

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
License to Conduct Gambling Activities of:) NO. CR 2013-00150
)
Orlando K. Sullivan) **FINDINGS, CONCLUSIONS,**
Everett, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the revocation of the license to conduct gambling activities of Orlando K. Sullivan having come before the Commission on April 11, 2013, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

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.

On February 19, 2013, Director Rick Day issued administrative charges to Orlando K. Sullivan by certified and regular mail. The administrative charges notified Mr. Sullivan that failure to respond would result in the entry of a default order revoking his license. Mr. Sullivan did not respond to the charges and waived his right to a hearing and pursuant to RCW 34.05.440, this final order is entered in default.

III.

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, which 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. He also has two active warrants. 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 listed from the date of violation, the charge, and the dollar amount owed in collections; if any:
 - 9/15/2012 – Assault 4th Degree Domestic Violence – hearing 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 Respond issued¹,
 - 8/29/2009 – DUI with \$1,640.50 in collections, Failure to Appear, warrant issued,
 - 2/17/2009 – DUI with \$1,293.33 in collections (\$1,131.17 in collections, Failure to Appear, warrant issued),
 - 6/10/2007 – Minor in Possession/Consumption, and
 - 3/12/2005 – Negligent Driving, 1st Degree.

Mr. Sullivan has made four payments since December 5, 2012, totaling \$589.83 towards his court-ordered fines and fees.

- 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.

¹ Different courts may use Failure to Appear and Failure to Respond to mean the same thing.

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 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 section²: 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

² 946.075(4) Provides that: 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;

(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:

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 for non-payment, and two gross misdemeanor warrants, and 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.

IV.

CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Orlando K. Sullivan's license to conduct gambling activities under the authority of RCW 9.46.075, and WAC 230-03-085.

III

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DECISION AND ORDER

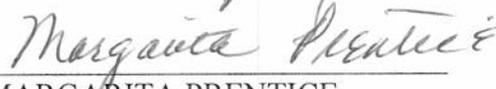
The Washington State Gambling Commission HEREBY ORDERS: Orlando K. Sullivan's license to conduct gambling activities is REVOKED.

DATED this 11th day of April, 2013.


JOHN ELLIS, Chair


KELSEY GRAY


MIKE AMOS


MARGARITA PRENTICE

PRESENTED BY:


Amy B. Hunter, WSBA# 23773
Administrator, Communications and Legal Division
Washington State Gambling Commission

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

NOTICE: Petition for Judicial Review

You have the right to appeal this Final Oder to Superior Court, pursuant to the Petition for Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final Order must be filed with the court and also served upon both the Commission and the Office of the Attorney General within thirty (30) days after the date this Final Order is served upon you.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

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Communications & Legal Division
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