

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

In the matter of:

Belltown Pub,

Appellant.

Docket No. 09-2019-GMB-00129

INITIAL ORDER

Agency: Washington State Gambling
Commission

Program: License Fees & Reports

Agency No. CR 2019-01557

1. ISSUES

1.1. Did Belltown Pub fail to submit quarterly license reports and quarterly license fees for the second quarter of 2019 by the due date of July 30, 2019, or by the additional 30 day late reporting deadline of August 30, 2019, in violation of WAC 230-05-124 and WAC 230-05-132(1)?

1.2. Is the Commission authorized to revoke Belltown Pub's license pursuant to RCW 9.46.075(1) and WAC 230-03-085(1) and (5)?

2. ORDER SUMMARY

2.1. The Washington State Gambling Commission action is AFFIRMED.

2.2. Belltown Pub failed to submit quarterly license reports and fees due on or before July 30, 2019, and is subject to sanctions, including license revocation under RCW 9.46.075(1) and WAC 230-03-085(1) and (5).

2.3. Belltown Pub license No. 05-21451 is revoked.

3. HEARING

3.1. Hearing Date: October 3, 2019

3.2. Administrative Law Judge: Joni Derifield

3.3. Appellant: Belltown Pub

3.3.1. Representative: No representative of Belltown Pub appeared

3.4. Agency: Washington State Gambling Commission

3.4.1. Representative: Kellen Wright, Assistant Attorney General

3.5. Exhibits: Exhibits 1 through 5 were admitted.

3.6. Other: This hearing was conducted as a brief adjudicative proceeding under RCW 34.05.485 and WAC 230-17-150(5).

4. FINDINGS OF FACT

I find the following facts are undisputed:

Jurisdiction

- 4.1. The Washington State Gambling Commission ("the Commission") brought administrative charges, alleging Belltown Pub, holder of gambling license No. 05-21451, failed to submit quarterly license fees and quarterly license reports within 30 days following the end of the second quarter of 2019, or within the additional thirty-day late filing and payment period.
- 4.2. The Commission revoked Belltown Pub's gambling license and served a Notice of Administrative Charges dated September 13, 2019.
- 4.3. The Commission referred the matter to the Office of Administrative Hearings to assign an administrative law judge to conduct a Brief Adjudicative Proceeding as provided under Washington Administrative Code 230-17-150(5).
- 4.4. The Commission served notice of the October 3, 2019 Brief Adjudicative Proceeding on September 16, 2019.

Failure to Submit Quarterly License Reports and License Fees

- 4.5. Belltown Pub is licensed by the Washington State Gambling Commission to conduct punch board and/or pull-tab activity under gambling license No. 05-21451. That license expires March 31, 2020, subject to compliance with state gambling laws and Commission rules.
- 4.6. Belltown Pub failed to timely submit its quarterly license fees and quarterly license reports within thirty days following the end of the second quarter of 2019. The reports and fees were due no later than July 30, 2019.
- 4.7. Belltown Pub did not submit its quarterly license fee and quarterly license report during the additional thirty-day late filing and payment period following the end of the quarter.
- 4.8. Belltown Pub submitted quarterly license fees and reports for the four quarters preceding the second quarter of 2019. Despite the Commission's notifications by email, telephone, and certified letter via United States Postal Service, Belltown Pub did not submit the quarterly reports or fees, if due, for the second quarter of 2019, as of October 3, 2019.

5. CONCLUSIONS OF LAW

Based upon the facts above, I make the following conclusions:

Jurisdiction

- 5.1. I have jurisdiction over the persons and subject matter of this case under chapter 34.05 Revised Code of Washington ("RCW"), chapter 9.46 RCW and Washington Administrative Code ("WAC") 230-17-151(e).

Violations Charged

- 5.2. Belltown Pub is an organization licensed by the Commission and subject to reporting requirements and fees.
- 5.3. Beginning July 1, 2018, all organizations licensed by the Commission must submit activity reports quarterly, regardless of whether they previously submitted reports annually, quarterly, or semi-annually, and regardless of when their permit or license year ends. WAC 230-05-102.
- 5.4. The report for the period April 1, 2019 through June 30, 2019 must be received by the Commission no later than July 30, 2019. WAC 230-05-102. Reports must be submitted for any licensed period, even if no gambling activity took place. WAC 230-05-124(6). Quarterly license fees must also be submitted on the same schedule, with the report, if due. WAC 230-05-124.
- 5.5. 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 230-05-132(1).
- 5.6. The Commission found Belltown Pub violated the requirements of WAC Chapter 230-05 by failing to timely submit quarterly license fees and reports, under WAC 230-05-132. There is no factual dispute in this matter. Belltown Pub was required to submit quarterly license reports and quarterly license fees if due. The deadline for submitting license reports and fees for the second quarter of 2019 is July 30, 2019. All of the evidence establishes that Belltown Pub failed to submit quarterly license reports and quarterly license fees when due on July 30, 2019, or during the thirty-day late filing and payment period. Belltown Pub violated the requirement to submit quarterly license reports and fees if due. The Commission's finding of responsibility for the violation must be affirmed.

Revocation

- 5.7. RCW 9.46.075(1) authorizes revocation of any license or permit issued by the Commission because of violation of gambling law or regulations.
- 5.8. WAC 230-03-085(5) provides for revocation of licensure when the licensed organization has failed to pay a quarterly license fee or submitted a quarterly license report.

5.9. The Commission properly exercised its discretion to revoke Belltown Pub's gambling license under RCW 9.46.075 and WAC 230-03-085.

6. INITIAL ORDER

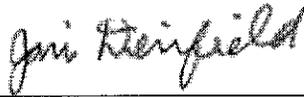
IT IS HEREBY ORDERED THAT:

6.1. The Washington State Gambling Commission action is AFFIRMED.

6.2. Belltown Pub failed to submit quarterly license reports and fees due on or before July 30, 2019, and is subject to sanctions, including revocation under RCW 9.46.075(1) and WAC 230-03-085(1) and (5).

6.3. Belltown Pub, license No. 05-21451, is revoked.

Issued from Tacoma, Washington on the date of mailing.



Joni Derifield
Administrative Law Judge
Office of Administrative Hearings

CERTIFICATE OF SERVICE ATTACHED

APPEAL RIGHTS

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. 09-2019-GMB-00129

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

| | |
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| Belltown Pub 2322 1st Avenue Seattle, WA 98121 Appellant | <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 type="checkbox"/> E-mail |
| Chad C. Standifer, 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 type="checkbox"/> E-mail |
| 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 type="checkbox"/> E-mail |
| Greg Allen Washington State Gambling Commission MS: 42400 PO 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 type="checkbox"/> E-mail |

Date: Thursday, October 17, 2019

OFFICE OF ADMINISTRATIVE HEARINGS

Hailey Miles

Hailey Miles
 Legal Assistant 3