

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension of the)
Licenses to Conduct Gambling Activities of:)
)
The Hideaway)
Shoreline, Washington)
)
Licensee.)
_____)

NO. CR 2014-02334

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

I.

The Washington State Gambling Commission issued The Hideaway, Organization Number 00-21630, the following licenses:

Number 05-08045, authorizing Class "C" Punchboard/Pull-Tab activity; and

Number 65-07236, authorizing Class "F7" Public Card Room activity.

The licenses expire on June 30, 2015, and were issued subject to the licensee's compliance with state gambling laws and Commission rules.

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:

On December 16, 2014, the Hideaway allowed a minor to gamble for the third time within one year and in violation of a Settlement Order.

FACTS:

1) On December 19, 2014, a Washington State Gambling Commission Special Agent (agent) received an e-mail from another agent who conducted an underage compliance inspection using an underage operative at The Hideaway. A floor supervisor allowed the operative to play poker. The Hideaway is operating under a Settlement Order dated July 1, 2014, because they allowed a minor to gamble on January 17, 2014, the second incident within a year.

2) During the inspection, the supervisor Kent Willard, informed the agent and underage operative that there were no current seats available and put them on the wait list.

They waited about ten minutes and then a seat opened up. Mr. Kent allowed the minor to buy in without asking to review his identification. Mr. Kent provided the minor with chips and seated him at a Hold Em' poker table nearest the poker podium. The dealer at the table, James Gifford, did not ask to review the minor's identification. The minor played multiple hands. The minor then left the table and cashed out at the poker podium.

3) On December 26, 2014, Mr. Gifford discussed the incident with the agent. He stated he has been dealing for 30 years and he never failed an underage inspection. He said he did not remember a lot from the evening of December 16, 2014. He said it was really busy that evening and his mind was on other things, such as Christmas. He did not remember when the operative sat down at the table and he should have been paying more attention.

ADMINISTRATIVE HISTORY:

The Hideaway received a Notice of Violation and Settlement (NOVAS)¹ for allowing a person under the age of 18 to gamble in July 2013. The licensee failed another underage compliance check on January 17, 2014, which resulted in a Settlement Order dated July 1, 2014. The licensee agreed to a suspension for a period of five days, with four days deferred for one year from the date the Settlement Order was signed, and one day vacated by paying a fine of \$2,579. The licensee also agreed if it had any future violations, the Director could impose the four-day deferred suspension, in addition to the consequences of the new violation.

The licensee has also received five Warning Letters and three Verbal Warnings for other violations not related to underage gambling within the last five years.

VIOLATIONS:

1) RCW 9.46.075 Denial, suspension, or revocation of license, 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) Has 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.

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

2) WAC 230-03-085 Denying, suspending, or revoking an application, 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.

3) WAC 230-06-010 Age restrictions for players.

No person must allow anyone under the age of eighteen to participate in gambling activities except:

(The following subsections apply.)

(1) To play in licensed bingo games when accompanied by an adult member of his or her immediate family or a guardian, who is at least eighteen years old:

(a) "Immediate family" means only the spouse, parents, or grandparents of an individual; and

(b) "Guardian" means only a court-appointed, legal guardian of an individual; or

The previous Settlement Order states that four days of the suspension shall be deferred for one year. If the licensee violates the terms of the order, the Director may impose the four-day suspension in addition to the consequences of the new violation. The Hideaway demonstrated willful disregard for Commission rules by repeatedly allowing a minor to gamble, in violation of WAC 230-06-010. In addition, the licensee violated the terms of the Settlement Order dated July 1, 2014. Therefore, grounds exist to suspend The Hideaway's licenses under RCW 9.46.075(1), WAC 230-03-085(1) and (3), and the 2014 Settlement Order.

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