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**STATE OF WASHINGTON
GAMBLING COMMISSION**

In the Matter of:	NO. CR 2017-00314
ROCKY MOUNTAIN ELK FOUNDATION	SETTLEMENT AGREEMENT
License Nos. 03-00896 02-02134	
Licensee.	

The Washington State Gambling Commission (Gambling Commission) through David Trujillo, Director, and Licensee Rocky Mountain Elk Foundation, Inc., through its President Nancy Holland, and attorney, Grant Parker, enter into this stipulation and settlement agreement for Case Number 2017-00314.

I. INTRODUCTION

1. The Washington State Gambling Commission (Gambling Commission) issued Licensee Rocky Mountain Elk Foundation, gambling licenses, License Nos. 03-00896, authorizing Class "E" Amusement Game Activity, and 02-02134, authorizing Class "F" Raffle Activity in the State of Washington. These licenses expire on December 31, 2018.
2. On September 27, 2017, the Commission issued administrative charges against the Licensee in the above-reference case number.
3. In Case Number CR 2017-00314, the Commission alleges that Licensee exceeded the 2017 annual raffle limit on total prizes paid by \$38,024, and that in 2015 and 2016, Licensee unlawfully sold online raffle tickets, generating \$75,701 in illegal ticket sales, in violation of

1 RCW 9.46.240, WAC 230-11-065(3)(c), WAC 230-11-067(3)(a), (b), (c), (d), (e), and (f), WAC
2 230-03-085(1) and (3), and RCW 9.46.075 (1).

3 4. The Commission and Licensee wish to enter into a settlement agreement to
4 resolve the administrative charges in the above-referenced case number.

5 II. SETTLEMENT AGREEMENT

6 1. The parties enter into this agreement to avoid the time and expense of further
7 litigation.

8 2. The Licensee explicitly waives the right of further administrative review of all
9 matters related to the above-referenced Administrative Charges. The Licensee hereby
10 voluntarily withdraws its request for a hearing on this matter.

11 3. The Licensee does not admit to the facts or violations alleged in the administrative
12 charges. However, the Licensee agrees that there would be sufficient evidence for a trier of fact to
13 conclude that the Licensee committed the alleged violations if the facts in the administrative charges
14 were proven at a hearing.

15 4. The parties agree that the Commission will consider that the violations set forth
16 in the administrative charges, as specified in the above paragraph, have been sustained and will
17 become a part of the Licensee's administrative violation history.

18 5. The parties agree that the Commission will impose a thirty-day (30) suspension
19 under RCW 9.46.075 for the above violations.

20 6. The Parties agree that pursuant to RCW 9.46.077 the Commission can vacate an
21 order of suspension for thirty (30) days or less per violation upon payment of a monetary penalty
22 set by the Commission.

23 7. Pursuant to this settlement and RCW 9.46.077, the parties agree the Commission
24 will vacate a total of fifteen (15) days of suspension.

25 8. The Parties agree that Licensee will pay the following monetary penalty and
26 investigative and administrative costs for the above vacated fifteen (15) days suspension:

- 1 a. \$75,701.00 monetary penalty;
- 2 i. The penalty above corresponds to the total amount of illegal online raffle
- 3 ticket sales over the course of 2015 and 2016.
- 4 ii. The penalty above includes \$12,513 for investigative and administrative
- 5 costs incurred by the Commission.
- 6 b. The Licensee will pay the \$75,701.00 monetary penalty when it delivers the
- 7 signed settlement agreement to the Commission. The monetary penalty and
- 8 signed settlement agreement will be received by the Commission no later than
- 9 March 30, 2018.
- 10 c. This payment and the original signed agreement shall be sent to:

11 Mail:
12 Washington State Gambling Commission
13 P.O. Box 42400
14 Olympia, WA 98504

15 or

16 In-person delivery:
17 Washington State Gambling Commission
18 4565 7th Avenue S.E.
19 Lacey, WA 98503

20 9. In the event that the Licensee does not make full and timely payment of the

21 monetary penalty as required in Section II, Paragraph 8, then the Licensee shall serve the vacated

22 fifteen (15) suspension days, the dates and time of which shall be set by the Commission.

23 10. The parties agree that the remaining fifteen (15) days of the suspension will be

24 deferred for one (1) year beginning the date of the last signature on this agreement.

25 11. Licensee agrees that it will not commit any further administrative violations

26 during the one (1) year deferment period.

12. If the Licensee violates any statutes or rules that warrant the filing of

administrative charges, then the Director may impose any or all of the remaining fifteen (15)

1 days deferred suspension--dates and times to be set by the Gambling Commission, on its
2 gambling licenses and any subsequently acquired gambling licenses.

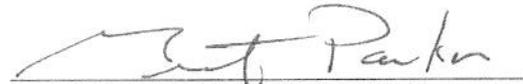
3 13. The parties agree that the Director of the Washington State Gambling
4 Commission, pursuant to this Settlement, has sole discretion to determine whether the Licensee
5 has violated any term of this Settlement.

6 14. In the event the Director determines a violation of this settlement agreement has
7 occurred, the parties agree that the Director may suspend the license(s) issued to ROCKY
8 MOUNTAIN ELK FOUNDATION, and/or impose a monetary penalty, by mailing or delivering
9 a notice of the suspension and/or monetary penalty to Licensee.

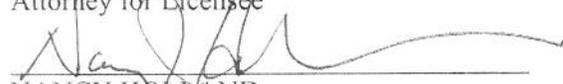
10 15. This Agreement constitutes the final written expression of all the terms of this
11 Agreement and is a complete and exclusive statement of these terms.

12 16. The undersigned parties declare that the terms of this Agreement are completely
13 read, wholly understood, and voluntarily accepted for the purpose of making a full and final
14 compromise and settlement of any and all violations arising from case CR 2017-00314.

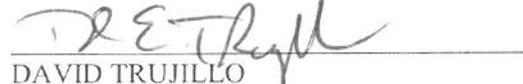
15 ROCKY MOUNTAIN ELK FOUNDATION

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17 
18 GRANT PARKER, WSBA # 18142
19 Attorney for Licensee

3/22/2018
DATE

20 
21 NANCY HOLLAND
22 President
23 Rocky Mountain Elk Foundation

3/22/2018
DATE

24 
25 DAVID TRUJILLO
26 Director
Washington State Gambling Commission

3/23/18
DATE