

MAY 13 2019

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

RECORDS

In the matter of:

Docket No. 09-2018-GMB-00068

Allen A. La Vallee,

INITIAL ORDER

Appellant.

Agency: Washington State Gambling Commission
 Program: Gambling Commission
 Agency No. 2018-00130

1. ISSUES:

- 1.1. Whether, on or about, January 19, 2018, the Appellant, Allen A. La Vallee's actions constituted Theft in the Third Degree, pursuant to Revised Code of Washington (RCW) 9A.56.050?
- 1.2. Whether the Appellant's failure to follow the Red Dragon Casino card room's internal controls is a violation of Washington Administrative Code (WAC) 230-15-425?
- 1.3. Whether the Appellant's failure to follow internal controls, including keeping all tips received or pooling them with tips of all card room employee according to the licensee's internal controls, is a violation of WAC 230-15-475(6)(b)?
- 1.4. Whether the Appellant can prove by 'clear and convincing evidence' he is qualified for licensure, as required by RCW 9.46.153(1)?
- 1.5. Whether the Gambling Commission is authorized to revoke the Appellant's Public Card Room Employee License, pursuant to RCW 9.46.075(1), (7), & (8) and WAC 230-03-085(1), (3), & (9)(a)?

2. ORDER SUMMARY:

- 2.1. **Set Aside.** On January 19, 2018, the Appellant, Allen A. La Vallee's actions did not constitute Theft in the Third Degree, under RCW 9A.56.050.
- 2.2. **Affirmed.** The Appellant, Allen A. La Vallee, failed to follow the Red Dragon Casino card room's internal controls in violation of WAC 230-15-425.
- 2.3. **Affirmed.** The Appellant, Allen A. La Vallee, failed to follow internal controls, including keeping all tips received or pool them with tips of all card room employee according to the licensee's internal controls, in a violation of WAC 230-15-475(6)(b).
- 2.4. **Set Aside.** The Appellant, Allen A. La Vallee, is qualified for licensure, as required by RCW 9.46.153(1).
- 2.5. **Modified.** A **six-month suspension** of the Appellant's Public Card Room Employee License is appropriate, based on WAC 230-17-025(3) and WAC 230-17-137.

3. HEARING:

- 3.1. Hearing Date: March 11, 2019
- 3.2. Administrative Law Judge: TJ Martin
- 3.3. Appellant: Allen A. La Vallee ('Appellant')
- 3.3.1. Representative: Lucas D. McWethy, Attorney
- 3.3.2. Witnesses: Appellant did not call witnesses.
- 3.4. Agency: Gambling Commission Staff ('Commission Staff')
- 3.4.1. Representative: Gregory J. Rosen, Senior Counsel
- 3.4.2. Witnesses: Amy Mensing, Red Dragon Casino
Assistant Poker Room Manager
Robert Clarke, Red Dragon Casino
General Manager
Danny Lisa, Gambling Commission Special Agent
- 3.5. Exhibits: Gambling Commission Staff's Exhibits 1 through 17 were admitted.
Appellant's Exhibit A was admitted.
- 3.6. Other: Gambling Commission Staff moved to amend 'Issue No. 3' to strike Section (6)(a)&(c) of WAC 230-15-475 and leave subsection (6)(b). The Appellant did not object. The motion to amend was granted.

4. FINDINGS OF FACT:

The undersigned administrative law judge finds the following facts by a 'preponderance of the evidence':

Jurisdiction-

- 4.1. On June 12, 2018, the Washington State Gambling Commission issued 'Notice of Administrative Charges (CR 2018-00130) against the Appellant, Allen A. La Vallee.
- 4.2. On June 22, 2018, the Appellant, represented by Attorney Lucas D. McWethy, appealed the 'Notice of Administrative Charges'.

January 19, 2018 Incident-

- 4.3. The Red Dragon Casino is located in Mountlake Terrace, Washington. *Testimony of Danny Lisa (Testimony of Lisa).*
- 4.4. The Red Dragon Casino holds a daily poker tournament, beginning at 12:00 p.m. *Testimony of Amy Mensing (Testimony of Mensing) and Exhibit (Ex.) 4.*

- 4.5. On Friday, January 19, 2018, around 11:57 a.m., the Appellant began his shift as a poker dealer at the Red Dragon Casino. *Testimony of Mensing and Testimony of Allen La Vallee (Testimony of La Vallee) and Exhibit (Ex.) 4; Page (Pg.) 5.*
- 4.6. However, the Appellant listed his official sign-in time as 12:00 p.m. (noon). *Testimony of Mensing and Ex. 2.*
- 4.7. While the daily poker tournaments are scheduled to start at 12:00 p.m., they often start several minutes late, but never later than 12:15 p.m. *Testimony of Mensing, Testimony of La Vallee and Exs. 4 & 14.*
- 4.8. No log book establishes when the poker tournament started on January 19, 2018. *Testimony of Mensing and Testimony of Robert Clarke (Testimony of Clarke).*
- 4.9. However, several persons, involved with the tournament, interviewed as a part of the Gambling Commission's investigation, believe the tournament started between 12:07 p.m. and 12:10 p.m. *Ex. 1; Pg. 10, Ex. 15 and Ex. 16.*
- 4.10. On January 19, 2018, 39 players entered the daily poker tournament. *Ex. 13.*
- 4.11. During poker tournaments, poker dealers are given an 'X Box' into which tips are placed. The dealers' 'X Boxes' are combined (pooled) then divided up between the dealers at the conclusion of the tournament. *Testimony of Mensing and Ex. 4.*
- 4.12. When tournaments are not going on, poker dealers have a personal tip box, referred to as a 'toke box', in which tips are placed. These tips are kept by the dealer and not pooled or divided among the dealers. *Testimony of Mensing.*
- 4.13. No log book evidenced when the personal tip boxes ('toke boxes') were switched out for 'X Boxes' for the poker tournament on January 19, 2018. *Testimony of Mensing and Testimony of Danny Lisa (Testimony of Lisa).*
- 4.14. On January 19, 2018, at around 11:57 a.m., when La Vallee signed-in, he was given \$300 and an 'X Box' to hold his tips during the poker tournament. *Testimony of Mensing, Testimony of La Vallee and Ex. 4.*
- 4.15. Prior to a tournament starting, poker dealers still have their personal toke boxes for tips. However, on January 19, 2018, La Vallee only had an 'X Box' for placing his tips. *Testimony of La Vallee and Ex. 4.*
- 4.16. La Vallee worked into the poker dealer rotation and began dealing a couple of minutes before 12:00 p.m. *Testimony of Mensing.*
- 4.17. Since the tournaments do not start right at 12:00 p.m., dealers often deal 7-8 hands before the tournament starts. *Testimony of La Vallee.*

- 4.18. On January 19, 2018, at around 12:03 p.m., before the tournament started, poker player Greg Cranston, sitting at the Appellant's poker table, hit a 'Monte Carlo', the highest hand in poker. He tipped La Vallee \$30. *Testimony of La Vallee and Ex. A.*
- 4.19. Upon earning the tip, La Vallee placed the \$30 tip in the tournament 'X Box', despite the poker tournament not beginning, since he did not have a personal token box for the tip. *Testimony of La Vallee.*
- 4.20. At 12:03 p.m., when La Vallee received the \$30 tip from Cranston, other poker dealers were still putting their tips in their personal token boxes. *Testimony of La Vallee and Ex. 12.*
- 4.21. Later, La Vallee told Amy Mensing, Lead Poker Room Supervisor (now Assistant Poker Room Manager), earning the \$30 tip 'sucked since it was on 'Xbox''. *Testimony of Mensing.*
- 4.22. If La Vallee had any questions regarding the \$30 tip and whether it should be placed in the 'X Box' or held as a personal tip, he could have asked Mensing. He failed to do so. *Testimony of Mensing and Testimony of La Vallee.*
- 4.23. La Vallee felt 'cheated' by placing his personal \$30 tip into the tournament 'X Box', so he recouped his tip, by withholding \$30 in tips during the tournament, in order to 'fix the issue'. *Testimony of La Vallee.*
- 4.24. La Vallee recouped his \$30 tip during the tournament, by placing several tips, amounting to \$30, into the dealer tray then placing them into his personal token box after the tournament. *Testimony of La Vallee and Exs. 8, 9 & 17.*
- 4.25. The Red Dragon Casino's internal controls require poker dealers to place tips in either the 'X Box' (pooled method) during tournaments or in personal token boxes (non-pooled method), but never in the dealer tray. *Testimony of Mensing and Ex. 11.*
- 4.26. By placing tips in the dealer tray, La Vallee knew he was violating Red Dragon Casino's internal controls. *Testimony of La Vallee.*
- 4.27. Poker dealers cannot pick and choose which internal controls to follow. *Testimony of La Vallee.*
- 4.28. La Vallee denied stealing, since he put a personal \$30 tip into the X Box and then recouped the \$30 tip he lost by withholding \$30 in tips from the X Box, during the tournament. He made the exchange to 'right a wrong'. *Testimony of La Vallee.*
- 4.29. According to video surveillance footage, the poker tournament ended at 2:33 p.m. At that time, the tournament 'X Boxes' were switched back to personal dealer token boxes. *Testimony of Clarke and Ex. 17.*

- 4.30. At that time, La Vallee placed the three tips, totaling \$30, into his own token box. *Testimony of Clarke.*
- 4.31. On January 19, 2018, at 4:16 p.m., La Vallee returned his token box to the cashier's cage and received his tips for the shift. *Exs. 10 & 17.*
- 4.32. Sometime after January 19, 2018, the Red Dragon casino received a customer complaint regarding La Vallee placing three tips in the dealer tray and then into his own personal token box. *Testimony of Clarke.*
- 4.33. Robert Clarke, General Manager at the Red Dragon Casino, reviewed the video surveillance footage from the January 19, 2018 tournament. *Testimony of Clarke.*
- 4.34. Clarke, as well as Red Dragon Casino Surveillance Officer Christopher Oberg, determined La Vallee received tips of \$10 on three, separate occasions: 1:57 p.m., 2:06 p.m., and 2:10 p.m. He placed these three tips in the dealer tray. *Testimony of Clarke and Exs. 3, 5, 8 & 9.*
- 4.35. Video surveillance of the first thirty minutes of La Vallee's shift were not reviewed. *Testimony of Lisa.*
- 4.36. Based on the incident, Red Dragon discharged La Vallee. *Testimony of Mensing and Ex. 6.*
- 4.37. At the time of his discharge, La Vallee admitted to making an error regarding how he handled the \$30 tip he received before the tournament. *Testimony of Mensing and Ex. 12.*
- 4.38. La Vallee having earned the tip, prior to the tournament, believed he should have been able to keep it for himself. *Testimony of Clarke.*

Red Dragon Internal Controls-

- 4.39. On January 9, 2018, ten days before the alleged incident, the Red Dragon revised its internal controls. The revised internal controls were placed in a binder, on the Red Dragon Casino's internal website and at the cage, for review by poker dealers. *Testimony of Mensing and Testimony of Clarke.*
- 4.40. The revised internal controls, implemented on January 9, 2018, did not substantively change or alter the previous internal controls. *Testimony of Clarke.*
- 4.41. No evidence exists establishing La Vallee reviewed and acknowledged these revised internal controls. *Testimony of Mensing.*
- 4.42. La Vallee admitted violating the Red Dragon Casino's internal controls by placing the tips into the dealer tray during the tournament, rather than in the X Box. *Testimony of Clarke and Testimony of La Vallee.*

Gambling Commission Investigation-

- 4.43. Gambling Commission Special Agent Danny Lisa conducted an investigation regarding the complaint against La Vallee and a possible theft of casino poker chips. *Testimony of Lisa and Ex. 1.*
- 4.44. As a part of his investigation, Special Agent Lisa interviewed the Red Dragon Casino's General Manager Robert Clarke, the complaining customer, two poker dealers, and La Vallee. Special Agent Lisa also reviewed video surveillance footage from January 19, 2018. *Testimony of Lisa and Ex. 7.*
- 4.45. During Lisa's interview with La Vallee, La Vallee seemed 'remorseful' and admitted taking the tips for himself during the tournament, rather than placing them in the X Box. He explained he did it to recoup the \$30 tip he received and put in the X Box prior to the tournament starting. *Testimony of Clarke.*
- 4.46. The Gambling Commission did not refer La Vallee's matter to the local prosecutor, based on the small amount of money at issue. *Testimony of Lisa and Ex. 1; Pg. 6.*
- 4.47. La Vallee admitted to a 'lapse in judgment' in handling the \$30 tip. *Testimony of Lisa.*
- 4.48. La Vallee began in the gaming industry in 1994. He has no previous disciplinary actions or sanctions against him. *Testimony of La Vallee and Ex. 12.*
- 4.49. La Vallee is considered a reliable dealer and helped to open the Red Dragon Casino. *Testimony of Mensing.*
- 4.50. La Vallee was an outstanding employee for the Red Dragon Casino. *Testimony of Clarke.*

5. CONCLUSIONS OF LAW:

Based upon the facts above, the undersigned administrative law judge makes the following conclusions:

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) 230-17-001(2), WAC 230-17-025 and Chapters 34.05 and 34.12 RCW.

[Continued]

Gambling Commission's Enforcement of Gaming Rules and Regulation-

5.2. 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.

5.3. 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.

5.4. WAC 230-03-085 establishes the Washington State Gambling Commission, in relevant part, may:

[D]eny, 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;

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level; or...

(9) 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;...

Burden of Proof-

5.5. The burden of proof is on the Gambling Commission Staff to prove the administrative charges by a 'preponderance of the evidence'. However, this burden does not apply to 'Issue No. 4' regarding whether the Appellant can establish by 'clear and convincing evidence' he is qualified for licensure,

5.6. A 'preponderance of the evidence' is evidence which, when fairly considered, produces the stronger impression, has the greater weight, and is more convincing as to its truth when weighed against the evidence in opposition thereto. *Yamamoto v. Puget Sound Lbr. Co.*, 84 Wash. 411, 146 Pac. 861 (1915).

[Continued]

Appellant did not Commit Theft-

5.7. RCW 9A. 56.020(1)(a) defines 'theft' as:

(a) To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services;...

5.8. RCW 9A.56.050 defines 'Theft in the third degree' as:

(1) A person is guilty of theft in the third degree if he or she commits theft of property or services which (a) does not exceed seven hundred fifty dollars in value,...

5.9. In the present case, the Gambling Commission Staff contends La Valle committed theft when he withheld \$30 in tips during the poker tournament. In particular, he should have placed all tips in the 'X Box' to be pooled with the other dealer tips and divided up among the tournament dealers at the conclusion of the tournament.

5.10. The facts of this case, which the Gambling Commission Staff did not refute, that on January 19, 2018, La Valle received a \$30 tip from poker player Greg Cranston prior to the poker tournament beginning.

5.11. Since the tournament had not started, the \$30 tip belonged to La Vallee. Since he only possessed an 'X Box' for the tournament, he had no way to retain the tip. Instead, he placed the \$30 tip in the 'X Box', thereby unjustly enriching the combined tournament dealer pool at his own expense.

5.12. Over the course of the tournament, La Vallee withheld the equivalent of the \$30 tip he provided to the dealer pooled 'X Box,' prior to the tournament, thereby recouping his personal loss.

5.13. In this case, no deprivation of money occurred by La Vallee's actions. At the end of the tournament, La Vallee obtained the equivalent of the \$30 tip he received prior to the tournament and the Casino received the \$30 tip La Vallee provided to the dealer pooled 'X Box', before the tournament started. Neither the Red Dragon Casino nor La Vallee were deprived by La Vallee's unauthorized, self-help replevin.

5.14. For these reasons, on January 19, 2018, the Appellant, Allen A. La Vallee's actions did not constitute Theft in the Third Degree, under RCW 9A.56.050.

5.15. Therefore, the Gambling Commission's 'Notice of Administrative Charges' regarding this issue is **SET ASIDE**.

Appellant Violated Internal Controls-

- 5.16. WAC 230-15-425(2) 'Internal controls' requires: Licensed card room employees must follow the internal control procedures for their individual functions.
- 5.17. WAC 230-15-475(6)(b) 'Tips from players and patrons to card room employees' provides:
- (6) Employees must: (b) Keep all tips received or pool them with tips of all card room employees according to the licensee's internal controls;
- 5.18. In the present case, the Appellant, Allen A. La Vallee, does not dispute on January 19, 2018, he retained tips during a poker tournament by placing them in the dealer tray, rather than the tournament X Box. La Vallee retained these tips to recoup the personal \$30 tip he placed in the X Box prior to the tournament starting.
- 5.19. La Vallee does not deny violating the Red Dragon Casino's internal controls regarding the handling of tips, which were required to be placed in either a dealer's personal toke box or in the tournament X Box.
- 5.20. For these reasons, the Appellant, Allen A. La Vallee, failed to follow the Red Dragon Casino card room's internal controls in violation of WAC 230-15-425.
- 5.21. Further, the Appellant, Allen A. La Vallee, failed to follow internal controls, including keeping all tips received or pooling them with tips of all card room employees according to the licensee's internal controls, in a violation of WAC 230-15-475(6)(b).
- 5.22. Therefore, the Gambling Commission's 'Notice of Administrative Charges' regarding these two issues are **AFFIRMED**.

Clear and Convincing Evidence-

- 5.23. RCW 9.46.153(1) requires applicants to prove their eligibility for a license:

It shall be the affirmative responsibility of each...licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter,...[.]”

- 5.24. 'Clear and convincing evidence', as the term is used in RCW 9.46.153(1), is a higher burden of proof than 'preponderance of the evidence.' See *Hardee v. Department of Social and Health Services*, 172 Wn.2d 1, 6-18, 256 P.3d 339 (2011).

- 5.25. Based on the evidence, with the exception of the January 19, 2018 incident, the Appellant has had no previous disciplinary actions or sanctions against him in his 25 years in the gaming industry. In addition, he is considered a dependable and outstanding poker dealer and employee, even according to witnesses called by the Gambling Commission Staff.
- 5.26. For these reasons, Allen A. La Vallee, is qualified for licensure, as required by RCW 9.46.153(1).
- 5.27. Therefore, the Gambling Commission's 'Notice of Administrative Charges' regarding this issue is **SET ASIDE**.

Revocation of Appellant's Public Card Room Employee License Not Warranted-

- 5.28. RCW 9.46.075 establishes:

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 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;
- (7) Makes a misrepresentation of, or fails to disclose, a material fact to the commission;
- (8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter;

- 5.29. Further, WAC 230-03-085 establishes the Gambling Commission '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

- (9) 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;

5.30. However, the presiding officer may modify an administrative penalty sought by gambling commission staff against a licensee. WAC 230-17-025(3).

5.31. In addition, WAC 230-17-137 'Guidelines for imposing penalties in disciplinary actions', in relevant part, provides:

(1) Without in any manner limiting the authority granted to the commission under chapter 9.46 RCW or other applicable law to impose the level and type of discipline it may deem appropriate, at the request of any party, the presiding officer may consider the following factors, along with such others as he or she deems relevant, in determining the administrative penalty to be assessed for the violation of a statute or rule:

- (a) The risk posed to the public health, safety, or welfare by the violation;
- (b) Whether there are special policy implications relating to the violation, for example, those regarding underage gambling;
- (c) Whether, and how, the violations impacted players, for example, failure to pay a player, and player-supported jackpot violations;
- (d) Whether the applicant, licensee, or permittee:
 - (i) Knew, or reasonably should have known, the action complained of was a violation of any law, regulation, or condition of their license;
 - (ii) Previously received a verbal warning, written warning, notice of infraction, notice of violation and settlement (NOVAS), or administrative charges from the commission for similar violations;
 - (iii) Made, or attempted to make, a financial gain from the violation;
 - (iv) Had an existing compliance program related to the violation; or
 - (v) Has subsequently initiated remedial measures to prevent similar violations from reoccurring;
- (e) Whether the violations were intentional, willful, or grossly negligent;
- (f) Whether requiring the applicant, licensee or permittee to implement a written self-enforcement and compliance program would assist in ensuring future compliance with relevant laws, regulations, and license conditions;
- (g) If the violation was caused by an officer or employee of the applicant, licensee, or permittee:

- (i) Whether the individual who caused the violation acted within the scope of authority granted to him or her by the applicant, licensee or permittee; or
- (ii) Whether the individual violated company policies, procedures, or other standards;
- (h) The adequacy of any relevant training programs the applicant, licensee or permittee previously offered or made available to its employees;
- (i) Whether and the extent to which the applicant, licensee or permittee cooperated with the commission during the investigation of the violation;
- (j) The penalties imposed on other applicants, licensees or permittees for similar violations;
- (k) Whether the applicant, licensee, or permittee reasonably relied upon professional advice from an accountant or other recognized professional, which was relevant to the conduct or action resulting in the violation; or
- (l) Any other aggravating or mitigating circumstances the presiding officer deems relevant.

5.32. In the present case, the January 19, 2018 incident marks the first time the Appellant has violated any casino and Gambling Commission regulations regarding internal controls. The Appellant has possessed a Public Card Room Employee License for 25 years, without any previous incidents. While the Gambling Commission Staff argues revocation of the Appellant's License is appropriate. A one-time error in judgment does not warrant such an extreme, punitive measure.

5.33. Weighing the factors established in WAC 230-17-137, the internal control violation did not impact players or the general public, at large. Further, the Appellant has had no previous disciplinary actions or even warnings regarding such a violation. In fact, the Appellant has no previous violations or sanctions in his 25-year gaming career. The Appellant was discharged over the incident by his employer. The Appellant assisted with the investigation and offered he was willing to accept any sanction from the Gambling Commission, absent revocation. He admitted to the wrongdoing and acknowledged his 'lapse in judgment'. Finally, the Appellant's supervisor as well as others working with him in the gaming industry believe him to be a reliable dealer and outstanding employee.

5.34. Based on WAC 230-17-025(3) and WAC 230-17-137, a **six-month suspension** of the Appellant's Public Card Room Employee Licensee is appropriate.

5.35. Therefore, the Gambling Commission's 'Notice of Administrative Charges' regarding this issue is **MODIFIED**.

6. INITIAL ORDER:

IT IS HEREBY ORDERED THAT;

- 6.1. **Set Aside.** On January 19, 2018, the Appellant, Allen A. La Vallee's actions did not constitute Theft in the Third Degree, under RCW 9A.56.050.
- 6.2. **Affirmed.** The Appellant, Allen A. La Vallee, failed to follow the Red Dragon Casino's card room's internal controls in violation of WAC 230-15-425.
- 6.3. **Affirmed.** The Appellant, Allen A. La Vallee, failed to follow internal controls, including keeping all tips received or pool them with tips of all card room employee according to the licensee's internal controls, in a violation of WAC 230-15-475(6)(b).
- 6.4. **Set Aside.** The Appellant, Allen A. La Vellee, is qualified for licensure, as required by RCW 9.46.153(1).
- 6.5. **Modified.** The appropriate penalty is a **six-month suspension** of the Appellant's Public Card Room Employee License, based on WAC 230-17-025(3) and WAC 230-17-137.

Issued from Tacoma, Washington on the date of mailing.



TJ Martin
Administrative Law Judge
Office of Administrative Hearings

CERTIFICATE OF SERVICE ATTACHED

WSGC
MAY 13 2019
RECORDS

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. 09-2018-GMB-00068

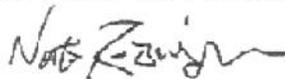
I certify that true copies of this document were served from Tacoma, Washington via Consolidated Mail Services upon the following as indicated:

<p>Allen A. La Vallee 1820 NE Perkins Wy Shoreline, WA 98155 Appellant</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>Lucas D. McWethy 4215 198th St SW Ste 102 Lynnwood, WA 98036 Appellant Representative</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>Gregory J. Rosen, AAG Office of the Attorney General MS: 40100 PO Box 40100 Olympia, WA 98504 Agency Representative</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 Agency Contact</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, May 10, 2019

WSGC
MAY 13 2019
RECORDS

OFFICE OF ADMINISTRATIVE HEARINGS



Nathan Robinson
Legal Assistant 3

