

**WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matter of:

Gold Star Concessions,
License No. 52-20117

Respondent/Licensee.

Docket No. 03-2019-GMB-00083

INITIAL ORDER

Agency: Gambling Commission
Program: License Fees & Reports
Agency No. CR 2019-00376

1. ISSUES:

- 1.1. Based on the Washington State Gambling Commission's 'Notice of Administrative Charges', dated March 13, 2019, whether the Appellant/Licensee, Gold Star Concessions, failed to timely submit the quarterly license fee and license report for the fourth quarter of 2018, in violation of Washington Administrative Code (WAC) 230-05-124 and WAC 230-05-132(1)?
- 1.2. If so, whether the Gambling Commission is authorized to suspend Gold Star Concessions' gambling license, pursuant to Revised Code of Washington (RCW) 9.46.075(1) and WAC 230-03-085(1) & (5)?

2. ORDER SUMMARY:

- 2.1. **AFFIRMED.** The Appellant/Licensee, Gold Star Concessions, failed to timely submit the quarterly license fee and license report for the fourth quarter of 2018 in violation of WAC 230-05-124 and WAC 230-05-132(1). The Washington State Gambling Commission's 'Notice of Administrative Charges' is affirmed.
- 2.2. **SUSPENDED.** The Appellant/Licensee, Gold Star Concession's Gambling License No. 52-20117 remains suspended until it submits the outstanding quarterly licensing fee and licensing report, including any additional costs associated with the collection of the fee, pursuant WAC 230-05-132(4).

3. BRIEF ADJUDICATIVE PROCEEDING HEARING:

- 3.1. Hearing Date: March 27, 2019
- 3.2. Administrative Law Judge: TJ Martin
- 3.3. Appellant: Gold Star Concessions ('Appellant'/'Licensee')
 - 3.3.1. Representative: No one appeared on behalf of the Appellant.

- 3.4. Agency: Washington State Gambling Commission ('Gambling Commission')
- 3.4.1. Representative: Kellen Wright, Assistant Attorney General
- 3.4.2. Witnesses: The Gambling Commission did not call any witnesses.
- 3.5. Exhibits: Gambling Commission Exhibits 1 through 6 were admitted. The Appellant did not submit any exhibits.
- 3.6. Other: The hearing was conducted as a brief adjudicative proceeding under RCW 34.05.485 and WAC 230-17-150(5).

4. FINDINGS OF FACT:

The undersigned administrative law judge finds the following facts by a 'preponderance of the evidence':

Jurisdiction-

- 4.1. On March 13, 2019, the Gambling Commission issued and served a 'Notice of Administrative Charges' (CR 2019-00376) alleging Gold Star Concessions (License No. 52-20117) failed to timely submit a quarterly license fee and report within 30 days following the end of the fourth quarter of 2018, or within the additional thirty-day filing and payment period. *Exhibit ('Ex.')* 1.
- 4.2. The Gambling Commission referred the Appellant's matter to the Office of Administrative Hearings ('OAH') to assign an administrative law judge to conduct a Brief Adjudicative Proceeding on the matter, as provided by WAC 230-17-150(5).
- 4.3. On March 13, 2019, the Gambling Commission served notice on the Appellant regarding the Brief Adjudicative Proceeding hearing, scheduled for March 27, 2019.
- 4.4. The Appellant did not appear for the hearing.

Failure to submit quarterly license fee and report-

- 4.5. The Appellant/Licensee, Gold Star Concessions, located in Billings, Montana, is a Commercial Amusement Game Licensee. *Ex. 2; Page ('Pg.')* 4.

- 4.6. The Appellant obtained licensure in 2017. Its license expires on June 30, 2019. It has no previous administrative history. *Ex. 2; Pg. 4.*
- 4.7. From December 31, 2018 to January 31, 2019, Gambling Commission Case Agent Tyson Wilson sent four emails and one letter to the Appellant regarding the need to file a quarterly license fee and report for the fourth quarter of 2018. *Ex. 2; Pg. 5 and Exs. 4-6.*
- 4.8. As of March 5, 2019, the Appellant still had not filed a quarterly license fee and report for the fourth quarter of 2018. *Ex. 2; Pg. 5.*
- 4.9. On March 13, 2019, based on the Appellant's failure to submit a license fee and report for the fourth quarter of 2018, the Gambling Commission issued a 'Notice of Administrative Charges' against the Appellant. *Ex. 1.*

5. CONCLUSIONS OF LAW:

Based upon the facts above, the undersigned administrative law judge makes the following conclusions:

Jurisdiction-

- 5.1. The undersigned administrative law judge has jurisdiction over the person and subject matter of this case under Chapter 34.05 RCW, Chapter 9.46 RCW and WAC 230-17-151(e).

Violation charged-

- 5.2. All organizations licensed by the Washington State Gambling Commission must submit activity reports quarterly, regardless of whether they previously submitted reports annually, quarterly or semi-annually and whether their permit or license year ends. WAC 230-05-102(1).
- 5.3. Reports must be submitted for any licensed period, even if no gambling activity occurred. WAC 230-05-124(6).
- 5.4. Quarterly license fees must also be submitted on the same schedule, with the report, if due. WAC 230-05-124(3).
- 5.5. The fourth quarterly report required covers the period of 2018, October 1, 2018 through December 31, 2018, and must be received by the Gambling Commission no later than January 30, 2019. WAC 230-05-102; WAC 230-05-124.
- 5.6. Licensees are afforded one thirty-day filing and payment period after their quarterly license reports and quarterly license fees are due. WAC 230-05-132(2). However, Licensees who do not file their quarterly reports and/or pay quarterly license fees within thirty days from the end of each quarter are in violation of WAC 230-05. WAC 230-05-132(1).

- 5.7. The Appellant/Licensee, Gold Star Concessions, is an organization licensed by the Gambling Commission and subject to reporting requirements and fees of WAC 230-05.
- 5.8. Under WAC 230-05-132(1), the Gambling Commission found Gold Star Concessions violated the requirements of chapter 230-05 WAC by failing to timely submit a quarterly license fee and report for the fourth quarter of 2018, for the period of October 1, 2018 through December 31, 2018.
- 5.9. Gold Star Concessions was required to submit a quarterly license fee and report for the fourth quarter of 2018. The deadline for submitting license reports and fees for the fourth quarter of 2018 was January 30, 2019. The Appellant failed to submit a quarterly license fee and/or report for the period at issue.
- 5.10. Therefore, Gold Star Concessions, by failing to timely submit a quarterly license fee and report for the fourth quarter of 2018 violated WAC 230-05-124 and WAC 230-05-132(1). The Washington State Gambling Commission's 'Notice of Administrative Charges' is **affirmed**.

Suspension and/or penalty-

- 5.11. RCW 9.46.075(1) authorizes suspension of any license or permit issued by the Commission because of violation of gambling law or regulations.
- 5.12. WAC 230-03-085(1) provides for suspension of licensure when the licensed organization has failed to pay a quarterly license fee and/or failed to submit a quarterly license report.
- 5.13. Further, WAC 230-03-085(5) makes a suspended party responsible for any late fees and additional costs associated with collection of the fees and costs, before the suspension is lifted or a new license is approved.
- 5.14. The Commission properly exercised its discretion to suspend Gold Star Concession's gambling license under RCW 9.46.075 and WAC 230-03-085. Gold Star Concession's gambling license No. 52-20117 is **suspended**.

6. INITIAL ORDER:

IT IS HEREBY ORDERED THAT:

- 6.1. **AFFIRMED.** The Appellant/Licensee, Gold Star Concessions, failed to timely submit the quarterly license fee and report for the fourth quarter of 2018 in violation of WAC 230-05-124 and WAC 230-05-132(1). The Washington State Gambling Commission's 'Notice of Administrative Charges' is **affirmed**.

- 6.2. **SUSPENDED.** The Appellant/Licensee, Gold Star Concession's Gambling License No. 52-20117 remains suspended until it submits the outstanding quarterly licensing fee and report, including any additional costs associated with the collection of the fee, pursuant WAC 230-05-132(4). Gold Star Concession's Gambling License No. 52-20117 is **suspended**.

Issued from Tacoma, Washington on the date of mailing.



TJ Martin
Administrative Law Judge
Office of Administrative Hearings

CERTIFICATE OF SERVICE ATTACHED

PETITION FOR REVIEW

Any party to this proceeding may file a Petition for Review of this initial order. WAC 230-17-152(1). The written petition for review must be mailed to the Washington State Gambling Commission at:

Washington State Gambling Commission
PO Box 42400
Olympia, WA 98504

The petition for review must be received by the Commission within twenty-one (21) days from the date this initial order was mailed to the parties. WAC 230-17-152(2). A copy of the petition for review must be sent to all parties of record. WAC 230-17-152(4). The petition for review must specify the portions of the initial order with which the party disagrees, and must refer to the evidence in the record which supports the party's position. The petition for review must contain any evidence or written material relevant to the matter that the party wishes the reviewing officer to consider. WAC 230-17-152(3).

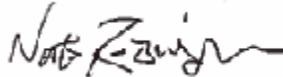
CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 03-2019-GMB-00083

I certify that true copies of this document were served from Tacoma, Washington via Consolidated Mail Services upon the following as indicated:

Gold Star Concessions 1633 Main St Unit A-394 Billings, MT 59105 Respondent	<input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-mail: stacyc616@yahoo.com
Kellen Wright, AAG Office of the Attorney General MS: 40100 PO Box 40100 Olympia, WA 98504 Agency Representative	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input checked="" type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-mail: kellen.wright@atg.w.gov
Ashlie Laydon Washington State Gambling Commission MS: 42400 PO Box 42400 Olympia, WA 98504 Agency Contact	<input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input checked="" type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-mail: ashlie.laydon@wsgc.wa.gov

Date: Wednesday, April 10, 2019

OFFICE OF ADMINISTRATIVE HEARINGS



Nathan Robinson
Legal Assistant 3