



State of Louisiana
Gaming Control Board

KATHLEEN BABINEAUX BLANCO
GOVERNOR

H. CHARLES GAUDIN
CHAIRMAN

**IN RE: JOHN K. SIMMONS D/B/A E J'S
NO. 2600213726**

ORDER

This matter was considered by the Louisiana Gaming Control Board at its meeting of March 20, 2007. The Hearing Officer's order dated March 1, 2007, based on the "Joint Motion for Approval of Compromise and Settlement Agreement" in the matter of the "Notice of Recommendation of Administrative Action," No. 2600213726, by and between John Simmons d/b/a E J's, 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 20 day of March, 2007.

LOUISIANA GAMING CONTROL BOARD

BY:



H. CHARLES GAUDIN, CHAIRMAN

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 21ST DAY
OF March, 2007
APPEAL DOCKET CLERK


STATE OF LOUISIANA
LOUISIANA GAMING CONTROL BOARD
ADMINISTRATIVE HEARING OFFICE

RECEIVED

MAR 05 2007

LGCB
ADMINISTRATIVE HEARING OFFICE

IN RE: JOHN K. SIMMONS D/B/A E. J.'s

LICENSE NO. 2600213726

**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 John K. Simmons d/b/a E. J.'s, License No. 2600213726 (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
[Signature]
Representative
Gaming Control B.

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

Respectfully submitted,

JOHN K. SIMMONS D/B/A E. J.'S

**CHARLES C. FOTI, JR.,
ATTORNEY GENERAL**

By: 

JOHN K. SIMMONS
3010 Cleary Avenue
Metairie, Louisiana 70001
Telephone: 504-779-7497
*Representative of John K. Simmons
d/b/a E. J.'s*

By: 

GAIL C. HOLLAND, BAR ROLL #23783
Assistant Attorney General
Gaming Division
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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: JOHN K. SIMMONS D/B/A E. J.'s

LICENSE NO. 2600213726

COMPROMISE AND SETTLEMENT AGREEMENT

The State of Louisiana, Department of Public Safety and Corrections, Office of State Police (hereinafter the "Division") and John K. Simmons d/b/a E. J.'s, License No. 2600213726 (hereinafter "Licensee") do hereby represent and agree as follows:

WHEREAS, the Louisiana Gaming Control Board has issued a Notice of Recommendation of Administrative Action, 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 on March 5, 2007, 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 Administrative Action;

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

STIPULATIONS

1. Licensee acknowledges that La. R.S 27:311(K)(4) and L.A.C. 42:XI.2405(B)(4)(b) requires license holders to remain current with all tax filings and payments

owed to the State of Louisiana, any political subdivision of Louisiana, or the Internal Revenue Service.

2. Licensee further acknowledges that the Annual Licensee Form and fee was submitted to the Louisiana State Police, Gaming Licensing Section, postmarked on or about June 23, 2006, but the appropriate tax clearance from the State of Louisiana, Department of Revenue and the appropriate tax clearance from the local taxing authority was not included with the form and fee, nor was it received under separate cover prior to July 1, 2006.

3. On or about July 10, 2006, Licensee was issued Violation/Inspection Report #15931 for failure to submit the required tax clearance documentation.

4. On or about February 28, 2007, the Division received documentation of a tax clearance from Licensee.

TERMS AND CONDITIONS

1. Within fifteen (15) days of the approval of this settlement by the Louisiana Gaming Control Board, Licensee shall pay Two Hundred Fifty and No/100 (\$250.00) Dollars for the violation of **La. R.S 27:311(K)(4) and L.A.C 42:XI.2405(B)(4)(b)**.

2. The Division hereby agrees to accept a Two Hundred Fifty and No/100 (\$250.00) Dollar penalty for the Licensee's violation of **La. R.S 27:311(K)(4) and L.A.C 42:XI.2405 (B)(4)(b)**.


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

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 by the Louisiana Gaming Control Board, Licensee must pay Two Hundred Fifty and No/100 (\$250.00) Dollars 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.



**John K. Simmons, on behalf of
John K. Simmons d/b/a E. J.'s**



**Gail C. Holland, 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: JOHN K. SIMMONS D/B/A E. J.'s

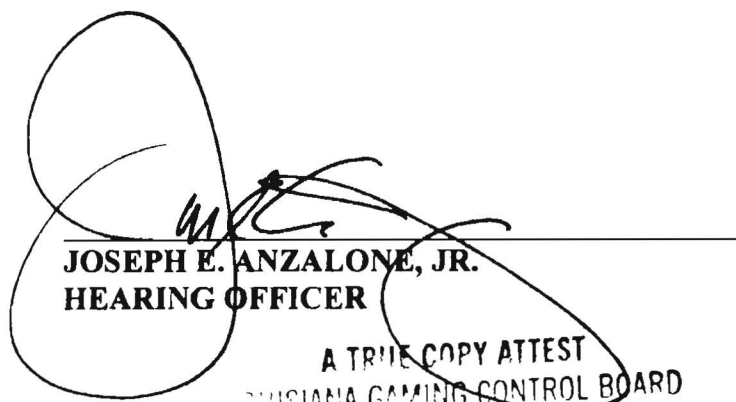
LICENSE NO. 2600213726

ORDER

BE IT REMEMBERED that on the 1 day of March, 2007, 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,

ORDER, 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**.

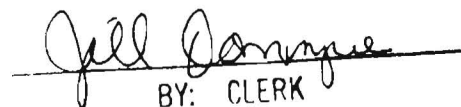
SIGNED AND ENTERED this 1 day of March, 2007, in Baton Rouge, Louisiana.



JOSEPH E. ANZALONE, JR.
HEARING OFFICER

LOUISIANA GAMING CONTROL BOARD
I HEREBY CERTIFY THAT A CERTIFIED
COPY HAS BEEN MAILED OR SERVED ON
ALL PARTIES THIS 5th DAY
OF March 2007
BY: Jill Danique
DEPUTY CLERK, ADMINISTRATIVE HEARING OFFICE

cc: John Simmons
Carol Holland
Lt. Roland Falcon

A TRUE COPY ATTEST
LOUISIANA GAMING CONTROL BOARD
HEARING OFFICE
BATON ROUGE, LA 3/5/2007

BY: CLERK