

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Suspension of the )  
Licenses to Conduct Gambling Activities of: )  
 )  
Wizards Restaurant LLC., )  
15739 Ambaum Blvd SW )  
Burien, WA 98166, )  
 )  
Licensee. )  
\_\_\_\_\_ )

No. CR 2009-00539

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

I.

The Washington State Gambling Commission issued Wizards Restaurant LLC., organization number 00-17492, the following licenses:

Number 67-00024, Authorizing Class "15" House-Banked Card Room Activity;  
Number 05-09561, Authorizing Class "J" Punchboard/Pull-Tab Activity; and  
Number 53-20094, Authorizing Class "A" (premises only) Amusement Game Activity.

The licenses expire on September 30, 2009, and were issued subject to the licensee's compliance with state gambling laws and regulations.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- 1) On March 27, 2009, the licensee allowed a person under the age of eighteen (a minor) to gamble in its card room, violating WAC 230-06-010.
- 2) On March 27, 2009, the licensee failed to ensure that employees follow its system of internal controls when a security guard on duty gave a person under the age of eighteen a wrist band to wear that indicated the minor was at least 18 years old<sup>1</sup>, violating WAC 230-15-425(1)(f).
- 3) The licensee has the following administrative history of allowing minors to gamble:
  - In June 2008, the licensee received a Statement of Charges for allowing a minor to gamble. In August 2008, the licensee agreed to a five (5) day suspension, with four (4) days deferred for one year and one (1) day vacated by a fine and costs.
  - On July 13, 2007, the licensee received a Notice of Violation and Settlement (NOVAS<sup>2</sup>) for allowing a minor to gamble.

<sup>1</sup> The licensee's internal controls state that a person under 21 years of age but at least 18 years old are fitted with a bracelet to identify them of legal age to gamble.

<sup>2</sup> The NOVAS identifies the violation and gives the recipient the opportunity to pay a fine to settle the matter.

- 4) This is the third time in three years that the licensee has allowed a person under the age of eighteen to participate in gambling activities.
- 5) Therefore, grounds exist to suspend Wizards Restaurant's licenses under RCW 9.46.075(1) and WAC 230-03-085(1) and (3).
- 6) It is also a violation of the August 2008 Settlement Order, and constitutes grounds to impose the four-day deferred suspension pursuant to that Settlement Order.

**RCW 9.46.075 Denying, suspending, or revoking an application, license or permit**

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(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 Denying, suspending, or revoking a 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; or
- (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:
  - (a) "Immediate family" means only the spouse, parents, or grandparents of an individual; and
  - (b) "Guardian" means only a court-appointed, legal guardian of an individual; 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 that:
  - (a) Has development of youth as a primary purpose; and
  - (b) Has at least three members or advisors who are at least eighteen years old and who supervise the operation of the raffle; and
  - (c) Has an adult member or advisor designated as the manager for the raffle.



RECEIVED

AUG 15 2008

GAMBLING COMMISSION  
COMM & LEGAL DEPT STATE OF WASHINGTON  
GAMBLING COMMISSION

RECEIVED

AUG 05 2008

GAMBLING COMMISSION  
COMM & LEGAL DEPT

In the Matter of the Suspension of the )  
Licenses to Conduct Gambling Activities of: )  
)  
Wizard's Restaurant LLC., )  
15739 Ambaum Blvd SW )  
Burien, WA 98166, )  
)  
Licensee. )  
\_\_\_\_\_ )

No. CR 2008-00866

SETTLEMENT ORDER

RECEIVED

AUG 11 2008

OAH - Olympia

I.

This Settlement Order is entered into between the Washington State Gambling Commission and Wizard's Restaurant, LLC (Wizard's). The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney. The licensee is represented by Joanne Evans, Owner.

II.

The Washington State Gambling Commission issued Wizard's Restaurant, LLC., organization number 00-17492, the following license(s): Number 67-00024, Authorizing Class "15" House-Banked Card Room Activity; Number 05-09561, Authorizing Class "H" Punchboard/Pull-Tab Activity; and Number 53-20094, Authorizing Class "A" (premises only) Amusement Game Activity. The licenses expire on September 30, 2008, 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, 2008. On June 23, 2008, 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 May 12, 2008, the licensee allowed a seventeen-year-old person (a minor) to gamble in its card room, violating WAC 230-06-010. The licensee was previously issued a Notice of Violation and Settlement (NOVAS<sup>1</sup>) on July 13, 2007, for allowing a minor to gamble.

<sup>1</sup> The NOVAS identifies the violation and gives the recipient the opportunity to pay a fine to settle the matter.

On May, 12, 2008, the licensee failed to ensure that employees follow its system of internal controls when a security guard on duty gave a minor a wrist band to wear that indicated the minor was at least 18 years old, violating WAC 230-15-425(1)(f). Therefore, grounds exist to suspend the licenses under RCW 9.46.075(1) and WAC 230-03-085(1).

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 submitted mitigating circumstances described below.

- 1) The licensee has implemented the following methods to prevent minors from gambling at Wizard's Restaurant:
  - All security employees have been thorough the Washington State Gambling Commission's (WSGC) training on preventing underage gambling.
  - All security employees must complete the WSGC training before they work.
  - The rule on checking IDs has been changed so that all persons who appear under 30 years of age (previously it was 25 years of age) must be checked.
  - Signs are posted at the security podium that helps staff determine a person's age. "Must have been born on or before today's date in 1990 to be 18 years of age."
  - A security person is on duty 24 hours a day and is stationed at the front door to ensure underage persons do not enter.
  - Persons under 21 years of age but at least 18 years old are fitted with a bracelet to identify them of legal age to gamble
  - Dealers are trained to ask anyone who appears under the age of 21 but not wearing a bracelet for identification before dealing to such a person.
  - Termination of employees involved in allowing person under 18 years old to gamble.
  
- 2) The licensee agrees that Wizard'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.

c) Pursuant to RCW 9.46.077, the licensee has chosen to vacate the **remaining one (1) day** of this suspension by paying a fine in the amount of **four thousand, seventy-five dollars (\$4,075)**, which represents **forty percent (40%)** of the licensee's net gambling receipts for one day, based on information reported by the licensee on its activity reports. The licensee also agrees to reimburse the Commission for its investigative and administrative costs in the amount of **one thousand, five hundred and twenty dollars (\$1,520)**, for total fines and costs of **five thousand, five hundred ninety-five dollars (\$5,595)**. The payment must be received by Commission staff on or before **August 15, 2008**.

d) Payment shall be **mailed** to Commission Headquarters at the following address:

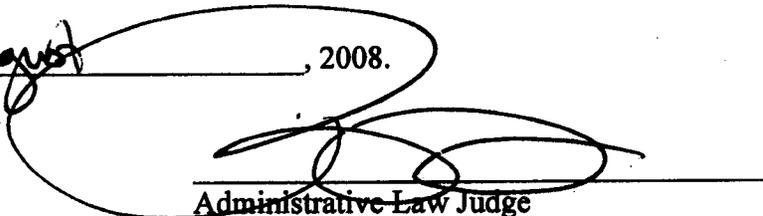
Washington State Gambling Commission  
Attention: Communications and Legal Division – Fines  
P.O. Box 42400  
Olympia, WA 98504-2400

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

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

4) If the licensee makes its payment as agreed in Subsection IV, paragraph 2, this matter will be deemed closed. However, if the licensee fails to timely make its payment, the Director may impose an additional **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 12<sup>th</sup> day of August, 2008.

  
Administrative Law Judge

**APPROVED FOR ENTRY:**

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

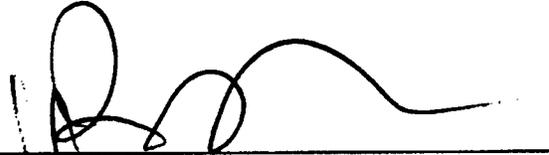
 7/30/08

Paul Johns, LLC Manager (DATE)  
Wizard's Restaurant, LLC.



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

**APPROVED AS TO FORM:**



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