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STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE GAMBLING COMMISSION

GAMBLING COMMISSION  
COMM & LEGAL DIVISION

In the Matter of the Suspension and  
Revocation of a License to Conduct  
Gambling Activities of:

WILLIAM ROY,  
Tacoma, Washington,

Licensee

OAH No. 2010-GMB-0051  
GC No. CR 2010-00791

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND INITIAL ORDER

**STATEMENT OF THE CASE**

Administrative Law Judge Larry V. Rogers, conducted an administrative hearing in this matter on October 18, 2010, at the Gambling Commission office, 4565 7<sup>th</sup> Ave. SE., Lacey, Washington. The issue presented was whether the Washington State Gambling Commission (the "Commission") has sufficient grounds to revoke William Roy's license authorizing card room employee activity.

Bruce Marvin, Assistant Attorney General, appeared and represented the Commission. Special Agent Stephanie Beach of the Commission's staff appeared and testified for the Commission. William Roy ("licensee") appeared and represented himself.

On June 21, 2010, the licensee submitted his renewal application for license number 68-09507. The Commission issued a Notice of Administrative Charges and Opportunity for Hearing on August 18, 2010, to the licensee, informing him that the Commission intended to revoke his card room employee activity license. Mr. Roy requested a hearing on August 27, 2010.

A Notice of Hearing was issued on September 13, 2010 setting this matter for hearing at the Commission office.

**ISSUES**

1. Whether there are grounds to revoke licensee's gambling license under RCW 9.46.075(1) and WAC 230-03-085(1), which provide that the Commission may revoke a license for any reason it deems to be in the public

interest, including a licensee's failure to comply with the Washington state gambling laws and regulations.

2. Whether there are grounds to revoke licensee's gambling license pursuant to WAC 230-03-085(3), which provides that the Commission may revoke a gaming license when the holder has demonstrated willful disregard for complying with ordinances, statutes, administrative rules or court orders, whether at the local, state or federal level.

3. Whether there are grounds to revoke licensee's gambling license under WAC 230-03-085(8), which provides that the Commission may revoke any license when the holder poses a threat to the effective regulation of gaming or creates or increases the likelihood of unfair or illegal practices, methods and activities in the conduct of gaming activities, as demonstrated through the persons prior activities, criminal record, reputation, habits or associations.

4. Whether the licensee can prove by clear and convincing evidence that he is qualified to hold a CRE license as required under RCW 9.46.153(1).

#### **FINDINGS OF FACT**

1. The Commission issued a public card room employees license to William Roy in 1999. The license number is 68-09507, and is a class B license. The license was set to expire on July 7, 2010.

2. Mr. Roy is an employee of Chips Casino and Palace Casino both located in Lakewood, Washington. He is a card room supervisor and dealer. As the poker room supervisor, Mr. Roy was expected to monitor the games in the room, the cash and chips.

3. On or about May 03, 2006, Mr. Roy, unlawfully attempted to elude police and drove under the influence of alcoholic beverages in Pierce County, Washington. Court documents offered at hearing established that Mr. Roy admitted to operating a motor vehicle under the influence of alcohol and knowingly failed to yield to a pursuing police car. As a result of his pleading guilty to the charges, Mr. Roy was ordered to pay a total of \$2396 in fines and to pay restitution of \$10,572.29 as a result of the violations.

4. Mr. Roy did not pay his fines or restitution, and at the time of hearing, owed a total of \$17,760.63 in restitution, fines, fees, and interest. The amount owing had been sent to a collection agency for recovery.

5. When Mr. Roy submitted his renewal application in June 2010, Special Agent Stephanie Beach was assigned to Mr. Roy's file to investigate whether he continues to qualify for certification. Special Agent Beach reviewed Mr. Roy's file for a criminal history investigation. As part of her investigation, Special Agent Beach examined the Judicial Information System (JIS). The JIS system keeps records of court actions occurring in municipal, district and superior courts in the state of Washington. Special Agent Beach noted in the Defendant Case History that Mr. Roy still owed for the fines and restitution assessed as the result of the crimes committed in 2006.

6. As a result of her investigation, Special Agent Beach determined that Mr. Roy had demonstrated habitual willful disregard for complying with court orders. Special Agent Beach also determined that Mr. Roy's reputation of failing to comply with court orders demonstrated he poses a threat to the effective

regulation of gambling due to the financial pressure he is facing. Special Agent Beach also determined that the Commission is concerned that since Mr. Roy has not complied with or adhered to a judge's ruling, he will not comply with the Commission's strict gambling laws and regulations as well. Therefore, it was determined that Mr. Roy's license should be revoked.

7. Mr. Roy has been licensed by the Commission since 1999. Mr. Roy reported to the Commission the criminal charges to which he pled guilty in 2006. The Commission took no action to suspend or revoke Mr. Roy's license at that time.

#### **CONCLUSIONS OF LAW**

1. The undersigned administrative law judge has jurisdiction to hear and initially decide this matter. RCW 34.05.425(1)(c); 34.12.030(1); and WAC 230-17-025.

2. During the time described in the Findings of Fact, Mr. Roy has been the holder of a license to act as a public card room employee, and he is subject to the provisions of RCW 9.46.075 and WAC 230-03-085.

3. The Commission has the broad purpose of protecting the public by ensuring 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.

4. Each licensee has an affirmative responsibility 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 the state. RCW 9.46.153(7).

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 violated, failed or refuse to comply with the provisions, requirements, conditions, limitations of or duties imposed by chapter 9.46 RCW or any amendments, or any rules adopted by the Commission.

6. The Commission may deny a license or permit to any applicant or may suspend or revoke any and all licenses or permits of any holder, when the applicant or holder poses a threat to the effective regulation of gaming or creates or increases the likelihood of unfair or illegal practices, methods or activities in the conduct of gaming activities as demonstrated through the persons prior activities, criminal record, reputation, habits or associations. WAC 230-03-085(8). The Commission has proved by a preponderance of the evidence that Mr. Roy has failed to make any effort to pay the fines and restitution associated with the crimes to which he pled guilty in 2006. Therefore, Mr. Roy's conduct poses a threat to the effective regulation of gaming, or creates or increases the likelihood of unfair or illegal practices, methods, or activities in the conduct of gaming activities as demonstrated through his activities since the 2006. Therefore, Mr. Roy's licensed act as a card room employee may be suspended or revoked under WAC 230-03-085(8).

7. Mr. Roy has not proved by clear and convincing evidence that he is qualified to hold a gambling license. Mr. Roy agrees that the Commission's facts are true. He has not made any efforts to pay the fines and restitution except for a recent payment of \$100. If Mr. Roy is correct, he may, at some time in the future, reapply to the Commission for a gambling license. For now, however, he has not met his burden of proving that he is entitled to retain his gambling license.

8. To closely control all factors incident to the activities authorized in chapter 9.46 RCW, the provisions of the chapter shall be liberally construed to achieve such ends. RCW 9.46.010. The general public can find itself in a particularly vulnerable position should a person licensed to conduct gambling activities fail to discharge his occupation with a sense of justice and honesty. The evidence of the Commission has established that, in the public interest, the revocation of the license to act as a cardroom employee of the licensee, Mr. Roy, is in the public interest.

From the foregoing conclusions of law, NOW THEREFORE,

**INITIAL ORDER**

IT IS HEREBY ORDERED that, in the public interest, the cardroom employee license of William Roy, license number 68-009507, be and the same is hereby revoked.

DATED at Olympia, Washington, this 3<sup>rd</sup> day of November, 2010.

  
Larry V. Rogers  
Administrative Law Judge  
Office of Administrative Hearings

**NOTICE TO THE PARTIES**

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.

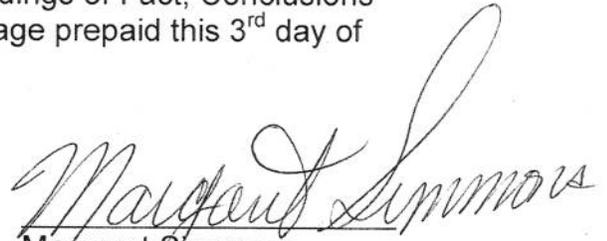
Any party may file a written response to a petition for review, known as a reply. If you wish to file a reply, it must be filed with the Commission within thirty days of the date you are served with the petition. You must serve copies of the reply on all parties or their representatives at the same time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

### Certification of Mailing

I certify that I mailed true and exact copies of the Findings of Fact, Conclusions of Law and Initial Order to the following parties, postage prepaid this 3<sup>rd</sup> day of November 2010 at Olympia, Washington.



Margaret Simmons  
Legal Secretary

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