



MAR 13 2015

STATE OF WASHINGTON
GAMBLING COMMISSION

Gambling Commission
Comm. & Legal Division

In the Matter of the Suspension or Revocation of)
the License to Conduct Gambling Activities of:)
)
Brian Culmer)
Kennewick, Washington,)
)
Licensee.)

NO. CR 2015-00001

SETTLEMENT ORDER

I.

The Director of the Washington State Gambling Commission and the licensee Brian Culmer, agree to this Settlement Order to resolve the administrative charges pending against him. Gregory Rosen, Assistant Attorney General, and Arlene Dennistoun, Staff Attorney, represent the Gambling Commission. The licensee represents himself.

II.

The Washington State Gambling Commission issued Brian Culmer the following license: Number 68-20358 authorizing Card Room Employee activity with the Lucky Bridge Casino in Kennewick.

The license expires on September 22, 2015, and was issued subject to Mr. Culmer's compliance with state gambling laws and rules.

III.

David Trujillo, Director, issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee on February 6, 2015. On February 17, 2015, Commission staff received the licensee's request for a hearing.

IV.

SUMMARY:

Brian Culmer under-reported \$100 in tips between September 1, 2014, and September 15, 2014, and failed to pay the fine for a Notice of Violation and Settlement (NOVAS¹).

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¹ NOVAS –A Notice of Violation and Settlement identifies the violation and gives the licensee the opportunity to pay a fine to settle the matter.

VIOLATIONS:

1) RCW 9.46.075 Denial, suspension, or revocation of license, application, 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 certified employee, or any person with any interest therein:

(The following subsection applies.)

(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.

2) WAC 230-03-085 Denying, suspending, or revoking an application, 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.

(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.

3) WAC 230-15-425 Internal controls

(The following subsection applies.)

(2) Licensed card room employees must follow the internal control procedures for their individual functions.

4) WAC 230-15-475 Tips from players and patrons to card room employees

(The following subsection applies.)

(6) Employees must...

(d) accurately report all tips to their employer as described in the licensee's internal controls.

Brian Culmer signed a tip reporting statement from Lucky Bridge Casino, acknowledging he was required to report all of his tips. However, Mr. Culmer willfully failed to comply with internal control procedures by not accurately reporting his tips, in violation of WAC 230-15-425 and WAC 230-15-475. As a result the licensee 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 based on his activities. Therefore, there are grounds to suspend or revoke Brian Culmer's license based on his prior violations of RCW 9.46.075(1), and WAC 230-03-085(1), (3), and (8).

V.

Brian Culmer, licensee, acknowledges that he has received and read the Commission's Notice of Administrative Charges in this case, and understands the facts and violations alleged in the Notice. The licensee denies the facts and alleged violations specified above in section IV of this Settlement Order. However, the licensee agrees that if the Gambling Commission was able to establish the alleged facts in the case at issue, there would be sufficient evidence of the alleged violations as stated in the Notice of Administrative Charges.

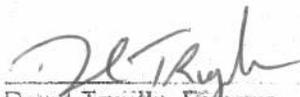
- 1) Mr. Culmer has waived his right to a hearing based on the terms and conditions of this Settlement Order and further agrees to the following: Brian Culmer agrees that his license is suspended for a period of twenty (20) days, provide that:
 - a) Ten (10) days of suspension shall not be currently 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 agrees not to violate the terms of this Settlement Order, or any of Washington's gambling statutes or regulations during the one (1) year term. 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 ten-day deferred suspension of the current gambling license.
 - b) The parties agree that the Director of the Washington State Gambling Commission, pursuant to this Settlement Order, has discretion to determine whether the licensee has violated any term of this Settlement Order. In the event the Director determines that a violation has occurred, he may suspend the license issued to the licensee, and any subsequently acquired licenses, for up to ten days, by mailing or delivering a Notice of Administrative Charges to the licensee. This suspension shall be in addition to any consequences of the new violation. The licensee shall be afforded the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.
 - c) **The licensee shall serve the remaining ten (10) days of this suspension, as follows:**
 - **The suspension period will begin at 8:00 a.m. on March 19, 2015, and runs through March 28, 2015.**
 - **The licensee may resume gambling activities at 8:00 a.m. on March 29, 2015.**
 - d) During this period of suspension, the licensee shall not conduct any gambling activities. Mr. Culmer's suspension does not prevent him from working in any non-gambling activity, such as employment in restaurants located in card rooms.

2) The signed Settlement Order must be received by Commission staff by March 18, 2015. Please mail 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:

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

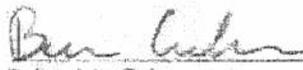


David Trujillo, Director,
Washington State Gambling Commission

3-16-2015
(Date Signed)

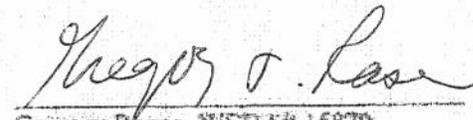
APPROVED FOR ENTRY:
By his signature, the licensee
understands and accepts the terms
and conditions of this Order.

APPROVED AS TO FORM:

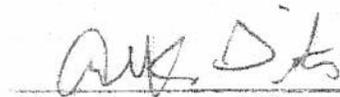


Brian M. Culmer
Licensee

3/13/15
(Date)



Gregory Rosen, WSBA# 15870
Assistant Attorney General
Representing the Washington State
Gambling Commission



Arlene Dennistoun, WSBA #28764
Staff Attorney, Washington State
Gambling Commission