STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to Conduct Gambling Activities of:	)	NO. CR 2015-00207
Dane E. Andrus Yakima, Washington, Licensee.	)	**NOTICE OF ADMINISTRATIVE CHARGES AND OPPORTUNITY FOR AN ADJUDICATIVE PROCEEDING**

I.

The Washington State Gambling Commission issued Dane E. Andrus license number 23-00680, authorizing activity as a manufacturer representative, formerly employed by International Gaming Technologies (IGT). The Commission issued this license, which expires on June 3, 2015, subject to Mr. Andrus' 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:

Dane Andrus was charged with Robbery, 1st degree (class A felony) and Attempting to Elude Police (class C felony). Prosecution of the crimes is pending and Mr. Andrus is in custody.

FACTS:

1) On January 28, 2015, a Gambling Commission Special Agent (agent) was assigned to Mr. Andrus' file after receiving a tip that he was the subject involved in a bank robbery.

2) The agent reviewed the court documents, including the information filed in Yakama County Superior Court charging Mr. Andrus with Robbery, 1st degree, a class A felony, and Attempting to Elude a Pursuing Police Vehicle, a class C felony.

3) The agent reviewed the Declaration of Probable Cause, which states on January 28, 2015, police responded to the US Bank in Nob Hill in Yakima in reference to an armed robbery. The Declaration also states:

    - The suspect in the robbery was armed with a small caliber handgun and was able to get away with an undisclosed amount of money. A witness saw the suspect leave in a white van.

- An officer saw a white van driving recklessly. The van was going through town at a high rate of speed. The officer attempted to stop the van by activating emergency lights and a siren. The driver failed to stop and continued through red lights and stop signs.

- Several officers joined the pursuit and the driver proceeded to the freeway, traveling over 100 MPH. Officers deployed spikes and the vehicle was immobilized.

- The drive, fled on foot. He was armed with a handgun, and was taken into custody soon after.

4) Mr. Andrus admitted to a police officer he had committed the crimes and said he needed the money. When asked about the gun used in the robbery, he said that he had two handguns, one on his person and the gun used in the robbery was in the van.

5) Mr. Andrus was booked into the Yakima County Jail; his bail is set for $200,000. As of February 12, 2015, Mr. Andrus is still in custody. A trial date is set for March 23, 2015.

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 certified employee, 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.

(9) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (4) of this section:[1] PROVIDED, That at the request of an applicant for an original license, the commission may defer decision upon the application during the pendency of such prosecution or appeal.

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[1] (4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful 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.

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 or, 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:

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by:
(a) Prior activities.
(b) Criminal record.

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.

Dane E. Andrus is subject to pending charges for first-degree robbery, and for attempting to elude a pursuing police vehicle with visual and audible signals, and driving a vehicle in a reckless manner. Mr. Andrus poses a threat to the effective regulation of gambling or increases the likelihood of unfair or illegal practices. Mr. Andrus has failed to establish clearly and convincingly that he is qualified to be licensed, as required by RCW 9.46.153(1). As a result, grounds exist to revoke Dane E. Andrus license based on RCW 9.46.075(1), (8), and (9), and WAC 230-03-085(1), (2), and (8).

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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 a request for hearing 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 Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

David Trujillo 2/20/15
David Trujillo, Director (Date)

STATE OF WASHINGTON)
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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 20 day of February, 2015
Maureen Pretell