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STATE OF WASHINGTON  
GAMBLING COMMISSION

MAR 24 2009

GAMBLING COMMISSION  
COMM & LEGAL DEPT

In the Matter of the Suspension of the )  
Licenses to Conduct Gambling Activities of: )  
 )  
Buzz Inn Steakhouse, )  
280 Grant Rd. )  
East Wenatchee, Washington, )  
 )  
Licensee. )  
\_\_\_\_\_ )

No. CR 2008-02003

**SETTLEMENT ORDER**

I.

This Settlement Order is entered into between the Washington State Gambling Commission and Buzz Inn Steakhouse. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney. The licensee is represented by Dennis Carino, President.

II.

The Washington State Gambling Commission issued Buzz Inn Steakhouse, organization number 00-11170, the following licenses:

- Number 67-00183, Authorizing Class "10" House-Banked Card Room Activity.
- Number 05-05806, Authorizing Class "G" Punchboard/Pull-Tab Activity.

The licenses expire on December 31, 2009, and were issued subject to the licensee's compliance with state gambling laws and regulations.

III.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee on January 8, 2009. On January 16, 2009, Commission staff received the licensee's request for a hearing.

IV.

The following is a summary of the facts alleged, and the violations charged in the Notice of Administrative Charges:

On December 14, 2008, the licensee allowed a minor to gamble in its card room, violating WAC 230-06-010. The licensee was previously issued a NOVAS<sup>1</sup> on May 31, 2008, for allowing a minor to gamble. Grounds exist to suspend the licenses under RCW 9.46.075(1) and WAC 230-03-085(1) and (3).

1 The Notice of Violation and Settlement (NOVAS) identifies the violation and gives the recipient the opportunity to pay a fine to settle the matter.

**RCW 9.46.075(1)**

The Commission may 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:

(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.

**WAC 230-03-085(1) and (3), Suspending, or revoking a license or permit**

We may 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:

(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.

**WAC 230-06-010, Age restriction for players**

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

(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

(2) To play bingo at agricultural fairs or school carnivals; or

(3) To play amusement games; or

(4) To sell raffle tickets for a charitable or nonprofit organization that:

- (a) Has development of youth as a primary purpose; and
- (b) Has at least three members or advisors who are at least eighteen years old and who supervise the operation of the raffle; and
- (c) Has an adult member or advisor designated as the manager for the raffle.

V.

The licensee acknowledges that it has read the Notice of Administrative Charges, and understands the facts in it. The licensee has waived its right to a hearing, based on the terms and conditions of this Settlement Order.

- 1) The licensee terminated the employee who allowed the minor to gamble, has reminded employees to check customers' identifications, and has a current identification booklet.

2) The licensee agrees that Buzz Inn Steakhouse's licenses are hereby suspended for a period of **five (5) days**, provided that:

- a) **Four (4) days** of the suspension shall not be currently served, but shall be deferred for a period of one year from the date of entry of this Settlement Order, subject to the following: The licensee agrees not to violate any of Washington's gambling statutes or regulations during the one (1) year term. If the licensee violates these statutes or regulations and if the violation is the type that warrants the filing of administrative or criminal charges, then the Director may impose the four-day suspension of the current gambling license(s) and any subsequently acquired gambling licenses.
- b) The parties agree that the Director of the Washington State Gambling Commission, pursuant to this agreement, has discretion to determine whether the licensee has violated any term of this agreement. In the event the Director determines that a violation of this section has occurred, he may suspend the licenses issued to the licensee, and any subsequently acquired licenses, for up to four days, by mailing or delivering a Notice of Order of Administrative Charges to the licensee. This suspension shall be in addition to any consequences of the new violation. The licensee shall be afforded the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.
- c) Pursuant to RCW 9.46.077, the licensee has chosen to vacate the **remaining one (1) day** of this suspension by paying a fine in the amount of one thousand, seven hundred and seventy dollars (\$1,770), which represents fifty percent of the licensee's net gambling receipts for one day, based on information reported by the licensee on its activity reports. The licensee also agrees to reimburse the Commission for its investigative and administrative costs in the amount of one thousand and fifteen dollars (\$1,015), for **total fines and costs of two thousand, seven hundred and eighty-five dollars (\$2,785)**. The payment must be received by Commission staff on or before **February 27, 2009**.
- d) Payment shall be **mailed** to Commission Headquarters at the following address:

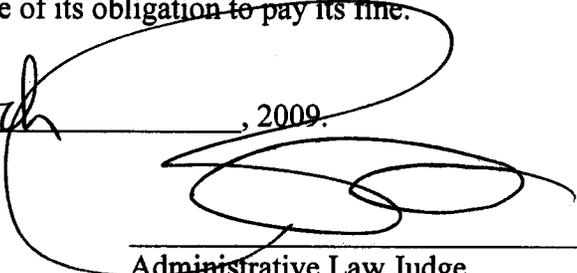
Washington State Gambling Commission  
Attention: Communications and Legal Division – Fines  
P.O. Box 42400  
Olympia, WA 98504-2400

or **delivered** (in person or via private courier) to the following address:

Washington State Gambling Commission  
Attention: Communications and Legal Division – Fines  
4565 7<sup>th</sup> Avenue SE; Fourth Floor  
Lacey, WA 98503

3) If the licensee makes its payment as agreed in Subsection IV, paragraph 2, this matter will be deemed closed. However, if the licensee fails to timely make its payment, the Director may impose an additional **two (2)** day suspension for the late payment. Serving the suspension would not, however, relieve the licensee of its obligation to pay its fine.

DATED this 23<sup>rd</sup> day of March, 2009.

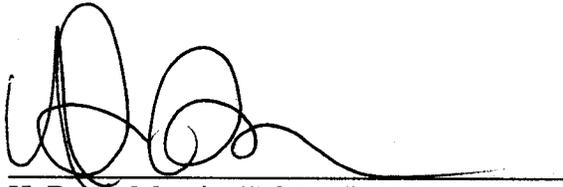
  
\_\_\_\_\_  
Administrative Law Judge

APPROVED FOR ENTRY:

APPROVED AS TO FORM:

By the signature below, the licensee acknowledges reading this Settlement Order, and understands the terms and conditions contained in it.

Dennis Carino 3/12/09  
Dennis Carino, President (DATE)  
Buzz Inn Steakhouse Pres.

  
\_\_\_\_\_  
H. Bruce Marvin, WSBA #25158  
Assistant Attorney General,  
Representing the Washington State  
Gambling Commission

Melinda A. Froud  
\_\_\_\_\_  
Melinda Froud, WSBA #26792  
Lead Staff Attorney,  
Washington State Gambling Commission