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GAMBLING COMMISSION STATE OF WASHINGTON  
COMM & LEGAL DIVISION GAMBLING COMMISSION

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GAMBLING COMMISSION  
COMM & LEGAL DEPT

In the Matter of the Suspension of the )  
License to Conduct Gambling Activities of: )  
)  
Valley Tavern )  
Tacoma, Washington, )  
)  
Licensee. )  
\_\_\_\_\_ )

No. CR 2010-01002

SETTLEMENT ORDER

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OAH - Olympia

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NOV 30 2010

OAH - Tacoma

I.

This Settlement Order is entered into between the Washington State Gambling Commission and Valley Tavern. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney. The licensee is represented by Victoria Lenti, Owner.

II.

The Washington State Gambling Commission issued Valley Tavern, organization number 00-09542, license number 05-04603, authorizing Class "B" Punchboard Pull-Tab activity. The license expires on June 30, 2011, and was 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 September 28, 2010. On October 11, 2010, 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:

The licensee 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 or needed to be postmarked by July 30, 2010. However, the activity report was not postmarked until August 7, 2010, and was not received until August 9, 2010, in violation of WAC 230-14-284(2).

Previously, the licensee was issued two Notices of Violation and Settlement (NOVAS)<sup>1</sup> for failing to timely submit its punchboard/pull-tab activity report.

<sup>1</sup> 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.

**RCW 9.46.075(1) 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.

(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, 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.

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.

1) The licensee agrees that Valley Tavern's license is hereby suspended for a period of **fifteen (15) 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 agrees not to violate any of Washington's gambling statutes or regulations during the two (2) 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 three-day suspension of the current gambling license 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 three 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) The licensee has chosen to serve the remaining **twelve (12) days** of the suspension.

- **The suspension period begins at 8:00 a.m. on Monday, November 29, 2010, and runs through Friday, December 10, 2010.**
- The licensee may resume gambling activities at 8:00 a.m. on Saturday, December 11, 2010.
- During this period of suspension, no gambling activities shall take place at the licensed premises.

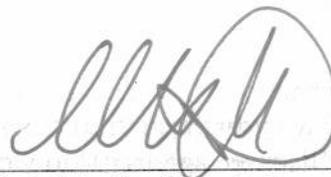
3) **The signed order must be received by Commission staff on or before Friday, November 19, 2010.** The order must be mailed to Commission Headquarters at the following address:

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 7<sup>th</sup> Avenue SE; Fourth Floor  
Lacey, WA 98503

DATED this 14 day of November, 2010.



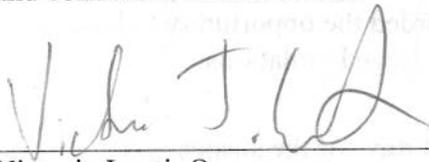
Administrative Law Judge

CHARLES BRYANT

APPROVED FOR ENTRY:

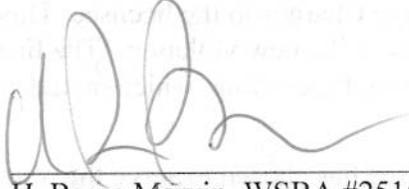
APPROVED AS TO FORM:

By the signature below, the licensee understands and accepts the terms and conditions of this Order.

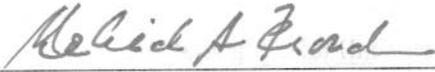


Victoria Lenti, Owner  
Valley Tavern

11/19/10  
(Date)



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



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