



1 NGC 23-03

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3
4 STATE OF NEVADA
5 BEFORE THE NEVADA GAMING COMMISSION

6 NEVADA GAMING CONTROL BOARD,

7 Complainant,

8 vs.

**STIPULATION FOR SETTLEMENT
AND ORDER**

9 S & P GAMING, INC.,
10 dba THE WATERING HOLE; PETER
LAWRENCE LUSICH, III; DIANE KESLER
LUSICH,

11 Respondents.
12

13 The State of Nevada, on relation of its NEVADA GAMING CONTROL BOARD
14 (BOARD), Complainant herein, filed and served a Complaint, NGC Case No. 23-03, against
15 the above-captioned RESPONDENTS alleging certain violations of the Nevada Gaming
16 Control Act and Regulations of the Nevada Gaming Commission.

17 IT IS HEREBY STIPULATED AND AGREED to by the BOARD and
18 RESPONDENTS that the Complaint, NGC Case No. 23-03, filed against RESPONDENTS
19 in the above-entitled case shall be settled on the following terms and conditions:

20 1. RESPONDENTS admit each and every allegation set forth in the Complaint,
21 NGC Case No. 23-03.

22 2. RESPONDENTS fully understand and voluntarily waive the right to a public
23 hearing on the charges and allegations set forth in the Complaint, the right to present and
24 cross-examine witnesses, the right to a written decision on the merits of the Complaint,
25 which must contain findings of fact and a determination of the issues presented, and the
26 right to obtain judicial review of the Nevada Gaming Commission's decision.

27 3. RESPONDENTS agree to pay a fine in the amount of TWO THOUSAND
28 DOLLARS and NO CENTS (\$2,000.00) electronically transferred to the *State of Nevada*,

1 Nevada Gaming Commission within two working days of the date this stipulated
2 settlement agreement is accepted by the Nevada Gaming Commission. Interest on the fine
3 shall accrue pursuant to NRs 17.130 on any unpaid balance computed from the date
4 payment is due until payment is made in full.

5 4. In consideration for the execution of this Stipulation for Settlement,
6 RESPONDENTS, for themselves, their heirs, executors, administrators, successors, and
7 assigns, hereby release and forever discharge the State of Nevada, the Nevada Gaming
8 Commission, the Nevada Gaming Control Board, the Nevada Attorney General and each
9 of their members, agents, and employees in their individual and representative capacities,
10 from any and all manner of actions, causes of action, suits, debts, judgments, executions,
11 claims, and demands whatsoever known or unknown, in law and equity, that
12 RESPONDENTS ever had, now have, may have, or claim to have against any and all of the
13 persons or entities named in this paragraph arising out of, or by reason of, the investigation
14 of the allegations in the Complaint and this disciplinary action, NGC Case No. 23-03, or
15 any other matter relating thereto.

16 5. In consideration for the execution of this Stipulation for Settlement,
17 RESPONDENTS hereby indemnify and hold harmless the State of Nevada, the Nevada
18 Gaming Commission, the Nevada Gaming Control Board, the Nevada Attorney General,
19 and each of their members, agents, and employees in their individual and representative
20 capacities against any and all claims, suits and actions, brought against the persons named
21 in this paragraph by reason of the investigation of the allegations in the Complaint, filed
22 in this disciplinary action, NGC Case No. 23-03, and all other matters relating thereto, and
23 against any and all expenses, damages, charges and costs, including court costs and
24 attorney fees, which may be sustained by the persons and entities named in this paragraph
25 as a result of said claims, suits and actions.

26 6. RESPONDENTS enter into this Stipulation for Settlement freely and
27 voluntarily and acknowledge that RESPONDENTS had an opportunity to consult with
28 counsel prior to entering into this Stipulation for Settlement. RESPONDENTS further

1 acknowledge that this Stipulation for Settlement is not the product of force, threats, or any
2 other form of coercion or duress, but is the product of discussions between RESPONDENTS
3 and the attorney for the BOARD.

4 7. RESPONDENTS and the BOARD acknowledge that this Stipulation for
5 Settlement is made to avoid litigation and economize resources. The parties agree and
6 understand that this Stipulation for Settlement is intended to operate as full and final
7 settlement of the Complaint filed against RESPONDENTS in the above-entitled
8 disciplinary case, NGC Case No. 23-03.

9 8. RESPONDENTS and the BOARD recognize and agree that the Nevada
10 Gaming Commission has the sole and absolute discretion to determine whether to accept
11 this Stipulation for Settlement. RESPONDENTS and the BOARD hereby waive any right
12 they may have to challenge the impartiality of the Nevada Gaming Commission to hear the
13 above-entitled case on the matters embraced in the Complaint if the Nevada Gaming
14 Commission determines not to accept this Stipulation for Settlement. If the Nevada
15 Gaming Commission does not accept the Stipulation for Settlement, it shall be withdrawn
16 as null and void and Respondent's admissions, if any, that certain violations of the Nevada
17 Gaming Control Act and the Regulations of the Nevada Gaming Commission occurred shall
18 be withdrawn. This paragraph is severable from the other provisions of this Stipulation for
19 Settlement and shall survive in the event the other provisions are withdrawn as null and
20 void.

21 9. RESPONDENTS and the BOARD agree and understand that this Stipulation
22 for Settlement is intended to operate as the full and final settlement of the Complaint filed
23 in NGC Case No. 23-03. The parties further agree and understand that any oral
24 representations are superseded by this Stipulation for Settlement and that only those
25 terms memorialized in writing herein shall be effective.

26 10. RESPONDENTS agree and understand that although this Stipulation for
27 Settlement, if approved by the Nevada Gaming Commission, will settle the Complaint filed
28 in NGC Case No. 23-03, that the allegations contained in the Complaint filed in NGC Case

1 No. 23-03, and the terms of this Stipulation for Settlement, may be considered by the
2 BOARD and/or the Nevada Gaming Commission, with regards to any and all applications
3 by RESPONDENTS that are currently pending before the BOARD or the Nevada Gaming
4 Commission, or that are filed in the future with the BOARD.

5 11. RESPONDENTS and the BOARD shall each bear their own costs incurred in
6 this disciplinary action, NGC Case No. 23-03.

7 12. RESPONDENTS, by executing this Stipulation for Settlement, affirmatively
8 waive all notices required by law for this matter including, but not limited to, notices
9 concerning consideration of the character or misconduct of a person (Nevada Revised
10 Statute (NRS) 241.033), notices concerning consideration of administrative action against
11 a person (NRS 241.034), and notices concerning hearings before the Nevada Gaming
12 Commission (NRS 463.312). Regardless of the waiver of legal notice requirements, the
13 BOARD and Nevada Gaming Commission will attempt to provide reasonable notice of the
14 time and place of the hearing. Further, in negotiating this Stipulation for Settlement,
15 RESPONDENTS acknowledge that the BOARD has provided RESPONDENTS with the
16 date and time of the Nevada Gaming Commission hearing during which the BOARD
17 anticipates the Nevada Gaming Commission will consider approving this Stipulation for
18 Settlement.

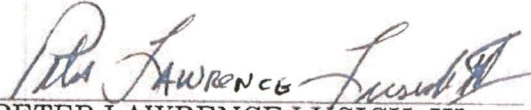
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1 13. This Stipulation for Settlement shall become effective immediately upon
2 approval by the Nevada Gaming Commission.

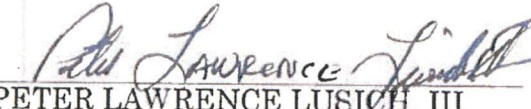
3 DATED this 27th day of April, 2023.

4 S & P GAMING, INC.,
5 dba THE WATERING HOLE

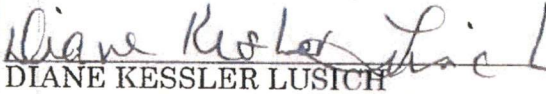
NEVADA GAMING CONTROL BOARD

6 
7 PETER LAWRENCE LUSICH, III
8 President & CEO


KIRK D. HENDRICK, Chairman

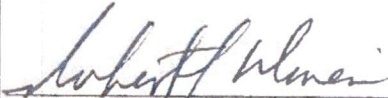
9 
10 PETER LAWRENCE LUSICH, III


BRITTNIE WATKINS, PhD, Member

11 
12 DIANE KESSLER LUSICH


HON. GEORGE ASSAD (RET.), Member

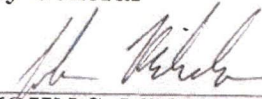
13 ROBERT J. WINES, P.C.

14 
15 ROBERT J. WINES
16 Attorney for Respondents

Submitted by:

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Attorney General

By:


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Attorneys for the Nevada Gaming
Control Board

23 **ORDER**

24 IT IS SO ORDERED in NGC Case No. 23-03.

25 DATED this 22nd day of June, 2023.

26 NEVADA GAMING COMMISSION

27 
28 HON. JENNIFER P. TOGLIATTI, Chair