

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation of)
the Licenses to Conduct Gambling Activities of:)
Henri's Restaurant & Bar)
4545 Ocean Beach Hwy)
Longview, Washington,)
Licensee.)
_____)

NO. CR 2009-01196

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

I.

The Washington State Gambling Commission issued Henri's Restaurant & Bar, organization number 00-21231, the following license(s):

Number 65-07209, Authorizing Class "E3" Public Card Room Activity.
Number 05-20537, Authorizing Class "A" Punchboard/Pull-Tab Activity.

The license(s) expire on March 31, 2010, and were issued subject to the licensee's compliance with state gambling laws and regulations.

II.

David Trujillo, Deputy Director of the Washington State Gambling Commission, charges the licensee with the following violation(s) of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- Henri's Restaurant & Bar failed to pay the required fees of \$2,094 in connection with exceeding their Punch Board/Pull-Tab license class for their license year ending in March 31, 2009.
- The licensee was licensed at Class "A" Punchboard/Pull-Tab Activity, which is able to have Annual Gross Gambling Receipts up to \$50,000.
- On May 7, 2009, a Commission Customer Service Specialist sent the licensee a letter, and Exceeding Class Notice, which reflected that the licensee had gross gambling receipts of \$108,690 for its license year ending March 31, 2009. The letter requested that the licensee pay the exceeding class fees within 30 days. The licensee received another notice on July 8, 2009. As of September 15, 2009, the licensee had not paid the exceeding class fee.

- As a result, the licensee was actually operating at Class “C” Punchboard/Pull-Tab Activity, which is able to have Annual Gross Gambling Receipts up to \$200,000.

Therefore, under RCW 9.46.075(1), WAC 230-06-130(1), and (2)(a), and (b), WAC 230-03-085(1), (3), and (7), grounds exist to suspend or revoke Henri’s Restaurant & Bar licenses.

RCW 9.46.075(1)

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.

WAC 230-06-130(1), and (2)(a), and (b) Exceeding license class:

(The following subsection(s) apply)

- (1) Licensees must not exceed the gross gambling receipts limits for their license class during any annual license period.
- (2) Licensees must apply a projection of year-to-date receipts to the remaining period of their license and, if it indicates that it is reasonably likely that they may exceed their license, they must immediately:
 - (a) Apply for a license that authorizes the anticipated level of gross gambling receipts; and
 - (b) Submit the fee required for the new license, minus the amount originally submitted for the previous license, plus a change of classification fee.

WAC 230-03-085(1), (3), and (7) 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 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, or, if the rule establishes no time limit, within thirty days after receiving a written request from us.

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 REVOKING your licenses.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

David Trujillo, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Deputy Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

STATE OF WASHINGTON)
) ss
COUNTY OF THURSTON)

DAVID TRUJILLO
DAVID TRUJILLO, DEPUTY DIRECTOR

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.

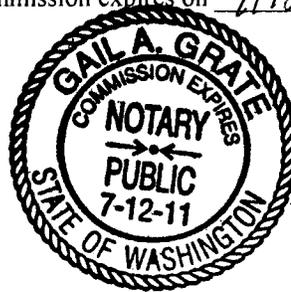
SUBSCRIBED AND SWORN TO before me
this 16th day of September, 2009.

Dated at Olympia, Washington this 17th day of September, 2009

Gail A. Grate
NOTARY PUBLIC in and for the State of
Washington residing at Thurston County
My Commission expires on 7/12/2011

Communications and Legal Department
Washington State Gambling Commission

Margaret Pretell



STATE OF WASHINGTON
COUNTY OF THURSTON

I hereby certify that I have read the above and have caused a copy of the same to be made and filed in my office. I have also caused a copy of the same to be made and filed in the office of the County Clerk, Thurston County, Washington, and a copy of the same to be made and filed in the office of the County Clerk, King County, Washington.

Given under my hand and seal of office this _____ day of _____, 19____.

Washington State Gambling Commission
Communications and Legal Department

