

# Criminal History Frequently Asked Questions

## **If I have a felony conviction do I qualify for a license?**

If you are licensed and convicted of a felony, you may lose your license.

Generally speaking, any felony conviction in the past 10 years is disqualifying. However, if we deem it to be in the public's best interest, we may go beyond 10 years. RCW 9.96A states felony convictions greater than 10 years old cannot be grounds to deny a license; RCW 9.46.075 exempts the Gambling Commission from this, giving us the authority to go beyond 10 years.

RCW 9.46.075 (4) states your license may be denied, suspended or revoked if you have been convicted of, forfeited bail on, or pled guilty to: forgery, larceny (theft), extortion, conspiracy to defraud, willful failure to make payments to a governmental agency at any level, the filing of false reports, bribery or unlawfully influencing a public official, or any crimes involving gambling, physical harm to an individual (assault) or moral turpitude (a crime against the norm of society) , whether the crime is a misdemeanor or a felony.

The Commission staff looks at the facts and circumstances before making a recommendation whether you are qualified to be licensed. Some factors that may be taken into are: whether you properly disclosed your criminal history record on your application including convictions and juvenile record; the length of time since your last arrest; and your current status with the court, including probation and fines sent to collections.

RCW 9.46.153 (1) states it is the responsibility of each applicant and licensee to establish through clear and convincing evidence they qualify for a license. It is your responsibility to prove your qualifications. It is not the responsibility of the Commission to prove your qualifications.

## **I don't have a felony conviction, but I have a gross misdemeanor/misdemeanor conviction, do I qualify for a license?**

RCW 9.46.075 (4) states your license may be denied, suspended or revoked if you have been convicted of, forfeited bail on, or pled guilty to: forgery, larceny (theft), extortion, conspiracy to defraud, willful failure to make payments to a governmental agency at any level, the filing of false reports, bribery or unlawfully influencing a public official, or any crimes involving gambling, physical harm to an individual (assault) or moral turpitude (a crime against the norm of society) , whether the crime is a misdemeanor or a felony.

Even if you do not have any felony convictions, you may not qualify for a license. Failure to qualify without a felony conviction depends upon the nature of the conviction. Some factors that may be taken into are: if there is a pattern of a particular criminal activity; if you improperly disclosed or failed to disclose the conviction on your application; and the extent of your entire criminal history.

RCW 9.46.153 (1) states it is the responsibility of each applicant and licensee to establish through clear and convincing evidence they qualify for a license. It is your responsibility to prove your qualifications. It is not the responsibility of the Commission to prove your qualifications.

### **I have a terrible driving record; do I qualify for a license?**

Generally, traffic infractions/convictions are not disqualifying. However, WAC 230-03-085 (3) states willful disregard for compliance with ordinances, statutes, administrative rules, or court orders is grounds to deny, suspend or revoke a license.

If you have a high number of traffic infractions or convictions we may determine it demonstrates your willful disregard for traffic rules, laws, and ordinances. Willful disregard of rules, laws and ordinances indicates a person may not comply with the Gambling Statutes or Administrative rules. If the Commission staff has a concern whether a person has willful disregard of rules, laws and ordinances, they may recommend the license be denied, suspended or revoked.

Furthermore, if you fail to make yourself accountable to the courts or fail to appear (FTA) to a court hearing when ordered to do so, your license may be denied, suspended or revoked.

RCW 9.46.153 (1) states it is the responsibility of each applicant and licensee to establish through clear and convincing evidence they qualify for a license. It is your responsibility to prove your qualifications. It is not the responsibility of the Commission to prove your qualifications.

### **If I owe a large amount in court ordered fines and fees, will it affect my qualifications?**

We consider the following: the total dollar amount owed, if you are current with your payments, when your last payment was made, and if the fines have been sent to collections due to failure to pay.

We consider failure to make required court payments a potential threat to effective regulation as demonstrated by prior activities, criminal record, or habit, WAC 230-03-085 (8).

RCW 9.46.153 (1) states it is the responsibility of each applicant and licensee to establish through clear and convincing evidence they qualify for a license. It is your responsibility to prove your qualifications. It is not the responsibility of the Commission to prove your qualifications.

### **If I have an outstanding warrant will it affect my application or my license?**

If you have an outstanding warrant, you will be required to cancel it before we will issue you a license. WAC 230-03-085 (6) states that being the subject of an outstanding warrant is grounds to deny, suspend, or revoke a license.

If you already have a license, you and your employer will be notified that you have an outstanding warrant. We will request that you have the warrant canceled. If you do not cancel the warrant within the time period requested your license may be suspended or revoked.

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**Can I get a license if I am on probation? If I already have a license, will it be suspended or revoked?**

WAC 230-03-085 (5) states a sentence of probation or community supervision for any misdemeanor, or felony criminal offense whether as an adult or juvenile is grounds to deny, suspend or revoke a license. The criminal offense can be an offense other than the ones listed in RCW 9.46.075(4).

If you are on probation you may not qualify for a license. However, each case is individually reviewed to determine if your status with the courts affects your qualifications to have a license.

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**Do I need to tell you about my juvenile criminal history? I was told my record was sealed when I turned 18.**

You must disclose your juvenile criminal record. RCW 9.46.075 states the Commission may consider *any* prior criminal conduct to determine suitability to hold a gambling license. This includes juvenile behavior. If you do not disclose your juvenile criminal record, your license may be denied because RCW 9.46.075 (7) states failure to disclose a material fact to the commission is grounds to deny, suspend, or revoke a license.

Juvenile records are not automatically sealed when you turn 18. You must petition the court for an order to seal your record. The Order must be granted. If you did not petition the court, and an Order was not granted; the record was not sealed.

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**I'm already licensed, but recently I got arrested. Do I need to tell you about this?**

For commercial and nonprofit licensees: You must report to the Commission in writing, within 30 days, any new criminal, civil or administrative actions filed against you. You also have 30 days to submit the final written decision or settlement after the case is resolved (WAC 230-06-085; WAC 230-06-090).

RCW 9.46.153 (1) states it is the responsibility of each applicant and licensee to establish through clear and convincing evidence they qualify for a license. It is your responsibility to prove your qualifications. It is not the responsibility of the Commission to prove your qualifications.

For Class III gaming employees: you must contact your Tribal Gaming Agency for reporting requirements.

**What if I did not disclose all of my criminal history on my application, or didn't disclose within 30 days after the charges were filed?**

For commercial and nonprofit licensees: If you do not completely and properly disclose your criminal history record the Commission staff may recommend your license be denied, suspended or revoked.

RCW 9.46.075 (7) states making a misrepresentation of, or failing to disclose a material fact to the commission is grounds to deny, suspend or revoke your license. Also, RCW 9.46.170 states filing false or misleading information on your gambling license application is punishable as a gross misdemeanor.

If you do not disclose a conviction because you think we may take action against your license, we will discover your conviction and based on the information, take the necessary action. We take into consideration your criminal history information. We will also take into consideration the fact that you failed to disclose the information as required.

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For Class III gaming employees: you must contact your Tribal Gaming Agency for reporting requirements.