

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to)
Conduct Gambling Activities of:)
)
McCoy's Cavern)
Olympia, Washington,)
)
Licensee.)
_____)

NO. CR 2013-01624

AMENDED
NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING

*(Amendments appear in italics
and strikeouts)*

I.

The Washington State Gambling Commission issued McCoy's Cavern, organization number 00-17853, license number 05-09754, authorizing Class "A" Punchboard/Pull-Tab activity.

The license expires on December 31, 2013, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

David Trujillo, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

SUMMARY:

McCoy's Cavern failed to submit its activity report for the first and second quarters of 2013. This is the second time the licensee has violated a prior settlement order for the same violation. This is the fifth time in the last six reporting periods that the licensee has failed to timely submit its activity reports.

FACTS:

- 1) On August 18, 2011, McCoy's Cavern was issued a \$300 Notice of Violation and Settlement (NOVAS)¹ for submitting late activity reports for the first and second quarters of 2011. CR The NOVAS was paid on August 30, 2011.
- 2) On March 22, 2012, a statement of charges was issued against McCoy's Cavern for late activity reports for the third and fourth quarters of 2011. On May 30, 2012, the licensee entered into a Settlement Order agreeing to a fifteen-day suspension, with three days deferred for one year, and twelve days served.

¹ NOVAS- Notice of Violation and Settlement identifies the violation and gives the licensee the opportunity to pay a fine to settle the matter.

- 3) On April 15, 2013, a statement of charges was issued against McCoy's Cavern for late reporting of their activity reports for the third and fourth quarters of 2012. On May 24, 2013, the licensee entered into a Settlement Order agreeing to a twenty-day suspension, with three days deferred for one year, and twenty days served, which included the three days deferred from the prior Settlement Order signed and entered on May 30, 2012.
- 4) ~~In the Settlement Orders, provided that the licensee agreed not to violate any Washington gambling statutes or regulations during the one year deferral period. would submit all subsequent gambling activity reports no later than 30 days following the end of the period for which it is made.~~
- 5) As of September 4, 2013, McCoy's Cavern had not submitted their first and second quarterly activity reports for 2013, which were due on July 30, 2013. *This is a violation of the May 2013, Settlement Order.*
- 6) *On September 25, 2013, the activity report was received for the first and second quarters of 2013.*
- 7) McCoy's Cavern has the following history of submitting its activity reports:

QTR	DUE DATE	DATE RECEIVED	DAYS DELINQUENT
2010-4	1/30/2011	2/18/2011	19
2011-1&2	7/30/2011	8/29/2011	30
2011-2&3	1/30/2012	2/17/2012	18
2012-1&2	7/30/2012	7/30/2012	0
2012-3&4	1/30/2013	4/17/2013	77
2013-1&2	7/30/2013	9/25/2013	57

VIOLATIONS:

RCW 9.46.075(1) Denying, suspending, or revoking a license or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsection applies.)

- (1) Violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter

9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

WAC 230-03-085 Denying, suspending, or revoking a license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

(7) Fails to provide us with any information required under Commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us.

WAC 230-14-284 Activity reports for punchboard and pull-tab licensees

Punchboards and pull-tab licensees must submit an activity report to the Commission. Licensees must complete the report in the format we require and must:

(The following subsections apply.)

(1) Cover the periods: (a) January 1 through June 30; and (b) July 1 through December 31; and

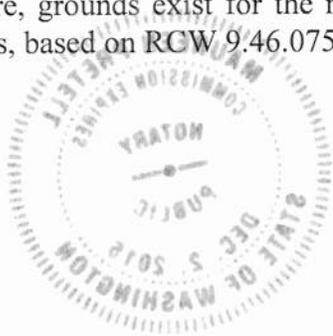
(2) Be received at our administrative office or postmarked no later than thirty days following the end of the reporting period.

McCoy's Cavern's repeated failure to *timely* submit its activity reports, in violation of WAC 230-14-284 (1) and (2), demonstrates its willful disregard for complying with state administrative rules. Therefore, grounds exist for the revocation of McCoy's Cavern's license to conduct gambling activities, based on RCW 9.46.075(1) and WAC 230-03-085(1), (3), and (7).

|||

|||

|||



III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations. In order to have a hearing, the enclosed REQUEST FOR HEARING must be completed in full by the licensee or representative and returned to the Gambling Commission within **23 days** from the date of the mailing of this notice. Based on RCW 34.05.440, FAILURE TO RETURN THIS DOCUMENT WILL RESULT IN THE ENTRY OF A DEFAULT ORDER REVOKING YOUR LICENSE.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

David Trujillo, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

David Trujillo
DAVID TRUJILLO, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 15 day of November, 2013.

Maureen Pretell
NOTARY PUBLIC in and for the State of
Washington residing at Thurston County
My commission expires on December 2, 2015



STATE OF WASHINGTON)
)
COUNTY OF THURSTON)

I certify I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, property addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 18 day of November, 2013

Maureen Pretell