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GAMBLING COMMISSION  
STATE OF WASHINGTON  
GAMBLING COMMISSION

GAMBLING COMMISSION  
COMM & LEGAL DIVISION

In the Matter of the Suspension or Revocation of ) NO. CR 2013-00596  
 the License to Conduct Gambling Activities of: )  
 )  
 McCoy's Cavern ) **SETTLEMENT ORDER**  
 Olympia, Washington, )  
 )  
 Licensee. )

This Settlement Order is entered into between the Washington State Gambling Commission and McCoy's Cavern. Chad Standifer, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney, represent the Commission. Ian Abel, owner, represents the licensee.

I.

The Washington State Gambling Commission issued McCoy's Cavern, organization number 00-17853 the following license:  
 Number 05-09754, authorizing Class "A" Punchboard Pull-Tab activity.

The license expires on December 31, 2013, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

David Trujillo, Interim 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:**

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 five reporting cycles that the licensee has failed to timely submit its Activity Reports. In addition, this violates a Settlement Order signed by the owner on May 30, 2012, for the same violation.

**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.)



V.

Ian Abel, Owner, acknowledges that he received the Notice of Administrative Charges issued in this case, and understands the facts and violations contained in it. On April 30, 2013, the licensee sent its request for hearing, and has now submitted its activity report for the third and fourth quarters of 2012.

The licensee has waived its right to a hearing, based on the terms and conditions of this Settlement Order and agrees to the following terms and sanctions:

- 1) The licensee's gambling license is suspended for a period of twenty **(20) days**, provided that:
  - a) **Three (3) days** of the suspension shall not be currently served, but shall be deferred for one year, subject to the following: The licensee agrees not to violate the terms of this Settlement Order, or any of Washington's gambling statutes or regulations during the deferral period.
  - b) If the licensee violates this Settlement Order or gambling statutes or regulations, and if the violation is the type that warrants the filing of administrative or criminal charges, then the Director may impose the three-day deferred suspension of the current gambling licenses and any subsequently acquired gambling licenses.
  - c) The parties agree that the Director of the Washington State Gambling Commission, pursuant to this agreement, has discretion to determine whether the licensee has violated any term of this agreement. In the event the Director determines that a violation of this agreement has occurred, he may suspend the license(s) issued to the licensee for up to three days, by mailing or delivering a Notice of Order of Administrative Charges to the licensee. In addition to the consequences of the new violation, the deferred sentence shall also be served. The licensee shall be afforded the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.
- 2) **The licensee has chosen to serve the remaining twenty (20) days of the suspension, which includes three (3) days from a previous settlement order signed on May 30, 2012.**
  - i. **The suspension period begins at 8:00 a.m. on Wednesday, May 15, 2013, and runs through Monday, June 3, 2013.**
  - ii. During this period of suspension, no gambling activities shall take place at the licensed premises.
  - iii. The licensee may resume its gambling activities at 8:00 a.m. on Tuesday, June 4, 2013.

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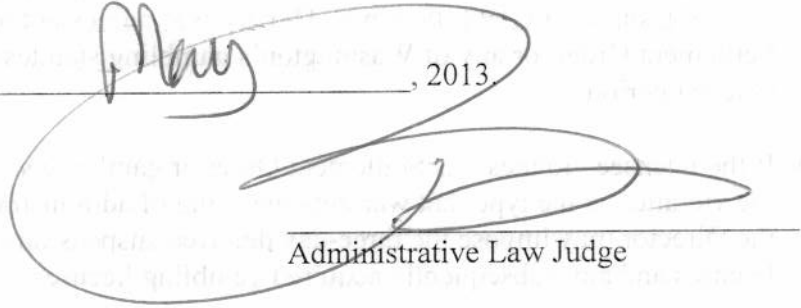
3) **The signed Settlement Order must be received by Commission staff on or before May 10, 2013**, and mailed to Commission Headquarters at the following address:

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

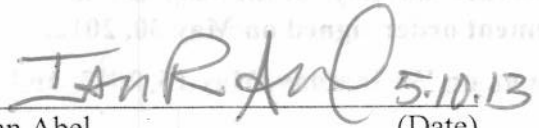
**or delivered** (in person or via private courier) to the following address:

Attention: Communications and Legal Division – Fines  
4565 7<sup>th</sup> Avenue SE; Third Floor  
Lacey, WA 98503

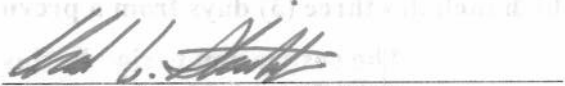
DATED this 24<sup>th</sup> day of May, 2013.


  
\_\_\_\_\_  
Administrative Law Judge

APPROVED FOR ENTRY:

  
\_\_\_\_\_  
Ian Abel (Date) 5.10.13  
Owner, McCoy's Cavern

APPROVED AS TO FORM:

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

  
\_\_\_\_\_  
Melinda A. Froud, WSBA# 26792  
Lead Staff Attorney,  
Washington State Gambling Commission