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STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE GAMBLING COMMISSION

GAMBLING COMMISSION
COMM & LEGAL DEPT

In the Matter of the Suspension or
Revocation of the Licenses to
Conduct Gambling Activities of:

JAMES TOMLINSON
PORTLAND, OREGON

Docket No. 2010-GMB-0065
GC No. CR 2010-00821

DEFAULT ORDER

Licensee.

On July 30, 2010, the Washington State Gambling Commission ("Commission") mailed to the Licensee a Notice of Administrative Charges and Opportunity for an Adjudicative Hearing. Mr. Clark holds license number 68-23229, authorizing card room activity. The Washington State Gambling Commission issued the license. The Office of Administrative Hearings ("OAH") issued a Notice of Prehearing Conference to the parties on November 17, 2010.

The prehearing conference was scheduled as a telephonic hearing to be heard on November 29, 2010, at 9:00 AM. Bruce Marvin, Assistant Attorney General, appeared and represented the Washington State Gambling Commission ("the Commission"). James Tomlinson, the Licensee, failed to appear. John M. Gray, Administrative Law Judge, presided.

Administrative Law Judge John M. Gray telephoned Mr. Tomlinson at (206) 235-6264 and left a voice mail message that the prehearing conference scheduled for November 29, 2010, at 9:00 AM had begun and that Mr. Tomlinson should call 1-800-843-7712 in the next few minutes or a default order would be entered. The Notice of Prehearing Conference instructed the parties how to call in for the telephonic conference, and that the conference would include discussion of simplifying the issues for hearing, documentary evidence, stipulations, setting the date and time of the hearing, the mode, and hearing length, and any other issues appropriate for prehearing disposition. The Notice of Prehearing Conference also informed the parties that "[i]f you fail to appear or participate in the pre-hearing conference, hearing, or any other scheduled stage of these proceedings, you may lose your right to a hearing as described in RCW 34.05.440.

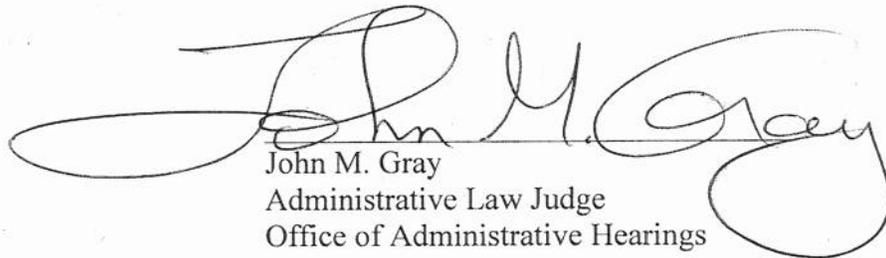
RCW 34.05.440(2) provides that a presiding officer may serve upon all parties a default or other dispositive order if a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, other than failing to timely request an adjudicative proceeding as set out in subsection (1) of this section. A prehearing conference is an "other stage[s] of an adjudicative proceeding."

NOW, THEREFORE:

INITIAL ORDER

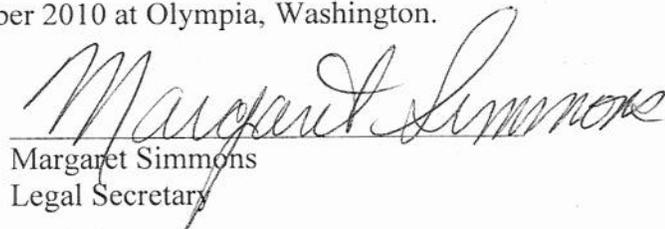
IT IS ORDERED THAT the Licensee, James Tomlinson, is in DEFAULT. A request that this order be vacated must be filed within seven days of service of this order, stating the grounds relied upon. RCW 34.05.440(3).

DATED at Olympia, Washington, this 30th day of November, 2010.


John M. Gray
Administrative Law Judge
Office of Administrative Hearings

Certification of Mailing

I certify true and exact copies of this document were mailed by US Mail, postage prepaid, to the following parties on this 30th day of November 2010 at Olympia, Washington.


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Legal Secretary

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