

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation )  
of the License to Conduct Gambling Activities of: )  
 )  
 )  
Michael D. Stafford-Switzer )  
Yakima, Washington, )  
 )  
Licensee. )  
\_\_\_\_\_ )

NO. CR 2012-00639

**NOTICE OF ADMINISTRATIVE  
CHARGES AND OPPORTUNITY  
FOR AN ADJUDICATIVE  
PROCEEDING**

I.

The Washington State Gambling Commission issued Michael D. Stafford-Switzer license number 68-26155, authorizing Card Room Employee activity at RC's in Sunnyside. The license expires on May 15, 2013, and was issued subject to the licensee'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 the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

**SUMMARY:**

Mr. Stafford-Switzer owes a total of \$4,290.50 in court-ordered fines and fees associated with his criminal history in collections due to nonpayment.

**FACTS:**

- 1) On May 16, 2012, a Gambling Commission Special Agent (agent) was assigned to Mr. Stafford-Switzer's case to investigate whether he continues to qualify for a license while having \$4,290.50 in court-ordered fines and fees associated with his criminal history in collections due to nonpayment. Commission staff became aware of these fines and fees during a routine annual criminal history check.
- 2) As part of the agent's investigation, she reviewed Mr. Stafford-Switzer's gambling license file. Mr. Stafford-Switzer first applied for and was granted a Public Card Room Employee license in 2008 to work at Tuscan Sands. He later transferred to Thunderbird Casino. Mr. Stafford-Switzer did not renew his license in 2009, however he applied for a new license in 2011 to work at RC's and has maintained his license there since. He does not have any previous administrative history with the Washington State Gambling Commission.
- 3) Mr. Stafford-Switzer marked the "yes" box indicating that he had criminal history and disclosed the following information:

- July 1991 – Negligent Driving, 1<sup>st</sup> Degree, Yakima;
  - May 2002 – Possession of a Pit-Bull, Yakima; and
  - March 2005 – Drive on Suspended, White Pass.
- 4) The agent conducted a criminal history background check and determined that Mr. Stafford-Switzer has six Failures to Appear on his record.
  - 5) As part of his renewal process in 2012, Mr. Stafford-Switzer completed his renewal application on-line. Mr. Stafford-Switzer selected the first option, “I have not had any criminal action filed against me within the last 12 months.”
  - 6) The following is a breakdown of Mr. Stafford-Switzer’s criminal history with the date of violation, charge, and dollar amount owed in collections. An asterisk\* denotes violations that were not reported to Commission Staff:
    - 04/29/2012 – DWLS 3<sup>rd</sup> Degree, pending;\*
    - 02/03/2012 – No Valid Operator’s License;\*
    - 03/04/2011 – No Valid Operator’s License, \$602, sent to Yakima County Credit Service (YCCS) for collections;\*
    - 03/04/2011 – Speeding 19 MPH Over, \$247; sent to YCCS for collections;\*
    - 02/01/2008– Negligent Driving 2<sup>nd</sup> Degree, \$602, sent to Dynamic Collectors for collections;\*
    - 02/01/2008 – DWLS 3<sup>rd</sup> Degree, \$865.50, sent to Dynamic Collectors for collections;\*
    - 02/09/2007 – Fail to Yield & Operate Motor Vehicle w/o Insurance, \$743, sent to YCCS for collections;\*
    - 02/09/2007 – Hit & Run Unattended, \$881, sent to YCCS for collections;\*
    - 12/28/2004 – Possession of Pit-Bull, last payment of \$100 received 8/17/2005, remaining balance of \$350; and
    - 07/05/1998 – Negligent Driving 1<sup>st</sup> Degree.

Mr. Stafford-Switzer owes a total of \$4,290.50 in court-ordered fines and fees.

- 7) On May 16, 2012, the agent sent a letter to Mr. Stafford-Switzer and his employer notifying them of the court debt that he has accumulated. The letter notified them that, based on his “pattern of criminal history, to include failure to comply with court ordered fines, fees, and obligations and the dollar amount of the fines and fees in collections, we feel that he may pose a threat to the effective regulation of gaming and enhances the chance of unfair or illegal practices, methods or activities of the gaming activity due to the financial pressure facing him.” The letter also stated that “we are concerned that since he failed to comply with the judge’s rulings, he may not comply with internal control requirements or adhere to the direction of the Washington State Gambling Commission” and that the agent was going to recommend the revocation of his gambling license.
- 8) By failing to make his court-ordered payments resulting in six Failures to Appear, Mr. Stafford-Switzer has failed to prove by clear and convincing evidence the necessary qualifications for licensure, in violation of RCW 9.46.153. Additionally, he has failed to fully disclose criminal actions filed against him, in violation of WAC 230-06-085. Therefore,

under RCW 9.46.075(1) (7) and (8) and WAC 230-03-085(1), (3), and (8), and grounds exist to suspend or revoke Michael D. Stafford-Switzer's license.

**RCW 9.46.075 Denying, suspending, or revoking an application, license or permit**

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: (The following subsections apply.)

(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.

(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 is qualified in accordance with the provisions of this chapter.

**WAC 230-03-085 Denying, suspending, or revoking an application, license or permit**

We 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:

(The following subsections apply.)

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

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

(8) 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

**RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties**

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.

**WAC 230-06-085 Report criminal actions filed**

(1) Licensees 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.

(2) We must receive a copy of the final written decision or settlement within thirty days after the case is resolved.

III.

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

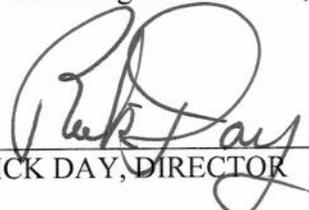
The licensee will have the opportunity to have a hearing on the alleged violations.

**In order to have a hearing or discuss settlement options**, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your license.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

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

  
\_\_\_\_\_  
RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me  
this 8 day of June, 2012.

  
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NOTARY PUBLIC in and for the State of  
Washington residing at Thurston County  
My commission expires on December 2, 2015

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, to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 11 day of June, 2012

  
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Communications and Legal Department  
Washington State Gambling Commission

