

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
License to Conduct Gambling Activities of:) NO. CR 2013-00699
)
Kendall Carrier) **FINDINGS, CONCLUSIONS,**
Spokane, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the revocation of the license to conduct gambling activities of Kendall Carrier having come before the Commission on August 8, 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 Kendall Carrier license number 68-29021, authorizing card room employee activity.

The Commission issued this license, which expires on February 22, 2014, subject to the licensee's compliance with state gambling laws and Commission rules.

II.

On June 4, 2013, then-Interim Director David Trujillo issued administrative charges to Kendall Carrier by certified and regular mail. The administrative charges notified Mr. Carrier that failure to respond would result in the entry of a default order revoking his license. Mr. Carrier did not respond to the charges and waived his right to a hearing. Pursuant to RCW 34.05.440, this final order is entered in default.

III.

SUMMARY:

Mr. Carrier admitted stealing a wallet at Aces Casino. As a result, he has a pending deferred theft charge in Spokane Municipal Court and was subsequently terminated from Aces Casino.

FACTS:

- 1) On March 28, 2013, Gambling Commission Special Agent (agent) was assigned to Mr. Carrier's file after receiving a tip that he was the subject of a pending theft charge.

- 2) The agent examined the Judicial Information System (JIS)¹ record for Mr. Carrier. This database shows Mr. Carrier as the subject of a deferred theft charge filed in Spokane Municipal Court on March 20, 2013. The case is scheduled for review on April 30, 2014.
- 3) The agent received a copy of the police report pertaining to this criminal charge, as well as the charging documents. They allege the following occurred on March 19, 2013:
 - a. Officers responded to a theft call at Aces Casino in Spokane. Kristy Christoferson placed the call after observing an employee, identified as Kendall B. Carrier, steal another employee's wallet when she reviewed surveillance video. In the video, Mr. Carrier is seen reaching toward a lime green bag placed near where he sat while on duty.
 - b. The victim, who noticed that her wallet was missing when she got off work, contacted Ms. Christoferson. This prompted Ms. Christoferson to review the surveillance video.
 - c. Ms. Christoferson confronted Mr. Carrier about the wallet. They then walked out to Mr. Carrier's car and retrieved a lime green wallet from the floor of his car.
 - d. The responding officer viewed this same video footage.
 - e. The officer confronted Mr. Carrier, who admitted to the officer that he stole the wallet.
 - f. The officer cited Mr. Carrier for theft.

VIOLATIONS:

1) RCW 9.46.075 Denial, suspension, or revocation of license, application, 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, she or it 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

¹ JIS is a system run by the Washington State Court System that keeps a record of court actions occurring in Municipal, District, and Superior Courts.

² RCW 9.46.075(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

request of an applicant for an original license, the commission may defer decision upon the application during the pendency of such prosecution or appeal.

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

2) 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, certified employee, or anyone holding a substantial interest in the applicant's or certified employee'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.

(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.

3) 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.

Kendall B. Carrier is subject to pending charges for theft. By taking a wallet from another employee, Kendall B. Carrier has demonstrated that he poses a threat to the effective regulation of gambling or increases the likelihood of unfair or illegal practices. Mr. Carrier has failed to establish clearly and convincingly that he is qualified to be licensed, as required by RCW 9.46.153(1). As a result, grounds exist to revoke Kendall B. Carrier's license based on RCW 9.46.075(1), (8), (9) and (10), and WAC 230-03-085(1) and (8).

IV.

CONCLUSIONS OF LAW

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

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 marl turpitude.

DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Kendall Carrier's license to conduct gambling activities is REVOKED.

DATED this 8th day of August, 2013.

MIKE AMOS, Chair



MARGARITA PRENTICE,
Vice Chair




KELSEY GRAY, Ph.D.



CHRISTOPHER STEARNS

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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