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SEP 08 2009

STATE OF WASHINGTON
GAMBLING COMMISSION

GAMBLING COMMISSION
COMM & LEGAL DEPT

In the Matter of the Suspension of the)
Licenses to Conduct Gambling Activities of:)
)
Tuscan Sands Casino,)
1002 Vintage Valley Rd,)
Zillah, WA 98953,)
)
Licensee.)
_____)

No. CR 2009-00931

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SETTLEMENT ORDER

SEP 25 2009

GAMBLING COMMISSION
COMM & LEGAL DEPT

I.

This Settlement Order is entered into between the Washington State Gambling Commission and Tuscan Sands Casino. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney. The licensee is represented by Jamie Muffett, Owner.

II.

The Washington State Gambling Commission issued Tuscan Sands, organization number 00-21366, the following licenses:

- Number 05-20606, Authorizing Class "A" Punchboard/Pull-Tab Activity, and
- Number 65-07244, Authorizing Class "D" Public Card Room Activity.¹

The licenses expire on September 30, 2009, 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 June 19, 2009. On July 7, 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:

¹ From November 30, 2007, through November 18, 2008, the licensee held license number 67-00268, Authorizing House Banked Card Room Activity. On November 18, 2008, the licensee changed to a Public Card Room Activity license. The licensee has maintained its punchboard/pull-tab license since November 30, 2007.

1) In December 2008, the City of Zillah informed Commission staff, in writing, that the licensee had not paid its local gambling taxes. On December 29, 2008, and on April 9, 2009, Commission staff sent the licensee letters, notifying it that failure to pay local gambling taxes could result in the suspension or revocation of its gambling licenses.

2) On June 8, 2009, Commission staff received a petition from the City of Zillah which asked for the suspension or revocation of Tuscan Sands' gambling licenses because it had not paid its local gambling taxes.

3) The licensee failed to pay required gambling taxes to the City of Zillah since the first quarter of 2008 through the first quarter of 2009, totaling over \$17,434 in delinquent taxes. The licensee's failure to pay local gambling taxes shows willful disregard for local ordinances.

4) Therefore, grounds exist to suspend or revoke Tuscan Sands' licenses under RCW 9.46.075(1) and WAC 230-03-085(1), (3) and (4).

RCW 9.46.075(1) provides that we may suspend or revoke a license if the licensee has violated the provisions, requirements or duties imposed by Chapter 9.46 RCW or any rule adopted by staff.

WAC 230-03-085 Denying, suspending, or revoking an 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 subsections 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.

(4) Has failed to pay gambling taxes to local taxing authorities and the local taxing authority has petitioned us to take action.

V.

The licensee submitted to Commission staff an agreement entered between the licensee and the City of Zillah for the payment of delinquent gambling taxes in the amount of \$17,130.76. The agreement is incorporated by reference to this settlement order. The licensee made a \$3,000 payment to the City of Zillah on August 17, 2009, and starting in September 2009, the licensee will make monthly payments of \$300 on or before the 10th of each month until paid in full.

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 agrees to the following:

1) Failure by the licensee to make a payment according to the agreement between the licensee and the City of Zillah will be a new violation. As a result, the Director will issue charges for the revocation of Tuscan Sands Casino's licenses. The licensee will be afforded the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.

2) The licensee agrees that Tuscan Sands Casino's licenses are hereby **suspended for a period of fifteen (15) days**, provided that:

a) **Thirteen (13) days** of the suspension shall not be currently served, but shall be deferred for a period of two 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 two (2) year term.

b) 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 thirteen-day suspension of the current gambling licenses and any subsequently acquired gambling licenses.

c) The parties agree that the Director of the Washington State Gambling Commission, pursuant to this settlement order, has discretion to determine whether the licensee has violated any term of this settlement order. In the event the Director determines that a violation has occurred, he may suspend the licenses issued to the licensee, and any subsequently acquired licenses, for up to thirteen 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.

d) The licensee has chosen to **serve the remaining two (2) days** of this suspension. **The suspension period will begin at 8:00 a.m. on Monday, September 14, 2009, and shall run through Tuesday, September 15, 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 Wednesday, September 16, 2009.

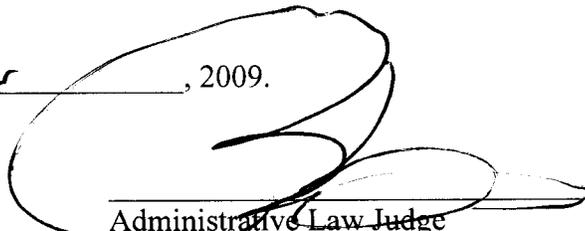
3) **The signed order must be received by Commission staff on or before Tuesday, September 8, 2009.** The order must be mailed to Commission Headquarters at the following address:

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

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 23rd day of September, 2009.

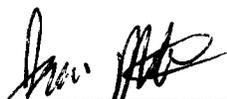


Administrative Law Judge

APPROVED FOR ENTRY:

APPROVED AS TO FORM:

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



Jamie Muffett, Owner
Tuscan Sands Casino

8-31-09
(DATE)



H. Bruce Marvin, WSBA #25158
Assistant Attorney General,
Representing the Washington State
Gambling Commission



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