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MAR 29 2013

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

Gambling Commission  
Comm. & Legal Division

In The Matter Of:

DEVON D. CLAYTON  
Wenatchee, Washington  
Number 68-17751,

RESPONDENT.

OAH Docket No. 2012-GMB-0035  
GMB No. CR 2012-00445

INITIAL ORDER REVOKING  
GAMBLING LICENSE

Administrative Law Judge John M. Gray conducted an administrative hearing in this matter on January 30, 2013, at the Gambling Commission Office, 4565 7<sup>th</sup> Avenue, Lacey, Washington.

Stephanie U. Happold, Assistant Attorney General, appeared and represented the Washington State Gambling Commission ("Commission"). Julie Sullivan, a Special Agent with the Commission, appeared and testified as a witness for the Commission.

Sean Wickens, attorney at law, appeared and represented Devon Clayton ("Mr. Clayton"), the Licensee, at the January 30, 2013, hearing. Mr. Clayton appeared and testified in person. Naomi Rheiner, an ARNP, and Jim Hull, owner of the Buzz Inn Steakhouse and Casino appeared telephonically and testified on behalf of Mr. Clayton.

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MAR 29 2012  
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Division

On April 20, 2012, the Director of the Commission caused two copies of a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding ("Notice of Administrative Charges") to be issued against Mr. Clayton, one by regular mail and the other by certified mail. The Director alleges that Mr. Clayton failed to disclose a 2011 third degree theft conviction, his third conviction for theft since 2007, and seeks the revocation of Mr. Clayton's license.

Mr. Clayton signed and dated the Request for Administrative Hearing on May 10, 2012, and filed the Request with the Commission on May 14, 2012, twenty-four (24) calendar days after service of the Notice of Administrative Charges.

The Commission issued the Notice of Hearing on June 13, 2012, to the Commission Staff, the Attorney General's Office, the Office of Administrative Hearings, and to Mr. Clayton, the latter to his mailing address at 1016 Western Avenue, Wenatchee, WA 98801. The Notice of Hearing set the hearing on the merits for July 24, 2012, beginning at 9 AM at the Commission's hearing room in Lacey, Washington.

On July 23, 2012, the undersigned Administrative Law Judge continued the hearing on Mr. Clayton's motion for the purpose of allowing him to retain a lawyer and be represented at the hearing on the merits.

On September 6, 2012, the undersigned Administrative Law Judge issued a Prehearing Conference Order setting this case for hearing on January 30, 2013.

On January 8, 2013, the undersigned Administrative Law Judge issued an Order Denying Motion in Limine. The Commission sought to exclude the testimony of Naomi Rheiner, ARNP, with regard to her medical treatment of Mr. Clayton from February 2010

to December 2010, and at the hearing, verbally expanded its motion to exclude the testimony of Jim Hull, the manager of the Buzz Inn Steakhouse and Casino.

The Commission's exhibits are numbered. Mr. Clayton's exhibits are lettered.

At the hearing, the Commission offered thirteen exhibits, numbered 1 through 13, all of which were admitted without objection.

Mr. Clayton offered four exhibits, marked as WSU Health & Wellness Services (A1-30); Wenatchee Valley Medical Center (B1-43); Columbia Valley Community Health (C1-27); and Behavioral Medicine at Wenatchee Valley Medical Center (D1-16), which were admitted over the Commission's renewed objection based on its earlier motion in limine. Mr. Clayton also offered a post-hearing exhibit, a letter from Special Agent Sullivan to James Hull, dated July 18, 2008. That exhibit is admitted and marked as Exhibit E.

The Administrative Law Judge, having considered the evidence, now enters the following Findings of Fact:

#### FINDINGS OF FACT

##### A. The Commission's Case

1. Mr. Clayton is an employee of the Buzz Inn Steakhouse and Casino in Wenatchee, Washington.
2. The Commission has issued two card room employee ("CRE") licenses to Mr. Clayton. The Commission issued the first license in 2003, which Mr. Clayton renewed annually until he let it lapse on July 13, 2010. That license, having lapsed, is not at issue in this case.

3. The Commission issued the second license to Mr. Clayton on or about March 21, 2011. This license is a type 68, class B. The license number is 68-17751. Without more, the license was set to expire on March 20, 2013. This is the license that the Commission seeks to revoke.

4. The State of Washington charged Mr. Clayton with third degree theft, RCW 9A.56.050, on July 7, 2011. The docket number was C 79199 in Chelan County District Court. Exhibit 6, page 1. The offense occurred on July 3, 2011, at a JC Penny's store located in Wenatchee, Washington. Exhibit 5, page 1.

5. Mr. Clayton did not notify the Commission of the charge pending against him after he was charged in 2011.

6. Mr. Clayton pleaded guilty to the charge of third degree theft on August 11, 2011, in Chelan County District Court. Mr. Clayton was represented by counsel, Kathryn M. Silk, WSBA bar no. 43255. Item no. 11 on the Statement of Defendant on Plea of Guilty asks the defendant to state in his own words what he did that made him guilty of this crime. He wrote, "on July 3<sup>rd</sup>, 2011, in Wenatchee, WA I took possession of items of clothing from JC Penny's without paying and without their consent." Exhibit 7, pp. 1-3.

7. On August 11, 2011, the District Court sentenced Mr. Clayton to 364 days in jail, with 334 days of that sentence suspended. The Court ordered Mr. Clayton to serve 30 days, but allowed him to serve the time through electronic home monitoring. The sentence included two years of probation. Exhibit 8, page 1.

8. Having obtained his second CRE license in 2011, Mr. Clayton's license was set to expire on March 20, 2012. He renewed his license online on March 16, 2012. Exhibit 3.

9. When renewing a license online, a licensee is presented with three statements relating to the inquiry of his or her criminal history, and the licensee must select one before he or she is allowed to proceed with the online renewal: (a) I have not had any criminal action filed against me within the last 12 months; (b) I have read Washington Administrative Code (WAC) 230-06-085 and have fully complied with it in disclosing my criminal history; (c) I have read WAC 230-06-085 and need to report my criminal history. Exhibit 1, pp. 4 and 5; testimony of Special Agent Sullivan.

10. Mr. Clayton selected the first option, "I have not had any criminal history filed against me within the last 12 months." Exhibit 1, page 5; testimony of Special Agent Sullivan. Mr. Clayton did not inform the Commission of his 2011 arrest and conviction for third degree theft in Wenatchee.

11. The Commission renewed Mr. Clayton's card room employee license on or about March 20, 2013.

12. Julie Sullivan is employed as a Special Agent with the Commission, and has been so employed for eleven years. She has had 240 hours of in-house training with the Commission. She has completed all of the training assigned to her, including programs offered by the Washington State Criminal Justice Training Commission on such topics as how to read JIS ("judicial information system") documents. She is a nationally certified fraud examiner. She is in her last semester as a criminal justice

major at Washington State University. She works in the Commission's Criminal History Investigation Unit.

13. Special Agent Sullivan learned of the third conviction during a routine annual criminal history check. On March 19, 2012, Special Agent Sullivan received the assignment to work Mr. Clayton's file to determine if he continues to qualify for a gambling license after his third conviction of theft.

14. Special Agent Sullivan learned, or was reminded, that Mr. Clayton had two earlier convictions for third degree theft, both of which occurred during periods covered by the first CRE license that expired on July 13, 2010. Both convictions occurred during 2007.

15. The first of the two convictions in 2007 for third degree theft was in Benton County District Court, docket no. K7Y324. Mr. Clayton pleaded guilty to the charge of theft on November 28, 2007. He was represented by counsel, although the signature is unreadable and no WSBA bar number is apparent. In the defendant's statement, Mr. Clayton wrote, "on the date of 7/16/07, [I] did knowingly exert unauthorized control over the property of another with the intent to deprive another within the City of Kennewick." The Court sentenced Mr. Clayton to 365 days in jail, with 365 days suspended, a \$300 fine, and costs for probation, attorney, and conviction filing fee. Exhibits 4; 13.

16. The second of the two convictions in 2007 was in Othello District Court, docket no. CR0007300. Mr. Clayton pleaded guilty to a charge of third degree theft on December 12, 2007, when he also waived his right to counsel. The Court sentenced

Mr. Clayton to 365 days in jail, 365 days suspended and fines and costs in the amount of \$658. Exhibits 4; 10, page 3.

17. When Mr. Clayton applied for his second CRE license on March 21, 2011 (that is, the one that the Commission now seeks to revoke), he disclosed the existence of the two 2007 convictions for third degree theft, along with some convictions for driving under the influence in 2007 and 2009. Exhibit 2, page 2.

18. Despite the disclosure of the 2007 convictions for third degree theft, the Commission issued the CRE license to Mr. Clayton in 2011.

Mr. Clayton's Case:

19. Devon Daniel Clayton was born on July 18, 1984, and, at the time of this hearing, he was 29 years old.

20. Mr. Clayton has been diagnosed with obsessive compulsive disorder ("OCD"). See, e.g., Exhibit A, pp. 1 and 2. He has been on a variety of medications to treat the OCD and depression over the years. See, e.g., Exhibit A, page 8.

21. Mr. Clayton concedes that he has been convicted three times for third degree theft, twice in 2007 and once in 2011. He attributes the thefts to his OCD.

22. In the 2007 theft at the Othello Wal-Mart, Mr. Clayton was extremely reluctant to place his feet in shoes that other people previously may have tried on, but not purchased. He put new, unpaid for, socks on his feet, then his feet into the shoes, then left the store without paying for the shoes and socks. Exhibit 9, page 4.

23. The items he stole in Kennewick in 2007 were cleaning supplies.

24. Naomi Rheiner is a retired advanced practice registered nurse ("ARNP"). She knows Mr. Clayton and formerly treated him for OCD in 2010. She described the OCD, as it applied to Mr. Clayton, as a disorder that affected his thinking and a disorder that he could not control or disregard. She described his disorder as "persistent thoughts, impulses, marked anxiety and distress," not related to real life problems. She described the disorder as one where he knew his thoughts on germs and cleanliness were excessive, but he could not suppress those thoughts, although he was not hearing voices.

25. ARNP Rheiner treated Mr. Clayton with a variety of different drugs, such as Cytolapram, Noraprefrin, Clonazepam, and Cymbalta. If one drug did not work, she would try something else. The Cymbalta seemed to work the best.

26. ARNP Rheiner was unfamiliar with Mr. Clayton's theft convictions, either in 2007 or 2011.

27. James Hull is the general manager of the Buzz Inn Steakhouse and Casino in East Wenatchee, Washington, where Mr. Clayton currently works. He knew of Mr. Clayton's convictions for theft when he hired him, and distinguished those convictions from any convictions that would constitute felonies or gross misdemeanors.

28. Special Agent Sullivan wrote to Mr. Hull on July 18, 2008, to inform him that Mr. Clayton had applied for a CRE license to work at the Buzz Inn Steakhouse and Casino. She asked Mr. Hull to have Mr. Clayton provide copies of the charging documents, the judgments, and the sentences for both convictions no later than August 8, 2008. Until he submitted the documents and the Commission issued a

license, Mr. Clayton could not work at the Buzz Inn. Exhibit E, page 1.

### CONCLUSIONS OF LAW

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

1. The Commission filed and served the Notice of Administrative Charges on April 20, 2012. Mr. Clayton requested a hearing on the form provided by the Commission, dated May 10, 2012, which the Commission on Monday, May 14, 2012. The twenty-third day after service of the Notice of Administrative Charges was Sunday, May 13. The final date for filing a timely appeal with the Commission was the next business day, Monday, May 14, 2012. WAC 10-08-080. Thus, Mr. Clayton timely filed his request for a hearing on the issues raised in the Notice of Administrative Charges. If Mr. Clayton's license has expired, the Office of Administrative Hearings continues to have jurisdiction to hear this case because it acquired jurisdiction before his license expired. *Nims v. Bd. Of Registration*, 113 Wn. App. 499, 507, 53 P.3d 52 (2002).

2. The Office of Administrative Hearings has jurisdiction to hear and initially decide this matter in an adjudicative proceeding. RCW 9.46.140; 34.05.413, 34.12.030(1), and WAC 230-17-025.

3. Gambling is a heavily regulated activity in Washington State, as may be seen from the provisions of chapter 9.46 RCW and Title 230 WAC. The legislature has long been wary of the association of crime with gambling. The very first sentence of the Legislative declaration of policy provides, "[t]he public policy of the state of Washington on gambling is to keep the criminal element out of gambling and to promote the social

welfare of the people by limiting the nature and scope of gambling activities and by strict regulation and control.” RCW 9.46.010.

4. The final paragraph of the Legislative declaration of policy is that the Commission is required to closely control all factors incident to the activities authorized in Ch. 9.46 RCW, and the provisions of Ch. 9.46 RCW are to be liberally construed to achieve those ends. RCW 9.46.010. The succeeding sections in chapter 9.46 RCW confirm the Legislature’s intent that crime, and not just organized crime, be kept out of gambling.

5. The Commission bases its proposed revocation of Mr. Clayton’s gambling license on the provisions of RCW 9.46.075(1), (4), (7), (8), and (10); RCW 9.46.153(1); RCW 9.46.170; WAC 230-03-085(1), (5), (7), and (8); and WAC 230-06-085(1) and (2). Conclusions of Law No. 6 through 12 contain the applicable language of these statutes and administrative rules.

6. RCW 9.46.075 is the Commission’s Legislative grant of authority to deny, suspend, or revoke gambling licenses or permits. “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:

(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, wilful 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;

(7) makes a misrepresentation of, or fails to disclose, a material fact to the commission;

(8) fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of [chapter 9.46 RCW];

(10) has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain[.]”

7. RCW 9.46.153(1) declares that “[i]t 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[.]”

8. “Clear and convincing evidence” is a higher burden of proof than “preponderance of the evidence.” See, *Ongom v. Department of Health*, 159 Wn.2d 132, 137 148 P.3d 1029 (2006).

9. RCW 9.46.170 provides that “[w]hoever, in any application for a license or in any book or record required to be maintained by the commission or in any report required to be submitted to the commission, shall make any false or misleading statement, or make any false or misleading entry or wilfully fail to maintain or make any entry required to be maintained or made, or who wilfully refuses to produce for inspection by the commission, or its designee, any book, record, or document required to be maintained or made by federal or state law, shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

10. The Commission also relies on its administrative rules. WAC 230-03-085 states 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, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(1) commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075;

(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);

(7) fails to provide us with any information required under commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us;

(8) poses a threat to the effective regulation of gambling, 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[.]”

11. WAC 230-06-085(1) provides that “[l]icensees must report to us in writing within thirty days all criminal actions filed against the licensee, any manager of the licensed gambling activity, the business organization, or any person holding a substantial interest in the business organization.”

12. WAC 230-06-085(2) provides that “[w]e must receive a copy of the final written decision or settlement within thirty days after the case is resolved.”

13. The Commission’s case is that, first, Mr. Clayton did not report his 2011 arrest and subsequent conviction and, second, that he was convicted yet again of theft in 2011, and, as a result, he is a threat to the effective regulation of gambling in Washington State.

14. Mr. Clayton's case is that, first, he is not within the class of the "criminal element," as that term is used in the first sentence of RCW 9.46.010, second, that none of the statutory and administrative provisions cited by the Commission are appropriate for revoking Mr. Clayton's license, given his OCD and his prior disclosures to the Commission, and third, that the OCD, and not criminal intent, resulted in the thefts and that, consequently, Mr. Clayton's behavior was not the product of a "criminal element."

15. On the subject of Mr. Clayton's failure to disclose both his arrest and, later, his arrest and conviction of third degree theft in 2011 and in 2012 (when he sought to renew his license), I conclude that the Commission has proved by a preponderance of the evidence that Mr. Clayton violated RCW 9.46.075(1) and (7) and WAC 230-17-085(1) and (7). Neither the statute nor the administrative rule require proof of an intent to deceive the Commission; they require only that a licensee fail to disclose a material fact to the Commission (the statute) and that a licensee fail to provide the Commission with any information under Commission rules within the time required (the rule). Both violations are also proof of violations of RCW 9.46.075(1) and WAC 230-17-085(1).

16. On the subject of Mr. Clayton's theft convictions, I conclude that the Commission has proved by a preponderance of the evidence that Mr. Clayton violated RCW 9.46.075(1) and (4), and WAC 230-17-085(1) and (5). With reference to the statute, the Commission may revoke a license when the licensee has been convicted of, among other crimes, larceny "or any similar offense or offenses." Larceny is another word for theft. *Black's Law Dictionary* (Rev. Fourth Ed), pp. 1023-1024. RCW 9A.56.050, to which Mr. Clayton pleaded guilty in 2011, defines theft in the third degree

(in pertinent part): "A person is guilty of theft in the third degree if he or she commits theft of property or services which (a) does not exceed seven hundred fifty dollars in value[.]" Thus, I conclude that theft is a "similar offense" to larceny. With reference to the administrative rule, the Commission may revoke a license when the licensee poses a threat to the effective regulation of gaming, or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by the licensee's criminal record.

17. The Commission has proved by a preponderance of the evidence that Mr. Clayton is currently serving a period of probation that resulted from his sentencing on August 11, 2011. The probation is for a period of two years, which will expire on August 11, 2013. Consequently, the Commission has proved that Mr. Clayton comes within the scope of WAC 230-17-085(5).

18. Mr. Clayton argues that the theft convictions were not events involved at a casino, and, in and of themselves, had nothing to do with gambling. At least two of the three thefts were of goods from JC Penny's and Wal-Mart, and the third theft appears to have been another Wal-Mart store. To that extent, Mr. Clayton is correct. However, the statutes and the administrative rules do not restrict the Commission from revoking gambling licenses only for events that occur in a casino or while in a game conducted within a casino. Both the statute and the rule are broader than the reading suggested by Mr. Clayton. There is no statutory requirement that the convictions have occurred while Mr. Clayton was engaged in the business activities covered by his CRE license. See, for example, *Sulla v. Board of Registered Nursing*, 205 Cal.App.4<sup>th</sup> 1195 (2012), in

which a nurse's professional license was revoked for driving under the influence, an offense that did not occur within the scope of nursing duties.

19. The phrase "criminal element" is undefined in RCW 9.46.010. A review of the case law involving that phrase does not reveal a precise meaning. The Court of Appeals used the phrase "criminal element" without defining the term itself in *Edmonds Shopping Center Associates v. City of Edmonds*, 117 Wn. App. 344, 71 P.3d 233 (2003), because that case involved issues other than who came within the scope of the "criminal element." Similarly, in *Internet Community and Entertainment Corp. v. State of Washington*, 148 Wn. App. 795, 201 P.3d 1045, (2009), the Court used the term without defining it in another gambling case. For the purposes of a gambling license case, I conclude that the phrase "criminal element" means those persons who have committed crimes.

20. With regard to RCW 9.46.075(10), I conclude that the Commission has not proved by a preponderance of the evidence that Mr. Clayton's three theft convictions violated this provision of RCW 9.46.075. There is no evidence that Mr. Clayton's actions were the result of "systematic planning, administration, management or execution of an activity for financial gain." The three thefts were spread over five years and the value of the goods he took were low enough that he was charged with third degree theft. The thefts do not appear to have been planned very well at all.

21. In addition to the Commission's obligations to prove the elements of the statutes and administrative rules under which it seeks to revoke Mr. Clayton's license, Mr. Clayton has an affirmative obligation to come forward with clear and convincing

evidence that he is qualified to possess a gambling license. While not established as a Finding of Fact, I note that an ARNP with whom he met in October 2011 described him as "he remains irresponsible, impulsive, distractable, and continues to be somewhat obsessive in his thinking." Exhibit C, page 11. This observation is also a year and a half old. Elsewhere in his exhibits, there are references to at least one three-day drinking and drug binge. The police reports, particularly for the 2011 offense, show an effort at duplicity that contradicts Mr. Clayton's arguments that the OCD was the cause of the thefts, and not criminal intent. This is not the kind of evidence that shows, clearly and convincingly, that Mr. Clayton is qualified to hold a gambling license. The theft convictions speak for themselves, and Mr. Clayton cannot collaterally attack his theft convictions. He blames the thefts on his OCD. Whether he keeps his OCD under control with his medications depends on him, and as he testified, the thefts occurred at times when he was not taking his medications. The Commission is legitimately concerned whether Mr. Clayton represents a threat to the effective regulation of gambling. I conclude that Mr. Clayton has not shown by clear and convincing evidence that he is qualified to hold his CRE license.

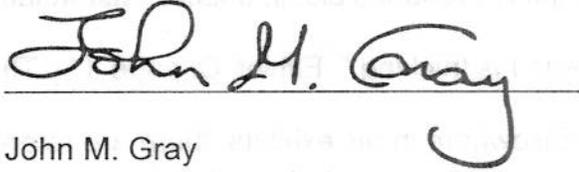
22. The Commission is not estopped from revoking Mr. Clayton's license. RCW 9.46.075(3) allows the Commission to revoke a license where the licensee "has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake[.]"

From the foregoing conclusions of law, NOW THEREFORE,

INITIAL ORDER

IT IS ORDERED That Mr. Clayton's CRE license, no. 68-17751, is REVOKED.

DATED at Tacoma, Washington, this 28th day of March, 2013.



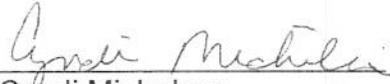
John M. Gray  
Administrative Law Judge  
Office of Administrative Hearings

### 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). "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).

### Certification of Mailing

I certify that I mailed true and correct copies of the **Initial Order Revoking Gambling License and Alternative Default Order** to the following parties, postage prepaid this \_\_\_\_ day of March 2013 at Tacoma, Washington.

  
Cyndi Michelena  
Legal Secretary

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