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GAMBLING COMMISSION
COMM & LEGAL DEPT

STATE OF WASHINGTON
GAMBLING COMMISSION

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GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Suspension or Revocation of)
the License to Conduct Gambling Activities of:)
)
Cobb Enterprises Inc.)
d/b/a Filling Station,)
)
Licensee.)
_____)

NO. CR 2009-01244

SETTLEMENT ORDER

This Settlement Order is entered into between the Washington State Gambling Commission and Cobb Enterprises Inc., d/b/a Filling Station. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Staff Attorney. The licensee is represented by its owner, Adam Cobb.

I.

The Washington State Gambling Commission issued Cobb Enterprises Inc., d/b/a Filling Station, organization number 00-20387, the following license:

05-20128, Authorizing Class "C" Punchboard Pull-Tab Activity.

The license expires on March 31, 2010, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

In the above-entitled case, the Director issued a Notice of Administrative Charges on August 25, 2009, seeking the suspension or revocation of Filling Station's gambling license. The following is a summary of the facts alleged and the violations charged in the Notice of Administrative Charges:

The licensee failed to timely submit its punchboard/pull-tab activity report for the first and second quarters of 2009 within 30 days following the end of the reporting period. The activity report was due July 30, 2009. However, the activity report was not received until August 10, 2009. This conduct violated WAC 230-14-284(1) and (2).

VIOLATIONS:

RCW 9.46.075(1) Suspending a license or permit

The Commission may suspend 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.

WAC 230-03-085 Suspending a license or permit

We may suspend any 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.
- (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.

WAC 230-14-284 Activity 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.

III.

The Filling Station sent in a request for hearing on September 10, 2009. The Filling Station has submitted their delinquent Activity report, and has waived its right to a hearing; the parties agree to settle this matter under the following terms:

- 1) The licensee's gambling license is hereby suspended for a period of **fifteen (15) days**, provided that:
 - a) **Three (3) days of the suspension shall not be currently served, but shall be deferred for a period of two years** from the date of entry of this Settlement Order, subject to the following:
 - The licensee must not violate the terms of this Settlement Order, or Washington's gambling statutes and/or regulations during the two (2) year term, including failing to submit future activity reports when due.
 - If the licensee violates the terms of this order, gambling 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 three (3) day suspension of the current gambling license and any subsequently acquired gambling license(s).

b) The parties agree that the Director of the Washington State Gambling Commission, pursuant to this settlement, has sole discretion to determine whether the licensee has violated any term of this settlement.

c) In the event the Director determines that a violation of this section or any other type of violation has occurred, he may suspend the license(s) issued to Filling Station, by mailing or delivering a Notice of Administrative Charges to the licensee. The suspension shall be in addition to the 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.

2) Pursuant to RCW 9.46.077, the licensee has chosen to vacate the remaining twelve (12) days of this suspension by paying a fine in the amount of one thousand dollars (\$1,000). The licensee also agrees to reimburse the Commission for investigative and administrative costs of three hundred dollars (\$300), for total fines and costs of one thousand, three hundred dollars (\$1,300).

3) The payment must be mailed to Commission Headquarters at the following address:

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

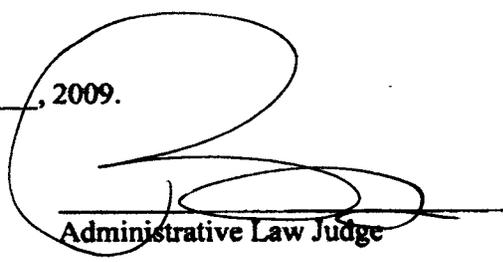
Or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
Communications and Legal Division
4565 7th Avenue SE;
Third Floor Reception
Lacey, Washington

4) The signed Settlement Order must be received by Commission staff on or before October 7, 2009.

5) The licensee agrees to submit its activity reports within 30 days following the end of the reporting period. Failure to do so may result in the filing of administrative charges for the suspension or revocation of Filling Station's license to conduct gambling activities.

DATED this 21st day of October, 2009.


Administrative Law Judge

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APPROVED FOR ENTRY:

By the signature below, the licensee acknowledges reading the Settlement Order, and understands the terms and conditions.

Adam Cobb 10/2/09
Adam Cobb, Owner (DATE)
Filling Station

Melinda A Froud
Melinda Froud, WSBA#26792
Staff Attorney,
Washington State Gambling Commission

ACCEPTED AS TO FORM:

H. Bruce Marvin
H. Bruce Marvin, WSBA# 25152
Assistant Attorney General,
Representing the Washington State
Gambling Commission