

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
Certification to Conduct Gambling Activities of:) NO. CR 2010-00621
)
Nicholas Molthen) **FINDINGS, CONCLUSIONS,**
Tukwila, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the revocation of the license to conduct gambling activities of Nicholas Molthen having come before the Commission on August 13, 2010, 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 Nicholas Molthen the following license:

Number 68-28965, authorizing Card Room Employee activity at Hooters of Renton and Hooters of South Park.

The Commission issued this license, which expires on January 28, 2011, subject to the licensee's compliance with state gambling laws and Commission rules.

II.

On June 23, 2010, Director Rick Day issued an Order of Summary Suspension to Nicholas Molthen, by personal service. The Order of Summary Suspension notified Mr. Molthen that failure to respond would result in the entry of a default order revoking his license. Mr. Molthen did not respond to the charges.

By not responding, Nicholas Molthen waived his right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

SUMMARY:

On or about May 17, 2010, Nicholas Molthen, while at the Great American Casino in Tukwila, approached the cage cashier and demanded that she give him twenty and one hundred dollar bills and said he was going to kill her. Mr. Molthen had his hand in his coat pocket to imitate a gun. He grabbed approximately \$2,500 in cash from the cage cashier's hands and ran out of the card room.

FACTS:

- 1) On or about May 17, 2010, around 12:26 a.m., Nicholas Molthen entered the Great American Casino in Tukwila and went to the cage cashier (cashier). Mr. Molthen handed the cage cashier a plastic bag and demanded that she give him “twenties and hundreds.” Mr. Molthen had his hand in his coat pocket to imitate a gun and several times told the cage cashier that he was going to kill her. Mr. Molthen grabbed cash out of the cage cashier’s hands and ran out of the card room.
- 2) After the incident, the cashier saw the surveillance video of the robbery and identified the man who took the money. A Commission Special Agent (agent) later identified the man as Nicholas Molthen. Great American Casino employees determined that Mr. Molthen took approximately \$2,500 in cash.
- 3) The agent obtained surveillance video from Great American Casino that shows Nicholas Molthen taking money from the cage cashier.
- 4) On May 17, 2010, at approximately 11:42 a.m., the Casino Manager of Hooters of South Park contacted the agent and told him that Jeremy Clifton, shift manager at Hooters of South Park, had met and talked with Mr. Molthen earlier that day. On May 17, 2010, around 1:30 a.m., Mr. Clifton met Mr. Molthen at Hooters of South Park. Mr. Molthen appeared to be under the influence of drugs or alcohol, so Mr. Clifton drove Mr. Molthen home. Once at Mr. Molthen’s house, Mr. Molthen told Mr. Clifton “he just robbed a store, threatened the person with a gun, but didn’t have one.”

VIOLATIONS:

- 1) **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 is qualified in accordance with the provisions of this chapter;

\\

\\

\\

2) 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.

3) RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

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.

On or about May 17, 2010, Nicholas Molthen, while at the Great American Casino in Tukwila, went to the cage cashier and demanded that she give him "twenties and hundreds" and he said he was going to kill her. Mr. Molthen had his hand in his coat pocket to imitate a gun. Mr. Molthen grabbed approximately \$2,500 in cash out of the cage cashier's hands and ran out of the card room.

Mr. Molthen poses a threat to the effective regulation of gaming, or increases the likelihood of unfair or illegal practices, as demonstrated by his threatening a cage cashier and taking approximately \$2,500 in cash from Great American Casino.

Nicholas Molthen has also failed to establish clearly and convincingly, as required by RCW 9.46.153(1), that he is qualified to be licensed. As a result, there are grounds to revoke Nicholas Molthen's license based on RCW 9.46.075(1) and (8), and WAC 230-03-085(1) and (8).

\\

\\

\\

\\

\\

IV.

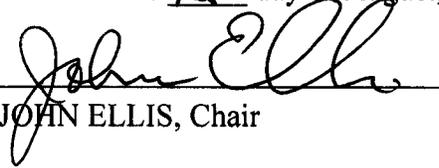
CONCLUSIONS OF LAW

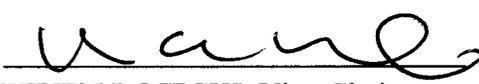
The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Nicholas Molthen's license to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Nicholas Molthen's license to conduct gambling activities is REVOKED.

DATED this 12th day of August, 2010.


JOHN ELLIS, Chair


KEVEN ROJECKI, Vice Chair

MIKE AMOS


MICHAEL REICHERT


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