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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 Suspension or  
Revocation of the License to Conduct  
Gambling Activities of:

ALONZO CLEMONS,

Licensee.

OAH DOCKET NO. 2011-GMB-0004

WSGC No. CR 2010-01310

ORDER OF DEFAULT  
(Failure to Appear at Hearing)

### 1. ORDER SUMMARY

- 1.1 Licensee failed to appear for hearing and therefore Licensee defaulted. Based upon Licensee's default, the penalties specified in the Notice of Hearing in this matter shall be imposed, subject to further Gambling Commission action.
- 1.2 Based upon Licensee's default, Licensee's Application for Hearing shall be dismissed.

### 2. HEARING

- 2.1. **Administrative Law Judge:** Douglas H. Haake
- 2.2. **Date of Hearing:** March 14, 2011
- 2.3. **Licensee:** Alonzo Clemons
  - 2.3.1 **Licensee Representative:** None of Record/None Appeared
- 2.4 **Agency:** Washington State Gambling Commission
  - 2.4.1 **Agency Representative:** H. Bruce Marvin, Assist. Attorney General

### 3. STATEMENT OF THE CASE

- 3.1 A hearing was scheduled on this matter for March 14, 2011 at 1:00 pm. The Notice of Hearing was mailed to the licensee on January 13, 2011, and informed Licensee that Licensee was required to attend a hearing

before an Administrative Law Judge of the Washington Office of Administrative Hearings. The Notice of Hearing further informed the Licensee of the time and location of the hearing and set forth an abbreviated statement of the facts upon which the Gambling Commission relied in seeking the penalties set out in the Notice of Hearing. The Notice of Hearing further informed the Licensee that, "If [Licensee] fails to attend the scheduled telephonic stay hearing, . . . the [Administrative Law Judge] will enter a default order to revoke his license."

- 3.2 The Administrative Law Judge timely convened the hearing as set forth in the Notice of Hearing. The Washington State Gambling Commission timely appeared through its above-named representative. The Administrative Law Judge waited an additional 15 minutes past the scheduled hearing start time. The Licensee did not appear.
- 3.3 Following the Licensee's non-appearance, the Gambling Commission moved for a default order of penalty consistent with the penalty stated to occur in the Notice of Hearing if the Licensee failed to participate in the hearing.

#### *Prima Facie Case*

- 3.4 The Gambling Commission put on a *prima facie* case in support of its motion. Exhibits 1 through 17 were admitted into evidence. Special Agent Julie Sullivan established her experience and training. She further testified to the particulars of her investigation.
- 3.5 During a routine background check conducted when the licensee requested renewal of his license, it came to the Commission's attention that the licensee had a history of disregarding court orders, not paying fines, and multiple arrests or citations for driving without a license or insurance.
- 3.6 The investigator secured certified copies of the licensee's Washington case histories. Exhibits 6 through 16. These exhibits contain case numbers, identify the law enforcement agency involved, identify the court in which charges were filed, provide the violation date, identify the type of violation, and give case status.
- 3.7 Based on those exhibits, the investigator created a spread sheet reflecting the licensee's offenses, the disposition of those offenses, that the claimant failed to appear for court dates on a number of those offenses, and that the licensee has not paid court ordered financial obligations for those offenses. Exhibit 4.

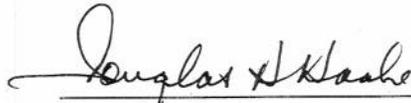
- 3.8 Based on Exhibits 6 through 16, the claimant has committed six no insurance offenses, has committed driver's license crimes or offenses 23 times, has failed to appear for court dates nine times, and has outstanding financial obligations in those matters in the amount of \$4,834.00. One of the outstanding balances was imposed in a 1996 case.
- 3.9 The Administrative Law Judge considered the files and records in this matter and found no apparent reason why the motion of the Gambling Commission should not be granted. Therefore, the Gambling Commission's motion shall be granted.

#### 4. ORDER

##### IT IS ORDERED:

- 4.1 Licensee is in DEFAULT.
- 4.2 Licensee's gambling license is hereby revoked, effective immediately, subject to further action by the Gambling Commission.
- 4.3 Licensee's Application for Hearing is dismissed.

Signed at Olympia, Washington, this 18<sup>th</sup> day of March 2011



\_\_\_\_\_  
Douglas Haake  
Administrative Law Judge  
Office of Administrative Hearings

#### NOTICE TO THE PARTIES OF APPEAL RIGHTS

You may file an appeal of this order within twenty three days from the day OAH mails this initial order to you. WAC 230-17-090(2); see also WAC 230 -17 -030(2), WAC 230 -17 -035(2) [Service by first class mail is complete three days after mailing.]. An appeal from an initial order is known as a "petition for review". Your petition for review should (a) identify the parts of the initial order you disagree with and (b) refer to the evidence in the record that supports your position. If you decide to petition for review, you must serve copies of your petition on all parties or their representatives at the same time you file it with the Gambling Commission. If the Commission does not receive a petition for review within 23 days, the Commission will automatically make this order its final order.

Any party may file a written response to a petition for review, known as a reply. If you wish to file a reply, it must be filed with the Commission within thirty days of the date you are served with the petition. You must serve copies of the reply on all parties or their representatives at the same time you file your reply.

Any party may file a cross appeal. Cross appeals must be filed with the commission within ten days of the date when the petition for review is filed with the Commission. WAC 230 -17 -090(5). If you wish to make a cross appeal, you must serve copies of the cross appeal upon all other parties or their representatives at the same time you file your cross appeal.

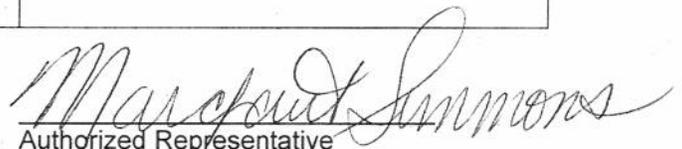
If a party timely files a petition for review, then at least a majority of the Commission members shall review the petition within 120 days and render a final order.

**Certificate of Service – OAH Docket No. 2011-GMB-0004**

I certify that true copies of this document were served from Olympia, Washington on the following as indicated.

Address:  Alonzo Clemons 10827 – 108 <sup>th</sup> St SW #D-8 Tacoma, WA 98498	First Class Mail, Postage Prepaid
Address:  H Bruce Marvin Assistant Attorney General Office of the Attorney General PO Box 40100 Olympia, WA 98504-0100	First Class Mail, Postage Prepaid
Address:  Washington State Gambling Commission Communications and Legal Department PO Box 42400 Lacey, WA 98504-2400	First Class Mail, Postage Prepaid
Address:	
Address:	
Address:	

Date March 18, 2011

  
Authorized Representative  
Office of Administrative Hearings