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GAMBLING COMMISSION
COMM & LEGAL DIVISION

STATE OF WASHINGTON
GAMBLING COMMISSION

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MAY 25 2010

GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Suspension of the Licenses)
to Conduct Gambling Activities of:)
)
Aces Casino & Sports Bar)
5200 172nd Street NE, Suite D)
Arlington, Washington,)
)
Licensee.)
_____)

NO. CR 2010-00096

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MAY 28 2010

SETTLEMENT ORDER HEADQUARTERS OFFICE OF
ADMINISTRATIVE HEARINGS

This Settlement Order is entered into between the Washington State Gambling Commission and Aces Casino & Sports Bar. H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Staff Attorney, represent the Commission. William Tackitt, owner, represents the licensee.

I.

The Washington State Gambling Commission issued Aces Casino & Sports Bar, organization number 00-21677, the following licenses:

Number 67-00277, Authorizing Class "11" House-Banked Card Room Activity; and
Number 05-20739, Authorizing Class "B" Punchboard/Pull-Tab Activity.

The licenses expire on September 30, 2010, and were issued subject to the licensee's compliance with state gambling laws and regulations.

II.

In the above-entitled case, the Gambling Commission issued a Notice of Administrative Charges and Opportunity for an Adjudicative Hearing on March 19, 2010, seeking the suspension of Aces Casino & Sports Bar licenses to conduct gambling activities. On April 1, 2010, Commission staff received the licensee's request for a hearing.

The following facts and violations were alleged in the Notice of Administrative Charges:

1) On January 14, 2010, a Commission Special Agent (agent) discovered that the licensee failed to:

- Retain seven consecutive days of digital surveillance recordings, in violation of WAC 230-15-319(2)(a); and
- Record equipment malfunctions on the surveillance activities malfunction log, in violation of WAC 230-15-330.

2) The agent spoke to the licensee's General Manager. The General Manager told the agent that he knew about the violations and intentionally did not report the violations. The General Manager told employees to not report the violations, as he was hoping the agent would not discover the violations, in violation of RCW 9.46.153(3).

3) The week before, on January 8, 2009, the licensee self-reported that it failed to retain seven consecutive days of digital surveillance recordings in a violation of WAC 230-15-319(2)(a). The licensee received a Notice of Violation and Settlement (NOVAS¹) for this violation. (CR 2009-01853)

4) Additionally, October 20, 2009, the licensee received a Warning Letter for the same violation of WAC 230-15-319(2)(a). (CR 2009-01572)

5) The licensee's repeated violation of WAC 230-15-319(2)(a) demonstrates the licensee's willful disregard for complying with administrative rules. Therefore, grounds exist to suspend the licenses under RCW 9.46.075(1) and WAC 230-03-085(1) and (3).

RCW 9.46.075(1) Denying, Suspending or revoking a license or permit.

The Commission may suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the licensee, or any person with any interest therein:

(The following subsection applies.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

WAC 230-03-085 Denying, Suspending or revoking a license or permit.

We may suspend or revoke any license or permit, when the licensee or anyone holding a substantial interest in the licensee's business or organization:

(The following subsection(s) apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

(8) Creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by (a) Prior activities.

RCW 9.46.153 Applicants and licensees — Responsibilities and duties.

(The following subsection applies.)

(3) All licensees, and persons having any interest in licensees, including but not limited to employees and agents of licensees, and other persons required to be qualified under this chapter or rules of the Commission shall have a duty to inform the Commission or its staff of any action or omission which they believe would constitute a violation of this chapter or rules adopted pursuant thereto. No person who so informs the Commission or the staff shall be discriminated against by an applicant or licensee because of the supplying of such information.

¹NOVAS –A Notice of Violation and Settlement identifies the violation and gives the licensee the opportunity to pay a fine to settle the matter.

WAC 230-15-319 Retaining video recordings.

(The following subsection applies.)

(2) Licensees must keep:

- (a) All recordings for seven gambling days, for example, Monday's gambling day recording may be recorded over on Tuesday of the following week.

WAC 230-15-330 Keeping a surveillance activities log.

Class F and house-banked card game licensees must keep a log of all surveillance activities in the format we require.

IV.

The licensee acknowledges that it received the Notice of Administrative Charges issued in this case, and understands the facts and violations contained in it. The licensee has waived its right to a hearing, based on the terms and conditions of this Settlement Order.

The licensee agrees to the following terms and sanctions:

1) The licensee's gambling licenses are hereby suspended for a period of **five (5) days**, provided that:

- a) **Four (4) days** of the suspension shall not be currently served, but shall be deferred for a period of one year from the date of entry of this Settlement Order, subject to the following: The licensee agrees not to violate the terms of this Settlement Order, or any of Washington's gambling statutes or regulations during the one (1) year term. If the licensee violates this Settlement Order or gambling statutes or regulations, and if the violation is the type that warrants the filing of administrative or criminal charges, then the Director may impose the four-day deferred suspension of the current gambling licenses and any subsequently acquired gambling licenses.
- b) The parties agree that the Director of the Washington State Gambling Commission, pursuant to this agreement, has discretion to determine whether the licensee has violated any term of this agreement. In the event the Director determines that a violation of this agreement has occurred, he may suspend the license(s) issued to the licensee for up to four days, by mailing or delivering a Notice of Order of Administrative Charges to the licensee. In addition to the consequences of the new violation, the deferred sentence shall also be served. The licensee shall be afforded the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.
- c) **The licensee has chosen to serve the remaining one (1) day of this suspension.**
- **The suspension will be on Monday, May 31, 2010.**
 - No gambling activities shall take place at the licensed premises starting at 8:00 am on Monday, May 31, 2010.
 - The licensee may resume its gambling activities at 8:00 a.m. on Tuesday, June 1, 2010.

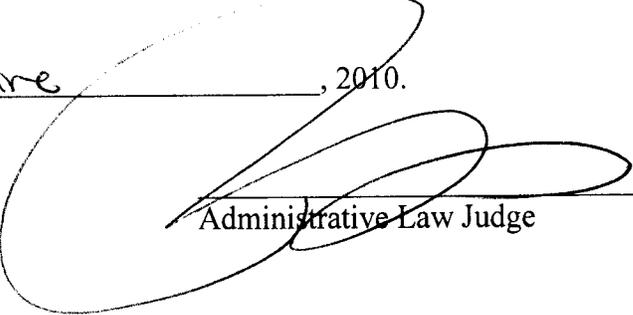
d) **The signed order must be received by Commission staff on or before Wednesday, May 26, 2010**, and mailed to Commission Headquarters at the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division – Fines
P.O. Box 42400
Olympia, WA 98504-2400

or **delivered** (in person or via private courier) to the following address:

Washington State Gambling Commission
4565 7th Avenue SE; Fourth Floor
Attention: Communications and Legal Division – Fines
Lacey, WA 98503

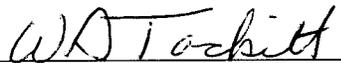
DATED this 8th day of June, 2010.


Administrative Law Judge

APPROVED FOR ENTRY:

APPROVED AS TO FORM:

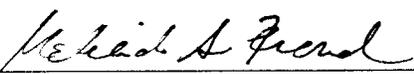
By the signature below, the licensee understands the terms and conditions contained in the settlement order.



William Tackitt, Owner (Date) 5-24-10
Aces Casino & Sports Bar



H. Bruce Marvin, WSBA #25152
Assistant Attorney General,
Representing the Washington
State Gambling Commission



Melinda Froud, WSBA #26792
Lead Staff Attorney,
Washington State Gambling Commission