

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension of)
the License to Conduct Gambling Activities of:)
)
Bob's Rubattino Restaurant,)
808 South Third,)
Renton, Washington,)
)
Licensee.)
_____)

NO. CR 2009-00357

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

I.

The Washington State Gambling Commission issued Bob's Rubattino Restaurant, organization number 00-05817, the following license:

Number 05-02363, Authorizing Class "A" Punchboard Pull-Tab Activity.

The license expires on September 30, 2009, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

Rick Day, 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:

- 1) The licensee failed to timely submit its punchboard/pull-tab activity report for the third and fourth quarters of 2008. The activity report was due at our administrative office or postmarked by January 30, 2009. However, the activity report was not postmarked until February 2, 2009, and not received until February 3, 2009. This conduct violated WAC 230-14-284(2).
- 2) In September 2008, the licensee failed to timely renew its punchboard/pull-tab license. The licensee continued to operate punchboard/pull-tab activity after its license expired on September 30, 2008. The licensee did not submit a new application until October 17, 2008. A punchboard/pull-tab activity license was issued to the licensee on December 9, 2008.
- 3) Although it did not have a valid license, the licensee operated punchboard/pull-tab activity from October 1, 2008 through December 9, 2008. This conduct violated WAC 230-06-125(1), (2), (3) and RCW 9.46.160.
- 4) Bob's Rubattino Restaurant has the following administrative history:
 - In May 2007, the licensee entered into a Settlement Order and agreed to a 15-day suspension to resolve administrative charges issued for failing to timely submit its activity report for the third and fourth quarters of 2006. (CR 2007-00408)

- In August 2006, a Commission Special Agent issued a Notice of Violation and Settlement (NOVAS)¹ to the licensee for failing to timely submit its activity report for the first and second quarters of 2006. (CR 2006-01417)

5) Grounds exist for the suspension of Bob's Rubattino Restaurant's license to conduct gambling activities, based on RCW 9.46.075(1) and WAC 230-03-085(1), (3), and (7).

6) The licensee's failure to timely submit its activity report demonstrates the licensee's willful disregard for complying with state administrative rules, is a violation of the May 2007 Settlement Order, and constitutes grounds to impose the three-day deferred suspension pursuant to that Settlement Order (Enclosed).

RCW 9.46.075 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(s) apply:

(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 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 subsection(s) apply:

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

(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.

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¹ The NOVAS identifies the violation, and in this case, gives the recipient the opportunity to pay a fine and submit its delinquent report to settle the matter.

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 subsection(s) 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.

WAC 230-06-125 Renew your license in a timely manner.

The following subsection(s) apply:

- (1) Licensees must ensure a properly completed renewal application and all applicable fees are received at our administrative office in Lacey at least fifteen days before the expiration date on their license.
- (2) If licensees do not submit a properly completed application and all fees and their license expires, they must immediately stop the gambling activity covered by their license.
- (3) If your license expires, you must submit an application and you must not operate any gambling activity until a new license is issued.

RCW 9.46.160 Conducting activity without license.

Any person who conducts any activity for which a license is required by this chapter, or by rule of the Commission, without the required license issued by the commission shall be guilty of a class B felony. If any corporation conducts any activity for which a license is required by this chapter, or by rule of the commission, without the required license issued by the commission, it may be punished by forfeiture of its corporate charter, in addition to the other penalties set forth in this section.

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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 or discuss settlement options, the enclosed REQUEST FOR HEARING must be COMPLETED 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 SUSPENDING your license for 30 days.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding for Bob's Rubattino Restaurant, 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.

Rick Day

RICK DAY, DIRECTOR

STATE OF WASHINGTON)
) ss
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly 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 17th day of March, 2009

Communications and Legal Department
Washington State Gambling Commission

Michelle M. Pardee

SUBSCRIBED AND SWORN TO before me
this 17th day of March, 2009.

Michelle M. Pardee

NOTARY PUBLIC in and for the State of
Washington residing at Lacey
My commission expires on June 15, 2009

