

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation)
of the License to Conduct Gambling Activities of:)

NO. CR 2012-00162

Yardley Bar & Grill)
Spokane Valley, Washington,)

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

Licensee.)
_____)

I.

The Washington State Gambling Commission issued Yardley Bar & Grill, organization number 00-19776, the following license:

Number 05-19841, authorizing Class "C" Punchboard/Pull-Tab activity.

The license expires on June 30, 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 violation(s) of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

1. Yardley Bar & Grill failed to pay the required fees of \$1,559 in connection with exceeding their Punchboard/Pull-Tab license class for their license year ending in June 30, 2011.
2. The licensee was licensed for Class "B" Punchboard/Pull-Tab activity, which allows annual gross gambling receipts up to \$100,000.
3. On November 2, 2011, a Commission Customer Service Specialist sent the licensee a letter, and an Exceeding Class Notice, which reflected that the licensee had gross gambling receipts of \$130,067 for its license year ending June 30, 2011. As a result, the licensee had operated at Class "C" Punchboard/Pull-Tab activity, which allows annual gross gambling receipts up to \$200,000. The letter requested that the licensee pay the exceeding class fees by December 6, 2011.
4. As of February 16, 2012, these fees had not been paid.
5. Previously, Yardley Bar & Grill exceeded their license class in 2004, 2005, and 2010. The licensee paid a fine for each violation.

6. The licensee has the following administrative history with the Washington State Gambling Commission:
 - In 2011, 2009, and 2008, the licensee failed to submit their Quarterly Activity Reports, which resulted in a Notice of Violation and Settlement (NOVAS).¹
 - In 2011, the licensee failed to properly record winners which resulted in a Notice of Infraction (NOI).²
 - In 2009, the licensee failed to delete a flare, which resulted in a NOVAS.
 - In 2008, the licensee received a verbal warning regarding a Pull-Tab complaint.
7. Yardley Bar & Grill's repeated failure to apply for a license class upgrade and pay the required fees for exceeding their punchboard/pull-tab license class, in violation of WAC 230-06-130(1) and (2) and WAC 230-06-135(1), (2), and (3), demonstrates the licensee's willful disregard for complying with the state administrative rules.

Therefore, under RCW 9.46.075(1) and (8), WAC 230-03-085(1), (3), and (7), grounds exist to suspend or revoke Yardley Bar & Grill's license.

RCW 9.46.075 Denial, suspension, or revocation of license

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) 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.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter.

WAC 230-03-085 Denying, suspending, or revoking an application, license

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.

¹ A NOVAS identifies the violation and gives the licensee the opportunity to pay a fine to settle the matter.

² A NOI is a written notice, which advises the licensee of a violation of an administrative rule or law. It is often given after the licensee has been given the opportunity for compliance. There is no fine involved.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level; or

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by:

- (a) Prior activities; or
- (b) Criminal record; or
- (c) Reputation; or
- (d) Habits; or
- (e) Associations.

WAC 230-06-130 Exceeding license class.

(1) Licensees must not exceed the gross gambling receipts limits for their license class during any annual license period.

(2) Licensees must apply a projection of year-to-date receipts to the remaining period of their license and, if it indicates that it is reasonably likely that they may exceed their license, they must immediately:

- (a) Apply for a license that authorizes the anticipated level of gross gambling receipts; and
- (b) Submit the fee required for the new license, minus the amount originally submitted for the previous license, plus a change of classification fee.

WAC 230-06-135 Failing to apply for license class upgrade.

(1) If licensees fail to apply for a license class upgrade and exceed the license class limit within a present or previous license year, we assess an additional fee. We charge an additional fee of up to fifty percent of the difference between the fee for the present license class and the new license class, or one thousand dollars, whichever is less.

(2) Licensees must pay any required license class upgrade fee, plus any additional fee required by subsection (1) of this section, within thirty days of our notification.

(3) Failure to pay the fees may result in an immediate summary suspension of all licenses.

Handwritten signature: Michelle F. Ramo

Handwritten date: 10-19-18

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STATE OF WASHINGTON)
)
 COUNTY OF THURSTON)

I hereby certify that I have this day served a true and correct copy of the document upon all parties to 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.

_____ day of _____ 2018

Washington State Gambling Commission
 Communications and Legal Department

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 this document 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 21 day of February, 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 21 day of February, 2012

Mareesa Pretell

Communications and Legal Department
Washington State Gambling Commission

