a), (b), (c), (d), and (e).

4. Licensee failed to notify the Division that it evicted the operator of its onsite restaurant, Tasty Treat, LLC, on January 2, 2019, and failed to render full courtesy to the Division's agents in violation of La. R.S. 27:427(C), LAC 42:XI.2417(A)(1) and (2), LAC 42:XI.2417(B)(4), LAC 42:XI.2417(C)(1)(c), and LAC 42:XI.2419(B)(1)(b).

5. Licensee operated video draw poker gaming devices without an onsite restaurant from January 2, 2019 through February 7, 2019, in violation of LAC 42:XI.2405(B)(10).

6. On March 1, 2019, the Division sent a letter to Licensee requesting various documents and information regarding the purported onsite restaurant. Licensee failed to claim the letter and did not produce any of the requested documents to the Division until its Compliance Conference, which was held on July 10, 2019, in violation of LAC 42:XI.2411(A)(9), LAC 42:XI.2417(C)(1)(f) and LAC 42:XI.2419(B)(2)(a).

7. On May 2, 2019, the Division conducted a compliance inspection of Licensee's licensed establishment, which revealed that the onsite restaurant is now operated by Palate Pleasers, LLC and is compliant with Louisiana Gaming Law.

8. On June 25, 2019, Licensee notified the Division that Robert Sidney Maloney died on June 2, 2019. Robert Sidney Maloney received 10% of Licensee's gaming revenue for providing consulting services. Licensee failed to timely notify the Division within ten calendar days of Robert Sidney Maloney's death in violation of LAC 42:XI.2417(B)(4).

9. On June 25, 2019, the Division received notice of the death of Bobbie Jean Maloney (hereinafter, "Ms. Maloney").

10. The Division's records indicated that Ms. Maloney held a 20% membership interest in Licensee.

11. According to Ms. Maloney's death certificate, she passed away on January 29, 2019. Ms. Maloney died intestate, unmarried, and with no descendants.

12. At the time of her death, Ms. Maloney was survived by her parents, Robert S. Maloney and Bonny B. Maloney. Ms. Maloney was also survived by her siblings Kurt B. Maloney, Robert S. Maloney Jr., Julie A. Maloney-Wenck, and Craig S. Maloney (hereinafter, "Ms. Maloney's siblings").

13. Ms. Maloney's father, Robert S. Maloney, died on June 2, 2019.

14. Ms. Maloney's 20% membership interest in Licensee transferred to Ms. Maloney's siblings in equal shares, subject to a usufruct of her living parent, Bonny B. Maloney.

15. There is no judgment of possession available at this time, however, naked ownership transferred to Ms. Maloney's siblings upon her death.

16. Ms. Maloney's siblings and Bonny B. Maloney have previously met suitability in connection with this license.

17. The Division found no information to preclude their continued participation in the gaming industry.

18. Licensee is now compliant with Louisiana Gaming Law.

19. Licensee failed to notify the Division within ten calendar days of Ms. Maloney's death, in violation of LAC 42:XI.2417(B)(4).

TERMS AND CONDITIONS

1. In lieu of administrative action, Licensee will pay a penalty of **THIRTY THOUSAND and NO/100 (\$30,000.00) DOLLARS** for its violations of La. R.S. 27:402(10), La. R.S. 27:417(A)(2)(a), (b), (c), (d), and (e), La. R.S. 27:417(C), La. R.S. 27:427(C), LAC 42:XI.2405(B)(10), LAC 42:XI.2411(A)(9), LAC 42:XI.2417(A)(1), and (2), LAC 42:XI.2417(B)(4), LAC 42:XI.2417(C)(1)(i), LAC 42:XI.2419(B)(1)(b), and LAC 42:XI.2419(B)(2)(a).

2. The Division hereby agrees that payment of a total penalty of **THIRTY THOUSAND and NO/100 (\$30,000.00) DOLLARS** shall be in full and final settlement of all matters set forth in the Notice of Recommendation of Administrative Action.

3. The Division and Licensee have agreed to require a compliance officer at the licensed establishment.

4. 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 Licensee's suitability.

5. The terms of this Compromise and Settlement Agreement shall be interpreted under the laws of the State of Louisiana.

6. 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.

7. 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

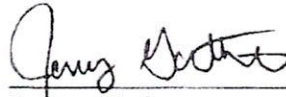
settlement is approved by the Hearing Officer, this agreement is not thereby executory, but will be submitted to the Louisiana Gaming Control Board for its determination as to whether to approve same or to remand the matter to the Hearing Officer for a full hearing on the merits.

8. If approved, Licensee agrees to make full payment of the civil penalty within fifteen (15) days of approval of this settlement by the Louisiana Gaming Control Board. Licensee agrees that failure to meet this requirement shall result in immediate suspension of the gaming license without the necessity of any further administrative action until such time as the penalty is paid in full.

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



Allison G. Rovira Modicut,
*Counsel for and on behalf of
Maloney Sept, LLC
d/b/a Big Easy Travel Plaza*



Jeremy Gathe,
*Counsel for and on behalf of
the Office of State Police*

STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RE: MALONEY SEPT, LLC
D/B/A BIG EASY TRAVEL PLAZA

CASE NO.: 3601509389

ORDER

BE IT REMEMBERED that on the 29th day of January, 2020, came 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 Maloney Sept, LLC d/b/a Big Easy Travel Plaza must pay **THIRTY THOUSAND AND NO/100 (\$30,000.00) 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 29th day of January, 2020, in Baton Rouge, Louisiana.

LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE

I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 29 DAY

OF January, 2020

Ebony Batisse
DOCKET CLERK, ADMIN. HEARING OFFICE

CC: Allisen U. Rovira Modicut
Jeremy Gathie
Sgt. Eddie Paule

Suzan S. Ponder

SUZAN S. PONDER
HEARING OFFICER

A TRUE COPY ATTEST

LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE

BATON ROUGE, LA 01/29/20

Ebony Batisse

DOCKET CLERK, ADMINISTRATIVE HEARING OFFICE