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GAMBLING COMMISSION
COMM & LEGAL DIVISION

STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE GAMBLING COMMISSION

In the Matter of the Summary Suspension of the)	
License to Conduct)	GC No. CR 2009-01593
Gambling Activities of:)	OAH No. 2009-GMB-0090
)	
GIOVANNI RIBAY)	
Tacoma, Washington,)	DEFAULT ORDER
)	
<u>Class III Gaming Employee</u>)	

STATEMENT OF THE CASE

Pursuant to notice duly given, a telephonic prehearing conference was held before John M. Gray, duly appointed Administrative Law Judge, on December 14, 2009, in the matter of the revocation of the Class III Gaming Employee Certification of Giovanni Ribay, certification number 69-22047.

The Washington State Gambling Commission (Commission) was represented by H. Bruce Marvin, Assistant Attorney General. Giovanni Ribay (Licensee) failed to appear at the December 14, 2009, prehearing conference.

On November 17, 2009, the Director of the Gambling Commission caused a Findings of Fact, Conclusions of Law, and Order of Summary Suspension of Certification to be issued against Giovanni Ribay, ordering a summary suspension of his certification to act as a Class III gaming employee at the Swinomish Tribal Casino based upon charges of 2nd Degree Rape of a Child and 2nd Degree Child Molestation against him in the Superior Court of Washington for Skagit County.

On November 21, 2009, Mr. Ribay was served with a copy of the Findings of Fact, Conclusions of Law and Order of Summary Suspension of License, Application for Brief Adjudicative Proceeding (Stay Hearing), Application for Adjudicative Proceeding, and request for Hearing, and Request for Interpreter.

Mr. Ribay signed and dated the Application for Brief Adjudicative Proceeding (Stay Hearing) ("Application") on December 4, 2009, but he did not mail the Application until December 7, 2009. The Gambling Commission did not receive the Application until December 8, 2009.

On December 10, 2009, the Office of Administrative Hearings scheduled a prehearing conference to be held telephonically on Monday, December 14, 2009. The notice of Prehearing Conference by Telephone was mailed to Mr. Ray's last known address of 2115 14th St., Anacortes, WA 98221. The notice provided that the issue was whether a Stay hearing request was timely received and whether a Stay Hearing should be held." The notice also said that, if an Administrative Hearing request was timely received by December 11, 2009, on the revocation proceedings, the conference would include discussion of simplifying the issues for hearing, documentary evidence, stipulations, setting the date and time of the hearing, the mode, and hearing length, and any other issues appropriate for prehearing disposition.

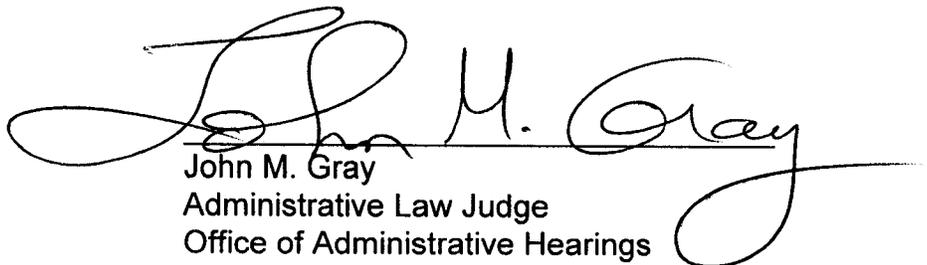
RCW 34.05.440(2) provides that a presiding officer may serve upon all parties a default or other dispositive order if a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, other than failing to timely request an adjudicative proceeding as set out in subsection (1) of this section. A brief adjudicative proceeding to consider whether enforcement of the November 17, 2009, Findings of Fact, Conclusions of Law, and Order of Summary Suspension of Certification should be stayed, and the prehearing conference, are "other stage[s] of an adjudicative proceeding."

NOW, THEREFORE:

INITIAL ORDER

IT IS ORDERED THAT the Licensee, Giovanni Ribay, is in DEFAULT. A request that this order be vacated must be filed within seven days of service of this order, stating the grounds relied upon. RCW 34.05.440(3).

DATED at Olympia, Washington, this 21st day of December, 2009.


John M. Gray
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 230-17-090. 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. 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).

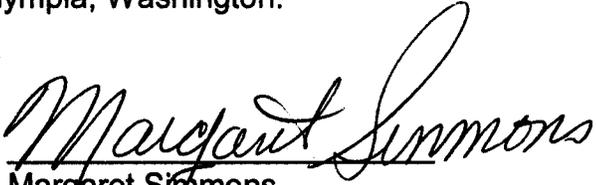
Any party may file a cross appeal. Parties must file cross appeals with us within ten days of the date the petition for review was filed with us. WAC 230-17-090(5).

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).

Certification of Mailing

I certify that I mailed true and exact copies of the **Default Order** to the following parties, postage prepaid this 23rd day of December 2009 at Olympia, Washington.


Margaret Simmons
Legal Secretary

Giovanni Ribay
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