

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension of the)
Licenses to Conduct Gambling Activities of:) NO. CR 2011-01241
)
Splits) **FINDINGS, CONCLUSIONS,**
Kelso, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the suspension of the licenses to conduct gambling activities of Splits having come before the Commission on February 9, 2012, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued Splits, organization number 00-22034, the following licenses:

- Number 05-20877, authorizing Class "A" Punchboard Pull-Tab activity;
- Number 65-07297, authorizing Class "F-5" Public Card Room activity; and
- Number 53-21028, authorizing Class "B" Commercial Amusement Games.

The licenses expired on December 31, 2011, and were issued subject to the licensee's compliance with state gambling laws and regulations. The licenses were not renewed and have now lapsed.

II.

On December 27, 2011, Deputy Director David Trujillo issued administrative charges to Splits, by certified and regular mail. The administrative charges notified the licensee that failure to respond would result in the entry of a default order suspending its licenses. Splits did not respond to the charges.

By not responding, Splits waives its right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

David Trujillo, Deputy Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- 1) Splits failed to timely submit its punchboard/pull-tab activity report for the first and second quarters of 2011. The activity report was due at our administrative office by July 30, 2011. However, as of December 23, 2011, the activity report had not been received, in violation of WAC 230-14-284(1) and (2).
- 2) On August 11, 2011, a Commission Special Agent (agent) issued a Notice of Violation and Settlement (NOVAS)¹ to the licensee for failing to timely submit its punchboard/pull-tab activity report for the first and second quarters of 2011. However, the licensee failed to pay the NOVAS.
- 3) Previously, the licensee was nine days late submitting their activity report for the third and fourth quarters of 2010, which was due on January 30, 2011, and not received until February 8, 2011.
- 4) Splits' failure to timely submit its activity report demonstrates the licensee's willful disregard for complying with state administrative rules. Therefore, grounds exist for the suspension of Splits' licenses to conduct gambling activities, based on RCW 9.46.075(1) and WAC 230-03-085(1), (3), and (7).
- 5) On September 12, 2011, the agent received information that the business had closed, and she later confirmed the closure. Telephone messages left by the agent to call her back have not been returned.

RCW 9.46.075 Denying, suspending, or revoking a license or permit

The Commission may deny an application, or 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 applicant or licensee, or any person with any interest therein: (The following subsection applies.)

- (1) 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.
- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

¹ A NOVAS identifies the violation, and in this case, gives the recipient the opportunity to pay a fine and submit its delinquent report to settle the matter.

(7) Fails to provide us with any information required under Commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us.

WAC 230-14-284 Activity reports for punchboard and pull-tab licensees

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.

IV.

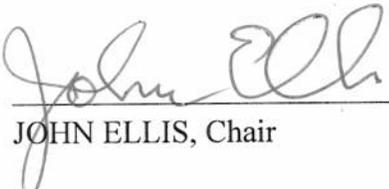
CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the suspension of Splits' licenses to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

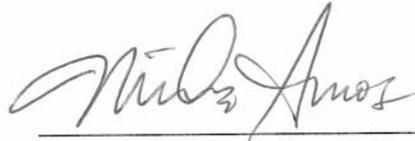
DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Splits' licenses to conduct gambling activities are SUSPENDED for thirty (30) days.

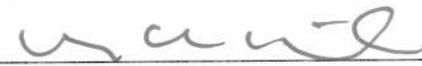
DATED this 9 day of February, 2012.



JOHN ELLIS, Chair



MIKE AMOS, Vice Chair



KEVEN ROJECKI

MICHAEL REICHERT

KELSEY GRAY

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

Washington State Gambling Commission
Communications & Legal Division
PO Box 42400
Olympia, Washington 98504-2400

Stephanie U. Happold
Assistant Attorney General
P.O. Box 40100
Olympia, WA 98504-0100

CONCLUSIONS OF LAW

DECISION AND ORDER


MIKE AMOS, Vice Chair


JOHN ELLIS, Chair

MR. HEARL BUCHHEIT

KEVIN ROYCE