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Gambling Commission  
Comm. & Legal Division

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Office of Administrative Hearings  
Spokane

STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE WASHINGTON STATE GAMBLING COMMISSION

In the Matter of the Revocation of the  
License to Operate Gambling Activities  
of:

KATIE A. BOWMAN  
Spokane, Washington

License No. 69-30187

OAH Docket No.: 2013-GMB-0020R  
GMB No. CR 2012-01743

**INITIAL ORDER GRANTING  
SUMMARY JUDGMENT AND  
REVOKING CLASS III  
CERTIFICATION**

Administrative Law Judge Mark H. Kim conducted a telephonic oral argument motion hearing in this matter on May 2, 2014.

Gregory J. Rosen, Senior Counsel, appeared and represented the Washington State Gambling Commission Staff ("Commission Staff"). Licensee Katie A. Bowman appeared and represented herself.

PROCEDURAL HISTORY

1. On January 10, 2013, the Washington State Gambling Commission ("Commission") issued a Notice Of Administrative Charges And Opportunity For An Administrative Hearing by regular United States mail and by certified United States mail. The Notice named Katie Bowman as the subject of the license revocation action.
2. On January 24, 2013, the Commission received Ms. Bowman's Request

for Administrative Hearing.

3. On March 29, 2013, the Commission issued a Notice Of Hearing to the parties and to the Office of Administrative Hearings ("OAH") setting this matter to be heard on May 2, 2013, beginning at 9 AM at the OAH office in Spokane, Washington.

4. On April 11, 2013, the OAH issued an Order Converting Hearing To Prehearing Conference.

5. On May 2, 2013, this Tribunal issued a Notice Of Hearing And Scheduling Order.

6. On July 19, 2013, Gambling Commission Staff served a Motion To Continue Hearing on Ms. Bowman and OAH by regular United States mail.

7. On July 24, 2013, this Tribunal issued a Notice Of Status Conference to be held on August 8, 2013.

8. On August 8, 2013, this Tribunal issued an Initial Order Of Default Dismissing Appellant's Appeal For Failure To Appear for the August 8, 2013 status conference.

9. On August 14, 2013, OAH received Ms. Bowman's written motion to vacate the Initial Order of Default.

10. On August 20, 2013, this Tribunal issued a Notice Of Motion Hearing, setting Ms. Bowman's case for a hearing on August 28, 2013 regarding Ms. Bowman's motion to vacate the Initial Order Of Default.

11. On August 22, 2013, Commission Staff served a Response To Motion To Vacate on Ms. Bowman by regular United States mail, and on OAH by regular United

States mail and by facsimile.

12. On August 28, 2013, this Tribunal conducted a hearing regarding Ms. Bowman's motion to vacate the Initial Order Of Default.

13. On September 3, 2013, Commission Staff served a Post-Hearing Memorandum on Ms. Bowman by regular United States mail, and on OAG by regular United States mail and by facsimile.

14. On September 5, 2013, this Tribunal issued an Initial Order RE: Motion To Vacate Default, which denied Ms. Bowman's motion to vacate the Initial Order Of Default.

15. On September 30, 2013, attorney Jeffrey Adams filed a Notice Of Appearance in Ms. Bowman's case.

16. On October 1, 2013, Mr. Adams filed a Petition For Review Of Initial Order Denying Motion To Vacate Default on counsel for Commission Staff.

17. On October 30, 2013, Commission Staff filed a Response To Petition For Review on Mr. Adams by regular United States mail.

18. On January 22, 2014, the Commission issued a Final Order On Petition For Review in which the Commission vacated this Tribunal's Initial Order Re: Motion For Default, and remanded the matter to OAH for further proceedings.

19. On February 7, 2014, Mr. Adams filed a Notice Of Withdrawal from Ms. Bowman's case.

20. On March 25, 2014, the Commission served a copy of Amended Notice Of Administrative Charges, And Opportunity For An Administrative Hearing on Ms.

Bowman by regular United States mail and by certified United States mail.

21. On April 3, 2014, Commission Staff served a Motion For Summary Judgment and Memorandum Of Authorities In Support Of Motion For Summary Judgment with four appended exhibits on Ms. Bowman by regular United States mail and on OAH by regular United States mail and by email.

22. On April 4, 2014, this Tribunal issued a Motion Briefing Schedule And Order Striking Litigation Deadlines.

23. On April 10, 2014, this Tribunal issued a Notice Of Motion Hearing, setting Ms. Bowman's case for a motion oral argument on May 2, 2014.

24. On April 21, 2014, this Tribunal issued an Amended Notice Of Motion Hearing, which only changed the start time of the hearing.

25. On May 2, 2014, this Tribunal conducted the motion oral argument. Counsel for Commission Staff, Gregory J. Rosen, and Ms. Bowman both appeared telephonically. Ms. Bowman did not file a response to Commission Staff's Motion For Summary Judgment and Memorandum In Support Of Motion For Summary Judgment. Ms. Bowman offered no exhibits at the hearing. The parties offered oral argument in support of their respective positions.

#### FINDINGS OF FACT

26. Licensee Katie Bowman possesses a Class III certification under certification number 69-30187. The certification was issued by the Washington State Gambling Commission ("Commission"). The Commission issued this certification, which expired on July 5, 2013, subject to Ms. Bowman's compliance with state gambling laws,

Commission rules, and the Kalispel Tribal State Compact.

27 This Tribunal hereby adopts the facts set out in the section titled "Facts" in the Commission Staff's Memorandum of Authorities In Support Of Motion For Summary Judgment, at pages 2-3.

### CONCLUSIONS OF LAW

From the foregoing Findings of Fact, the Administrative Law Judge now enters the following Conclusions of Law:

1. The issuance of the Gambling Commission's original Notice of Administrative Charges occurred before Ms. Bowman's Class certification expired on July 5, 2013.
2. Neither the Gambling Commission nor the OAH lost jurisdiction to hear this case, because "once a professional disciplinary tribunal lawfully acquires jurisdiction over a proceeding, its jurisdiction continues until the proceeding is concluded." See *Nims v. Wa. Board of Registration*, 113 Wn. App. 499, 506-07, 53 P.3d 52 (2002).
3. The Office of Administrative Hearings has jurisdiction to hear and initially decide this matter in an adjudicative proceeding. RCW 9.46.140; RCW 34.05.413, RCW 34.12.030(1) and WAC 230-17-025.
4. The Commission filed a motion for summary judgment that sought the revocation of Ms. Bowman's Class III certification, based on the provisions of WAC 230-03-085 and WAC 230-03-085(5), based on Commission Staff's assertion that Ms. Bowman is serving a period of probation for two misdemeanor criminal offenses. Conclusion of Law No. 5 contains the applicable language of that administrative rule.

5. WAC 230-03-085 and WAC 230-03-085(5) state in plain language when the Commission will deny, suspend, or revoke an application, license or permit. "We [referring to the Commission] may deny, suspend, or revoke any application, license or permit, when the applicant, 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)."

6. Ms. Bowman did not contest the fact that she is serving a period of 24 months of probation imposed as a sentence for two misdemeanor criminal offenses.

7. Ms. Bowman also did not contest that the Gambling Commission possesses the legal authority under WAC 230-03-085(5) to revoke her Class III certification, based on her serving a period of probation imposed as a sentence for two misdemeanor criminal offenses

8. There is no genuine issue of material fact on the issue whether Ms. Bowman is serving a period of 24 months of probation imposed as a sentence for two misdemeanor criminal offenses, even when that evidence is construed in the light most favorable to the nonmoving party, Ms. Bowman.

9. In addition, reasonable minds can only reach one conclusion as to whether the Gambling Commission possesses the legal authority under WAC 230-03-085(5) to revoke Ms. Bowman's class III certification: that the Commission clearly possesses the legal authority to revoke that certification.

10. Based on the above, the Commission Staff's Motion For Summary Judgment should be granted.

11. Ms. Bowman's Class III certification should be revoked.

12. The hearing scheduled for June 4, 2014 should be stricken.

From the foregoing Conclusions of Law, NOW, THEREFORE,

INITIAL ORDER

IT IS ORDERED that:

1. The Commission Staff's Motion for Summary Judgment is hereby granted.
2. Katie Bowman's Class III certification No. 69-30187 is **REVOKED**.
3. The hearing scheduled for June 4, 2014 is stricken.

DATED at Spokane, Washington, this 15<sup>th</sup> day of May, 2014.



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Mark H. Kim  
Administrative Law Judge  
Office of Administrative Hearings

## NOTICE TO THE PARTIES

Initial orders must be entered in accordance with RCW 34.05.461(3). WAC 230-17-085(1). An initial order becomes the final order unless a party files a petition for review of the initial order as explained in WAC 230-17-090. WAC 230-17-085(2). Petitions for review are governed by WAC 230-17-090:

"RCW 34.05.464 governs the review of initial orders." WAC 230-17-090(1).

"Any party to an adjudicative proceeding may file a petition for review of an initial order. Parties must file the petition for review with us within twenty days of the date of service of the initial order unless otherwise stated. Parties must serve copies of the petition to all other parties or their representatives at the time the petition for review is filed." WAC 230-17-090(2).

"Petitions must specify the portions of the initial order the parties disagree with and refer to the evidence in the record on which they rely to support their petition." WAC 230-17-090(3).

"Any party to an adjudicative proceeding may file a reply to a petition for review of an initial order. Parties must file the reply with us within thirty days of the date of service of the petition and must serve copies of the reply to all other parties or their representatives at the time the reply is filed." WAC 230-17-090(4).

"Any party may file a cross appeal. Parties must file cross appeals with us within ten days of the date the petition for review was filed with us." WAC 230-17-090(5).

"Copies of the petition or the cross appeal must be served on all other parties or their representatives at the time the petition or appeal is filed." WAC 230-17-090(6).

"After we receive the petition or appeal, the commissioners review it at a regularly scheduled commission meeting within one hundred twenty days and make a final order." WAC 230-17-090(7).

### Certificate of Service

I certify that true copies of the foregoing document were served from Spokane Valley, Washington, upon the following as indicated:

Address: <b>Katie A. Bowman</b> <b>6829 N. Cincinnati St.</b> <b>Spokane, WA 99208</b>	<input checked="" type="checkbox"/> First Class US Mail, postage prepaid
Address: <b>Gregory Rosen, AAG</b> <b>Office of the Attorney General</b> <b>P.O. Box 40100</b> <b>Olympia, WA 98504-0100</b>	<input checked="" type="checkbox"/> First Class US Mail, postage prepaid
Address: <b>Washington State Gambling Commission</b> <b>P.O. Box 42400</b> <b>Olympia, WA 98504-2400</b>	<input checked="" type="checkbox"/> First Class US Mail, postage prepaid

Date this 15<sup>th</sup> day of May, 2014.

  
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