

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License)
to Conduct Gambling Activities of:)
James Tomlinson)
Portland, Oregon,)
Licensee.)
_____)

NO. CR 2010-00821

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

I.

The Washington State Gambling Commission issued James Tomlinson the following license:
Number 68-23229, authorizing Card Room Employee activity with New Phoenix and Last
Frontier in La Center.

The license expires on February 5, 2011, and was issued subject to the licensee's compliance
with state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the
following violations of the Washington State Gambling Act, 9.46 RCW and WAC Title 230:

1) On March 15, 2010, the licensee submitted to Commission staff a handwritten statement. In
the statement, the licensee states that the police allege,

“While driving on the Highway [*sic*] at speeds past posted limits I hit a car injuring [*sic*]two
occupants. The police said I did not immediately stop. While in custody Clackmas [*sic*] County
jail issued me a breath test. The test said I failed. This is not statement of the events in my own
words just a summery [*sic*] of what the police said happened.”

2) On June 2, 2010, the licensee was convicted of:

- a) Failure to Perform Duties of a Driver to Injured Person, a Class C Felony;
- b) Failure to Perform Duties of Driver, Property Damage, a Class A Misdemeanor;
- c) Assault in the Fourth Degree, a Class A Misdemeanor; and
- d) Driving Under the Influence of Intoxicants, a Class A Misdemeanor.

The licensee is currently serving 36 months of probation for the above listed convictions.

3) These convictions establish that the licensee has failed to establish by clear and convincing
evidence the necessary qualifications for certification under RCW 9.46.153(1).

4) Therefore, under RCW 9.46.075(1), (4), and (8), and WAC 230-03-085(1), (2), (5), and (8),
grounds exist to revoke James Tomlinson's license.

RCW 9.46.075 Denying, suspending, or revoking an application, license 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;
- (4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;
- (8) Fails to prove, by clear and convincing evidence, that he 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; or
- (2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person;
- (5) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4);
- (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 9.46.153(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.

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

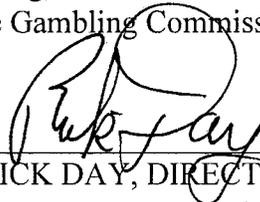
The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your license.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

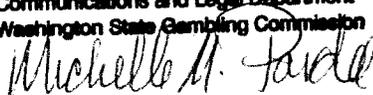


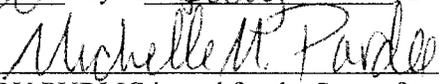
RICK DAY, DIRECTOR

STATE OF WASHINGTON)
)ss
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 2 day of August 2010

Communications and Legal Department
Washington State Gambling Commission


SUBSCRIBED AND SWORN TO before me
this 30 day of July 2010.


NOTARY PUBLIC in and for the State of
Washington residing at Lacey
My commission expires on June 16, 2011

