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GAMBLING COMMISSION  
COMM & LEGAL DIVISION

STATE OF WASHINGTON  
GAMBLING COMMISSION

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COMM & LEGAL DIVISION

In the Matter of the Suspension or Revocation of )  
the License to Conduct Gambling Activities of: )  
Benders Sports and Music )  
Renton, Washington, )  
Licensee. )

NO. CR 2012-00528

**SETTLEMENT ORDER**

This Settlement Order is entered into between the Washington State Gambling Commission and Benders Sports and Music. Stephanie U. Happold, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney, represent the Commission. Jason Johnson, owner, represents the licensee.

I.

The Washington State Gambling Commission issued Benders Sports and Music, organization number 00-21420 the following license:

Number 05-20636, authorizing Class "B" Punchboard Pull-Tab activity.

The license expires on September 30, 2012, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee on May 25, 2012. The licensee received the Notice, and on June 1, 2012, Commission staff received the licensee's request for hearing.

III.

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

**SUMMARY:**

Benders Sports and Music had not submitted its quarterly activity report for the third and fourth quarters of 2011, which was due on January 30, 2012. This was the third time out of the last five reporting periods that the licensee had failed to timely submit its activity report.

On July 18, 2012, the Commission received the licensee's quarterly activity report for the third and fourth quarters of 2011.

**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; or

(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.**

The Commission alleges that the facts and violations specified in paragraph III above constitute grounds to suspend or revoke Benders Sports and Music's license under RCW 9.46.075(1) and WAC 230-03-085(1), (3) and (7).

## V.

Jason Johnson, owner, acknowledges that he 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 and agrees to the following terms and sanctions:

- 1) The licensee's gambling license is suspended for a period of fifteen (15) days, provided that:
  - a) **Three (3) days** of the suspension shall not be currently served, but shall be deferred for two years, 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 deferral period.
  - b) 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 three-day deferred suspension of the current gambling licenses and any subsequently acquired gambling licenses.
  - c) 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 three 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.
- 2) The licensee has chosen to serve the remaining twelve (12) days of the suspension.
  - i. The suspension period begins at 8:00 a.m. on Wednesday, September 19, 2012, and runs through Sunday, September 30, 2012.
  - ii. During this period of suspension, no gambling activities shall take place at the licensed premises.
  - iii. The licensee may resume its gambling activities at 8:00 a.m. on Monday, October 1, 2012.
- 3) The signed Settlement Order must be received by Commission staff on or before September 10, 2012, and mailed to Commission Headquarters at the following address:

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

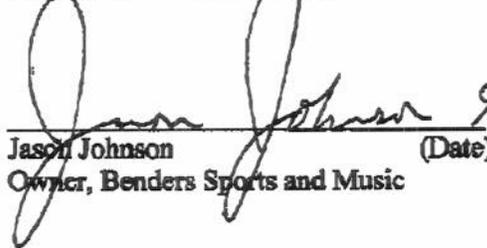
or delivered (in person or via private courier) to the following address:

Attention: Communications and Legal Division – Fines  
4565 7<sup>th</sup> Avenue SE; Third Floor  
Lacey, WA 98503

DATED this 19 day of September, 2012.

  
Administrative Law Judge

APPROVED FOR ENTRY:

  
Jason Johnson (Date) 9-5-12  
Owner, Benders Sports and Music

APPROVED AS TO FORM:

  
Stephanie U. Happold, WSBA# 38112  
Assistant Attorney General, Representing  
the Washington State Gambling  
Commission

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