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GAMBLING COMMISSION
COMM & LEGAL DEPT

STATE OF WASHINGTON
GAMBLING COMMISSION

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GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Suspension of the)
License to Conduct Gambling Activities of:)
Jason Evans)
Spokane Valley, Washington,)
Licensee.)
_____)

No. CR 2009-01736

SETTLEMENT ORDER

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HEADQUARTERS OFFICE OF
ADMINISTRATIVE HEARINGS

I.

This Settlement Order is entered into between the Washington State Gambling Commission and Jason Evans. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Brenda Bono, Staff Attorney. The licensee is representing himself.

II.

The Washington State Gambling Commission issued Jason Evans the following license: Number 68-10019, authorizing Card Room Employee activity at Papa's Casino in Moses Lake.

The license expires on August 22, 2010, and was issued subject to the licensee's compliance with state gambling laws and rules.

III.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee on December 17, 2009. On January 12, 2010, Commission staff received the licensee's request for a hearing.

IV.

The following is a summary of the facts alleged, and the violations charged in the Notice of Administrative Charges:

- On April 1, 2009, a Gambling Commission Special Agent (agent) requested that the licensee resolve an outstanding gross misdemeanor warrant and provide documentation that the warrant was quashed.
- On August 10, 2009, Mr. Evans quashed the warrant.
- On August 27, 2009 a Settlement Order was reached, in which Mr. Evans agreed to a seven-day suspension of his gambling license.

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- On November 18, 2009, an agent examined the State of Washington Judicial Information System and observed that Mr. Evans was again subject to a warrant for his arrest for failure to appear on November 13, 2009, as ordered in court. The charge was Hit and Run Unattended. On October 13, 2008, Mr. Evans entered into a Stipulated Order of Continuance where he was placed on deferral for twelve months. He was directed to complete computer/internet traffic safety school, provide proof of his completion of the program, and pay \$75. The hearing was scheduled because Mr. Evans failed to comply with terms entered by the court as part of the deferral of his sentence.

Through his actions, the licensee has demonstrated willful disregard for complying with court orders, and she poses a threat to the effective regulation of gaming. In addition, the licensee has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1):

RCW 9.46.075 Denying, suspending, or revoking an application, license or permit states: 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) 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.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit states: 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; or
- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level; or
- (6) Is the subject of an outstanding gross misdemeanor or felony arrest warrant.
- (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.
- (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; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

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RCW 9.46.153 Applicants and licensees - Responsibilities and duties states:
(The following subsection applies.)

(1) 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.

V.

The licensee acknowledges that he has read the Notice of Administrative Charges, and understands the facts contained in it. The licensee has now quashed the warrant, and has waived his right to a hearing, based on the terms and conditions of this Settlement Order.

The licensee agrees to the following:

1) The licensee agrees that Jason Evans's license is hereby **suspended for a period of twenty-one (21) days**, provided that:

a) **Seven (7) days** of the suspension shall not be currently served, but shall be deferred for a period of two years from the date of entry of this Settlement Order, subject to the following: The licensee agrees not to violate any of Washington's gambling statutes or regulations during the two (2) year term.

b) The parties agree that the Director of the Washington State Gambling Commission, pursuant to this Settlement Order, has discretion to determine whether the licensee has violated any term of this Settlement Order. In the event the Director determines that a violation has occurred, he may suspend the license issued to the licensee, and any subsequently acquired licenses, for up to **seven days**, by mailing or delivering a Notice of Order of Administrative Charges to the licensee. This suspension shall be in addition to any consequences of the new violation. The licensee shall be afforded the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.

c) The licensee shall serve **fourteen (14) days** of this suspension. **The suspension period will begin at 8:00 a.m. on Monday, April 19, 2010, and end at 8:00 a.m. on Monday, May 3, 2010.** During this period of suspension, the licensee shall take part in no gambling activities. The licensee may resume his gambling activities at 8:00 a.m. on May 3, 2010.

d) Mr. Evans shall have no involvement directly or indirectly, whether paid or unpaid, in the operation, ownership, or financing of any business in Washington State which is applying for, or holds, a gambling license or permit or is involved with any gambling activity, including punchboard/pull-tab activity. However, this does not prevent Mr. Evans from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

2) The licensee further agrees that he will comply with all court orders and that issuance of a warrant for his arrest will be a violation of this Settlement Order. As a result, the Director will

issue charges for the revocation of Mr. Evans's license. The licensee will be afforded the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.

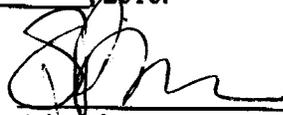
3) The signed order must be received by Commission staff on or before Friday, March 19, 2010. The order must be mailed to Commission Headquarters at the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
4565 7th Avenue SE; Fourth Floor
Lacey, WA 98503

DATED this 22 day of March, 2010.



Administrative Law Judge

APPROVED FOR ENTRY:

By the signature below, the licensee read this Settlement Order, and understands the terms and conditions contained in it.



Jason Evans
(Licensee)

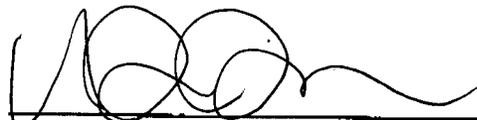
3.19.10

(Date)



Brenda Bond, WSBA #29956
Staff Attorney,
Washington State Gambling Commission

APPROVED AS TO FORM:



H. Bruce Marvin, WSBA #25152
Assistant Attorney General,
Representing the Washington State
Gambling Commission