

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension of the)
Licenses to Conduct Gambling Activities of:) NO. CR 2010-01405
)
Prospector's Steak & Ale) **FINDINGS, CONCLUSIONS,**
Gold Bar, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the suspension of the license to conduct gambling activities of Prospector's Steak & Ale having come before the Commission on April 14, 2011, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued Prospector's Steak & Ale, organization number 00-18214, the following licenses:

- Number 05-09911, authorizing Class "B" Punchboard Pull-Tab activity; and
- Number 65-07158, authorizing Class "D" Public Card Room activity.

The licenses expire on September 30, 2011, and were issued subject to the licensee's compliance with state gambling laws and regulations.

II.

On January 7, 2011, Director Rick Day issued administrative charges to Prospector's Steak & Ale, by certified and regular mail. The administrative charges notified the licensee that failure to respond would result in the entry of a default order suspending its licenses for thirty (30) days. Prospector's Steak & Ale did not respond to the charges.

By not responding, Prospector's Steak & Ale waives its right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

1) In August 2009, Prospector's Steak & Ale received a written warning for failure to timely submit its first and second quarters of 2009 punchboard/pull-tab activity report. The written warning notified the licensee that failure to submit an activity report may lead to the suspension or revocation of its gambling licenses.

2) Prospector's Steak & Ale failed to timely submit its punchboard/pull-tab activity report for

the first and second quarters of 2010. The activity report was due at our administrative office by July 30, 2010. However, the activity report was not received until August 23, 2010, in violation of WAC 230-14-284(2).

3) On August 26, 2010, a Commission Special Agent (agent) issued a Notice of Violation and Settlement (NOVAS)¹ to the licensee for failing to timely submit its punchboard/pull-tab activity report for the first and second quarters of 2010. However, the licensee failed to pay the NOVAS.

4) Prospector's Steak & Ale's failure to timely submit its activity report demonstrates the licensee's willful disregard for complying with state administrative rules. Therefore, grounds exist for the suspension of Prospector's Steak & Ale's licenses to conduct gambling activities, based on RCW 9.46.075(1) and WAC 230-03-085(1) and (7).

RCW 9.46.075 Denying, suspending, or revoking a 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 subsections apply.)

(1) 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 subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(7) Fails to provide us with any information required under Commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us.

WAC 230-14-284 Activity reports 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 subsections 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.

¹ A NOVAS identifies the violation, and in this case, gives the recipient the opportunity to pay a fine and submit its delinquent report to settle the matter.

IV.

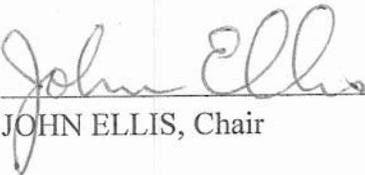
CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the suspension of Prospector's Steak & Ale's licenses to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

DECISION AND ORDER

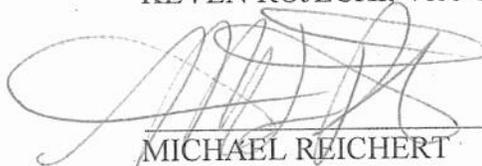
The Washington State Gambling Commission HEREBY ORDERS: Prospector's Steak & Ale's licenses to conduct gambling activities are SUSPENDED FOR THIRTY (30) DAYS.

DATED this 14 day of April, 2011.



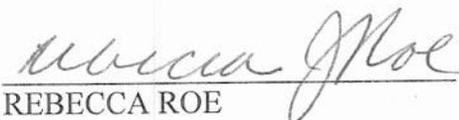
JOHN ELLIS, Chair

KEVEN ROJECKI, Vice Chair



MICHAEL REICHERT

MIKE AMOS



REBECCA ROE

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

Washington State Gambling Commission
Communications & Legal Division
PO Box 42400
Olympia, Washington 98504-2400

H. Bruce Marvin
Assistant Attorney General
P.O. Box 40100
Olympia, WA 98504-0100