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GAMBLING COMMISSION
BEFORE OFFICE OF ADMINISTRATIVE HEARINGS ON ~~**COMM & LEGAL DIVISION**~~
WASHINGTON STATE GAMBLING COMMISSION

In Re:	}	
	}	OAH Docket No. 2008-GMB-0071
In the matter of the denial of the	}	CR No 2008-00888
Revocation of a License to	}	
Conduct Gambling Activities of	}	FINDINGS OF FACT
Tracy L. Williams	}	CONCLUSIONS OF LAW
	}	AND INITIAL ORDER
	}	
Licensee.	}	

Nature and Background of the Proceedings

Jane L. Habegger, Administrative Law Judge, conducted an administrative hearing on November 17, 2008 on this matter in the Washington State Gambling Commission office located in Lacey, Washington. The Licensee appeared and represented himself. H. Bruce Marvin, an Assistant Attorney General, represented the Washington State Gambling Commission (commission).

On August 4, 2008 the commission issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding regarding the license issued to Mr. Williams to work as a card room employee. Therein they indicated that they intended to revoke Mr. Williams' card room employee license.

On August 28, 1999 Mr. Williams filed this appeal.

FINDINGS OF FACT

1. Mr. Tracy Williams is the holder of a Card Room Employee license issued by the Washington State Gambling Commission and he has worked as a security officer for the Palace Casino in Lakewood, Washington.

2. The events at issue in this hearing took place in the early morning hours of May 9, 2008. Mr. Williams was conducting a promotional contest of chance called "Money

Mania” at the Palace Casino. This contest allowed a patron who drew a winning ticket to spin a wheel to win a monetary prize of \$25 to \$300.

3. Mr. Williams dropped the winning ticket on the ground in front of Lee Jason Sanguk, casino patron, who later claimed the right to spin the Money Mania wheel. Mr. Sanguk completed a Form 1099 to claim \$50 in winnings on May 8, 2008 at 1:00. Exhibit 6.

4. Mr. Williams wrote the following statement on May 15, 2008:

“To Whom It May Concern,

On 5-8-08 I worked my full shift over at the palace casino we had money mania drawings where I was the promoter which ment (sic) I did all the talking on the phone and my co-worker Paul did the ticket pulling from the bowl. The shift ended I had a drink and went home, when I returned on 5-11-08 Ed Robinson told me that I was terminated for calling a number that I didn't grab from the bowl. So what's really going on. I feel as though someone painted my hand red.” Exhibit 10.

5. Mr. Williams wrote the following statement on May 19, 2008:

“I Tracy L. Williams dropped a ticket for Money Mania outside of palace casino on 5-9-08 for a unknown customer to split the money with me. It was stupid. I should've did it, I was trying to help a friend name Thomas that worked at the same casino that had just lost his job and the guy's was trying to raise money to help him with his rent. The amount was \$50.00. I'm sorry that I put myself in this position. I hope to whom It concerns that I am sorry. I did me the male guy at Shell's gas St. and receive the \$50.00.” Exhibit 13.

6. At this hearing, Mr. Williams testified that he wanted to apologize to the owners of the casino where he worked. He said he liked the people he worked with and he felt that he had good people skills and loved his job. He explained that he had been going through some changes because he was having problems with his teenage son. At the same time his employer changed his shift from working four 10 hour shifts, to five 8 hour shifts, to the 5p.m. to 1 a.m. shift. He was upset as he thought he had enough seniority that this should not have been done to him. His friend Thomas, had worked as the Bar Tender at the Casino and Thomas lost his job, then lost his apartment and his car was repossessed. Mr. Williams had an idea that he could get a little money from Money Mania for his friend Thomas. He testified credibly that the money he got from Money Mania was for Thomas.

7. Mr. Williams worked for 6 years as a Security Guard and really liked this work. He thinks he deserves some punishment but not to have his license revoked which will prevent him from working at a casino. He testified that he is "not arguing with what happened. He just wishes he could take the 15 minutes back."

CONCLUSIONS OF LAW

1. The undersigned has jurisdiction over the persons and subject matter herein pursuant to chapter 34.12 RCW and chapter 230-50 WAC.

2. RCW 9.46.196 provides:

Cheating.

No person participating in a gambling activity shall in

the course of such participation, directly or indirectly:

- (1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator;
- (2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator;
- (3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or
- (4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section.

Any person violating this section shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

8. In this case, Mr. Williams violated RCW 9.46.196 when he gave a patron a winning ticket for Money Mania. He admitted to his actions in the May 19, 2008 written statement. His motivation was not selfish, in fact to the contrary, it was to help a friend in need, which is admirable. His actions were nonetheless illegal. In doing so, he violated RCW 9.46.196(1) and (3).

9. In violating RCW 9.46.196 (1) and (3), Mr. Williams is subject to a possible revocation of his public card room employee license under RCW 9.46.075

(1) which provides:

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:

(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;

5. It is within the discretion of the commission to revoke Mr. Williams' license under RCW 9.46.075. It was reasonable of the commission to do so because the purpose of the gambling laws, as set forth in RCW 9.46.010 are to closely regulate gambling activities to prevent criminal behaviors from intruding into the lawfully regulated gambling industry. In choosing to cheat during the Money Mania contest, Mr. Williams has shown that he cannot be entrusted with the responsibility of a card room employee, whose behavior with regard to issues involving honesty must be beyond reproach.

6. In summary, the decision to revoke Mr. Williams' card room employee license is proper and supported by the applicable laws cited above. That decision shall therefore be affirmed.

ORDER

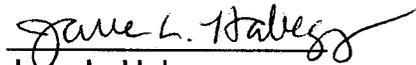
It is ORDERED that the decision of the Gambling Commission to revoke the Licensee's card room employee license is AFFIRMED.

NOTICE TO PARTIES:

Any party to this adjudicative proceeding may file a petition for review of this Initial Order. A petition for review must be filed with the Gambling Commission within **twenty days of the date of service of this Initial Order**. WAC 230-50-560 (2) provides that the petition must specify the portions of the Initial Order to which exception is taken and refer to the evidence of record which is relied upon to support the petition.

WAC 230-50-560(6) provides that this Initial Order shall become the final order in this proceeding unless a petition for review is filed in accordance with the requirements of this rule.

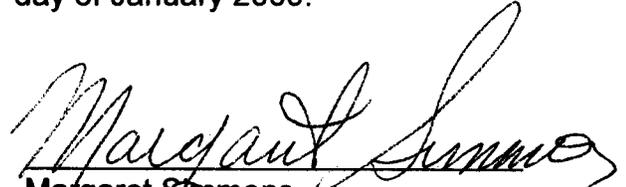
ENTERED at Olympia, Washington on this 8th day of January, 2009.



Jane L. Habegger
Administrative Law Judge
Office of Administrative Hearings

Certification of Mailing

I assert that I mailed a true and exact copy of the Findings of Fact, Conclusions of Law and Initial Order to the following parties, postage prepaid this 9th day of January 2009.


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