

WASHINGTON STATE  
OFFICE OF ADMINISTRATIVE HEARINGS

In the matter of:

Woody's Sports Bar,

Appellant.

License No. 05-21602

Docket No. 12-2019-GMB-00138

**INITIAL ORDER**

Agency: Gambling Commission  
Program: License Fees & Reports  
Agency No. CR 2019-02076

**1. ISSUES:**

- 1.1. Whether Woody's Sports Bar failed to timely submit a quarterly license fee and quarterly license report to the Gambling Commission for the third quarter of 2019 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 Woody's Sports Bar's license, in accordance with Revised Code of Washington (RCW) 9.46.075(1) and WAC 230-03-085(1)&(5)?

**2. ORDER SUMMARY:**

- 2.1. **AFFIRMED.** Woody's Sports Bar failed to timely submit a quarterly licensee fee and quarterly license report to the Gambling Commission for the third quarter of 2019 in violation of WAC 230-05-124 and WAC 230-15-132(1). The Washington State Gambling Commission's 'Notice of Administrative Charges CR 2019-02076' is **affirmed**.
- 2.2. **SUSPENDED.** Woody's Sport Bar's Gambling License No. 05-21602 is suspended in accordance with RCW 9.46.075(1) and WAC 230-03-085(1)&(5). The license will remain suspended until Woody's Sports Bar submits the outstanding quarterly license fee and license report to the Gambling Commission for the third quarter of 2019, including the payment of any additional costs associated with the collection of the fee. Woody's Sports Bar's Gambling License No. 05-21602 is **suspended**.

[Continued]

### 3. HEARING:

- 3.1. Hearing Date: Friday, January 3, 2020
- 3.2. Admin. Law Judge: TJ Martin
- 3.3. Appellant: Woody's Sports Bar (Licensee)
- 3.3.1. Representative: No one appeared on behalf of the Licensee.
- 3.4. Agency: Gambling Commission Staff (Commission Staff)
- 3.4.1. Representative: Doug Van de Brake, Assistant Attorney General
- 3.4.2. Witnesses: Commission Staff did not call any witnesses.
- 3.5. Exhibits: Commission Staff's Exhibits 1 through 10 were admitted.

### 4. FINDINGS OF FACT:

#### ***Jurisdiction-***

- 4.1. On December 12, 2019, the Washington State Gambling Commission (Gambling Commission) issued 'Notice of Administrative Charges CR 2019-02076' (Notice). The Notice alleged Woody's Sports Bar (Woody's) failed to timely submit a quarterly license fee and quarterly report to the Gambling Commission within 30 days following the end of the third quarter of 2019, or within the additional thirty-day filing and payment period. *Exhibit ('Ex.')* 2.
- 4.2. The Gambling Commission referred the Licensee's matter to the Office of Administrative Hearings (OAH) to assign an administrative law judge to conduct a Brief Adjudicative Proceeding (BAP), as provided by WAC 230-17-150(5).
- 4.3. On December 16, 2019, the Gambling Commission sent notice to the Licensee regarding the telephonic BAP hearing, scheduled for January 3, 2020. *Ex. 1.*
- 4.4. On January 3, 2020, the Appellant/Licensee, Woody's Sports Bar, did not appear for the telephonic BAP hearing.

#### ***Failure to File Third Quarter 2019 License Fee and Report-***

- 4.5. Roop Thind, LLC, doing business as (dba) Woody's Sports Bar is located at 19508 Aurora Avenue N., Lynnwood, Washington. *Ex. 3.*
- 4.6. Woody's Sports Bar holds a Gaming License No. 05-21602, authorizing punchboard/pull-tab activity. *Ex. 3.*
- 4.7. Woody's quarterly license report and license fee for the Third Quarter of 2019 were due on October 30, 2019. *Ex. 3.*

- 4.8. On September 30, 2019, the Gambling Commission sent a 30-day reminder email to Woody's Sports Bar to file its quarterly license report and license fee for the third quarter of 2019 by October 30, 2019. *Ex. 5.*
- 4.9. On October 20, 2019, the Gambling Commission sent a 10-day reminder email to Woody's Sports Bar to file its quarterly license report and license fee for the third quarter by October 30, 2019. *Ex. 6.*
- 4.10. On October 25, 2019, the Gambling Commission sent a five-day reminder email to Woody's Sports Bar to file its third quarter report and fee. *Ex. 7.*
- 4.11. On October 31, 2019, the Gambling Commission sent a 'Quarterly License Report Past Due' letter, via regular mail, to Woody's Sports Bar, to file its third quarter report and fee. *Ex. 8.*
- 4.12. Woody's Sport Bar failed to respond to any of the Gambling Commission notices and failed to submit either its quarterly license report or license fee by the October 30, 2019 deadline. *Ex. 3.*
- 4.13. On November 19, 2019, the Gambling Commission sent a letter, via regular mail, to Woody's Sport Bar, informing Woody's that it still needed to file the required quarterly report and fee for the third quarter, despite no longer being in business. *Ex. 9.*
- 4.14. On December 12, 2019, based on Woody's Sport Bar's failure to file the required license fee and report for the third quarter of 2019, the Gambling Commission issued a 'Notice of Administrative Charges CR 2019-02076' against Woody's. *Ex. 2.*
- 4.15. Based on its failure to file its third quarter license report and submit the license fee, Cheers owes 1.430% of their punchboard and/or pull-tab gross gambling receipts and a \$750 late fee to the Gambling Commission. *Ex. 2.*

## **5. CONCLUSIONS OF LAW:**

### ***Jurisdiction-***

- 5.1. The administrative court 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. WAC 230-05-102(1).
- 5.3. Quarterly reports must be submitted for any licensed period, even if no gambling activity occurred. The quarterly license fees must also be submitted on the same schedule. WAC 230-05-124(3) & (6).

- 5.4. The third quarter report covers the period of July 1<sup>st</sup> to September 30. The Gambling Commission must receive the license report and fee for the third quarter no later than October 30th. WAC 230-05-102; 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. WAC 230-05-132(1).
- 5.6. In the present case, Woody's Sport Bar is licensed by the Gambling Commission and subject to the reporting requirements and fees of WAC 230-05.
- 5.7. Woody's Sport Bar was required to submit a quarterly license fee and report for the third quarter of 2019. The deadline for submitting license reports and fees for the third quarter of 2019 was October 30, 2019. Woody's Sports Bar failed to submit a quarterly license fee and/or report for the period.
- 5.8. Therefore, Woody's Sports Bar failed to timely submit a quarterly license fee and report for the third quarter of 2019 in violation WAC 230-05-124 and WAC 230-05-132(1). The Washington State Gambling Commission's 'Notice of Administrative Charges CR 2019-02076' is **affirmed**.

***License Suspension and Penalty-***

- 5.9. RCW 9.46.075(1) authorizes the suspension of any license or permit issued by the Commission because of any violation of gambling law or regulations.
- 5.10. WAC 230-03-085(1) provides for suspension of licensure when a licensed organization fails to pay its quarterly license fee and/or fails to submit its quarterly license report.
- 5.11. 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.
- 5.12. The Commission properly suspended Woody's Sports Bar's gambling license under RCW 9.46.075 and WAC 230-03-085 for failing to file its quarterly license report and fee for the third quarter of 2019. Woody's Sports Bar's gambling license No. 05-21602 is **suspended**.
- 5.13. Woody's Sport Bar's gambling license will remain suspended until it submits the outstanding quarterly license fee and license report to the Gambling Commission for the third quarter of 2019, including the payment of any additional costs associated with the collection of the fee, based on WAC 230-15-132(4).

**6. INITIAL ORDER:**

**THIS ADMINISTRATIVE COURT ORDERS;**

- 6.1. **AFFIRMED.** Woody's Sports Bar failed to timely submit a quarterly license fee and quarterly license report to the Gambling Commission for the third quarter of 2019 in violation of WAC 230-05-124 and WAC 230-15-132(1). The Washington State Gambling Commission's 'Notice of Administrative Charges CR 2019-02076' is **affirmed**.
- 6.2. **SUSPENDED.** Woody's Sports Bar's Gambling License No. 05-21602 is suspended in accordance with RCW 9.46.075(1) and WAC 230-03-085(1)&(5) and WAC 230-05-132(4). Woody's Sport Bar's license will remain suspended until it files the outstanding quarterly license fee and license report to the Gambling Commission for the third quarter of 2019, including the payment of any additional costs associated with the collection of the fee, in accordance with WAC 230-15-132(4). Woody's Sport Bar's Gambling License No. 05-21602 is **suspended**.

Issued from Tacoma, Washington on the date of mailing.



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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. 12-2019-GMB-00138**

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

Woody's Sports Bar 15631 Ash Way D508 Lynnwood, WA 98087 <b>Appellant</b>	<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
Ashlie Laydon Washington State Gambling Commission MS: 42400 PO Box 42400 Olympia, WA 98504 <b>Agency Contact</b>	<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
Doug Van de Brake, AAG Office of the Attorney General P.O. Box 40100 MS: 40100 Olympia, WA 98504 <b>Agency Representative</b>	<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
Chad Standifer, AAG Office of the Attorney General P.O. Box 40100 MS: 40100 Olympia, WA 98504 <b>Agency Representative</b>	<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
Cheri Jackson Washington State Gambling Commission P.O. Box 42400 MS: 42400 Olympia, WA 98504 <b>Agency Contact</b>	<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: Tuesday, January 07, 2020

OFFICE OF ADMINISTRATIVE HEARINGS

*Carla Sullivan*

Carla Sullivan  
 Legal Assistant 2

