

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Suspension or )  
Revocation of the License to Conduct )  
Gambling Activities of: )  
)  
Bobby's Dry Dock, )  
Blaine, Washington, )  
)  
Licensee. )  
\_\_\_\_\_ )

No. CR 2013-01662

**NOTICE OF ADMINISTRATIVE  
CHARGES AND OPPORTUNITY  
FOR ADJUDICATIVE PROCEEDING**

I.

The Washington State Gambling Commission issued Bobby's Dry Dock, organization number 00-20781, the following license:

- Number 05-20341, Authorizing Class "D" Punchboard/Pull-Tab activity.

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

II.

David Trujillo, 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:**

Bobby's Dry Dock (Bobby's) failed to pay eight semi-annual gambling tax payments dating back to 2009, for a total of \$24,847 in required gambling taxes to Whatcom County.

**FACTS:**

- 1) On August 7, 2013, the Communication and Legal Department (CLD) of the Washington State Gambling Commission (Commission) received an affidavit from Whatcom County petitioning for the revocation of Bobby's gambling license due to the failure to make required gambling tax payments.
- 2) The affidavit documented the County's attempts to collect the past due gambling taxes owed. Whatcom County provided a timeline including approximately twenty attempts to collect the delinquent taxes. These attempts included phone calls, letters, and personal visits to Bobby's.
- 3) On August 26, 2013, Whatcom County sent Commission staff a copy of Complaint for Civil Violation of Whatcom County Code, which was filed in connection with Bobby's unpaid

gambling taxes.

- 4) Whatcom County also provided Commission staff with an updated spreadsheet detailing the \$24,847.28 in delinquent taxes due as of August 28, 2013, which included eight semi-annual payments dating back to 2009.

**VIOLATIONS:**

**1) RCW 9.46.075 Denying, suspending, or revoking of a license, or permit**

Provides that 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 subsections apply.)

(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.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter.

**2) 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.

(4) Has failed to pay gambling taxes to local taxing authorities and the local taxing authority has petitioned us to take action.

The licensee's failure to pay eight semi-annual gambling tax payments dating back to 2009 demonstrates its willful disregard for complying with local ordinances. Therefore, grounds exist to suspend or revoke Bobby's Dry Dock's license under RCW 9.46.075(1) and (8) and WAC 230-03-085(1), (3) and (4).

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III.

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 or discuss settlement options**, the enclosed REQUEST FOR HEARING must be COMPLETED 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 first duly sworn on oath, deposes and says: That he has read the foregoing Notice of Administrative Charges and Opportunity for Adjudicative Proceeding, knows the contents thereof, and believes the same to be true, and that he is the Director of the Washington State Gambling Commission and in that capacity has executed said Statement of Charges.

David Trujillo  
DAVID TRUJILLO, DIRECTOR

SUBSCRIBED AND SWORN TO before me this 15 day of October, 2013.

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 15 day of October, 2013  
Maureen Pretell

