

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation of )  
the License to Conduct Gambling Activities of: )  
)  
Infinity Communication Inc., )  
d/b/a Horseshoe Saloon )  
Woodinville, Washington, )  
)  
Licensee. )

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NO. CR 2013-00658

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

I.

The Washington State Gambling Commission issued Infinity Communication Inc., d/b/a, Horseshoe Saloon organization number 00-22167 the following license:

Number 05-20935, authorizing Class "G" Punchboard Pull-Tab activity.

The license expires on June 30, 2013, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

David Trujillo, Interim 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:**

The licensee failed to timely submit its Punchboard/Pull-Tab Activity reports for the third and fourth quarters of 2012. This is the fourth time in the last four reporting cycles that the licensee has failed to timely submit its Activity Reports.

**FACTS:**

- 1) Horseshoe Saloon is owned by Infinity Communication Corporation, and operated by Jim Rimoczi. The licensee was issued a punchboard/pull-tab license in July 2011.
- 2) Horseshoe Saloon failed to submit its Punchboard/Pull-tab Activity Report for the third and fourth quarters of 2012. As of April 12, 2013, the report, which was due by January 30, 2013, has not been received. This is the fourth time in the last four reporting cycles that the licensee has failed to timely submit its Activity Report.

3) Horseshoe Saloon's history of filing Activity Reports is as follows:

Quarter	Due Date	Date Received
3 & 4 quarters 2012	January 30, 2013	Not Received
1 & 2 quarters 2012	July 30, 2012	September 20, 2012
3 & 4 quarters 2011	January 30, 2012	March 20, 2012
1 & 2 quarters 2011	July 30, 2011	November 7, 2011

4) Previously, on September 4, 2012, the licensee received a Notice of Violation and Settlement (NOVAS),<sup>1</sup> which it settled by paying a \$500 fine, for its failure to timely submit its Punchboard/Pull-Tab Activity Reports for the first and second quarters of 2012.

5) On March 8, 2012, the licensee received a NOVAS, which it settled by paying a \$300 fine, for its failure to timely submit its Punchboard/Pull-Tab Activity Reports for the third and fourth quarters of 2011.

6) On September 21, 2011, the licensee was issued a warning letter from Commission staff for its failure to timely submit its Punchboard/Pull-Tab Activity Reports for the first and second quarters of 2011.

#### **VIOLATIONS:**

##### **1) 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.

##### **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.

<sup>1</sup> 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.

(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.

**3) 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.

The licensee failed to timely submit its Punchboard/Pull-Tab Activity Reports for the third and fourth quarters of 2012, within 30 days following the end of the period for which they were made, in violation of WAC 230-14-284. This is the fourth time in the last four reporting cycles that the licensee has failed to timely submit its Activity Reports. Therefore, the licensee has demonstrated willful disregard for complying with state administrative rules. Grounds, therefore, exist for the suspension or revocation of Horseshoe Saloon's license to conduct gambling activities, under RCW 9.46.075(1) and WAC 230-03-085(1), (3) and (7).

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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.

**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 mailing of this notice.

Based on RCW 34.05.440, failure to return this document will cause 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, and believes the same to be true, and that he is the Interim Director of the Washington State Gambling Commission and in that capacity has executed said Statement of Charges.

*David Trujillo*

DAVID TRUJILLO, INTERIM DIRECTOR

SUBSCRIBED AND SWORN TO before me this 12 day of April, 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 April, 2013

*Maureen Pretell*