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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: )  
)  
Tipperary Pub )  
10713 Park Avenue South )  
Tacoma, Washington, )  
)  
Licensee. )  
\_\_\_\_\_ )

NO. CR 2009-01254

**SETTLEMENT ORDER**

This Settlement Order is entered into between the Washington State Gambling Commission and Tipperary Pub. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Staff Attorney. The licensee is represented by its owner, Dennis Schmidt.

I.

The Washington State Gambling Commission issued Tipperary Pub, organization number 00-16833, the following license:

05-09229, Authorizing Class "C" Punchboard Pull-Tab Activity.

The license expires on June 30, 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 21, 2009, seeking the suspension or revocation of Tipperary Pub'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 7, 2009. This conduct violated WAC 230-14-284(2).

It is also a violation of the November 2008, Settlement Order, and constitutes grounds to impose the three-day deferred suspension pursuant to that Settlement Order.

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## 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(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 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.

Tipperary Pub sent in a request for hearing on September 15, 2009. Tipperary Pub 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 twenty (20) 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 Tipperary Pub, 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 seventeen (17) days** of this suspension by paying a fine in the amount of one thousand, two hundred dollars (\$1,200). 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, five hundred dollars (\$1,500)**.

3) Additionally, the licensee will serve **three (3) days** of the previously deferred suspension from the Settlement Order dated November 2008.

- **The suspension period will begin at 8:00 a.m. on Monday, October 26, 2009, and shall run through Wednesday, October 28, 2009.**
- During this period of suspension, *no gambling activities shall take place at the licensed premises.*
- The licensee may resume its gambling activities at 8:00 a.m. on Thursday, October 29, 2009.

4) 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

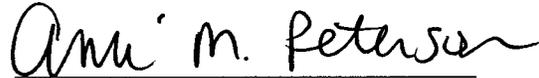
Or **delivered** (in person or via private courier) to the following address:

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

5) **The signed Settlement Order must be received by Commission staff on or before October 12, 2009.**

6) 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 Tipperary Pub's license to conduct gambling activities.

DATED this 21<sup>st</sup> day of October, 2009.



Administrative Law Judge

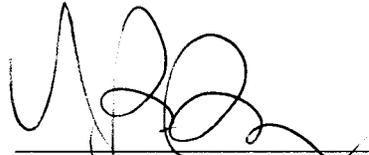
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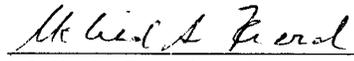
ACCEPTED AS TO FORM:

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

  
Dennis Schmidt, Owner  
Tipperary Pub

10.9.09  
(DATE)

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

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