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STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE WASHINGTON STATE GAMBLING COMMISSION
GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Revocation of the)	
License to Conduct Gambling Activities)	GC No. CR 2009-00341
of:)	OAH No. 2009-GMB-0023
)	
SAGE I LEE)	FINDINGS OF FACT,
)	CONCLUSIONS OF LAW
Licensee)	AND INITIAL ORDER
_____)	

STATEMENT OF THE CASE

Pursuant to notice duly given, an administrative hearing was held before James D. Stanford, duly appointed administrative law judge, in the Gambling Commission Office, 4565 7th Avenue SE, Lacey, Washington, on the on the 20th day of April, 2009, in the matter of the revocation of the license to act as a class B card room employee of Sage I. Lee, license number 68-04807.

The Washington State Gambling Commission (commission) was represented by H. Bruce Marvin, assistant attorney general. Sage I. Lee (licensee) appeared pro se.

On March 10, 2009, the director of the commission caused a notice of administrative charges to be issued against the licensee alleging that his card room employee license was subject to revocation because he had been convicted of assault in the third degree after having engaged in a physical altercation which caused physical injury to another. At the time of the physical altercation, the licensee held an active card employee license at the Royal Casino, a licensed casino and public card room in Seattle, Washington. The licensee was not on duty at his employer's establishment at the time of the physical altercation. The licensee timely applied for an adjudicative proceeding. The commission duly notified the licensee of the time and the place of the administrative hearing. There were eight (8) exhibits admitted and testimony offered by two (2) witnesses.

The administrative law judge, having considered the evidence, now enters the following findings of fact::

FINDINGS OF FACT

1. The licensee, Sage I. Lee, is the holder of a class B card room employee license, license number 68-24884, issued by the commission while employed as a poker dealer at the Royal Casino, which is located at 13010 Highway 99 South, Everett, Washington.

2. On or about July 25, 2007, the licensee was consuming liquor at the Lock & Keel Tavern, 5144 Ballard Avenue NW, Seattle, Washington. The licensee and William VanBrocklin left the tavern and got involved in an altercation on the street outside with Jason E. Merry. The licensee and William VanBrocklin were observed beating and kicking Jason E. Merry. An observer, Floyd E. Bender, attempted to intervene, but was also assaulted by the licensee and William VanBrocklin.

3. During the altercation, Jason E. Merry was knocked unconscious for a while and has little memory of the events. When he regained his consciousness, Jason E. Merry discovered lying on the street with a large amount of blood around him. In a dazed condition, Jason E. Merry went to his parked car, entered the vehicle and promptly fell asleep. When he awakened, Jason E. Merry discovered that he was severely injured with a broken arm and a large laceration on his head. Jason E. Merry was taken to a hospital where he required an open reduction with numerous screws inserted to repair his broken arm and ten staples applied to close the wound in his head. Floyd Bender also sustained physical injuries during the altercation, but there were not of the severity of those received by Jason E. Merry.

4. A witness to the assault, Tifani Schwartz, who had witnessed the altercation, provided a statement to the Seattle Police Department. The statement of the witness was recorded in the police report, as follows:

Tifani Schwartz was identified as a witness to the incident. She states that she is acquainted with suspect/Lee, and knows him as a regular customer at the bar where she works, She is also equally familiar with co-suspect/VanBrocklin. She states that on the night in question, she walked up on the assault in progress in front of the Lock & Keel Tavern, (5144 Ballard Avenue NW). She saw Lee violently assaulting another male that was on the ground. The assault consisted of punching and kicking. She states that VanBrocklin was standing nearby "egging him on." She states the victim was on the ground curled up and not fighting back at all.

5. As a result of the above altercation, an amended information was filed against the licensee by the Office of the King County Prosecuting Attorney, cause 08-C-11681-2 SEA and cause 08-C-11682-1 SEA, which provided as follows:

I, Daniel T. Satterburg, Prosecuting Attorney for King County in the name and by the authority of the State of Washington, do accuse **SAGE KALAWÉONAMOKU LEE AKA SAGE ISAAC KALAWÉONAMOKU LEE** and **WILLIAM STROM VANBROCKLIN**, and each of them of the crime of **Assault in the Third Degree**, committed as follows:

That the defendants **SAGE KALAWÉONAMOKU LEE AKA SAGE ISAAC KALAWÉONAMOKU LEE** and **WILLIAM STROM VANBROCKLIN**, and each of them, in King County, Washington, on or about July 25, 2007, with criminal negligence did cause bodily harm accompanied by substantial pain that did extend for a period sufficient to cause suffering to Jason Merry;

Contrary to RCW 9A.36.031(1)(f), and against the peace and dignity of the State of Washington. (emphasis on original).

6. On December 23, 2008, the licensee entered a plea of guilty to one charge of assault in the third degree, RCW 9A.36.031(1)(f), a class C felony, in the Superior Court of the State of Washington for King County, cause 08-C-11681-2 SEA.

7. On February 9, 2009, the licensee was adjudged guilty of one count of Assault in the Third Degree, RCW 9A.36.031(1)(f) by the Superior Court of the State of Washington for King County, cause 08-C-11681-2 SEA. The licensee was sentenced to thirty days of confinement (suspended), assessed a financial obligation of \$600.00, required to make restitution to Jason Merry, required to perform ten hours of community service each month for twelve months, and placed on twelve (12) months of probation. In his statement on plea of guilty, the licensee declared, "I wilfully assaulted Jason Merry in King County on 7/25/2007 and with criminal negligence caused him bodily harm accompanied by substantial pain that extended for a period sufficient to cause him considerable suffering.

From the foregoing Findings of Fact, the administrative law judge now enters the following Conclusions of Law:

CONCLUSIONS OF LAW

1. The undersigned administrative law judge has jurisdiction to hear and initially decide this matter. RCW 9.46.140(2) and (4), 34.05.485(1)(c) and 34.12.030(1) and WAC 230-17-010 and 230-17-025. The commission has the broad purpose of protecting the public by insuring that those activities authorized by chapter 9.46 RCW do not maliciously affect the public and do not breach the peace. RCW 9.46.010.

2. The licensee, Sage I. Lee, is the holder of a license to act as a public card room employee and is subject to the provisions of RCW 9.46.075 and WAC 230-03-085.

3. It is the affirmative responsibility of each licensee to establish by clear and convincing evidence his continuing qualifications for licensure. RCW 9.46.153(1). Each holder of a license issued pursuant to chapter 9.46 RCW is subject to continuous scrutiny regarding his general character, integrity and ability to engage in or participate in, or associate with, gambling or related activities impacting this state. RCW 9.46.153(7).

4. The commission may suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest when a licensee 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. RCW 9.46.075(1). We (the commission) 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 commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075. WAC 230-03-085(1). A preponderance of the credible evidence establishes that the actions of the licensee while employed at the Royal Casino violated provisions requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and that grounds exist to revoke his cardroom employee license under RCW 9.46.075(1) and WAC 230-03-085(1).

5. The commission may suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest when a licensee 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. RCW 9.46.075(4). The evidence establishes that the licensee has been convicted of the crime of theft, a crime involving moral turpitude. The commission may suspend or revoke the card room employee license of the licensee under RCW 9.46.075(4).

6. The commission may suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest when a licensee has fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter RCW 9.46.075(8). The commission may suspend or revoke the card room employee license of the licensee under RCW 9.46.075(8).

7. 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

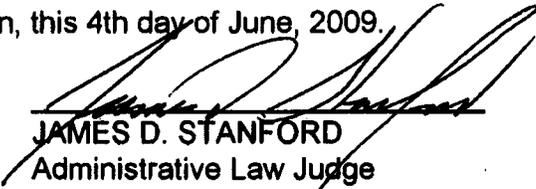
licensee's business or organization is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4). WAC 230-03-085(1), (2), and (5). The licensee is currently on court supervised probation for a conviction of the crime of theft. The commission may suspend or revoke the card room employee license of the licensee under WAC 230-03-085(1), (2) and (5).

From the foregoing conclusions of law, NOW THEREFORE,

INITIAL ORDER

IT IS HEREBY ORDERED That, in the public interest, the license of Sage I. Lee to act as a card room employee, #68-24884, be and the same is hereby revoked.

DATED at Olympia, Washington, this 4th day of June, 2009.



JAMES D. STANFORD

Administrative Law Judge

Office of Administrative Hearings

NOTICE TO THE PARTIES

Initial orders must be entered in accordance with RCW 34.05.461(3). WAC 230-17-085(1). An initial order becomes the final order unless a party files a petition for review of the initial order as explained in WAC 230-17-560. WAC 230-17-085(2).

RCW 34.05.464 governs the review of initial orders. WAC 230-17-090(1). Any party to an adjudicative proceeding may file a petition for review of an initial order. Parties must file the petition for review with us within twenty days of the date of service of the initial order unless otherwise stated. An initial order becomes the final order unless a party files a petition for review of the initial order. We must receive the request from the applicant, licensee, or permittee at our administrative office within twenty-three days after we or the administrative law judge mails the initial order by regular mail. WAC 230-17-010(2)(a). Parties must serve copies of the petition to all other parties or their representatives at the time the petition for review is filed. WAC 230-17-090(2). Petitions must specify the portions of the initial order the parties disagree with and refer to the evidence in the record on which they rely to support their petition. WAC 230-17-090(3). Any party to an adjudicative proceeding may file a reply to a petition for review of an initial order. Parties must file the reply with us within thirty days of the date of service of the petition and must serve copies of the reply to all other parties or their representatives at the time the reply is

filed. WAC 230-17-090(4). Any party may file a cross appeal. Parties must file cross appeals with us within ten days of the date the petition for review was filed with us. WAC 230-17-090(5). Copies of the petition or the cross appeal must be served on all other parties or their representatives at the time the petition or appeal is filed. WAC 230-17-090(6). After we receive the petition or appeal, the commissioners review it at a regularly scheduled commission meeting within one hundred twenty days and make a final order. WAC 230-17-090(7).

A party may file a petition for reconsideration of a final order. The presiding officer administers petitions for reconsideration according to RCW 34.05.470. WAC 230-17-140(1). A party may file a response to the petition for reconsideration. Parties must file responses with us within ten days of the date the petition was filed with us. WAC 230-17-140(2). If the petition is received at least fifteen business days before the next regularly scheduled commission meeting, we schedule the petition to be heard at that next meeting. WAC 230-17-140(3). If the petition is received less than fifteen business days before that next meeting, we schedule the petition at the following regularly scheduled meeting. WAC 230-17-140(4).

Any party may petition the commission for a stay of a final order in accordance with RCW 34.05.467. WAC 230-17-145(1). For purposes of this rule, the commission hereby delegates to the director the authority to deny a stay or issue a temporary stay until the reviewing court can rule on a permanent stay. The decision of the director denying a stay is not subject to judicial review. WAC 230-17-145(2).

BEFORE THE WASHINGTON STATE GAMBLING COMMISSION

**In the Matter of the Revocation of the
License to Conduct Gambling Activities of:**

SAGE I. LEE,

Licensee.

**NO. CR 2009-00341,
(OAH NO. 2009-GMB-0023)**

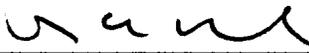
**FINAL ORDER ON
PETITION FOR REVIEW**

THIS MATTER came on for hearing before the undersigned Commissioners of the Washington State Gambling Commission at the Commission's regularly scheduled meeting on August 13, 2009, in Gig Harbor, Washington, on Licensee Sage I. Lee's Petition for Review. The Licensee failed to appear and no one appeared on his behalf. Agency staff were represented by Assistant Attorney General H. Bruce Marvin. The Commission had before it the entire record of the proceedings before the Administrative Law Judge, as well as additional pleadings prepared for the presentation of the Petition. Following argument, and review of the record, the Commission finds that the Licensee is in Default and, further, that the record in this matter is sufficient to support the Findings of Fact, Conclusions of Law and Initial Order of the Administrative Law Judge and hereby Orders as follows:

IT IS ORDERED that the Administrative Law Judge's Findings of Fact, Conclusions of Law and Initial Order heretofore made and entered in this matter be, and the same hereby are, **AFFIRMED**, and that they are incorporated into this Order by reference and adopted as the Findings of Fact, Conclusions of Law and **FINAL ORDER** of the Commission; and,

IT IS FURTHER ORDERED that the license to conduct gambling activities previously issued to Sage I. Lee is, accordingly, HEREBY REVOKED.

DATED this 10th day of September, 2009.



KEVEN ROJECKI, CHAIR



JOHN ELLIS, VICE-CHAIR



MIKE AMOS, COMMISSIONER

NOTICE: RECONSIDERATION

PURSUANT TO THE PROVISIONS OF RCW 34.05.470 AND WAC 230-17-140 YOU MAY FILE A PETITION FOR RECONSIDERATION WITH THE COMMISSION WITHIN TEN (10) DAYS FROM THE DATE THIS FINAL ORDER IS SERVED UPON YOU. ANY REQUEST FOR RECONSIDERATION MUST STATE THE SPECIFIC GROUNDS FOR THE RELIEF REQUESTED. PETITIONS MUST BE DELIVERED OR MAILED TO:

WASHINGTON STATE GAMBLING COMMISSION
PO BOX 42400
OLYMPIA, WA 98504-2400

NOTICE: PETITION FOR JUDICIAL REVIEW

YOU ALSO HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER MUST BE FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30) DAYS AFTER THE DATE THIS FINAL ORDER IS SERVED UPON YOU.