

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation of)
the License to Conduct Gambling Activities of:)
Seafarer's Sports Bar)
Tacoma, Washington,)
Licensee.)

NO. CR 2012-01418

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

I.

The Washington State Gambling Commission issued Seafarer's Sports Bar, organization number 00-17079, the following license:

- Number 05-09382, authorizing Class "A" Punchboard Pull-Tab activity.

The license expires on December 31, 2012, and was 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:

SUMMARY:

Seafarer's Sports Bar failed to submit its Quarterly Activity Report for the first and second quarters of 2012.

FACTS:

- 1) On August 13, 2012, a Washington State Gambling Commission Special Agent (agent) issued a Notice of Violation and Settlement (NOVAS)¹ to the Seafarer's Sports Bar for not submitting a Quarterly Activity Report (QAR) by July 30, 2012.
- 2) On September 28, 2012, the agent called James Grimset, manager of Seafarer's Sports Bar, and asked him if he had sent the NOVAS payment. Mr. Grimset said he would send it in.
- 3) On October 22, 2012, a payment for the NOVAS was received by Commission staff; however, the QAR was not received.

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.

4) Previously, Commission staff issued a letter to the licensee on February 10, 2011, as a result of its failure to timely submit its QAR for the third and fourth quarters of 2010.

VIOLATIONS:

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) 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; or

(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.

Seafarer's Sport Bar's repeated failure to submit its activity reports is in violation of WAC 230-14-284 and demonstrates the licensee's willful disregard for complying with state administrative rules. Therefore, grounds exist for the suspension or revocation of Seafarer's Sports Bar's

license to conduct gambling activities, based on RCW 9.46.075(1) and WAC 230-03-085(1), (3) and (7).

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING YOUR LICENSE.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

Rick Day

RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 26 day of October, 2012.

Michelle F. Rancour

NOTARY PUBLIC in and for the State of
Washington residing at Thurston County
My commission expires on 10-19-15

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 26 day of Oct., 2012

[Handwritten signature]

Communications and Legal Department
Washington State Gambling Commission

