

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to) NO. CR 2012-01140
Conduct Gambling Activities of:)
)
BC Macdonalds) **NOTICE OF ADMINISTRATIVE**
Chelan, Washington,) **CHARGES AND OPPORTUNITY**
) **FOR AN ADJUDICATIVE**
) **PROCEEDING**
Licensee.)
_____)

I.

The Washington State Gambling Commission issued BC Macdonalds, organization number 00-18461, license number 05-10033, authorizing Class "A" Punchboard/Pull-Tab activity.

The license expires on March 31, 2013, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

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:

SUMMARY:

BC Macdonalds failed to submit its activity report for the first and second quarters of 2012. The license violated three prior settlement orders for the same violation.

FACTS:

- 1) On August 10, 2012, a Washington State Gambling Commission Special Agent (agent) received an e-mail notification from Commission licensing staff stating BC Macdonalds, located in Chelan, had failed to submit their punchboard/pull-tab activity report, which was due July 30, 2012.
- 2) On August 20, 2012, the agent contacted Brent Macdonald, owner of BC Macdonalds. He asked Mr. Macdonald if he had submitted his pull tab activity reports. Mr. Macdonald stated that he had forgotten to submit the reports because he had been busy.
- 3) The agent reviewed the license history for BC Macdonalds and noted that the licensee had an extensive history of failing to timely submit the gambling activity reports. Specifically, the following action was taken against the licensee for failure to timely report gambling activity:

- Case # 2007-00269 Notice of Violation and Settlement, fine paid March 01, 2007;
 - Case # 2007-01418 Statement of Charges and Settlement Order, 15-day suspension, 3 days deferred for 2 years, and 12 days served;
 - Case # 2008-00473 Statement of Charges and Settlement Order, 20-day suspension, 3 days deferred for 2 years, 20 days served that include 3 days from previous Settlement Order; and
 - Case # 2009-00260 Statement of Charges and Settlement Order, 45-day suspension, which includes 3 days from previous Settlement Order.
- 4) The agent reviewed all three Settlement Orders and noted that the licensee agreed to submit all subsequent gambling activity reports no later than 30 days following the end of the period for which it is made.
- 5) As of November 21, 2012, BC Macdonalds had not submitted their missing quarterly activity reports.

VIOLATIONS:

RCW 9.46.075(1) 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.

(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.

BC Macdonalds' repeated failure to submit its activity reports demonstrates its willful disregard for complying with state administrative rules. Therefore, grounds exist for the revocation of BC Macdonalds' license to conduct gambling activities, based on RCW 9.46.075(1) and WAC 230-03-085(1), (3), and (7) and WAC 230-14-284 (1) and (2).

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Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations. In order to have a hearing, the enclosed REQUEST FOR HEARING must be completed in full by the licensee or representative and returned to the Gambling Commission within **23 days** from the date of the mailing of this notice. Based on RCW 34.05.440, FAILURE TO RETURN THIS DOCUMENT WILL RESULT IN THE ENTRY OF A DEFAULT ORDER REVOKING YOUR LICENSE.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

David Trujillo, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Deputy Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

David Trujillo
DAVID TRUJILLO, DEPUTY DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 21 day of November, 2012.

Maureen Pretell
NOTARY PUBLIC in and for the State of
Washington residing at Thurston County

My commission expires on December 2, 2015

STATE OF WASHINGTON)
)
COUNTY OF THURSTON)

I certify I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, property addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 21 day of November, 2012
Maureen Pretell

