

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License) NO. CR 2015-00253
to Conduct Gambling Activities of:)
)
Sluggers Sports Bar & Grill) **FINDINGS, CONCLUSIONS,**
Kirkland, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
)
Licensee.)

THE MATTER of the revocation of the license to conduct gambling activities of Sluggers Sports Bar & Grill, having come before the Commission on May 7, 2015, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued Sluggers Sports Bar & Grill (Sluggers) organization number 00-13600, the following license(s):

Number 05-07596, Authorizing Class "C" Punchboard Pull-Tab Activity.

The license expires on June 30, 2015, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

On March 6, 2015, Director David Trujillo issued administrative charges to Sluggers, by regular and certified mail. The administrative charges notified Sluggers that failure to respond would result in the entry of a default order revoking the license. Sluggers did not respond to the charges and therefore, waived its right to a hearing. Pursuant to RCW 34.05.440, this final order is entered in default.

III.

SUMMARY:

The licensee failed to timely submit its gambling taxes due to the City of Kirkland. Additionally, Sluggers has failed to timely submit its activity reports.

FACTS:

1) On February 2, 2015, the Washington State Gambling Commission received a petition from the City of Kirkland requesting that the Commission revoke the gambling license issued to

Sluggers.

- 2) Despite numerous requests by both the Commission and the City, as of January 27, 2015, Sluggers owed \$15,927.78 in Gambling Taxes to the City. A partial payment was last received on October 4, 2013.
- 3) The City of Kirkland issued Sluggers, Inc. a business license to operate within the city limits. The license expired in August 2014, and had not been renewed as of January 27, 2015.
- 4) Sluggers has also twice failed to timely submit its activity reports to the Commission and received a Notice of Violation and Settlement¹ for this repeat violation of WAC 230-14-284 (Case No. 2014-01676).
- 5) On February 11, 2015, Commission staff informed the agent that Sluggers failed to submit its activity reports for the 3rd and 4th quarters of 2014. Sluggers have failed to timely submit its activity reports at least four times in the last two years.

VIOLATIONS:

1) RCW 9.46.075 Denial, suspension, or revocation of license, application, 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 certified employee, 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.

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.

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

(4) Has failed to pay gambling taxes to local taxing authorities and the local taxing authority has petitioned us to take action.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities.

3) 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.

Sluggers' repeated failure to abide by applicable laws demonstrates not only a willful disregard for compliance but also demonstrates Sluggers' poses a threat to the effective regulation of gambling under WAC 230-03-085(1), (3), and (8). The City of Kirkland has requested the Commission revoke Sluggers' gambling license, consistent with WAC 230-03-085(4). Additionally, Sluggers repeated failure to 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 suspension or revocation of the license(s) to conduct gambling activities, based on RCW 9.46.075(1) and WAC 230-03-085.

IV.

CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Sluggers' license to conduct gambling activities under the authority of the RCW 9.46.075 and WAC 230-03-085.

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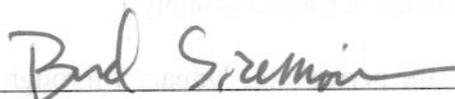
DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Sluggers' license to conduct gambling activities is REVOKED.

DATED this 7 day of May, 2015.



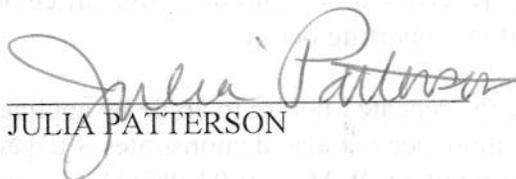
CHRISTOPHER STEARNS, CHAIR



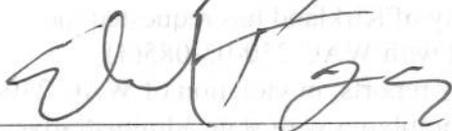
BUD SIZEMORE, VICE-CHAIR



KELSEY GRAY, Ph.D.



JULIA PATTERSON



ED TROYER

PRESENTED BY:



Arlene Dennistoun, WSBA# 28760
Staff Attorney
Washington State Gambling Commission

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

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Sluggers Sports Bar & Grill) **FINDINGS, CONCLUSIONS,**
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Licensee.)

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SUMMARY:

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CONCLUSIONS OF LAW

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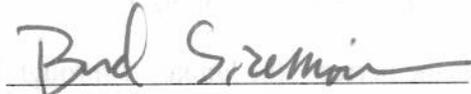
DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Sluggers' license to conduct gambling activities is REVOKED.

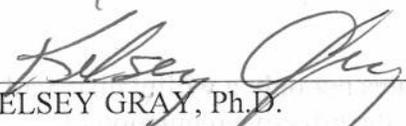
DATED this 7 day of May, 2015.



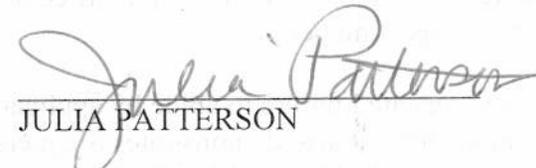
CHRISTOPHER STEARNS, CHAIR



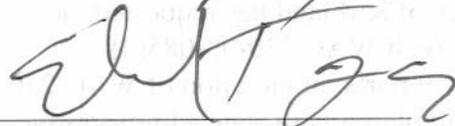
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KELSEY GRAY, Ph.D.



JULIA PATTERSON



ED TROYER

PRESENTED BY:



Arlene Dennistoun, WSBA# 28760
Staff Attorney
Washington State Gambling Commission

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

NOTICE: Petition for Judicial Review

You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final Order must be filed with the court and served upon both the Commission and the Office of the Attorney General within thirty-days (30) after the date this Final Order is served upon you.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

Washington State Gambling Commission
Communications & Legal Division
PO Box 42400
Olympia, Washington 98504-2400

Gregory J. Rosen
Assistant Attorney General
P.O. Box 40100
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