STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to Conduct Gambling Activities of: Robert L. Smith Longview, Washington, Licensee.	))))))))	NO. CR 2014-02092 **NOTICE OF ADMINISTRATIVE CHARGES AND OPPORTUNITY FOR AN ADJUDICATIVE PROCEEDING**

I.

The Washington State Gambling Commission issued Robert L. Smith license number 68-12889, authorizing Card Room Employee activity, currently with Cadillac Island Casino.

The Commission issued this license, which expires on November 1, 2015, subject to the licensee's compliance with state gambling laws and Commission rules.

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:

On July 28, 2014, Robert L. Smith pled guilty to 4th Degree Assault, Domestic Violence. As a result of this conviction, he is on probation. This is Mr. Smith's second conviction involving physical harm to the same individual in two years.

FACTS:

1) A Washington State Gambling Commission Special Agent (agent) was assigned to Mr. Smith's file to investigate whether he continues to qualify for a license. The agent determined that Mr. Smith has convictions from 2014 and 2011 for 4th Degree Assault, Domestic Violence. Both cases remain open and there are outstanding court-ordered fines and fees due.

2) As part of the investigation, the agent reviewed Mr. Smith's file to see if he disclosed his assault cases to Commission staff, as required. On his renewal application received October 27, 2014, Mr. Smith indicated that he had new criminal history. He attached a statement to his renewal that said he was charged with assault and received ten day's work crew. On his renewal application received on October 25, 2012, he again indicated that he had new criminal history.

2014 CASE:

3) The 2014 case was filed in Cowlitz District on May 13, 2014, according to the case docket. On July 29, 2014, Mr. Smith entered a plea of guilty. He was sentenced to 364 days in jail with 354 days suspended. He was also ordered to pay $283 in court costs, have no criminal violations, serve probation, have an anger management assessment, attend anger management treatment and serve 10 days on work crew. His next review date for the case is January 29, 2015.

4) According to the Longview Police Report, officers responded to a call for a domestic assault. The victim (CD) called 911 and stated Mr. Smith, her live-in boyfriend, had assaulted her. Officers arrived at the home and contacted CD, who was "obviously upset." She said she had been gone most of the night. When she returned, she and Mr. Smith had a "knock-down drag out" fight. CD said that Mr. Smith grabbed a soda she was drinking and threw it at her, so she poured soda on the ground as she walked away to leave. He grabbed her by the arms and shoved her up against the open front door, slamming her against it. Mr. Smith and CD continued to push each other and CD ended up tearing Mr. Smith's shirt in the process. Mr. Smith accused her of breaking the door. He then picked up the broken doorknob and threw it at her, hitting her in the head.

5) The officer noted that the victim had several abrasions and cuts on her arms, neck, and she "had a large cut on the top of her head which still had blood on it." The officer spoke with Mr. Smith and "could smell the obvious odor of intoxicants coming from his breath," and his eyes were bloodshot and watery. Mr. Smith said they got into a fight, and CD threw a soda at him, then poured it on the ground. He said nothing else happened. He denied assaulting CD and denied throwing the doorknob. The officers determined Mr. Smith was the primary aggressor. He was arrested and transported to jail.

6) The certified copy of the charging document shows on May 12, 2014, Mr. Smith was arrested for 4th Degree Assault, Domestic Violence.

7) On July 28, 2014, Mr. Smith signed a Statement of Defendant on Plea of Guilty, which was filed in Cowlitz District Court. It shows that on May 12, 2014. Mr. Smith is on probation until anger management/state certified domestic violence evaluation and treatment is completed.

2012 CASE:

8) According to Cowlitz County Deputy Report, on October 29, 2011, Deputies responded to a report of a domestic violence assault. The victim, CD, was calling from a parking lot. CD explained that she was tired of being abused and was finally going to report her boyfriend, who is the father of her child. She said she went to a motel room where Mr. Smith was staying. She had been at a Halloween party and was dressed in a costume as a sailor. Mr. Smith was intoxicated. He began yelling at her and accusing her of wearing the costume to flirt with other men. He grabbed her by the hair and shoved her against the wall. CD told Mr. Smith he was hurting her and asked him to stop. Mr. Smith apologized and hugged her. When she tried to leave the motel, he became violent again and shoved her against a dresser. CD was able to get away and run to her car.

Mr. Smith got into the car and grabbed her by the hair. She started to drive away. He grabbed her arm. CD turned towards him and started swinging her arms at him. Mr. Smith left the car, and she drove away.

9) Deputies were unable to locate Mr. Smith, so they summoned him for Unlawful Imprisonment and 4th Degree Assault, Domestic Violence. CD provided a written statement that provided the same description of the incident.

10) On June 1, 2012, a charging document was filed in Longview Municipal Court against Mr. Smith for 4th Degree Assault.

11) On September 4, 2012, a Statement of Defendant on Plea of Guilty was filed in Longview Municipal Court. The document asked if Mr. Smith to state in his own words what he did to make him guilty of that crime. Mr. Smith wrote "Alford Plea."

12) On September 5, 2012, Judgment and Sentence was filed in Longview Municipal Court. It shows Mr. Smith was sentenced to serve five days in jail with 359 additional days suspended. He was ordered to pay $280, in full, by November 5, 2012. He was also ordered to have no criminal violations.

13) The agent sent Mr. Smith and his employer a letter notifying them of her recommendation for revocation for revocation of Mr. Smith's license.

VIOLATIONS

1) RCW 9.46.075 Denial, suspension, or revocation of license, application, 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 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;

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;

(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 an application, license or permit
We may deny, suspend, or revoke any application, license or permit, when the applicant, certified employee, or anyone holding a substantial interest in the applicant's or certified employee'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.

(2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person; or

(5) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4); or

3) RCW 9.46.153(1) Applicants and licensees - responsibilities and duties
It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

On July 28, 2014, Robert L. Smith pled guilty to 4th Degree Assault, Domestic Violence. As a result of this conviction, he is on probation until anger management/state certified domestic violence evaluation and treatment is completed. This is Mr. Smith's second conviction involving physical harm to the same individual in two years. Robert L. Smith has failed to establish clearly and convincingly that he is qualified to be licensed, in violation of RCW 9.46.153(1). As a result, there are grounds to revoke his license based on RCW 9.46.075(1), (4), and (8), and WAC 230-03-085(1), (2), and (5).

\\\

\\\

\\\

\\\

\\\

III.

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

You have the right to a hearing. To have a hearing, or to settle the case, the Gambling Commission must receive the hearing request form back from you within 23 days. After we receive this form, we will call you about settlement options. If you do not return the form on time, your license may be revoked (taken away) and you cannot work. (RCW 34.05.440.)

IV.

I have read this Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding, know the contents of it, believe it to be true, and have executed this Notice in my capacity as Director of the Washington State Gambling Commission.

D. Trujillo 12/23/2014

DAVID TRUJILLO, DIRECTOR (Date)

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, properly 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 24 day of December, 2014

Maureen Pretell