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JAN 15 2010

GAMBLING COMMISSION
COMM & LEGAL DEPT

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension of the)
Licenses to Conduct Gambling Activities of:)

No. CR 2009-01470

Lancer Lanes Restaurant & Casino)
Clarkston, Washington,)

SETTLEMENT ORDER

Licensee.)
_____)

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GAMBLING COMMISSION
COMM & LEGAL DIVISION

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HEADQUARTERS OFFICE OF
ADMINISTRATIVE HEARINGS

I.

This Settlement Order is entered into between the Washington State Gambling Commission and Lancer Lanes Restaurant & Casino. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Brenda Bono, Staff Attorney. The licensee is represented by Jerome Howe, Banana Belt Gaming LLC.

II.

The Washington State Gambling Commission issued Lancer Lanes Restaurant & Casino, Organization number 00-21681, the following licenses:

Number 67-00276, Authorizing Class "9" House-Banked Card Room Activity; and
Number 05-20738, Authorizing Class "A" Punchboard/Pull-Tab Activity.

The licenses expire on September 30, 2010, 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 November 18, 2009. On November 25, 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 September 18, 2009, the licensee allowed a minor to gamble in its card room, violating WAC 230-06-010. The licensee was previously issued a NOVAS¹ on March 20, 2009, 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 NOVAS - A Notice of Violation and Settlement identifies the violation and gives the licensee the opportunity to pay a fine to settle the matter.

VIOLATIONS:**RCW 9.46.075(1) Denying, Suspending or revoking a license or permit**

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 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 Denying, Suspending or revoking a license or permit

We may suspend or revoke any license or permit, when the licensee or anyone holding a substantial interest in the 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.

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; 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.

V.

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

The licensee has submitted mitigating circumstances described below. The licensee has implemented the following methods to prevent minors from gambling at Lancer Lanes Restaurant & Casino:

- Since the incident, employees attended mandatory underage compliance training.
- All customers that are 30 years of age or under are identified with a hand stamp or bracelet as they come in the door of the casino.
- The General Manager will periodically man "floor position" to stress ID policies.

- Established penalties for employees who fail to properly check ID's.
- Terminated the dealer for this underage violation.

1) The licensee agrees that Lancer Lanes Restaurant and Casino'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 license(s) 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.

2) The licensee has chosen to serve the remaining one (1) day of the suspension. **The suspension period begins at 8:00 a.m. on Friday, December 25, 2009, and ends at 8:00 a.m. on Saturday, December 26, 2009. During this period of suspension, no gambling activities shall take place at the licensed premises.**

3) **The signed order must be received by Commission staff on or before Monday, December 21, 2009. The order must be mailed to Commission Headquarters at the following address:**

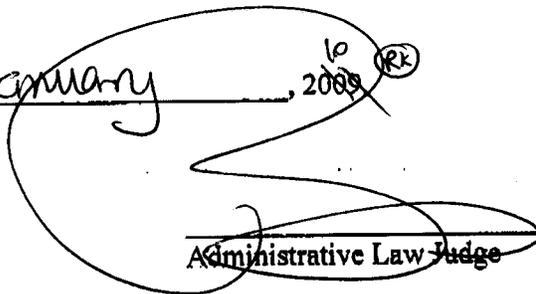
Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

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

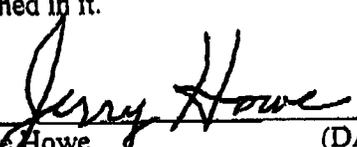
Washington State Gambling Commission
Attention: Communications and Legal Division
4565 7th Avenue SE; Fourth Floor
Lacey, WA 98503

DATED this 12th day of January, 2009. ¹⁰ (RX)

Administrative Law Judge

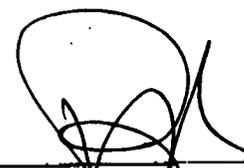
APPROVED FOR ENTRY:

APPROVED AS TO FORM:

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


Jerome Howe (DATE) 12/15/09
Lancer Lanes Restaurant & Casino
Banana Belt Gaming LLC


H. Bruce Marvin, WSBA #251582
Assistant Attorney General
Representing the Washington State
Gambling Commission


Brenda Bono, WSBA #29956
Staff Attorney
Washington State Gambling Commission