



STATE OF WASHINGTON
GAMBLING COMMISSION

P.O. Box 42400 • Olympia, Washington 98504-2400 • (360) 486-3440 • TDD (360) 486-3637 • FAX (360) 486-3627

October 20, 2016

Larry Upthegrove
12526 Huckleberry Ln
Arlington, WA 98223

RE: ADMINISTRATIVE ACTION; CR 2016-01253

Dear Mr. Upthegrove:

Enclosed is an Order of Default entered by the Commission on October 21, 2016 revoking your license/certification to conduct gambling activities. This action occurred because you did not timely respond by requesting a hearing to the administrative charges served to you on September 2, 2016 against your gambling license/certification.

You have the right to move to vacate this Order. If you do so, we must receive your request by the 10th day after the Order was mailed. Your motion must include the specific grounds upon which relief is requested and must be submitted to:

Washington State Gambling Commission
Attention: Legal and Records Unit
P.O. Box 42400
Olympia, WA 98504-2400.

You also have the right to submit a Petition for Judicial Review. If you do this, you must submit it within 30 days of the date the Order was mailed. RCW 34.05.514 explains where you must file this Petition and RCW 34.05.546 explains what information your Petition must include.

This is not meant to be a full explanation of all the statutes and regulations you would need to understand to move to vacate or Petition for Judicial Review. Please call me at (800) 345-2529, extension 3555, with any questions.

Sincerely,

Hollee Arrona
Administrative Assistant

Enclosure

cc: Club Hollywood Casino



1
2
3
**STATE OF WASHINGTON
GAMBLING COMMISSION**

4 In the Matter of:

NOs. CR 2016-01253

5 LARRY UPTHEGROVE
6 License No. 68-13664

FINAL ORDER OF THE
GAMBLING COMMISSION

7
8 Licensee.

9 These matters having come before the Washington State Gambling Commission
10 (Commission) on October 13, 2016 and the Commission makes the following Findings of Fact,
11 Conclusions of Law, and issues its Final Order:

12 **I. FINDINGS OF FACT**

13 1. The Washington State Gambling Commission issued Licensee Larry Upthegrove,
14 License No. 68-13664, authorizing Public Card Room Employee activity at Club Hollywood
15 Casino in Shoreline, Washington. .

16 2. Mr. Upthegrove's license, which expires on April 7, 2017, was issued subject to
17 the licensee's compliance with state gambling laws and Commission rules.

18 3. On June 24, 2016, Mr. Upthegrove was charged in Whatcom County Superior
19 Court, Case Number 16-1-00793-0, with Rape in the Second Degree or in the alternative
20 Attempted Rape in the Second Degree.

21 4. The charges identified in Paragraph 4 are based on allegations that Mr.
22 Upthegrove entered a woman's tent while she was sleeping and had nonconsensual sexual
23 intercourse with her on or about August 14, 2015.

24 5. Mr. Upthegrove has denied having any sexual contact with the female victim.
25 However, a sexual assault exam was performed on the female victim and the DNA evidence
26 gathered from the exam matched the DNA profile of Mr. Upthegrove. The estimated probability

1 of selecting an unrelated individual at random from the U.S. population with a matching DNA
2 profile is 1 in 710 quintillion.

3 6. On July 26, 2016, the Gambling Commission informed Mr. Upthegrove that it
4 was aware of the pending criminal charges identified in Paragraph 5 and that he committed an
5 additional violation by not reporting the criminal charges to the Gambling Commission within
6 30 days from the date of the filing of said charges.

7 7. On July 27, 2016, the Gambling Commission received an untimely letter from
8 Mr. Upthegrove's attorney informing the Commission of Mr. Upthegrove's criminal charges
9 identified in Paragraph 5.

10 8. Mr. Upthegrove failed to report these charges to the Washington State Gambling
11 Commission as required by WAC 230-06-085.

12 9. Mr. Upthegrove was personally served with a summary suspension order and
13 administrative charges on September 2, 2016 informing him that his criminal charges and failure
14 to notify the Commission of these charges warranted summary suspension and revocation of his
15 license pursuant to RCW 34.05.479; RCW 9.46.070(2), RCW 9.46.075(1), (7), (8), and (9);
16 WAC 230-17-165(2); WAC 230-17-165(3)(a),(f), and (h); and WAC 230-03-085(1), (7), and
17 (8).

18 10. The administrative charges notified Mr. Upthegrove that failure to respond and
19 request a hearing would result in the entry of a default order revoking his gambling license.

20 11. The Gambling Commission never received a hearing request from Mr.
21 Upthegrove.

22 II. CONCLUSIONS OF LAW

23 1. Mr. Upthegrove had twenty (20) days after being personally served with pursuant
24 to WAC 230-17-010(1)(a), (b).

25 2. Therefore, he had until Mr. Upthegrove had until September 22, 2016 to request
26 a hearing challenging his administrative charges.

1 3. Mr. Upthegrove's failure to request a hearing allows the Gambling Commission
2 to find him in default pursuant to RCW 34.05.440(1) and WAC 230-17-010(3).

3 4. The Commission can take final action against Mr. Upthegrove's gambling license
4 pursuant to RCW 9.46.075, RCW 34.05.440, RCW 34.05.461, WAC 230-03-085, and WAC
5 230-17-010.

6 5. Mr. Upthegrove's license can be revoked pursuant to RCW 9.46.075(1), (8), and
7 (10), and WAC 230-03-085(1), (3), and (8).

8
9 **ORDER**

10 This matter having come before the Commission at its October 13, 2016 Commission
11 hearing, the Commissioners having heard arguments, given the chance to review the
12 administrative record, and being fully advised in this matter, now therefore:

13 It is hereby **ORDERED** that Larry Upthegrove's gambling license, Number 68-13664 is
14 **REVOKED**.

15
16 DATED this 13th day of October, 2016.

17
18 
19 BUD SIZEMORE, Chair


20 JULIA PATTERSON, Vice Chair

21 
22 KELSEY GRAY, Ph.D.


23 CHRISTOPHER STEARNS

24 
25 ED TROYER

1 **NOTICE**

2 Reconsideration: RCW 34.05.470 and WAC 230-17-140 provide that a party may file a
3 petition for reconsideration of a final order. A petition for reconsideration must be received no
4 later than thirteen (13) days after the date this final order is mailed. Any motion for
5 reconsideration must state the specific grounds supporting the party's request for
6 reconsideration.

7 Stay of Final Order: Filing for reconsideration does not stay the effectiveness of this
8 Order. WAC 230-17-145 provides that a party may petition the Commission for a stay of a final
9 order. Any petition for a stay should be received by the Commission within thirteen (13) days
10 after the date this final order is mailed.

11 Judicial Review: RCW 34.05.542 provides that a party may appeal this final order by
12 filing a petition for judicial review within thirty (30) days after service of this order. A petition
13 for judicial review must be filed with the appropriate superior court and served upon both the
14 Commission and the Office of the Attorney General.

15 Service: This Order was served on you three days after it was deposited in the United
16 States Postal Service regular mail, excluding the date of mailing. WAC 230-17-035.

17 Any motions or petitions for judicial review should be served on or mailed to:

18 Washington State Gambling Commission
19 Legal and Records Division
20 4565 7th Avenue S.E., Lacey, WA
21 P.O. Box 42400
Olympia, WA 98504-2400

Gregory J. Rosen
Attorney General's Office
1135 Washington St. SE
P.O. Box 40100
Olympia, WA 98504-0100

1 CERTIFICATE OF SERVICE

2 I certify that on the date below I served a copy of the foregoing document on all parties
3 and/or their counsel by United States Postal Service regular mail to the following:

4
5 LARRY UPTHEGROVE
6 12526 HUCKLEBERRY LANE
7 ARLINGTON, WA 98223

8 EXECUTED this 20~~th~~ day of October, 2016, at Olympia, Washington.

9 
10 _____
11 Hollee Arrona
12 Administrative Assistant
13
14
15
16
17
18
19
20
21
22
23
24
25
26