

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation)
of the License to Conduct Gambling Activities of:)
Sean A. Skipwith)
Tacoma, Washington,)
Licensee.)
_____)

NO. CR 2012-00458

**NOTICE OF ADMINISTRATIVE
CHARGES AND
FOR AN ADJUDICATIVE
PROCEEDING**

I.

The Washington State Gambling Commission issued Sean Skipwith license number 68-29927, authorizing Card Room Employee activity at Macau Casino in Lakewood. The license expires on April 6, 2013, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- 1) On April 3, 2012, a Gambling Commission Special Agent (agent) was assigned to Mr. Skipwith's case to investigate whether he continues to qualify for a license while having \$3,558 in court-ordered fines and fees associated with his criminal history in collections due to nonpayment. Commission staff became aware of these fines and fees during a routine annual criminal history check.
- 2) As part of the agent's investigation, she reviewed Mr. Skipwith's gambling license file. Mr. Skipwith has held a Public Card Room Employee license since 2010. He does not have any previous administrative history with the Washington State Gambling Commission.
- 3) The agent conducted a criminal history background check and determined that Mr. Skipwith has nine Failures to Appear on his record.
- 4) The following is a breakdown of Mr. Skipwith's criminal history with the date of violation, charge, and dollar amount owed in collections:
 - 05/25/2011 – Operate Motor Vehicle without Insurance and Fail to Sign/Carry/Display Vehicle Registration, \$726;
 - 05/25/2011 – No Driver's License on Person, \$176;
 - 02/22/2010 – Operate Motor Vehicle without Insurance, \$412;
 - 02/22/2010 – DWLS 3rd Degree, \$595;
 - 01/20/2008 – Fail to Renew Expired Registration, Operate Motor Vehicle without Insurance and Improper Use/Switch/Altered Plates, \$456;
 - 01/20/2008 – DWLS 3rd Degree, \$425;
 - 04/01/2005 – Fail to Wear Safety Belt, \$153;

- 02/26/2004 – Fail to Yield Right of Way, \$205;
 - 06/29/2002 – Noise Disturbance, \$125;
 - 05/22/2001 – Speeding Too Fast for Conditions, Operate Motor Vehicle without Insurance, Fail to Wear Safety Belt;
 - 03/01/2001 – Speeding 15 MPH Over; and
 - 09/04/2000 – Speeding 31 MPH Over and No Valid Operator’s License, \$284.
- 5) On April 3, 2012, the agent sent a letter to Mr. Skipwith and his employer notifying them of the court debt that he has accumulated. The letter notified them that, based on his “pattern of criminal history, to include failure to comply with court ordered fines, fees, and obligations and the dollar amount of the fines and fees in collections, we feel that he may pose a threat to the effective regulation of gaming and enhances the chance of unfair or illegal practices, methods or activities of the gaming activity due to the financial pressure facing him.” The letter also stated that “we are concerned that since he failed to comply with the judge’s rulings, he may not comply with internal control requirements or adhere to the direction of the Washington State Gambling Commission” and that the agent was going to recommend the revocation of his gambling license.
- 6) Mr. Skipwith has failed to prove by clear and convincing evidence the necessary qualifications for licensure, in violation of RCW 9.46.153. Therefore, under RCW 9.46.075(1) and (8) and WAC 230-03-085(1), (3), (8), and grounds exist to suspend or revoke Sean Skipwith’s license.

RCW 9.46.075 Denying, suspending, or revoking an application, license or permit

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 is qualified in accordance with the provisions of this chapter.

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

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.

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

(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

RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

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.

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III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your license.

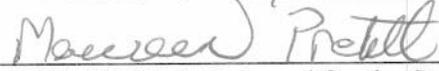
STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.



RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 20 day of April, 2012.



NOTARY PUBLIC in and for the State of
Washington residing at Thurston County
My commission expires on December 2, 2015

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 20 day of April, 2012



Communications and Legal Department
Washington State Gambling Commission

