

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
License to Conduct Gambling Activities of:) No. CR 2011-01421
)
Marcos E. Hernandez Guerrero) **FINDINGS, CONCLUSIONS,**
Seattle, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the revocation of the license to conduct gambling activities of Marcos E. Hernandez Guerrero, having come before the Commission on March 9, 2012, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, 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 license number 68-25083 to Marcos E. Hernandez Guerrero, authorizing Card Room Employee activity, formerly at Goldie's Shoreline Casino in Shoreline and Wizard's Casino in Burien. The license expires on March 21, 2012, and was issued subject to Marcos E. Hernandez Guerreros' compliance with the state gambling laws and rules.

II.

On January 5, 2012, Director Rick Day issued administrative charges to Marcos E. Hernandez Guerrero, by certified and regular mail. Mr. Hernandez Guerrero did not respond to the charges and waived his right to a hearing and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

- 1) On November 6, 2011, the licensee, while working as a security guard at Goldie's Casino, took an "I-phone" cell phone/PDA which had fallen out of a patron's pocket onto the floor. The licensee then placed the phone in his jacket pocket and later that day left Goldie's with the phone in his possession. When initially questioned about the theft by Goldie's management, Shoreline Police, and a Commission Special Agent (agent), the licensee denied taking the phone. The patron replaced the phone for \$926 at Goldie's Casino's expense.
- 2) An agent observed the licensee take the phone from the floor of the gaming area on surveillance video. The licensee ultimately admitted to taking the phone after reviewing video from the incident, and after a discussion with the agent. On November 21, 2011, the licensee returned the phone to the agent. The licensee forfeited his last check to Goldie's

Casino to partially reimburse his employer for the cost of the replacement phone.

- 3) Based on his actions, the licensee's actions demonstrate that he poses a threat to the effective regulation of gambling, or create or increase the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities. The licensee has failed to prove he is qualified for licensure as required under RCW 9.46.153.

Therefore, grounds exist to revoke Marcos E. Hernandez Guerrero's license under RCW 9.46.075(1), (8), and (10) and WAC 230-03-085(1), and (8).

RCW 9.46.075 Denial, suspension, or revocation of license

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.
- (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.

WAC 230-03-085 Denying, suspending, or revoking an application, license

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,

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; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.153 (1) Applicants and licensees-Responsibilities

The following subsections apply:

- (1) 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.

IV.

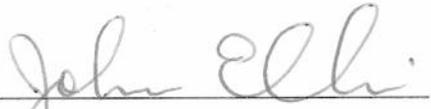
CONCLUSIONS OF LAW

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

DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Marcos E. Hernandez Guerrero's license to conduct card room employee activities is REVOKED.

DATED this 8th day of March, 2012.



JOHN ELLIS, Chair

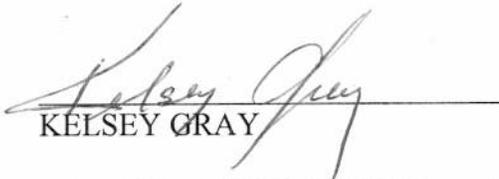


MIKE AMOS, Vice Chair



KEVEN ROJECKI

MICHAEL REICHERT



KELSEY GRAY

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.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

Washington State Gambling Commission
Communications & Legal Division
PO Box 42400
Olympia, Washington 98504-2400

Stephanie U. Happold
Assistant Attorney General
P.O. Box 40100
Olympia, WA 98504-0100