

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
License to Conduct Gambling Activities of:) NO. CR 2010-01392
)
Robert K. Brown) **FINDINGS, CONCLUSIONS,**
Tukwila, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the revocation of the license to conduct gambling activities of Robert K. Brown having come before the Commission on April 14, 2011, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued Robert K. Brown license number 68-26452, authorizing Card Room Employee activity, formerly at Great American Casino in Tukwila. This license expires on May 19, 2011, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

On February 15, 2011, Director Rick Day issued administrative charges to Robert K. Brown, by certified and regular mail. The administrative charges notified Mr. Brown that failure to respond would result in the entry of a default order revoking his license. Mr. Brown did not respond to the charges.

By not responding, Robert K. Brown waives his right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

1) On December 10, 2010, the licensee, while working as a Cage Cashier at Great American Casino, took \$1,355 in cash from a co-worker's purse, which was hanging from a coat rack near the stairway leading to the employee break room.

2) A Commission Special Agent observed on surveillance video the licensee was near the purse, he disappeared from view, and next clenched his left hand as it went into his left jacket pocket. The licensee was immediately observed getting into a black Mazda truck and staying in the vehicle for a few moments.

3) The licensee provided a written admission statement to the Tukwila Police Department, and the cash was found in the black Mazda. The cash was later returned to the co-worker.

4) Under RCW 9.46.190, the licensee engaged in an act that defrauded a co-worker and demonstrated that he 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.

5) The licensee has failed to prove he is qualified for licensure as required under RCW 9.46.153. Therefore, grounds exist to revoke Robert K. Brown's license under RCW 9.46.075(1) and (8), and WAC 230-03-085(1) and (8).

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 licensee, 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.

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, 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.

(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.

RCW 9.46.190 Violations relating to fraud or deceit

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

(The following subsections apply.)

(1) Employ any device, scheme, or artifice to defraud; or

(3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.02.021.

RCW 9.46.153 Applicants and licensees responsibilities and duties

(The following subsections apply.)

(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.

IV.

CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Robert K. Brown's license to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Robert K. Brown's Card Room Employee license to conduct gambling activities is REVOKED.

DATED this 14 day of April, 2011.



JOHN ELLIS, Chair

KEVEN ROJECKI, Vice Chair



MICHAEL REICHERT

MIKE AMOS



REBECCA ROE

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

Washington State Gambling Commission
Communications & Legal Division
PO Box 42400
Olympia, Washington 98504-2400

H. Bruce Marvin
Assistant Attorney General
P.O. Box 40100
Olympia, WA 98504-0100