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**STATE OF WASHINGTON
GAMBLING COMMISSION**

In the Matter of:

NO. CR 2017-00963

VALLEY MALL GAMING, INC.
D/B/A
CLEARWATER SALOON AND
CASINO

SETTLEMENT AGREEMENT

License Nos. 67-00328
05-21316

Licensee.

The Washington State Gambling Commission (Gambling Commission) through David Trujillo, Director, and Licensee Valley Mall Gaming, Inc. d/b/a Clearwater Saloon and Casino, enter into this stipulation and settlement agreement for Case Number 2017-00963.

I. INTRODUCTION

1. The Washington State Gambling Commission (Commission) issued Licensee Valley mall Gaming, Inc. d/b/a Clearwater Saloon and Casino, gambling licenses, License Nos. 67-00328, authorizing House Banked Card Room Activity, and 05-21316, authorizing Punchboards/Pull-Tabs in the State of Washington. These licenses expire on December 31, 2018.

2. On December 13, 2017, the Commission issued administrative charges against the Licensee in the above-reference case number.

3. The Commission alleges that the Licensee failed to submit comparative, independently prepared financial statements to the Gambling Commission as directed, in

SETTLEMENT AGREEMENT

IN RE: VALLEY MALL GAMING, INC. D/B/A
CLEARWATER SALOON AND CASINO
NO. CR 2017-00963

Washington State Gambling Commission
4565 7th Avenue S.E., Lacey, WA 98503
P.O. Box 42400
Olympia, WA 98504

1 violation of RCW 9.46.070(8), WAC 230-15-740(1)(c), (2), (6), and (7), WAC 230-03-085(1),
2 (3) and (7), 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 admits to the facts or violations alleged in the administrative charges,
12 and Licensee agrees that there would be sufficient evidence for a trier of fact to conclude that the
13 Licensee committed the alleged violations if the facts in the administrative charges were proven at
14 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 fifteen (15) days 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 two (2) days of suspension.

25 8. The Licensee agrees to pay to the Gambling Commission the following monetary
26 penalty and investigative costs for the above vacated two (2) days suspension:

SETTLEMENT AGREEMENT

2

IN RE: VALLEY MALL GAMING, INC. D/B/A
CLEARWATER SALOON AND CASINO
NO. CR 2017-00963

Washington State Gambling Commission
4565 7th Avenue S.E., Lacey, WA 98503
P.O. Box 42400
Olympia, WA 98504

- 1 a. \$4,830 monetary penalty;
- 2 b. \$3,332 for investigative costs incurred by the Commission.
- 3 9. The Licensee shall pay the \$8,162 total for the monetary penalty and investigative
- 4 costs in in two equal payments:
 - 5 i. \$4,081 paid on or before May 15, 2018
 - 6 ii. \$4,081 paid on or before June 15, 2018
- 7 10. The Licensee shall deliver a signed copy of this agreement by May 7, 2018 by
- 8 one of the following methods:
 - 9 Mail:
 - 10 Washington State Gambling Commission
 - 11 P.O. Box 42400
 - 12 Olympia, WA 98504
 - 13 or
 - 14 In-person delivery:
 - 15 Washington State Gambling Commission
 - 16 4565 7th Avenue S.E.
 - 17 Lacey, WA 98503
- 18 11. In the event that the Licensee does not make full and timely payment of the
- 19 monetary penalty as required in Section II, Paragraph 9, then the Licensee shall serve the vacated
- 20 two (2) suspension days, the dates and time of which shall be set by the Commission.
- 21 12. The parties agree that the remaining thirteen (13) days of the suspension will be
- 22 deferred for one (1) year beginning the date of the last signature on this agreement.
- 23 13. Licensee agrees that it will not commit any further administrative violations
- 24 during the one (1) year deferment period.
- 25 14. Licensee agrees that it will timely file all independently prepared comparative
- 26 financial statements as required by RCW and WAC Rules.
- 15 15. Licensee agrees that it will submit the required comparative financial statements
- for 2016 by June 15, 2018.

1 16. If the Licensee violates any statutes or rules that warrant the filing of
2 administrative charges, upon issuance of administrative final order resolving any new
3 administrative charges, the Director may impose any or all of the remaining thirteen (13) days
4 deferred suspension—dates and times to be set by the Gambling Commission, on its gambling
5 licenses and any subsequently acquired gambling licenses.

6 17. The parties agree that the Director of the Washington State Gambling
7 Commission, pursuant to this Settlement, has sole discretion to determine whether the Licensee
8 has violated any term of this Settlement.

9 18. In the event the Director determines a violation of this settlement agreement has
10 occurred, the parties agree that the Director may suspend the license(s) issued to VALLEY
11 MALL GAMING, INC. d/b/a CLEARWATER SALOON AND CASINO, by mailing or
12 delivering a notice of the suspension and/or monetary penalty to Licensee.

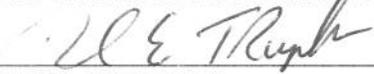
13 19. This Agreement constitutes the final written expression of all the terms of this
14 Agreement and is a complete and exclusive statement of these terms.

15 20. The undersigned parties declare that the terms of this Agreement are completely
16 read, wholly understood, and voluntarily accepted for the purpose of making a full and final
17 compromise and settlement of any and all violations arising from cases CR 2017-00963.

18
19 
20 _____
21 L. WILLIAM HARRISON
22 Owner
23 Valley Mall Gaming, LLC
24 d/b/a Clearwater Saloon and Casino

5/4/18

DATE

22 
23 _____
24 DAVID TRUJILLO
25 Director
26 Washington State Gambling Commission

5/8/18

DATE

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MAY 08 2018

WSGC/LICENSING

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of:

VALLEY MALL GAMING, INC. D/B/A
CLEARWATER SALOON AND
CASINO

License Nos. 67-00328
05-21316,

NO. CR 2017-00963
Docket No. 03-2018-GMB-00038

STIPULATION AND ORDER FOR
DISMISSAL

Licensee.

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between the Licensee, VALLEY MALL GAMING, INC. D/B/A CLEARWATER SALOON AND CASINO, and WASHINGTON STATE GAMBLING COMMISSION, by and through its attorneys of record, ROBERT W. FERGUSON, Attorney General, GREG ROSEN, Senior Counsel, and its Director, DAVE TRUJILLO, that the parties in this case seek dismissal of this administrative case, with prejudice, in accordance with the Settlement Agreement entered in the above-entitled action.

DATED this _____ day of _____, 2018.

DATED this 4th day of May 2018.

GREG ROSEN, WSBA #15870
Senior Counsel
Attorney for Washington State Gambling
Commission


LAWRENCE WILLIAM HARRISON
President
Clearwater Saloon and Casino

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DISMISSAL
VALLEY MALL GAMING, INC. D/B/A
CLEARWATER SALOON AND CASINO
NO. CR 2017-00963

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ORDER

THIS MATTER having come before the Office of Administrative Hearings on the stipulation of the parties, and requesting a dismissal, with prejudice, of this administrative case, the Licensee and Washington State Gambling Commission having come to an agreement settlement, and the Office of Administrative Hearings having been advised fully advised, now, therefore,

IT IS HEREBY ORDERED, that the above-referenced administrative case is hereby dismissed with prejudice.

DATED this ____ day of _____, 2018.

Administrative Law Judge

Presented by:

Approved as to Form

ROBERT W. FREGUSON
Attorney General



GREG ROSEN, WSBA #15870
Senior Counsel
Attorney for Washington State
Gambling Commission

LAWRENCE WILLIAM HARRISON
President
Clearwater Saloon and Casino