

1 NGC 10-10

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STATE OF NEVADA

5

BEFORE THE NEVADA GAMING COMMISSION

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STATE GAMING CONTROL BOARD,

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Complainant,

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vs.

**STIPULATION FOR SETTLEMENT
AND ORDER**

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C & T, INC., dba CHAMPAGNES CAFÉ;
ESTATE OF CHARLES GUARINO;
RALPH LOUIS GUARINO;
THOMAS FRANCIS RIDOLFI,

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Respondents.

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The State of Nevada, on relation of its STATE GAMING CONTROL BOARD (BOARD), Complainant herein, filed and served a Complaint, NGC Case No. 10-10, against the above-captioned RESPONDENTS alleging certain violations of the Nevada Gaming Control Act and Regulations of the Nevada Gaming Commission.

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IT IS HEREBY STIPULATED AND AGREED to by the BOARD and below-signed RESPONDENTS (RESPONDENTS) that the Complaint, NGC Case No. 10-10 in the above-entitled case shall be settled on the following terms and conditions:

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1. RESPONDENTS admit each and every allegation set forth in the Counts One and Two of the Complaint, NGC Case No. 10-10 (Count Three was pled in the alternative to Count Two).
2. RESPONDENTS fully understand and voluntarily waive the right to a public hearing on the charges and allegations set forth in the Complaint, the right to present and cross-examine witnesses, the right to a written decision on the merits of the Complaint, which must contain findings of fact and a determination of the issues presented, and the right to obtain judicial review of the Nevada Gaming Commission's decision.

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1 3. RESPONDENTS agree to voluntarily surrender the restricted gaming license of C &
2 T, INC., dba CHAMPAGNES CAFÉ (CHAMPAGNES) upon the licensing of a slot route
3 operator by the Nevada Gaming Commission to expose games for play on a space lease
4 basis in CHAMPAGNES. Whether or not a slot route operator is licensed, this surrender shall
5 occur no later than December 16, 2010 (deadline). The chairman of the BOARD, or his
6 designee, may administratively extend the deadline. The restricted gaming license of
7 CHAMPAGNES shall be surrendered without further action of the parties upon the earlier of
8 the issuance of a restricted license to a slot route operator or the expiration of the deadline.

9 4. RESPONDENTS and the BOARD agree that this matter is resolved absent the
10 approval of RALPH LOUIS GUARINO and the ESTATE OF CHARLES GUARINO due to the
11 fact neither has filed an answer to the complaint. THOMAS FRANCIS RIDOLFI , as licensed
12 president of CHAMPAGNES, affirmatively represents he has the power to agree to the terms
13 of this stipulation on behalf of CHAMPAGNES and himself. Upon approval by the Nevada
14 Gaming Commission of this stipulation, the BOARD agrees the Complaint in this matter is
15 dismissed with regard to RALPH LOUIS GUARINO and the ESTATE OF CHARLES
16 GUARINO. The BOARD will keep a record of the events leading to the Complaint in this
17 matter should RALPH LOUIS GUARINO or the ESTATE OF CHARLES GUARINO apply for a
18 gaming license at some future date.

19 5. In consideration for the execution of this settlement agreement, RESPONDENTS,
20 for themselves, their heirs, executors, administrators, successors, and assigns, hereby
21 releases and forever discharge the State of Nevada, the Nevada Gaming Commission, the
22 Nevada Gaming Control Board, the Nevada Attorney General and each of their members,
23 agents, and employees in their individual and representative capacities, from any and all
24 manner of actions, causes of action, suits, debts, judgments, executions, claims, and
25 demands whatsoever known or unknown, in law and equity, that RESPONDENTS ever had,
26 now have, may have, or claim to have against any and all of the persons or entities named in
27 this paragraph arising out of, or by reason of, the investigation of the allegations in the

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1 Complaint and this disciplinary action, NGC Case No. 10-10, or any other matter relating
2 thereto.

3 6. In consideration for the execution of this settlement agreement, RESPONDENTS
4 hereby indemnify and hold harmless the State of Nevada, the Nevada Gaming Commission,
5 the State Gaming Control Board, the Nevada Attorney General, and each of their members,
6 agents, and employees in their individual and representative capacities against any and all
7 claims, suits and actions, brought against the persons named in this paragraph by reason of
8 the investigation of the allegations in the Complaint, filed in this disciplinary action, NGC Case
9 No. 10-10, and all other matters relating thereto, and against any and all expenses, damages,
10 charges and costs, including court costs and attorney fees, which may be sustained by the
11 persons and entities named in this paragraph as a result of said claims, suits and actions.

12 7. RESPONDENTS enter into this Stipulation for Settlement freely and voluntarily and
13 acknowledge that RESPONDENTS had an opportunity to consult with counsel prior to
14 entering into this Stipulation for Settlement. RESPONDENTS further acknowledge that this
15 stipulated settlement is not the product of force, threats, or any other form of coercion or
16 duress, but is the product of discussions between RESPONDENTS and the attorney for the
17 BOARD.

18 8. RESPONDENTS and the BOARD acknowledge that this settlement is made to
19 avoid litigation and economize resources. The parties agree and understand that this
20 Stipulation for Settlement is intended to operate as full and final settlement of the Complaint
21 filed against RESPONDENTS in the above-entitled disciplinary case, NGC Case No. 10-10.

22 9. RESPONDENTS and the BOARD recognize and agree that the Nevada Gaming
23 Commission has the sole and absolute discretion to determine whether to accept this
24 stipulated settlement agreement. RESPONDENTS and the BOARD hereby waive any right
25 they may have to challenge the impartiality of the Nevada Gaming Commission to hear the
26 above-entitled case on the matters embraced in the Complaint if the Nevada Gaming
27 Commission determines not to accept this stipulated settlement agreement. If the Nevada
28 Gaming Commission does not accept the Stipulation for Settlement, it shall be withdrawn as

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1 null and void and RESPONDENTS' admissions, if any, that certain violations of the Nevada
 2 Gaming Control Act and the Regulations of the Nevada Gaming Commission occurred shall
 3 be withdrawn.

4 10. RESPONDENTS and the BOARD agree and understand that this settlement
 5 agreement is intended to operate as full and final settlement of the Complaint filed in NGC
 6 Case No. 10-10. The parties further agree and understand that any oral representations are
 7 superseded by this settlement agreement and that only those terms memorialized in writing
 8 herein shall be effective.

9 11. RESPONDENTS agree and understand that although this settlement, if approved
 10 by the Nevada Gaming Commission, will settle the Complaint filed in NGC Case No. 10-10,
 11 that the allegations contained in the Complaint file in NGC Case No. 10-10 and the terms of
 12 this settlement agreement may be considered by the BOARD and/or the Nevada Gaming
 13 Commission, with regards to any and all applications by RESPONDENTS that are currently
 14 pending before the BOARD or the Nevada Gaming Commission, or that are filed in the future
 15 with the BOARD.

16 12. RESPONDENTS and the BOARD shall each bear their own costs incurred in this
 17 disciplinary action, NGC Case No. 10-10.

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1 13. This stipulated settlement agreement shall become effective immediately upon
2 approval by the Nevada Gaming Commission.

3 DATED this 18th day of October, 2010.


4 C & T, INC., dba CHAMPAGNES CAFÉ

STATE GAMING CONTROL BOARD

5 By: 
6 THOMAS FRANCIS RIDOLFI
7 President



DENNIS K. NEILANDER, Chairman

8 
9 THOMAS FRANCIS RIDOLFI



RANDALL E. SAYRE, Member

10 JOHNS & DURRANT, LLP


MARK A. LIPPARELLI, Member

11 
12 LANCE W. JOHNS, ESQ.
13 C. ROBERT PETERSON, ESQ.
14 Attorneys for Respondent

Submitted by:
CATHERINE CORTEZ MASTO
Attorney General

By: 
JOHN S. MICHELA
Deputy Attorney General
Gaming Division
Attorneys for State Gaming Control Board

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ORDER

IT IS SO ORDERED in NGC Case No. 10-10.
DATED this 18 day of November, 2010.

NEVADA GAMING COMMISSION

PETER C. BERNHARD, Chairman