

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
License to Conduct Gambling Activities of:) NO. CR 2011-00835
)
Stadium Pizza Parlor) **FINDINGS, CONCLUSIONS,**
Spokane, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the revocation of the license to conduct gambling activities of Stadium Pizza Parlor having come before the Commission on November 17, 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 Stadium Pizza Parlor, organization number 00-21401, license number 05-20627, authorizing Class "F" Punchboard Pull-Tab activity. The license expired on September 30, 2011, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

On August 3, 2011, Director Rick Day issued administrative charges to Stadium Pizza Parlor, by certified and regular mail. The administrative charges notified Stadium Pizza Parlor that failure to respond would result in the entry of a default order revoking its license. Stadium Pizza Parlor did not respond to the charges.

By not responding, Stadium Pizza Parlor waived 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) The licensee, Stadium Pizza Parlor, failed to submit its punchboard/pull-tab activity report for the third and fourth quarters of 2010. The activity report was due at our administrative office on or was to be postmarked by January 30, 2011. This conduct violated WAC 230-14-284(2).

2) On April 5, 2011, 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 third and fourth quarters of 2010. However, the licensee failed to pay the fine and

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.

failed to submit its punchboard/pull-tab activity report.

3) Previously, in April 2010, an agent issued a NOVAS to the licensee for failing to timely submit its punchboard/pull-tab activity report for the third and fourth quarters of 2009.

4) The licensee's failure to submit its activity reports demonstrates the licensee's willful disregard for complying with state administrative rules. Therefore, grounds exist for the suspension or revocation of the license to conduct gambling activities, based on RCW 9.46.075(1) and WAC 230-03-085(1), (3), (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 subsection applies.)

(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 subsections 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.

(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.

IV.

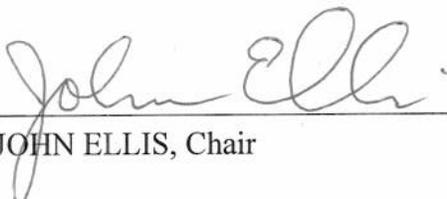
CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Stadium Pizza Parlor's license to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

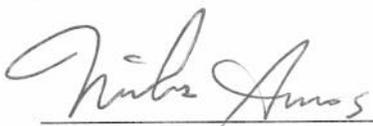
DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Stadium Pizza Parlor's license to conduct gambling activities is REVOKED.

DATED this 17th day of November, 2011.



JOHN ELLIS, Chair



MIKE AMOS, Vice Chair



MICHAEL REICHERT

KEVEN ROJECKI

SUSAN NIELSEN

STATE OF WASHINGTON
COUNTY OF THURSTON
I hereby certify that I have this day served a copy of this order to the party named herein, according to the provisions of the rules of the Commission, and I have filed a copy of this order with the clerk of the court in the county in which the party named herein resides.
Dated at Olympia, Washington this _____ day of _____, 2011.
Commissioner of the Washington State Gambling Commission

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

Stephanie Happold
Assistant Attorney General
P.O. Box 40100
Olympia, WA 98504-0100

