

BEFORE THE WASHINGTON STATE GAMBLING COMMISSION

In the Matter of the Revocation of the  
License to Conduct Gambling Activities  
of:

M&R EQUIPMENT, d/b/a  
CLASSIC ISLAND CASINO  
Kennewick, Washington,

License No. 05-09990  
License No. 67-00171

Licensee.

OAH NO. 2013-GMB-008

GMB NO. CR-2012-01343  
CR-2013-00171

AMENDED FINAL ORDER ON  
PETITION FOR REVIEW

**I. INTRODUCTION**

THIS MATTER came before the undersigned Commissioners of the Washington State Gambling Commission ("Commission") at the Commission's regularly scheduled meeting on February 14, 2014 in Tumwater, Washington on Licensee M&R Equipment, d/b/a Classic Island Casino's ("Classic Island Casino") Petition for Reconsideration of the Commission's Final Order On Petition For Review. Chad E. Ahrens, Attorney, appeared on Island Casino's behalf. Assistant Attorney General Greg Rosen, Senior Counsel, represented the Washington State Gambling Commission's agency staff. The Commission had before it the record of the prior proceedings relating to this matter, as well as additional pleadings prepared for this petition for reconsideration.

**II. AMENDED FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

Following argument, and review of the record, the Commission finds that the record is sufficient to amend its Final Order as follows:

1. The Administrative Law Judge's Initial Order Finding of Fact No. 1 is VACATED and the following Finding of Fact No. 1 substituted in its place:

Island Casino formerly operated as a business in Kennewick, Washington. Island Casino formerly operated a card room and had punchboards and pull-tabs, activities for which a gambling license is required.

2. The Commission AFFIRMS in their entirety the Administrative Law Judge's previously entered Findings of Fact set forth in Paragraph Nos. 2 through 18 and 20 through 47 of the Initial Order.

3. The Commission AMENDS the Administrative Law Judge's Initial Order Finding of Fact No. 19 as follows:

On March 22, 2013, Island Casino wrote again to Mr. Trujillo, enclosing a check bearing the same date payable to the order of the Washington State Gambling Commission in the amount of \$8,820, which reflected Island Casino's second-half licensing fees. The check was honored by the Commission.

4. The Commission ADDS the following Finding of Fact No. 20:

In its March 22, 2013 letter, Island Casino also stated that it "hereby surrenders its [Gaming and Pull-Tab] licenses. This surrender comes because the business is no longer in operation." There is no evidence in the record that demonstrates that the Gambling Commission staff took any action to reject Island Casino's voluntary surrender of its licenses or returned the licenses to the company.

5. The Commission AFFIRMS the Administrative Law Judge's previously entered Conclusions of Law set forth in Paragraphs Nos. 1 through 21 of the Initial Order, including that Island Casino "willfully disregarded complying with statutes, administrative rules, and ordinances."

6. The Commission MODIFIES the Administrative Law Judge's previously entered Conclusions of Law set forth in Paragraphs No. 22 and 23 by striking the sentences in each paragraph that state "On this basis, Island Casino's licenses should be revoked."

7. The Commission AFFIRMS the Administrative Law Judge's previously entered Conclusions of Law set forth in Paragraph No. 24.

8. The Commission ADDS the following Conclusion of Law No. 25:

The Commission finds that Island Casino attempted to surrender its punchboard/pull tab and card room licenses on March 22, 2013. Due to the lack of information in the record indicating the Gambling Commission's staff's acceptance or rejection of the surrender, the Commission accepts Island Casino's surrender of its licenses for purposes of these proceedings.

### III. AMENDED FINAL ORDER

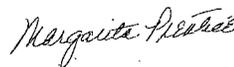
Based on the above findings of fact and conclusions of law, the Commission MODIFIES the Administrative Law Judge's Initial Order and ORDERS as follows:

1. Island Casino's punchboard/pull-tab license No. 05-09990 was surrendered on March 22, 2013 and is no longer valid.
2. Island Casino's 15-table house-banked card room license No. 67-00171 was surrendered on March 22, 2013 and is no longer valid.

DATED this 5<sup>th</sup> day of March, 2014.



MIKE AMOS – CHAIR



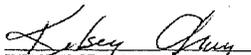
MARGARITA PRENTICE



CHRIS STEARNS



GEOFFREY SIMPSON



KELSEY GRAY

NOTICE: PETITION FOR JUDICIAL REVIEW

YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER MUST BE FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30) DAYS AFTER THE DATE THIS FINAL ORDER IS SERVED UPON YOU.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

BEFORE THE WASHINGTON STATE GAMBLING COMMISSION

In the Matter of the Revocation of the License to Conduct Gambling Activities of:

OAH NO. 2013-GMB-008

GMB NO. CR-2012-01343  
CR-2013-00171

M&R EQUIPMENT, d/b/a  
CLASSIC ISLAND CASINO  
Kennewick, Washington,

DECLARATION OF SERVICE

License No. 05-09990  
License No. 67-00171

Licensee.

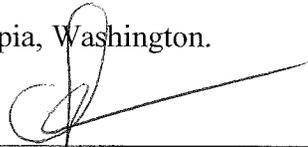
I, Hang Nguyen-Le, declare under penalty of perjury under the laws of the state of Washington that on March 5, 2014, the Amended Final Order on Petition for Review was sent via US Mail, hand delivered, or emailed to:

Smith Alling PS, Attorney at Law  
Michael McAleenan  
1102 Broadway, Suite 403  
Tacoma, WA 98402

Gregory J. Rosen  
Senior Counsel  
P.O. Box 40100  
Olympia, WA 98504-0100

Maureen Pretell  
WA State Gambling Commission  
P.O. Box 42400  
Olympia, WA 98504.

1 DATED this 5<sup>th</sup> day of March, 2014, at Olympia, Washington.



2  
3 HANG NGUYEN-LE, Legal Assistant

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26