



State of Louisiana
Gaming Control Board

BOBBY JINDAL
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: KITTY G, INC. D/B/A
LIUZZA’S BY THE TRACK
NO. 3601209578**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of February 17, 2009. The Hearing Officer’s order dated January 21, 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. 3601209578, by and between Kitty G, Inc. d/b/a Liuzza’s By The Track, 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 February, 2009.

LOUISIANA GAMING CONTROL BOARD

BY:


H. CHARLES GAUDIN, CHAIRMAN

HJC/gac

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


STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RECEIVED

JAN 21 2009

LGCB
ADMINISTRATIVE HEARING OFFICE

IN RE: KITTY G., INC
D/B/A LIUZZA'S BY THE TRACK

LICENSE NO. 3601209578

**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 Kitty G., Inc. d/b/a Liuzza's by the Track (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 this 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.

A handwritten signature in black ink, appearing to be "Kitty G.", is written in the bottom right corner of the page.

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

Respectfully submitted,

KITTY G., INC. D/B/A LIUZZA'S BY THE TRACK

By: 

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d/b/a Liuzza's by the Track

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

By: 

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Assistant Attorney General
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STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

IN RE: **KITTY G., INC**
D/B/A LIUZZA'S BY THE TRACK

LICENSE NO. 3601209578

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter, the "Division") and Kitty G., Inc. d/b/a Liuzza's by the Track 3601209578 (hereinafter, "Licensee"), do hereby represent and agree as follows:

WHEREAS, on October 2, 2008, the Louisiana Gaming Control Board issued a Notice of Recommendation of Administrative Action to the Licensee, alleging certain violations of Louisiana Gaming Control Law; and

WHEREAS, the issues raised by the said Notice of Recommendation of Denial of Renewal Application, are set for hearing January 21, 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

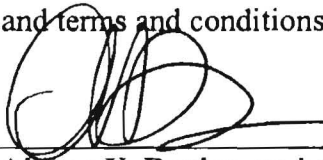
1. On May 29, 2007, the Division received a Type 1 Renewal Video Gaming Application from the BRJ, Inc. d/b/a Rhythms Nightclub.
2. Mr. James Louis Lemarie has 100% ownership interest in BRJ Inc. d/b/a Rhythms Nightclub and Kitty G., Inc. d/b/a Liuzza's by the Track.
3. During the course of the investigation conducted regarding BRJ Inc. d/b/a Rhythms Nightclub, the Division learned that Mr. Lemarie also had 100% ownership interest in Kitty G. Inc., d/b/a Liuzza's by the Track.
4. On July 12, 2007, results from an inquiry made by the Division to the Internal Revenue Service revealed that the Licensee was delinquent in the filing and payment of its taxes.
5. On September 24, 2008, the Internal Revenue Service issued a Certificate of Release of Federal Tax Lien to the Licensee on BRJ, Inc d/b/a Rhythms Nightclub.
6. Kitty G., Inc. d/b/a Liuzza's by the Track has entered into an installment agreement with the Internal Revenue Service; thus, they are now in compliance with **LAC 42: XI.2405(B)(1)(b)**.
7. The Licensee failed to remain current in filing all applicable tax returns and in the payment of all taxes owed to the Internal Revenue Service in violation of **LAC 42: XI.2405(B)(1)(b)**.
8. On June 5, 2003, James Louis Lemarie, who has 100% ownership interest in the Licensee, and Helene Patricia Richardson were married. Mr. Lemarie failed to timely notify the Division of the marriage 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 penalty of Five Hundred Dollars (\$500.00) for the violations of **LAC 42: XI.2405(B)(1)(b)** and **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 Denial of Renewal Application.
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.



**Allison U. Rovira, on behalf of, Kitty G., Inc.
d/b/a Liuzza's by the Track**



**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: KITTY G., INC
D/B/A LIUZZA'S BY THE TRACK

LICENSE NO. 3601209578

ORDER

BE IT REMEMBERED that on the 21 day of January, 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,

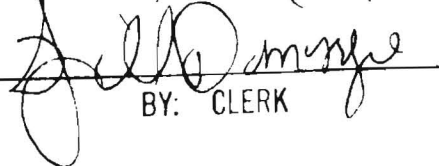
ORDERED, ADJUDGED, AND DECREED that the Compromise and Settlement Agreement attached to the parties' Joint Motion for Approval of Compromise and Settlement Agreement be, and the same is hereby, **APPROVED**.

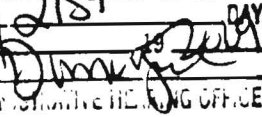
SIGNED AND ENTERED this 21 day of January, 2009, in Baton Rouge, Louisiana.



WILLIAM H. BROWN
HEARING OFFICER

LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 1/21/09


BY: CLERK

LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA
RECEIVED ON 2/18/09 DAY

ADMINISTRATIVE HEARING OFFICE

CC: William U. Zouira
Mesa T. Brown
Sgt. Lonell Sibley