

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Summary Suspension of the)
License to Operate Gambling Activities of:) NO. CR 2011-00650
)
)
Jaymee Mitchell) **FINDINGS OF FACT,**
Renton, Washington,) **CONCLUSIONS OF LAW,**
) **AND ORDER OF SUMMARY**
) **SUSPENSION OF LICENSE**
Licensee.)

RCW 9.46.070(17) authorizes the Washington State Gambling Commission (Commission) to summarily suspend¹ a license, subject to final action by the Commission. The Director has reviewed this Order of Summary Suspension and has issued it for service.

This order takes effect when served on the licensee, representative, or agent. A Commission Special Agent shall seize Jaymee Mitchell's license and the licensee must stop conducting gambling activities.

FINDINGS OF FACT

I.

Rick Day is the Director of the Washington State Gambling Commission and issues this order. Jurisdiction of this proceeding is based on chapter 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and Title 230 WAC.

II.

The Washington State Gambling Commission issued Jaymee Mitchell the following license:
Number 68-29777, authorizing Card Room Employee activity 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.

¹ WAC 230-17-165 defines summary suspension as immediately taking a license or permit from a person or organization which prevents them from operating or conducting gambling activities.

III.

After a thorough review of the report by a Commission Special Agent about the facts in this matter, the Director accepts the report as true and has determined that the summary suspension is necessary.

IV.

SUMMARY:

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

FACTS:

- 1) On March 29, 2011, Jaymee Mitchell was charged with two counts of the 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.

CONCLUSIONS OF LAW

I.

- 1) RCW 9.46.070 provides that the Commission shall have the following powers and duties: The commission may authorize the Director to temporarily suspend licenses subject to final action by the commission
- 2) WAC 230-17-165(2) provides that the Commission delegates its authority to the Director to summarily suspend any license if the Director determines that a licensee has performed one or more of the actions identified in RCW 9.46.075 as posing a threat to public health, safety, or welfare.
- 3) WAC 230-17-165(3) provides that the Commission deems the following actions of a licensee constitute an immediate danger to the public safety and welfare: (The following subsections apply.)
 - (a) Failing or refusing to comply with the provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW or any rules adopted by the commission.
 - (f) Being subject to current prosecution or pending charges, or appealing a conviction, for any of the offenses included under (d)² of this subsection.

² WAC 230-17-165(3)(d) Being convicted of, or forfeiting of a bond on a charge of, or having pled guilty to: (vii) 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(1) provides the Commission may revoke any license for any reason or reasons, it deems to be in the public interest.
- 5) 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.
- 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(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.
- 8) 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.
- 9) 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. The licensee's actions constitute an immediate danger to public safety and welfare based on WAC 230-17-165(3)(a) and (f), RCW 9.46.075(1), (8) and (9) and WAC 230-03-085(1), and are a basis for Jaymee Mitchell to immediately stop conducting gambling activities.

The licensee also poses a threat to the effective regulation of gambling, or increases the likelihood of unfair or illegal practices as demonstrated by her prior activity of being charged with two counts of Violation of the Uniform Controlled Substance Act, a Class C Felony.

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), (8), and (9) and WAC 230-03-085(1).

II.

The licensee's actions are an immediate danger to public safety and welfare, and the licensee has failed to comply with chapter 9.46 RCW or Commission rules. The immediate suspension of Jaymee Mitchell's gambling activity is required to protect public safety and welfare.

ORDER

Based on the FINDINGS OF FACT AND CONCLUSIONS OF LAW and the Director's authority under RCW 34.05.422, RCW 9.46.070(17), and WAC 230-17-165, the Director orders that Jaymee Mitchell's license is summarily suspended, pending a formal hearing by an Administrative Law Judge.

STATEMENT OF RIGHTS

(1) **You may ask for a stay of this Order.** To do so, you must complete and return to the Commission the enclosed Application for Stay Hearing form within fifteen (15) days from the date you receive this Order. If the Commission receives a timely request, we will hold a hearing within seven (7) days as required by WAC 230-17-170(3). The stay hearing will determine if your suspension should continue, or whether the suspension may be modified.

At the stay hearing, you will have to prove by clear and convincing evidence that:

- (a) You will likely win at hearing; and
- (b) If your suspension continues, you will suffer serious injury. Under this section, loss of income from licensed activities is not considered serious injury; and
- (c) Removing the immediate suspension will not hurt others in this case; and
- (d) The threat to the public safety or welfare does not justify continuing the suspension, or that modifying the suspension will adequately protect the public.

(2) **You also have a right to a hearing on the revocation of your license.** To do so, you must complete and return to the Commission the enclosed Application for Hearing form within twenty (20) days from the date you receive this order. If you do NOT request a hearing, we will enter an Order of Default revoking your license under RCW 34.05.440.

III

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