

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to)
Conduct Gambling Activities of:) NO. CR 2012-00897
)
Vernon A. Mitchell) **FINDINGS, CONCLUSIONS,**
Tacoma, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the revocation of the license to conduct gambling activities of Vernon A. Mitchell having come before the Commission on October 11, 2012, 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 Vernon A. Mitchell license number 68-30105, authorizing Card Room Employee activity at Golden Nugget Casino, Shoreline. The license expires on July 18, 2013, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

On August 3, 2012, Deputy Director David Trujillo issued administrative charges to Vernon A. Mitchell, by certified and regular mail. Mr. Mitchell did not respond to the charges and waived his right to a hearing and pursuant to RCW 34.05.440; this final order may be entered in default.

III.

- 1) On July 16, 2012, a Gambling Commission Special Agent (agent) was assigned to Mr. Mitchell's case to investigate whether he continued to qualify for a license while having a large amount 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 Vernon A. Mitchell first applied for and was granted a license in July 2010. Since 2010, Mr. Mitchell has been the subject of six new court cases, resulting in five new cases being sent to collections due to nonpayment. He is also the subject of two active warrants; one is a gross misdemeanor, out of Lakewood Municipal Court.
- 3) As part of the agent's investigation, she conducted a criminal history background check and determined that Mr. Mitchell has eight Failures to Appear or Failures to Remit active and two warrants on his record.

4) The following is a breakdown of Mr. Mitchell's history listed from the date of violation, the charge, warrant status and the dollar amount owed in collections:

- 12/01/2011- Fail to Signal, \$176;
- 12/01/2011- DWLS 2nd Degree, active warrant;
- 01/10/2011- DUI, active warrant, \$1,178.90;
- 10/07/2010- Speeding 35 MPH Over, \$350;
- 09/22/2010- No Valid Operator's License, \$250;
- 09/22/2010- Speeding 5 MPH Over, \$155;
- 07/16/2010- No Valid Operator's License, \$200;
- 11/22/2009- Speeding 10 MPH Over, \$165;
- 05/20/2009- Negligent Driving 2nd Degree, \$602; and
- 01/04/2007- No Valid Operator's License.

Mr. Mitchell failed to make payments on the above court-ordered fines and fees, resulting in a total of \$3,076.90 being sent to collections.

5) On July 16, 2012, the agent sent a letter to Mr. Mitchell and his employer notifying them of the court debt that he has accumulated and of his outstanding warrants. 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.

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.

(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.

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

(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.

Vernon A. Mitchell 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) and (8) and WAC 230-03-085(1), (3), (6), and (8), and grounds exist to suspend or revoke Vernon A. Mitchell's license.

IV.

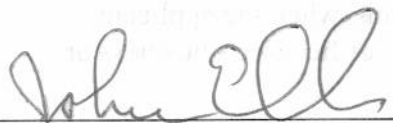
CONCLUSIONS OF LAW

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

DECISION AND ORDER

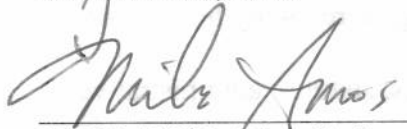
The Washington State Gambling Commission HEREBY ORDERS: Vernon A. Mitchell's Card Room Employee license to conduct gambling activities is REVOKED.

DATED this ^{11th} ~~12th~~ day of October, 2012.

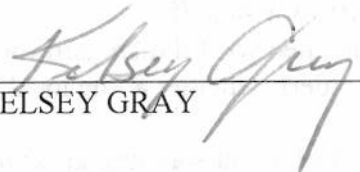


JOHN ELLIS, Chair

MICHAEL REICHERT



MIKE AMOS, Vice Chair

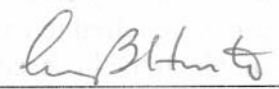


KELSEY GRAY



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.

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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