

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to Operate Gambling Activities of:) NO. CR 2011-00650
)
) **AMENDED**
Jaymee Mitchell) **ADMINISTRATIVE CHARGES AND**
Renton, Washington,) **OPPORTUNITY FOR AN**
) **ADJUDICATIVE PROCEEDING**
) *(Amendments appear in italics)*
Licensee.)

I.

The Washington State Gambling Commission issued Jaymee Mitchell the following license: Number 68-29777, authorizing Card Room Employee activity formerly with Red Dragon Casino. The license expires on January 31, 2012, and was issued subject to Ms. Mitchell'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 Chapter 9.46 RCW, and WAC Title 230.

SUMMARY:

In March 2011, Jaymee Mitchell was charged with two counts of Violation of Uniform Controlled Substance Act, a Class C Felony.

FACTS:

On July 20, 2011, the licensee was served with Findings of Fact, Conclusions of Law and Order of Summary Suspension, which included the following allegations:

- 1) On March 29, 2011, Jaymee Mitchell was charged with two counts of Violation of the Uniform Controlled Substance Act. The State has alleged Ms. Mitchell engaged in manufacturing and possessing marijuana with intent to deliver.
- 2) These pending charges establish that the licensee 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.
- 3) The licensee requested an adjudicative hearing and a stay hearing on July 25, 2011. The stay hearing was held on August 2, 2011. The stay was denied by Administrative Law Judge John Gray on August 15, 2011.

4) On September 8, 2011, an Amended Information was filed, charging Ms. Mitchell with two gross misdemeanors as follows:

- a) Attempted Defrauding a Public Utility 2nd Degree
- b) Criminal Solicitation to Commit a Controlled Substance Violation, to-wit: Manufacture of Marijuana

5) On September 8, 2011, Ms. Mitchell pled guilty to a Criminal Solicitation to Commit a Controlled Substance Violation, to-wit: manufacture of Marijuana, and Defrauding a Public Utility 2nd Degree. Ms. Mitchell admitted in her statement of Defendant on Plea of Guilty that, " On 5/25/10 in Snohomish County WA, I, with intent to promote or facilitate the commission of a crime, To wit: Violation of the Uniform Controlled Substance Act, Manufacture of Marijuana, did offer to give money or other thing of value to wit: money and services , to another to engage in specific conduct which would constitute such crime, or would establish complicity of such other person in its commission or attempted commission had such crime be attempted or committed. I also knowingly attempted to divert power from a public utility without the consent of the utility (Snohomish County public Utility Dist) the value of the diverted power was over \$500 but less than \$1,500 with the intent to defraud the utility. "

6) On November 4, 2011, Ms Mitchell was sentenced to 364 days in jail suspended, with 60 days to serve of Electronic Home Monitoring, 120 hours of community service, and 12 months unsupervised probation, to run concurrent on all counts, in addition to fines, costs and restitution.

7) Ms. Mitchell was ordered to pay \$10,695.23 in restitution and \$1,500 in court costs for a total of \$12,195.23, with the issue of additional restitution reserved for further motion.

VIOLATIONS:

1) **RCW 9.46.075(1)** provides the Commission may revoke any license for any reason or reasons, it deems to be in the public interest.

2) **RCW 9.46.075 (2)** provides the Commission may revoke any license where the licensee knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the commission.

3) **RCW 9.46.075 (4)** provides the Commission may revoke any license where the licensee 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;

4) **RCW 9.46.075(9)** provides the Commission may revoke any license when the licensee is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (4) of this section: PROVIDED, That at the request of an applicant for an original license, the commission may defer decision upon the application during the pendency of such prosecution or appeal.

5) **RCW 9.46.075(11)** provides the Commission may revoke any license when the licensee is a career offender or a member of a career offender cartel or an associate of a career offender or career offender cartel in such a manner which creates probable cause to believe that the association is of such a nature as to be inimical to the policy of this chapter or to the proper operation of the authorized gambling or related activities in this state. For the purposes of this section, career offender shall be defined as any person whose behavior is pursued in an occupational manner or context for the purpose of economic gain utilizing such methods as are deemed criminal violations of the public policy of this state. A career offender cartel shall be defined as any group of persons who operate together as career offenders.

6) **WAC 230-03-085(1)** provides that the Commission may revoke any license when a licensee commits any act that constitutes grounds under RCW 9.46.075 for revoking a license, or commits any other act that the commission determines constitutes a sufficient reason in the public interest for revoking a license.

7) **WAC 230-03-085(5)** provides that the Commission may revoke any license when a licensee 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) **WAC 230-03-085(8)** provides that the Commission may revoke any and all licenses or permits of any holder, when the holder 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.

9) **RCW 9.46.075(8)** provides the Commission may revoke any license when a licensee fails to prove, by clear and convincing evidence, that she is qualified in accordance with the provisions of this chapter.

10) **RCW 9.46.153(1)** provides that 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.

Jaymee Mitchell was charged with two counts of Violation of the Uniform Controlled Substance Act, a Class C Felony. " On 5/25/10 in Snohomish County WA, I, with intent to promote or facilitate the commission of a crime, To wit: Violation of the Uniform Controlled Substance Act, Manufacture of Marijuana, did offer to give money or other thing of value to wit: money and services , to another to engage in specific conduct which would constitute such crime, or would establish complicity of such other person in its commission or attempted commission had such crime be attempted or committed. I also knowingly attempted to divert power from a public utility without the consent of the utility (Snohomish County public Utility Dist) the value of the diverted power was over \$500 but less than \$1,500 with the intent to defraud the utility.

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Ms. Mitchell was ordered to pay \$10,695.23 in restitution and \$1,500 in court costs for a total of \$12,195.23, with the issue of additional restitution reserved for further motion.

The licensee poses a threat to the effective regulation of gaming, or increases the likelihood of unfair or illegal practices as demonstrated by her prior activity, based on RCW 9.46.075(1), (8), and (9) and WAC 230-03-085(1), (5), and (8).

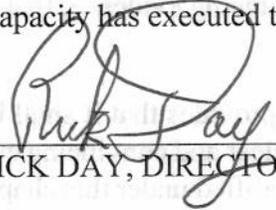
Jaymee Mitchell has also failed to establish by clear and convincing evidence, as required by RCW 9.46.153(1), that she is qualified to be licensed. As a result, there are grounds to revoke Jaymee Mitchell's license based on RCW 9.46.075(1), (4), (8), and (9) and WAC 230-03-085(1), (5), and (8).

III.

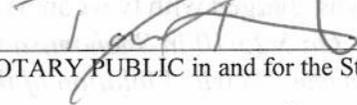
Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

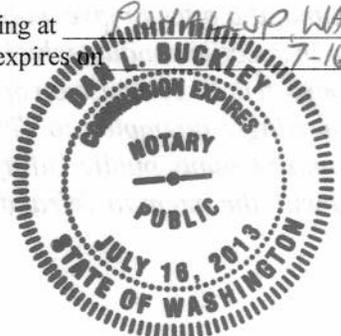
Rick Day, being first duly sworn on oath, deposes and says: He has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents, and believes the same to be true, and that he is the duly appointed and qualified Director of the Washington State Gambling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


RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 16th day of NOVEMBER, 2011.


NOTARY PUBLIC in and for the State of

Washington residing at PHILADELPHIA WA
My Commission expires on 7-16-2013



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 16 day of November, 2011



Communications and Legal Department
Washington State Gambling Commission