



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

DANE K. MORGAN
CHAIRMAN

IN RE: TRACI & KENT, LLC
D/B/A T & K DAIQUIRI EXPRESS
NO. 3900114499

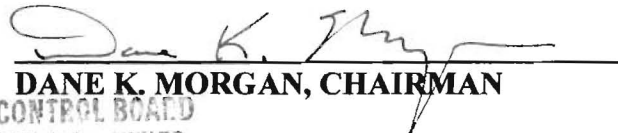
ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of September 15, 2009. The Hearing Officer's order dated September 2, 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. 3900114499, by and between Traci & Kent, LLC d/b/a T & K Daiquiri Express, 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 15th day of September, 2009.

LOUISIANA GAMING CONTROL BOARD

BY:


DANE K. MORGAN, CHAIRMAN

DKM/gac

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A COPIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 16th DAY
OF September, 2009
APPEAL DOCKET CLERK


RECEIVED

SEP 02 2009

LIGCB
ADMINISTRATIVE HEARING OFFICE

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

**IN RE: TRACY & KENT, LLC D/B/A
T & K DAIQUIRI EXPRESS**

LICENSE NO. 3900114499

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

TO THE HONORABLE ADMINISTRATIVE HEARING OFFICER:

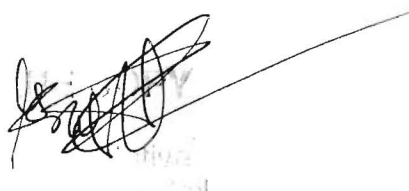
NOW COMES the State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Tracy & Kent, LLC d/b/a T & K Daiquiri Express (hereinafter, "Licensee"), who file this Joint Motion for Approval of Compromise and Settlement Agreement, and in support 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.



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

Respectfully submitted,

**Tracy & Kent, LLC d/b/a
T & K Daiquiri Express**

By: 
Alton K. Ewing
6360 Highway 1
Batchelor, Louisiana 70715
Telephone: (225) 492-2311
*Manager of Tracy & Kent, LLC d/b/a
T & K Daiquiri Express*

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


By: 
Mesa T. Brown, Bar Roll #30567
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

Exhibit "A"

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

**IN RE: TRACY & KENT, LLC D/B/A
T & K DAIQUIRI EXPRESS**

LICENSE NO. 3900114499

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Tracy & Kent, LLC d/b/a T & K Daiquiri Express No. 3900114499 (hereinafter, "Licensee"), do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action for Type 1 Video Gaming License, alleging 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 September 2, 2009, before the Louisiana Gaming Control Board Administrative Hearing Office; and

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 the said Notice of Recommendation of Denial of Renewal Application;

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

STIPULATIONS

1. The Licensee failed to timely notify the Division of matters pertaining to the suitability of one of its managers who also has 50% ownership interest in the Licensee in violation of LAC 42:XI.2417(B)(4).

TERMS AND CONDITIONS

1. Within fifteen (15) days of the approval of this settlement by the Louisiana Gaming Control Board, the Licensee shall pay a civil penalty of Five Hundred Dollars (\$500.00) for the violation of LAC 42:XI.2417(B)(4).

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 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 the Licensee 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.

7. If approved by the Louisiana Gaming Control Board, the Licensee must pay Five Hundred Dollars (\$500.00) within fifteen (15) calendar days of such approval. Any failure to meet this requirement will 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 Settlement Agreement and agree to all stipulations and terms and conditions hereof.



Alton K. Ewing
Tracy & Kent, LLC d/b/a T & K Dalquiri Express



Mesa T. Brown, 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: TRACY & KENT, LLC D/B/A
T & K DAIQUIRI EXPRESS

LICENSE NO. 3900114499

ORDER

BE IT REMEMBERED that on the 2 day of Sept, 2009, came on for consideration the Joint Motion for Approval of Compromise and Settlement Agreement, 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 Dollars and No/100 (\$500.00) to the Division within fifteen (15) days of the approval by the Louisiana Gaming Control Board. Failure to do so shall result in the immediate suspension of the license of Tracy & Kent, LLC d/b/a T & K Daiquiri Express without the necessity of any further administrative action until such time as the penalty is paid in full.

SIGNED AND ENTERED this 2 day of Sept, 2009, in Baton Rouge, Louisiana.

RICHARD REYNOLDS
HEARING OFFICER

William H Brown

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 9/2/09

LOUISIANA GAMING CONTROL BOARD
A TRUE COPY ATTEST
DATE SERVED ON

Sept 2nd
2009
Jill Damme
ADMINISTRATIVE HEARING OFFICE

cc: Alton Ewing
Mesa Brown
Sgt. Lionel Sidday