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GAMBLING COMMISSION
COMM & LEGAL DEPT

STATE OF WASHINGTON
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GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Suspension of the License
to Conduct Gambling Activities of:

Willie's Hi-Lead Inn,

Licensee.

NO. CR 2009-00290

SETTLEMENT ORDER

This Settlement Order is entered into between the Washington State Gambling Commission and Willie's Hi-Lead Inn. H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Staff Attorney represent the Gambling Commission. The licensee is represented by Rosemary Richey, owner.

I.

Willie's Hi-Lead Inn, 456 Maple Street, Hamilton, organization number 00-11653, has been issued the following license by the Washington State Gambling Commission:

Number 05-06123, Authorizing Class "A" Punchboard/Pull-Tab Activity.

This license, which expires on September 30, 2009, was issued subject to the licensee's compliance with state gambling laws and Commission rules.

II.

In the above-entitled case, the Director issued a Notice of Administrative Charges on April 2, 2009, seeking the suspension of Willie's Hi-Lead Inn's gambling license. On April 21, 2009, Commission staff received the licensee's request for a hearing.

The following is a summary of the facts alleged, and the violations charged in the Notice of Administrative Charges:

1) The licensee failed to timely submit its punchboard/pull-tab activity report for the third and fourth quarters of 2008. The activity report was due January 30, 2009. However, the activity report was not received until February 6, 2009.¹ This conduct violated WAC 230-14-284(2).

2) Previously, the licensee filed late reports for all quarters of 2006 and all the quarters of 2007. In May 2008, the licensee entered into a Settlement Order to resolve administrative charges issued for failing to timely submit its punchboard/pull-tab activity reports. The licensee agreed to a 15-day suspension (three days deferred and twelve days served) and agreed to submit all future activity reports no later than 30 days following the end of the period for which it is made. (CR 2008-00403)

¹ The activity report was postmarked February 5, 2009.

3) The licensee's repeated failure to timely submit its activity reports demonstrates the licensee's willful disregard for complying with state administrative rules. Grounds exist for the suspension of Willie's Hi-Lead Inn's license to conduct gambling activities, based on RCW 9.46.075(1) and WAC 230-03-085(1), (3), and (7).

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

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.

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III.

Willie's Hi-Lead Inn has submitted its delinquent Activity Report. The licensee waives its right to a hearing, and 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 Willie's Hi-Lead Inn 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 given the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.

d) Pursuant to RCW 9.46.077, the licensee has agreed to serve the remaining **seventeen (17) days** of this suspension. Additionally, the licensee will serve **three (3) days** of the previously deferred suspension from the Settlement Order dated May 2008.

e) **The total suspension period will be for twenty (20) days.**

- **The suspension period will begin at 8:00 a.m. on Monday, June 22, 2009, and shall run through Saturday, July 11, 2009.**
- The licensee may resume its gambling activities at 8:00 a.m. on Sunday, July 12, 2009.
- During this period of suspension, *no gambling activities shall take place at the licensed premises.*

f) **The signed order must be received by Commission staff on or before June 12, 2009.** The order must be mailed to Commission Headquarters at the following address:

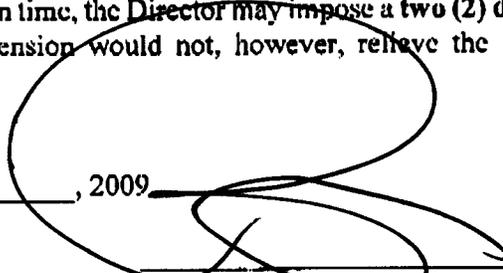
Washington State Gambling Commission
Attention: Communications and Legal Division – Fines
P.O. Box 42400
Olympia, WA 98504-2400

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

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

2) 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 Willie's Hi-Lead Inn's license to conduct gambling activities

3) If the licensee makes its payment, as set forth above, this matter will be deemed closed. However, if the licensee fails to make its payment on time, the Director may impose a two (2) day suspension for the late payment. Serving the suspension would not, however, relieve the licensee of its obligation to pay its fine.

DATED this 19th day of June, 2009


Administrative Law Judge

APPROVED FOR ENTRY:

ACCEPTED AS TO FORM:

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

Rosemary Richey 6/12/09
Rosemary Richey, Owner (DATE)
Willie's Hi-Lead Inn

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

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