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GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Suspension or)
Revocation of the License to Conduct)
Gambling Activities of:)
)
Infinity Communication Inc.,)
d/b/a Horseshoe Saloon)
Woodinville, Washington,)
)
Licensee.)
_____)

No. CR 2013-00658

SETTLEMENT ORDER

The Washington State Gambling Commission and the licensee, Infinity Communication Inc., d/b/a Horseshoe Saloon enter into this Settlement Order to resolve the administrative charges issued against the licensee. Chad Standifer, Assistant Attorney General, and Melinda Froud, Staff Attorney, represent the Gambling Commission. Horseshoe Saloon is represented by its owner, Jim Rimoczi.

I.

The Washington State Gambling Commission issued Infinity Communication Inc., d/b/a Horseshoe Saloon organization number 00-22167 the following license:

- Number 05-20935, Authorizing Class "G" Punchboard/Pull-Tab activity.

The license expires on June 30, 2013, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

The Interim Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee on April 15, 2013. The licensee received the Notice, and on May 8, 2013, Commission staff received the licensee's request for hearing.

III.

The following summary of facts and violations were alleged in the Notice of Charges:

SUMMARY:

The licensee failed to timely submit its Punchboard/Pull-Tab Activity Reports for the third and fourth quarters of 2012. This is the fourth time in the last four reporting cycles that the licensee has failed to timely submit its activity reports.

VIOLATIONS:

1) 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.

2) 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.

3) 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.

The licensee failed to timely submit its Punchboard/Pull-Tab Activity Reports for the third and fourth quarters of 2012, within 30 days following the end of the period for which they were made, in violation of WAC 230-14-284. This is the fourth time in the last four reporting cycles that the licensee has failed to timely submit its Activity Reports. Therefore, the licensee has demonstrated willful disregard for complying with state administrative rules. Grounds, therefore, exist for the suspension or revocation of Horseshoe Saloon's license to conduct gambling activities, under RCW 9.46.075(1) and WAC 230-03-085(1), (3) and (7).

IV.

On April 24, 2013, the licensee submitted the late activity reports that were due on January 30, 2013. On May 8, 2013, Commission staff received the licensee's request for a hearing. The licensee waives its right to a hearing and the parties agree to settle this matter under the following terms:

1) The licensee's gambling licenses are **suspended for a period of fifteen (15) days**, provided that **three (3) days of the suspension** shall not be served, but **shall be deferred for a period of one year** from the date of entry of this Settlement Order, subject to the following:

- The licensee must not violate the terms of this Settlement Order, or Washington's gambling statutes and/or regulations during the one (1) year term, including failing to submit future activity reports when due.
- If the licensee violates the terms of this order, gambling statutes, or regulations, and if the violation is the type that warrants filing administrative or criminal charges, then the Director may impose the three (3) day suspension of the current gambling licenses and any subsequently acquired gambling license(s).

2) The parties agree that the Director of the Washington State Gambling Commission, under this settlement, has sole discretion to determine whether the licensee has violated any term of this settlement.

3) If the Director determines that a violation of this section or any other type of violation has occurred, he may suspend the license(s) issued to the licensee by mailing or delivering a Notice of Administrative Charges to the licensee. The suspension shall be besides the consequences of the new violation. The licensee shall be given the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.

4) Under RCW 9.46.077, the licensee has chosen to **vacate the remaining twelve (12) days** of this suspension by paying a fine for **one thousand dollars (\$1,000)**. The licensee has also agreed to reimburse the Commission for its investigative and administrative costs in the amount **three hundred dollars (\$300)**, for total fines and costs of **one thousand, three hundred dollars (\$1,300)**.

The payment must be **mailed** to Commission Headquarters at the following address:

Washington State Gambling Commission,
Attention: Communications and Legal Division – Fines
P.O. Box 42400
Olympia, WA 98504-2400

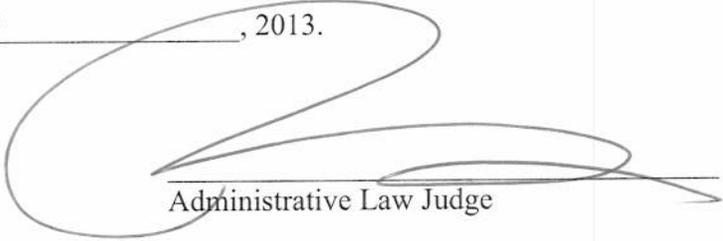
or **delivered** (in person or via private courier) to the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division – Fines
4565 7th Avenue SE; Fourth Floor
Lacey, WA 98503

5) **The signed Settlement Order and payment of one thousand, three hundred dollars (\$1,300) is due and must be received by Commission staff on or before June 7, 2013,**

6) The licensee agrees to submit its activity reports within 30 days following the end of the reporting period. Failure to do so may cause filing administrative charges for the suspension or revocation of Horseshoe Saloon's license to conduct gambling activities.

DATED this ^{17th} ~~4~~ day of JUNE, 2013.


Administrative Law Judge

By his signature, the Licensee understands and accepts the terms and conditions of this Order.

APPROVED FOR ENTRY:


Jim Rimoczi, Owner
Horseshoe Saloon
(Date) 6/4/2013

APPROVED AS TO FORM:


Chad Standifer, WSBA# 29724
Assistant Attorney General
Representing the Washington State
Gambling Commission


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