

RECEIVED

NOV 16 2010

GAMBLING COMMISSION
COMM & LEGAL DEPT

STATE OF WASHINGTON
GAMBLING COMMISSION

RECEIVED

NOV 03 2010

GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Suspension of the license)
to Conduct Gambling Activities of:)
)
Ram's Ripple,)
Moses Lake, Washington,)
)
Licensee.)
_____)

NO. CR 2010-01003

SETTLEMENT ORDER

This Settlement Order is entered into between the Washington State Gambling Commission and Ram's Ripple. H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Staff Attorney, represent the Gambling Commission. Ramiro Deleon, owner, represents the licensee.

I.

The Washington State Gambling Commission issued Ram's Ripple, organization number 00-18991, license number 05-19454, authorizing Class "F" Punchboard Pull-Tab activity.

The license expires on September 30, 2011, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

In the above-entitled case, the Director issued a Notice of Administrative Charges on September 15, 2010, seeking the suspension of Ram's Ripple's gambling license. On October 8, 2010, Commission staff received the licensee's request for a hearing. The following is a summary of the facts alleged, and the violations charged in the Notice of Administrative Charges:

- 1) The licensee failed to timely submit its punchboard/pull-tab activity report for the first and second quarters of 2010. The activity report was due July 30, 2010. However, the activity report was not received until August 4, 2010. This conduct violated WAC 230-14-284.
- 2) The licensee has the following administrative history:
 - a) In May 2009, the licensee entered into a Settlement Order and agreed to a 15-day suspension to resolve administrative charges issued for failing to timely submit its punchboard/pull-tab activity report for the first and second quarters of 2008. Three of fifteen days were deferred for two years. (CR 2009-00329)
 - b) In August 2007 and in August 2006, a Commission Special Agent issued a Notice of Violation and Settlement (NOVAS¹) to the licensee for filing its activity reports late.

¹ The NOVAS identifies the violation and gives the recipient the opportunity to pay a fine to settle the matter.

3) The licensee's failure to timely submit its activity report demonstrates the licensee's willful disregard for complying with state administrative rules. Grounds exist for the suspension of the license to conduct gambling activities, based on RCW 9.46.075(1) and WAC 230-03-085(1) and (3).

4) It is also a violation of the May 2009 Settlement Order, and constitutes grounds to impose the three-day deferred suspension pursuant to that Settlement Order.

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

(The following subsections apply.)

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075; or
- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

WAC 230-14-284 Activity for punchboard and pull-tab licensee's

Punchboards and pull-tab licensees must submit an activity report to the Commission. Licensees must complete the report in the format we require and must:

(The following subsections apply.)

- (1) Cover the periods: (a) January 1 through June 30; and (b) July 1 through December 31; and
- (2) Be received at our administrative office or postmarked no later than thirty days following the end of the reporting period.

III.

The licensee acknowledges that it has read the Notices of Administrative Charges, and understands the facts contained in them. The licensee waives its right to a hearing and the parties agree to settle this matter under the following terms:

1) Ram's Ripple's gambling license is hereby **suspended for a period of twenty (20) days**, provided that three (3) days of the suspension shall not be currently served, but shall be deferred for a period of two years from the date of entry of this Settlement Order, subject to the following:

- The licensee must not violate the terms of this Settlement Order, or Washington's gambling statutes and/or regulations during the two (2) year term, including failing to timely submit future activity reports when due. 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.
- If the licensee violates the terms of this order, 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 three (3) day suspension of the current gambling license and any subsequently acquired gambling license(s), by mailing or delivering a Notice of Order of Administrative Charges to the licensee. This suspension shall be in addition to any consequences of the new violation. The licensee shall be afforded the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.

3) Pursuant to RCW 9.46.077, the licensee agrees to vacate the remaining seventeen (17) days of this suspension by paying a fine of one thousand, two hundred dollars (\$1,200). The licensee also agrees to reimburse the Commission for its investigative and administrative costs of three hundred dollars (\$300), for **total fines and costs of one thousand, five hundred dollars (\$1,500)**.

4) Additionally, the licensee agrees to serve the three-day suspension previously deferred in the May 2009 Settlement Order, as follows:

- 8 mt / 4pm
- a) The suspension days will be served from 8:00 a.m. on Monday, November 1, 2010, through Wednesday, November 3, 2010.
 - b) The licensee may resume its gambling activities at 8:00 a.m. on Thursday, November 4, 2010.
 - c) During this period of suspension, no punchboard/pull-tab activities shall take place at the licensed premises.

III
III
III
III

5) **The licensee shall make the payment of \$1,500 and submit the signed order by Friday, October 29, 2010**, by mailing both to Commission Headquarters at the following address:

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

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

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

6) The licensee agrees to submit its activity reports within 30 days following the end of the reporting period. Failure to do so may result in the filing of administrative charges for the suspension or revocation of Ram's Ripple's license to conduct gambling activities.

7) If the licensee makes its payment, as set forth above, this matter will be deemed closed. However, if the licensee fails to make its payment on time, the Director may impose a two (2) day suspension. Serving the suspension would not relieve the licensee of its obligation to pay its fine.

DATED this 10th day of November, 2010.



Administrative Law Judge

Charles Ruppert

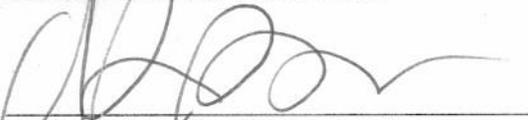
APPROVED FOR ENTRY:

By his signature, the licensee understands and accepts the terms and conditions of this Order.



Ramiro Deleon, Owner (Date)
Ram's Ripple

ACCEPTED AS TO FORM:



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