

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation)
of the License to Conduct Gambling Activities of:)
)
)
Orlando K. Sullivan)
Everett, Washington,)
)
Licensee.)
_____)

NO. CR 2013-00150

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

I.

The Washington State Gambling Commission issued Orlando K. Sullivan license number 68-22498, authorizing Card Room Employee activity formerly at Goldie's Casino in Shoreline. The license expires January 20, 2014, 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:

Orlando Sullivan owes \$3,373.67 in court-ordered fines and fees associated with traffic related offenses, which has been sent to collections due to nonpayment. He also has two active warrants. In addition, Mr. Sullivan has a pending criminal charge for 4th Degree Domestic Violence that was not disclosed to Commission staff.

FACTS:

- 1) On January 9, 2013, a Gambling Commission Special Agent (agent) was assigned to Mr. Sullivan's case to investigate whether he continued to qualify for a license while having a total of \$3,373.67 of court-ordered fines and fees in collections due to nonpayment. Commission staff became aware of these fines and fees during a routine annual criminal history check.
- 2) In a post-licensing investigation, the agent determined that Orlando K. Sullivan first applied for and was granted a license in 2005.

- 3) As part of the agent's investigation, she conducted a criminal history background check and determined that Mr. Sullivan has two Failures to Appear on his record as a result of failing to pay his fines and fees. In addition, Mr. Sullivan has pending criminal charges for Assault 4th Degree Domestic Violence from September 15, 2012. Mr. Sullivan never notified Commission staff of his charges, as required.
- 4) The following is a breakdown of Mr. Sullivan's history, including the dollar amount owed in collections, if any:
 - 9/15/2012 – Assault 4th Degree Domestic Violence: A hearing is scheduled for February 26, 2013, in Everett Municipal Court. A no contact order was issued.
 - 8/23/2009 – Operate Motor Vehicle without Insurance: \$602 in collections, Failure to Remit issued.¹
 - 8/29/2009 – DUI: \$1,640.50 in collections. A Failure to Appear and a gross misdemeanor warrant were both issued.
 - 2/17/2009 – DUI with \$1,131.17 collections. A Failure to Appear and a gross misdemeanor warrant were both issued.
 - 6/10/2007 – Minor in Possession/Consumption.
 - 3/12/2005 – Negligent Driving, 1st Degree.
- 5) On January 9, 2013, the agent sent a letter to Mr. Sullivan and his employer at the time notifying them of the court debt that he has accumulated and his other disqualifying criminal history. The letter notified them that based on his "pattern of criminal history, to include an active warrant, a pending charge involving physical harm to an individual, failure to report his pending charges, 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 further stated that, "we are also 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.

VIOLATIONS:

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

¹ Courts issue either a Failure to Appear or a Failure to Remit when a respondent fails to make payment on a court-ordered obligation; both notices have the same meaning.

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.
- (9) 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:² 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;

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.
- (6) Is the subject of an outstanding gross misdemeanor or felony arrest warrant; or
- (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; or
- (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:

² 946.075(4): "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;"

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

(The following subsection applies.)

(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.

Mr. Sullivan has outstanding court-ordered fines and fees of \$3,373.67 in collections. He has two Failures to Appear/Remit for non-payment, two gross misdemeanor warrants, and he failed to report criminal history to Commission staff, in violation of WAC 230-06-085.

Mr. Sullivan has failed to prove by clear and convincing evidence the necessary qualifications for licensure, in violation of RCW 9.46.153. Therefore, under RCW 9.46.075(1), (7), (8), and (9) WAC 230-03-085(1), (3), (6), (7), and (8), and WAC 230-06-085(1) grounds exist to suspend or revoke Orlando K. Sullivan's license.

III

III

III

III

III

III

III

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.

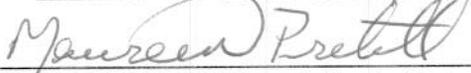
STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

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 19 day of February, 2013.

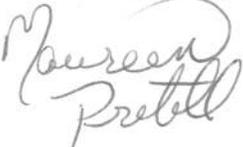


NOTARY PUBLIC in and for the State of
Washington residing at Thurston County
My commission expires on December 2, 2015

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, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 19 day of February, 2013



Communications and Legal Department
Washington State Gambling Commission

