

**WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matter of:

William P. Lamb,

Appellant.

Docket No. 08-2020-GMB-00158

**INITIAL ORDER ON SUMMARY
JUDGMENT MOTION**

Agency: Gambling Commission
Program: Washington State Gambling
Commission
Agency No. 2020-00786

1. ISSUES

1.1. Did the Gambling Commission properly deny William Lamb's application for a public card room employee license pursuant to RCW 9.46.075(1), (4), and (8), and WAC 230-03-085(1) and (9)(a) and (b), as set out in the Denial of Public Card room Employee Application dated July 24, 2020?

2. ORDER SUMMARY

2.1. Yes. The Gambling Commission properly denied William Lamb's public card room employee license pursuant to RCW 9.46.075(4) and WAC 230-03-085(1), because the Appellant has a prior criminal conviction for theft related to gambling for which the Gambling Commission previously revoked his gambling license. The Gambling Commission's unopposed Motion for Summary Judgment is GRANTED.

3. DOCUMENTS CONSIDERED

Doc. No.	Document Name	Document Date	No. Pages
1	Denial of Public Card room Employee Application	07/24/20	8
2	Request for Hearing	08/04/20	4
3	Washington State Gambling Commission Staff's Motion for Summary Judgment	11/20/20	10
4	Declaration of Special Agent Julie Sullivan in Support of Commission Staff's Motion for Summary Judgment, with Exhibits 1-9	11/19/20	112

4. FACTS FOR PURPOSE OF SUMMARY JUDGMENT

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”.¹ “Summary judgment is appropriate only where the undisputed facts entitle the moving party to judgment as a matter of law.”² Only evidence in the record and inferences from that evidence establish facts. If evidence in the record points to more than one possible finding of fact, then summary judgment may not rest on the moving party’s version of that fact.³ Admissions, stipulations, procedural history, and uncontested declarations and affidavits establish facts for summary judgment. The record here supports the following facts for the purposes of summary judgment:

Jurisdiction

- 4.1. On July 24, 2020, the Washington State Gambling Commission (“Commission”) issued a Denial of Public Card room Employee Application related to William Lamb’s (“Appellant”) public card room employee license application. Ex. 1, pg. 1-8.
- 4.2. On August 4, 2020, the Appellant requested a hearing. Ex. 2, pg. 1-4.

Summary Judgment

- 4.3. The Commission filed a Motion for Summary Judgment on November 20, 2020. Ex. 3, pg. 10.
- 4.4. The Appellant did not file a response.

William Lamb’s Licensing History

- 4.5. In 2008, the Commission licensed the Appellant to work as a public card room employee at Clearwater Steakhouse and Saloon. Ex. 4, pg. 1, 110.
- 4.6. In 2011, the Appellant began working at Wild Goose Casino as a licensed public card room employee. *Id.* In 2014, the Appellant became a 10 percent owner of Wild Goose Casino. *Id.*, at 1, 12, 32, 50-57, 110-111.
- 4.7. In December of 2014, the Appellant entered Wild Goose Casino while it was closed and removed cash from locked table drop boxes. *Id.*, at 2, 8, 11, 19. The Appellant admitted to stealing money from Wild Goose Casino approximately six times totaling approximately \$1,800.00. *Id.*, at 11, 15, 19, 32, 34, 110. The Appellant was charged with theft and eventually plead guilty to Theft in the Third Degree. *Id.*, at 2, 75-79, 110.
- 4.8. On March 24, 2015, the Commission issued a Notice of Administrative Charges to the Appellant related to his theft of funds at Wild Goose Casino. *Id.*, at 2, 58-63.

¹ WAC 10-08-135. 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.

² *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).

³ *Verizon NW*, 164 Wn.2d 916.

The Notice of Administrative charges sought revocation of the Appellant's gambling license. *Id.*, at 62. On May 7, 2015, the Commission revoked the Appellant's license. *Id.*, at 64-72, 110.

4.9. On May 26, 2020, the Appellant filed an application for a public card room employee license to work at Clearwater Saloon. Ex. 4, pg. 1, 5-6. In reviewing the Appellant's application, Commission special agent Julie Sullivan was concerned about issuing a license to the Appellant due to his criminal history of theft at a casino, since the Commission's primary purpose is to keep the criminal element out of gambling. *Id.*, at 110-111.

4.10. On July 24, 2020, the Commission denied the Appellant's application for a card room employee license. Ex. 1, pg. 1-8. The Commission issued a Denial of Public Card room Employee Application which articulated the basis for the denial. *Id.* It stated that the Appellant's "past actions constitute a sufficient basis for denial of a license in RCW 9.46.075 and WAC 230-03-085"; that the Appellant "cannot prove by clear and convincing evidence that he is qualified for licensure as required by RCW 9.46.153(1)"; and that "[t]he Commission is authorized to deny William Lamb's Public Card room Employee License Application under RCW 9.46.075(1), (4), and (8) and WAC 230-03-085(1) and (9)(a) and (b)." *Id.*, at 3.

5. CONCLUSIONS OF LAW

Based upon the facts above, I make the following conclusions:

Jurisdiction

5.1. I have jurisdiction over the persons and subject matter of this case under Chapter 34.05 RCW and WAC 230-17-025.

Applicable Law

5.2. The legislature declares that "[t]he public policy of the state of Washington on gambling is to keep the criminal element out of gambling." RCW 9.46.010.

5.3. The Commission the authority to deny an application "for any reason or reasons, it deems to be in the public interest." RCW 9.46.075.

5.4. The Commission may deny a license where the applicant:

- (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;

. . .

(4) Has been convicted of . . . or pleaded guilty to . . . any crime, whether a felony or misdemeanor involving any gambling activity . . . or involving moral turpitude;

. . .

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter;

RCW 9.46.075(1), (4), and (8).

5.5. Likewise, the Commission's regulations permit it to deny an application when the applicant:

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075; 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 criminal activities; or

(b) Criminal record; or

. . .

WAC 230-03-085(1) and (9).

5.6. "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." RCW 9.46.153(1).

5.7. In this case, the Appellant does not dispute that he has a prior criminal conviction for theft related to gambling, nor does he dispute that the Commission previously revoked his gambling license on that basis. These facts are sufficient for the Commission to deny the Appellant's application for a public card room employee license pursuant to RCW 9.46.075(4) and WAC 230-03-085(1). The Commission acted within the scope of its authority in denying the Appellant's application for a public card room employee license.

6. INITIAL ORDER

IT IS HEREBY ORDERED THAT:

6.1. The Commission's action is AFFIRMED.

6.2. The Commission properly denied William Lamb's public card room employee license pursuant to RCW 9.46.075(4) and WAC 230-03-085(1), because the

Appellant has a prior criminal conviction for theft related to gambling for which the Gambling Commission previously revoked his gambling license.

6.3. The Commission's Motion for Summary Judgment is GRANTED. The evidentiary hearing scheduled for February 10, 2021, and all other deadlines outlined in the case schedule, are STRICKEN.

SIGNED at Tacoma, Washington on the date of mailing.



Joni Derifield
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.

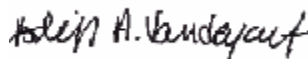
CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 08-2020-GMB-00158

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

<p>William P. Lamb c/o John M. Brangwin, Attorney Woods & Brangwin PLLC 632 Valley Mall Parkway East Wenatchee, WA 98802 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>Doug Van de Brake, 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 type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-mail Doug.VandeBrake@atg.wa.gov jordan.nimon@atg.wa.gov GCEEF@atg.wa.gov</p>
<p>John M. Brangwin Woods & Brangwin PLLC 632 Valley Mall Parkway East Wenatchee, WA 98802 Appellant Representative</p>	<p><input 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 checked="" type="checkbox"/> E-mail john@wblawfirm.com lacey@wblawfirm.com</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 type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-mail ashlie.laydon@wsgc.wa.gov legal@wsgc.wa.gov</p>

Date: Thursday, January 14, 2021

OFFICE OF ADMINISTRATIVE HEARINGS



Ashleigh Vandeyacht
Legal Assistant 2