

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

AUG 05 2019

RECORDS

In the matter of:

Docket No. 06-2018-GMB-00054

Christopher R. Dotson,

Appellant/Licensee.

**INITIAL ORDER GRANTING GAMBLING
COMMISSION STAFF'S MOTION
FOR SUMMARY JUDGMENT**

Agency: Gambling Commission
Program: Washington State Gambling
Commission
Agency No. 2018-00114

License No. 68-29101

1. ISSUES:

- 1.1. Does a genuine issue of material fact exist as to whether Christopher R. Dotson, on January 12, 2018, was charged with and/or convicted of Second Degree Criminal Trespass, a misdemeanor, in violation of Revised Code of Washington (RCW) 9A.52.080?
- 1.2. Does a genuine issue of material fact exist as to whether Christopher R. Dotson, on January 12, 2018, was charged with and/or convicted of Obstructing a Law Enforcement Officer, a gross misdemeanor, in violation of RCW 9A.76.020?
- 1.3. Does a genuine issue of material fact exist as to whether Christopher R. Dotson failed to report his pending criminal charges to the Gambling Commission in violation of Washington Administrative Code (WAC) 230-06-085?
- 1.4. Does a genuine issue of material fact exist as to whether Christopher R. Dotson's additional pending, criminal charges and active warrants are evidence he is not qualified to keep his gambling license, pursuant RCW 9.46.153(1)?
- 1.5. If no genuine dispute of material fact exists, whether summary judgment should be granted in favor of the Gambling Commission Staff?
- 1.6. If summary judgment is granted, whether the Gambling Commission is authorized to revoke the Christopher R. Dotson's gambling license, in accordance with RCW 9.46.075(1), (3), (7), (8) and WAC 230-03-085(1), (3), (7), (8) and (9)(a) & (b)?

[Continued]

2. ORDER SUMMARY:

- 2.1. No genuine issue of material fact exists as to whether Christopher R. Dotson on January 12, 2018, was charged with Second Degree Criminal Trespass, a misdemeanor, in violation of RCW. 9A.52.080. The Gambling Commission's 'First Amended Notice of Administrative Charges' is **AFFIRMED**.
- 2.2. No genuine issue of material fact exists as to whether Christopher R. Dotson on January 12, 2018, was charged with Obstructing a Law Enforcement Officer, a gross misdemeanor, in violation of RCW 9A.76.020. The Gambling Commission's 'First Amended Notice of Administrative Charges' is **AFFIRMED**.
- 2.3. No genuine issue of material fact exists as to whether Christopher R. Dotson failed to report his pending, criminal charges to the Gambling Commission in violation of WAC 230-06-085. The Gambling Commission's 'First Amended Notice of Administrative Charges' is **AFFIRMED**.
- 2.4. No genuine issue of material fact exists as to whether Christopher R. Dotson's additional pending, criminal charges and active warrants are evidence he is not qualified to keep his gambling license, pursuant RCW 9.46.153(1). The Gambling Commission's 'First Amended Notice of Administrative Charges' is **AFFIRMED**.
- 2.5. Since no genuine dispute of material fact exists, the Washington State Gambling Commission Staff's Motion for Summary Judgment is **GRANTED**.
- 2.6. Since summary judgment is granted, the Gambling Commission is authorized to revoke the Appellant, Christopher R. Dotson's gambling license, in accordance with RCW 9.46.075(1), (3), (7), (8) and WAC 230-03-085(1), (3), (7), (8) and (9)(a) & (b). The Appellant's Public Card Room Employee License is **REVOKED**.
- 2.7. Based on the present matter being resolved via summary judgment, the evidentiary hearing, schedule for Monday, August 12, 2019, is **CANCELLED**.

3. SUMMARY JUDGMENT MOTION HEARING:

- 3.1. Hearing Date: The Gambling Commission Staff's 'Motion for Summary Judgment' was decided without oral argument.
- 3.2. Admin. Law Judge: TJ Martin
- 3.3. Appellant/Licensee: Christopher R. Dotson
 - 3.3.1. Representative: The Appellant represented himself.
- 3.4. Agency: Washington State Gambling Commission Staff ('Commission Staff')
 - 3.4.1. Representative: Kellen Wright, Assistant Attorney General

3.5. Documents Considered: The following, relevant documents were considered for purposes of the Gambling Commission Staff's 'Motion for Summary Judgment':

Doc. No.	Document Name	Document Date	No. Pages
1	Washington State Gambling Commission's 'Notice of Administrative Charges'	03/02/18	5
2	Christopher R. Dotson's 'Request for Administrative Hearing'	03/26/18	2
3	Office of Administrative Hearings (OAH) 'Prehearing Conference Order and Notice of Hearing'	07/20/18	10
4	OAH 'Notice of Status Conference'	11/20/18	2
5	OAH 'Order Dismissing Appeal'	11/30/18	4
6	OAH 'Letter Declining Jurisdiction'	12/14/18	2
7	Washington State Gambling Commission 'Order Granting Petition for Review'	04/16/19	2
8	Gambling Commission's 'First Amended Notice of Administrative Charges'	05/08/19	4
9	OAH 'Prehearing Conference Order and Notice of Hearing'	05/15/19	10
10	Washington State Gambling Commission Staff's 'Motion for Summary Judgment'	06/17/19	10
11	'Declaration of Special Agent Richard Schulte in Support of Gambling Commission Motion for Summary Judgment' with Exhibits 1-8.	06/17/19	39

4. FACTS FOR PURPOSE OF SUMMARY JUDGMENT:

The record supports the following facts for the purposes of the Gambling Commission Staff's Motion for Summary Judgment:

Jurisdiction-

4.1. On March 2, 2018, the Washington State Gambling Commission (Gambling Commission) issued to Christopher R. Dotson (Appellant/Licensee and/or Dotson) 'Notice of Administrative Charges CR 2018-00114' (Notice).

The 'Notice of Administrative Charges' alleged Christopher R. Dotson, on January 12, 2018, refused to leave the Palace Casino in Lakewood, Washington, after being asked to leave by law enforcement officers. Dotson was arrested for criminal trespass and obstructing a law enforcement officer.

4.2. On March 26, 2018, Dotson contested the Notice and requested an administrative hearing on the matter.

4.3. On May 8, 2019, the Gambling Commission issued to Dotson a 'First Amended Notice of Administrative Charges'. *Declaration of Special Agent Richard Schulte in Support of Commission Staff's Motion for Summary Judgment (Dec. of Schulte): Exhibit (Ex.) 1.*

In the 'First Amended Notice of Administrative Charges', the Gambling Commission alleged Christopher R. Dotson, on January 12, 2018, refused to leave the Palace Casino in Lakewood, Washington, after being asked to leave by law enforcement officers. Dotson was arrested for criminal trespass and obstructing a law enforcement officer. Later, when Dotson renewed his gaming license application, he failed to disclose any criminal actions against him, including any outstanding warrants.

Gambling Commission Staff's Motion for Summary Judgment-

4.4. On June 17, 2019, the Commission Staff filed a 'Washington State Gambling Commission Staff's Motion for Summary Judgment' and the 'Declaration of Special Agent Richard Schulte in Support of Commission Staff's Motion for Summary Judgment' with Exhibits 1-8.

4.5. The Appellant, Christopher R. Dotson, did not file any response to the Gambling Commission Staff's Motion for Summary Judgment.

January 12, 2018 Palace Casino Incident-

4.6. The Washington State Gambling Commission issued Appellant/Licensee, Christopher R. Dotson a Public Card Room Employee License (No. 68-29101). The License expires on March 22, 2020. *Dec. of Schulte: Ex. 1.*

4.7. On January 12, 2018, Palace Casino Manager Ronald 'Tony' Johns contacted Washington State Gambling Commission Special Agent Richard Schulte (Schulte) regarding the arrest of three Macau Casino card room employees: Christopher Dotson (Dotson), Nary Pen (Pen) and Sok Chau (Chau). *Dec. of Schulte: Ex.2; Pg. 1.*

4.8. The Palace Casino is located in Lakewood, Washington. *Dec. of Schulte: Ex. 2; Pg. 1.*

4.9. The three Macau employees (Dotson, Chau and Pen) were arrested at the Palace Casino for refusing to leave the casino, after being requested to do so. *Dec. of Schulte: Ex. 2; Pg. 1.*

4.10. The Palace Casino previously 'barred' Dotson from the casino. *Dec. of Schulte: Ex. 2; Pg. 2 & 5.*

- 4.11. Palace Casino management asked Dotson to leave the casino, but he refused. When the Lakewood Police arrived, an officer issued a criminal trespass notice to Dotson, who refused to sign it. When Dotson refused to leave, Lakewood Police Officers arrested him. *Dec. of Schulte: Ex.2; Pg. 1.*
- 4.12. On January 22, 2018, Gambling Commission Special Agent Schulte went to the Palace Casino and obtained a video report and surveillance of the incident, including Dotson's arrest. *Dec. of Schulte: Ex. 2; Pg. 2, Exs. 5 and 8.*
- 4.13. Gambling Commission Special Agent Schulte also obtained the Lakewood Police Department Arrest reports. *Dec. of Schulte: Ex. 2; Pg. 2 and Exs. 4, 6, and 7.*
- 4.14. Based on the January 12, 2018 incident at the Palace Casino, Dotson was charged with Criminal Trespass 2nd Degree and Obstructing a Law Enforcement Officer. *Dec. of Schulte: Ex.2; Pg. 2.*
- 4.15. Dotson did not disclose to the Gambling Commission, within 30 days of January 12, 2018, being charged with Criminal Trespass and Obstructing a Law Enforcement Officer. *Dec. of Schulte: Ex. 1; Pg. 3.*
- 4.16. In his March 14, 2019 Public Card Room Employee License renewal application, Dotson did not disclose the Gambling Commission of the pending, criminal Trespass and Obstructing charges arising from the January 12, 2018 incident. *Dec. of Schulte: Pg. 1 and Ex. 1; Pg. 2.*

Other Violations and Outstanding Warrants-

- 4.17. When the Gambling Commission conducted an annual criminal history check of Dotson as a part of his license renewal application, the Commission discovered he has three outstanding warrants and twelve new traffic, criminal traffic and criminal offenses since March 21, 2018. *Dec. of Schulte: Ex. 1; Pgs. 2-3.*
- 4.18. Dotson's pending criminal charges including: Reckless Driving, Operating a Motor Vehicle without an Ignition Interlock Device and Driving with License Suspended. These charges were also not disclosed to the Gambling Commission. *Dec. of Schulte: Ex. 1; Pg. 3.*

[Continued]

5. CONCLUSIONS OF LAW:

Jurisdiction-

5.1. The Office of Administrative Hearings (OAH) has jurisdiction over the persons and subject matter of this case under Revised Code of Washington (RCW) 9.46.140(2)&(4), Washington Administrative Code (WAC) 230-17-025 and Chapters 34.05 and 34.12 RCW.

Summary Judgment Motions, Applicable Statutes, Regulations and Case Law-

5.2. On a motion for summary judgment, the decision maker only considers those facts for which the parties establish 'no genuine issue as to any material fact'. WAC 10-08-135.

5.3. In Superior Court matters, CR 56 governs summary judgment. Where the relevant procedural rules do not conflict with CR 56, it and the cases interpreting it serve as persuasive authority in the management of summary judgment under WAC 10-08-135.

5.4. "Summary judgment is appropriate only where the undisputed facts entitle the moving party to judgment as a matter of law." *Verizon NW, Inc. v. Employment Sec. Dep't*, 164 Wn.2d 909, 916 (2008), citing *Alpine Lakes Prot. Soc'y v. Dep't of Natural Res.*, 102 Wn. App. 1, 14 (1999).

5.5. Civil Rule 56(e) provides: "If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party."

Gambling Commission Staff's Motion for Summary Judgment-

5.6. In the present case, on June 16, 2019, the Gambling Commission Staff filed a 'Motion for Summary Judgment' with the 'Declaration of Special Agent Richard Schulte in Support of Commission Staff's Motion for Summary Judgment'.

5.7. Based on OAH's 'Prehearing Conference Order', issued on May 15, 2019, Dotson's deadline to file a 'Response' to the Gambling Commission Staff's Motion for Summary Judgment was July 10, 2019.

5.8. However, Dotson did not file any 'response', raising a genuine issue of material fact, contesting any of the facts alleged in the Commission Staff's Motion for Summary Judgment or request additional time to file a response.

5.9. As of the date of this order, Dotson has provided no 'response' to the Gambling Commission's Motion for Summary Judgment.

Appellant Dotson's Violations-

5.10. RCW 9.46.010 establishes:

The public policy of the state of Washington on gambling is to keep the criminal element out of gambling and to promote the social welfare of the people by limiting the nature and scope of gambling activities and by strict regulation and control.

5.11. RCW 9.46.040 authorizes the Washington State Gambling Commission to enforce the rules and regulations relating to gambling activities in the State of Washington.

Appellant Dotson Charged with Criminal Trespass Second Degree-

5.12. The Gambling Commission Staff, in its Motion for Summary Judgment, asserted Dotson was criminally charged with Criminal Trespass Second Degree in violation of RCW 9A.52.080. The criminal charged arose from his actions at the Macau Casino in Lakewood, Washington on January 12, 2018. The criminal matter is still pending prosecution.

5.13. The Appellant/Licensee Dotson, failed to file any 'response' raising a genuine issue of material fact regarding the Gambling Commission Staff's allegation of the Appellant being charged with Criminal Trespass Second Degree in violation of RCW 9A.52.080.

5.14. Therefore, the Gambling Commission 'First Amended Notice of Administrative Charges' relating to this issue is **AFFIRMED**.

Appellant Dotson Charged with Obstructing Law Enforcement-

5.15. The Gambling Commission Staff, in its Motion for Summary Judgment, asserted Dotson was criminally charged with Obstructing a Law Enforcement Officer, in violation of RCW 9A.76.020. The criminal charged arose from his actions at the Macau Casino in Lakewood, Washington on January 12, 2018. The criminal matter is still pending prosecution.

5.16. The Appellant/Licensee Dotson, failed to file any 'response' raising a genuine issue of material fact regarding the Gambling Commission Staff's allegation of the Appellant being charged with Obstructing a Law Enforcement Officer, in violation of RCW 9A.76.020.

5.17. Therefore, the Gambling Commission 'First Amended Notice of Administrative Charges' relating to this issue is **AFFIRMED**.

Appellant Dotson failed to Report Pending Criminal Charges-

5.18. The Gambling Commission Staff alleges Dotson failed to timely disclose to the Gambling Commission his Criminal Trespass Second Degree and Obstructing a Law Enforcement Officer criminal charges.

5.19. WAC 230-06-085(1) establishes:

Licensees must report to us [Washington State Gambling Commission] in writing **within thirty days** all criminal actions filed against the licensee... **(Emphasis Added).**

5.20. Further, RCW 9.46.075 mandates:

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:

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW...;

(3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake;

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the commission;...

5.21. In the present case, the Gambling Commission Staff has established, the Appellant/Licensee Dotson did not notify (disclose) to the Gambling Commission within 30 days of January 12, 2018, being criminally charged with Criminal Trespass Second Degree and Obstructing a Law Enforcement Officer.

5.22. As a result of his failure to notify the Gambling Commission regarding the criminal charges, the Appellant/Licensee violated WAC 230-06-085(1) and RCW 9.46.075(1),(3) and (7).

5.23. The Gambling Commission's 'First Amended Notice of Administrative Charges' is **AFFIRMED**.

Appellant Dotson Failed to Establish Qualification for Licensure-

5.24. The Gambling Commission Staff, in its Motion for Summary Judgment, asserts the Appellant/Licensee Dotson, failed to establish he is qualified for licensure, by 'clear and convincing evidence.

5.25. RCW 9.46.075(8) grants the Gambling Commission authority to revoke a license for failure to prove, by clear and convincing evidence, that he, she or it (licensee) is qualified in accordance with the provisions of this chapter;

- 5.26. In the present case, the Gambling Commission Staff has established the Appellant/Licensee Dotson: (1) Failed to notify the Gambling Commission of two recent criminal charge based on a January 12, 2018 incident; (2) Failed to notify the Gambling Commission regarding pending criminal charges for Reckless Driving, Operating a Motor vehicle without an Ignition Interlock Device and Driving with a Suspended License; (3) Failed to notify the Gambling Commission regarding his outstanding warrants; and (4) Failed to comply with Gambling Commission rules and regulations.
- 5.27. The Appellant/Licensee Dotson did not respond to the Gambling Commission Staff's 'Motion for Summary Judgment'. To date, the Appellant/Licensee has presented no evidence raising a genuine issue of material fact as alleged by the Commission Staff.
- 5.28. As a result, the Appellant/Licensee has failed to meet his burden of proving by 'clear and convincing evidence' he is qualified for license, based on RCW 9.46.075(8).
- 5.29. Therefore, regarding this issue, the Gambling Commission's 'First Amended Notice of Administrative Charges' is **AFFIRMED**.

Gambling Commission Staff's Motion for Summary Judgment Granted-

- 5.30. The Gambling Commission Staff filed a Motion for Summary Judgment, which the Appellant/Licensee Dotson did not respond to or contested any of the facts contained within the Commission Staff's motion.
- 5.31. Since the Appellant/Licensee has raised no genuine dispute of material fact, the Washington State Gambling Commission Staff's Motion for Summary Judgment is **GRANTED**.

Revocation of Appellant Dotson's Public Card Employee License-

- 5.32. Based on the above-cited 'Findings of Fact' and 'Conclusions of Law', summary judgment, in favor of the Gambling Commission Staff, is granted.
- 5.33. As well as RCW 9.46.075(1),(3),(7), (8), the Gambling Commission is also authorized to revoke a gaming license based on WAC 230-03-05.
- 5.34. WAC 230-03-05, in relevant part, provides:

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:

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075; or
- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level; or

(7) Is the subject of an outstanding gross misdemeanor or felony arrest warrant; or

(8) 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;..

5.35. In the present case, the Gambling Commission Staff has established the Appellant/Licensee has three, pending criminal charges (Criminal Trespass, Obstructing a Law Enforcement Officer, Reckless Driving, Driving without an Ignition Interlock Device and Driving with a Suspended License). In addition, the Appellant/licensee has numerous outstanding warrants. All of these crimes demonstrate a willful disregard for the Gambling Commission and local and state court rules and regulations. The Appellant/Licensee did not provide a response to the Gambling Commission Staff's motion, refuting any of these assertions.

5.36. The Gambling Commission is authorized to revoke the Appellant/Licensee Christopher R. Dotson's Public Card Room Employee License, in accordance with RCW 9.46.075(1), (3), (7), (8) and WAC 230-03-085(1), (3), (7), (8) and (9)(a) & (b).

5.37. Therefore, Appellant Dotson's Public Card Room Employee License is **REVOKED**.

Evidentiary Hearing Cancelled-

5.38. Based on the present matter being resolved via summary judgment, the evidentiary hearing, schedule for Monday, August 12, 2019, is **CANCELLED**.

6. INITIAL ORDER:

THIS ADMINISTRATIVE COURT ORDERS:

6.1. No genuine issue of material fact exists as to whether Christopher R. Dotson on January 12, 2018, was charged with Criminal Trespass Second Degree, a misdemeanor, in violation of RCW. 9A.52.080. The Gambling Commission's 'First Amended Notice of Administrative Charges' is **AFFIRMED**.

6.2. No genuine issue of material fact exists as to whether Christopher R. Dotson on January 12, 2018, was charged with Obstructing a Law Enforcement Officer, a gross misdemeanor, in violation of RCW 9A.76.020. The Gambling Commission's 'First Amended Notice of Administrative Charges' is **AFFIRMED**.

6.3. No genuine issue of material fact exists as to whether Christopher R. Dotson failed to report his pending criminal charges to the Gambling Commission is a violation of WAC 230-06-085. The Gambling Commission's 'First Amended Notice of Administrative Charges' is **AFFIRMED**.

6.4. No genuine issue of material fact exists as to whether the Appellant, Christopher R. Dotson's additional pending criminal charges and active warrants are evidence he is not qualified to keep his gambling license, pursuant RCW 9.46.153(1). The Gambling Commission's 'First Amended Notice of Administrative Charges' is **AFFIRMED**.

6.5. Since no genuine dispute of material fact exists, the Washington State Gambling Commission Staff's Motion for Summary Judgment is **GRANTED**.

6.6. Since summary judgment is granted, the Gambling Commission is authorized to revoke the Appellant, Christopher R. Dotson's gambling license, in accordance with RCW 9.46.075(1), (3), (7), (8) and WAC 230-03-085(1), (3), (7), (8) and (9)(a) & (b). The Appellant Dotson's Public Card Room Employee License is **REVOKED**.

6.7. Based on the present matter being resolved via summary judgment, the evidentiary hearing, schedule for Monday, August 12, 2019, is **CANCELLED**.

SIGNED at Tacoma, Washington on the date of mailing.



TJ Martin
Administrative Law Judge
Office of Administrative Hearings

CERTIFICATE OF SERVICE IS ATTACHED

PETITION FOR REVIEW

Any party to this proceeding may file a Petition for Review of this initial order. The written petition for review must be mailed to the Washington State Gambling Commission at:

Washington State Gambling Commission
PO Box 42400
Olympia, WA 98504

The petition for review must be received by the Commission within twenty (20) days from the date this initial order was mailed to the parties. A copy of the petition for review must be sent to all parties of record. The petition for review must specify the portions of the initial order with which the party disagrees, and must refer to the evidence in the record which supports the party's position. The other party's reply must be received at the address above, and served on all parties of record, within thirty (30) days from the date the petition for review was mailed.

Any party may file a cross appeal. Parties must file cross appeals with the Washington State Gambling Commission within ten days of the date the petition for review was filed with the Washington State Gambling Commission. Copies of the petition or cross appeal must be served on all other parties or their representatives at the time the petition or appeal is filed.

CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 06-2018-GMB-00054

I certify that true copies of this document were served from Tacoma, Washington via Consolidated Mail Services upon the following as indicated:

<p>Christopher R. Dotson 8003 49th Ave SW Lakewood, WA 98499 <i>Appellant</i></p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Kellen Wright, AAG Office of the Attorney General MS: 40100 PO Box 40100 Olympia, WA 98504-0100 <i>Agency Representative</i></p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input checked="" type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Ashlie Laydon Washington State Gambling Commission MS: 42400 PO Box 42400 Olympia, WA 98504-2400 <i>Agency Contact</i></p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input checked="" type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>

Date: Friday, August 02, 2019

OFFICE OF ADMINISTRATIVE HEARINGS

Hailey Miles

Hailey Miles
Legal Assistant 3

