



STATE OF WASHINGTON

GAMBLING COMMISSION

“Protect the Public by Ensuring that Gambling is Legal and Honest”

Hampton Inn and Suites 4301 Martin Way E. Olympia, WA 98516

Thursday, November 14, 2019

Please note, agenda times are estimates only. Items may be taken out of sequence at the discretion of the Chair. Commissioners may take action on business items.

Administrative Procedures Act Proceedings are identified by an asterisk (*)

PUBLIC MEETING

<p>Tab 1 10:00 AM</p>	<p>Call to Order <i>Bud Sizemore, Chair</i> Welcome and Introductions <ul style="list-style-type: none"> • <i>Moment of Silence</i> Consent Agenda (Action) <ul style="list-style-type: none"> • October 10, 2019 Commission Meeting Minutes • *New Licenses and Class III Employees • 2020 WSGC Purposed Meeting Schedule *Class III Employees/Snoqualmie & Cowlitz Tribes (Action) Staff Recognition <ul style="list-style-type: none"> • <i>Commissioner Stearns Recognition for Dedicated Service</i> • <i>Staff Recognition-Julie Lies 30 years</i> • <i>Staff Recognition-Lori Boyd 30 years</i> Director’s Report <i>David Trujillo, Director</i> <ul style="list-style-type: none"> • <i>G2E Discussion</i> • <i>House-Banked Cardroom Financial Statement</i> • <i>Centennial Accord</i> </p>
<p>Tab 2</p>	<p>*Petition for Review-Christopher R. Dotson (Action) <i>Kellen Wright, Assistant Attorney General</i></p>
<p>Tab 3</p>	<p>*Petition for Review-Gregory P. Means (Action) <i>Kellen Wright, Assistant Attorney General</i></p>
<p>12:30-1:30</p>	<p>Executive Session - Closed to the Public <i>Bud Sizemore, Chair</i> Discuss Pending Criminal Investigations, Tribal Negotiations, and Litigation</p>
RULE UP FOR FINAL ACTION	
<p>Tab 4</p>	<p>*Petition to Adopt - Credit Union Raffles Packet (Action) <i>Ashlie Laydon, Rules Coordinator</i></p>
RULE UP FOR DISCUSSION AND POSSIBLE FILING	
<p>Tab 5</p>	<p>*Petition to Repeal - Poker Wager Limits (Action) <i>Ashlie Laydon, Rules Coordinator</i></p>
<p>Tab 6</p>	<p>Gambling Commission Financial Update <i>Chris Stanley, Chief Financial Officer</i></p>

Tab 7	*Special Olympics of Washington (Action) <ul style="list-style-type: none"> • 2019 Western Washington Enhanced Raffle Results • 2020 Western Washington Raffle Plan <p style="text-align: right;"><i>Donna Khanhasa, Special Agent</i></p>
Tab 8	AmVets Tacoma Program Review <p style="text-align: right;"><i>Greg Allen, Special Agent</i></p>
Tab 9	Sports Gambling Presentation <p style="text-align: right;"><i>Brian Considine, Legal and Legislative Manager</i></p>
Tab 10	Problem Gambling Update <ul style="list-style-type: none"> • Problem Gambling Taskforce • Self-Exclusion Rule Making <p style="text-align: right;"><i>Roxanne Waldron, HCA, Problem Gambling Program Manager</i> <i>Brian Considine, Legal and Legislative Manager</i></p>
	Public Comment
	Adjourn

Upon advance request, the Commission will pursue reasonable accommodations to enable persons with disabilities to attend Commission meetings. Questions or comments pertaining to the agenda and requests for special accommodations should be directed to Julie Anderson, Executive Assistant at (360) 486-3453 or TDD (360) 486-3637. Questions or comments pertaining to rule changes should be directed to the Ashlie Laydon, Rules Coordinator (360) 486-3473.

Please silence your cell phones for the public meeting

Gambling Commission Federal Way
501 S. 336th Street Suite 210
Federal Way, WA 98003
 Friday, November 15, 2019

9:00-11:30	Executive Session - Closed to the Public <i>Bud Sizemore, Chair</i> Discuss Pending Criminal Investigations, Tribal Negotiations, and Litigation
11:30-1:30	Executive Director Evaluation – Closed to the Public <p style="text-align: right;"><i>HR Director, Lisa Benavidez</i></p>



STATE OF WASHINGTON
GAMBLING COMMISSION

"Protect the Public by Ensuring that Gambling is Legal and Honest"

September Gambling Commission Meeting Minutes

Hampton Inn and Suites
4301 Martin Way E.
Olympia, WA 98516

**Public Meeting
October 10, 2019**

Commissioners Present:

Bud Sizemore, Chair

Chris Stearns

Ed Troyer

Alicia Levy

Ex Officio Members Present:

Senator Steve Conway

Staff Present:

David Trujillo, Executive Director; Tina Griffin, Assistant Director; Brian Considine, Legal and Legislative Manager; Julie Lies, Tribal Liaison; Heather Songer, Public Information Officer; Julie Anderson, Executive Assistant; and Suzanne Becker, Assistant Attorney General. Including TVW.

Executive Session

Chair Bud Sizemore called the October commission meeting to order at 9:05 a.m. and announced that the Commission would immediately go into executive session where the commissioners would discuss pending criminal investigations, tribal negotiations and litigations. He announced that executive session would go until 11:30 a.m. and the public meeting would reconvene at 12:30 p.m. At 10:37 a.m., Chair Sizemore had to leave executive session early. Commissioner Stearns adjourned executive session.

Public Meeting Call to Order

Chair Sizemore called the Gambling Commission meeting to order at 12:32 p.m. and welcomed everyone to the Hampton Inn. Chair Sizemore mentioned that Commissioner Levy would be participating in the meeting via phone and Commissioner Patterson would not be joining the meeting. He asked for a moment of silence to recognize law enforcement officers who were lost in the line of duty since we last met.

46 people attended the meeting.

Tab 1

Commissioner Stearns moved to approve the consent agenda as presented by staff.

Commissioner Troyer seconded the motion.

The motion passed 4:0

Commissioner Troyer moved to approve the Class III certifications for the Snoqualmie and Cowlitz Tribes.

Commissioner Levy seconded the motion.

The motion passed 3:0

Commissioner Stearns abstained.

Director's Report

Director Trujillo referred the Commission to his written report and called attention to four items. He announced his appointment to the Washington Association of Sheriffs and Police Chiefs' executive board as an active, non-municipal member. His term will expire May 2021. He provided an introduction of the new Gambling Commission chief information officer (CIO), Sayee Vaitheesvaran, who brings 25 years of technology and leadership experience from both private and government sectors to the Gambling Commission. Sayee has undergraduate and graduate degrees in computer science, and a master's degree in business administration. He is also a certified project management professional (PMP). He comes to us directly from WA Employment Security Department. Sayee has been an executive level team member, technology manager and leader of teams and supervisor of technology staff and vendors. He has experience in creating strategic technology plans and operational budgets, and in managing, developing and improving applications and security. Sayee also has experience in modernizing older technology systems. Sayee will start on October 16, 2019.

The statewide employee engagement survey currently circulating through the agency will run until October 31, 2019. We expect survey results from the Office of Financial Management in the spring.

Lastly, because more and more people are accessing the Internet solely with smartphones, we are making our own *My Account* experience more mobile friendly. Users will soon notice that the layout is different as this is part of the redesign process. The new layout is expected to launch before the end of the year and staff are helping to assess the redesign by testing the redesigned platform from their computer.

Commissioner Stearns congratulated Director Trujillo on his appointment to the Washington Association of Sheriffs and Police Chiefs.

Tab 2

Sports Gambling Discussion and Presentation

Legal and Legislative Manager (LLM), Brian Considine presented the materials for this tab. LLM Considine mentioned that at the last meeting he told commissioners that sports gambling integrity would be discussed at the October meeting, while money laundering, the black market and criminal enforcement would be the focus at the November meeting

Marquest Meeks, senior counsel for Major League Baseball (MLB), and Fred Rivera, general counsel for the Seattle Mariners, joined LLM Considine. Mr. Meeks shared a presentation on baseball and the value that the game brings to the community. He spoke about sports scandals and legalizing sports gambling. He shared that sports betting is legal in 13 states, and 38 states have bills in play. He spoke about five pillars that MLB/NBA/PGA believe support the foundation of a safe, robust and transparent sports betting market:

- 1) Cooperate with League investigations
- 2) The Opt-Out Right; the right to make differential request to regulators to prevent wagers on certain events, activities, or leagues
- 3) Official League Data Requirements
- 4) The Royalty; 0.25% of the amount wagered on each leagues game events
- 5) Mobile; a competitive mobile market is necessary for a transparent and robust sports betting market and the only way to curb the illegal betting market. The vast majority of bets placed in mature betting markets happens online or on mobile platforms.

LLM Considine wrapped up the presentation with speaking about sports integrity and how the Gambling Commission can ensure that sport integrity continues should sports gambling be authorized in the state, including establishing its own sports integrity unit. Director Trujillo clarified acronyms for the audience: SWIMA (Sports Wagering Integrity Monitoring Association), PASPA (Professional Amateur Sports Protection Act), NCLGS (National Council of Legislators from Guinean States), AGA (American Gaming Association.)

Tab 3

Petition for Review Nai C. Saechin

Assistant Attorney General, Kellen Wright presented the materials for this tab. The licensee, Nai C. Saechin, filed a petition for review to the commissioners. Ms. Saechin challenges the administrative law judge's initial order finding a violation occurred and revocation of her public card room employee license was warranted. **Chair Sizemore** called for a closed session for deliberation.

After deliberation, the commissioners agreed with the administrative law judge's decision to revoke Nai C. Saechin's public card room employee license.

Tab 4

Petition for Review Yan Li

LLM Considine presented the materials for this tab. The parties came to a settlement agreement regarding the licensee's petition for review. LLM Considine presented the proposed order adopting the ALJ's initial order, except for the penalty. The agreed order drops the penalty from revocation to a one-year license suspension.

Commissioners accepted the settlement agreement and signed proposed order as presented.

Tab 5

Rocky Mountain Elk Foundation (RMEF)

Agent in Charge, (AIC) Jim Nicks presented the materials for this tab. At the September meeting, the commissioners delayed a vote, pending verification of legal firearms transfers. RMEF is requesting to exceed its \$300,000 annual raffle limit, for its license year ending December 2019.

AIC Nicks presented his unit's findings from its investigation into firearms transfers from RMEF firearm raffles.

Commissioner Troyer moved to approve the request to exceed the 300k raffle prize limit presented by staff.

*Commissioner Stearns seconded the motion.
The motion passed 4:0*

Tab 6

Staff Proposed Rule Changes

Rules Coordinator Ashlie Laydon presented the materials for this tab. In 2017-18, the Gambling Commission amended its rules to simplify its reporting and licensing fee structure. Ms. Laydon reported that after a year of implementation, staff reviewed the rules and believes there are some changes and modifications needed for the new fee and reporting structure. Staff recommends amending the following changes to rules:

WAC 230-03-085, WAC 230-03-265, WAC 230-05-112, WAC 230-05-138, WAC 230-05-142 and WAC 230-07-090.

Commissioner Troyer moved to approve initiate rulemaking to amend the above referenced rules as presented by staff.

*Commissioner Stearns seconded the motion.
The motion passed. 4:0*

Tab 7

Staff Proposed Rule Changes

Rules Coordinator Laydon presented the materials for this tab. In 2017-18, the Gambling Commission amended its rules to simplify its licensing fee structure. Ms. Laydon reported that all licensees have now completed the transition from the old fee structure to the new fee structure. As a result, the following rules related to the old fee structure are no longer relevant and should be repealed:

WAC 230-05-001, WAC 230-05-005, WAC 230-05-010, WAC 230-05-015, WAC 230-05-016, WAC 230-05-017, WAC 230-05-018, WAC 230-05-020, WAC 230-05-025, WAC 230-05-030 and WAC 230-05-035.

In 2017-18, the Gambling Commission amended its rules to simplify its reporting structure. All licensees have now completed the transition from activity reporting to quarterly license reporting. As a result, the following rules related to activity reporting are no longer relevant and should be repealed:

WAC 230-05-102, WAC 230-06-124, WAC 230-06-150, WAC 230-06-170, WAC 230-07-155 WAC 230-07-160, WAC 230-09-056, WAC 230-10-331, WAC 230-10-457, WAC 230-13-169 WAC 230-14-284, WAC 230-15-200, WAC 230-15-205, WAC 230-16-220, and WAC 230-11-095.

Commissioner Troyer moved to approve initiate rulemaking to repeal the above referenced rules as presented by staff.

*Commissioner Stearns seconded the motion.
The motion passed. 4:0*

Tab 8

Staff Proposed Rule Making

LLM Considine presented the materials for this tab. The Gambling Commission has been directed by the Legislature, through Substitute House Bill 1302, to draft rules establishing a statewide self-exclusion program. The Gambling Commission has discretion in establishing the scope, process and requirements of the self-exclusion program; however, it must comply with the following requirements: the program must allow persons to voluntarily exclude themselves from gambling at authorized gambling establishments that offer house-banked social card games; and any individual registered with the self-exclusion program is prohibited from participating in gambling activities associated with this program, and forfeits all moneys and things of value obtained by the individual, or owed to the individual, by an authorized gambling establishment as a result of prohibited wagers or gambling activities. The Gambling Commission may adopt rules for forfeiture of any moneys or things of value, including wagers, obtained by an authorized gambling establishment while an individual is registered with the self-exclusion program.

Commissioner Stearns moved to approve to initiate rulemaking to adopt rules that establish a statewide self-exclusion program as required by RCW 9346.071 as recommended by staff.

Commissioner Troyer seconded the motion.

The motion passed. 4:0

After the vote, LLM Considine discussed possible options for rule-making moving forward. The commissioners could dedicate time on their public meeting agendas, similar to the discussion on sports gambling, conduct work sessions and go through potential rule language in public meetings. The commissioners could direct staff to form a work group, similar to the agency's fee simplification rule-making, and the work group would meet and deliver policy decisions and possible rule language to the commissioners, when needed, during the 2020-21 meeting cycle. Lastly, the commissioners could adopt a hybrid approach holding a combination of public meeting work sessions and utilizing a work group for rule language.

LLM Considine stated that he was identifying possible options for them to consider for discussion and their direction at the November meeting because staff would like to begin work on this topic starting in January. There are essentially 10 meetings in 2020, and 5 meetings in 2021, before the commissioners need to have final rules adopted.

Chair Sizemore stated that he preferred the work group approach. LLM Considine indicated that he would check-in with them at the November meeting and outline how the work group approach may best work for staff if that is the direction the commissioners choose.

Tab 9

Raffle Work Session

Special Agent Supervisors Dan Frey and Sonja Dolson presented the materials for this tab. SAS Frey and Dolson gave a presentation on raffles, unlicensed raffles and answered questions regarding when a raffle license is required. They spoke about restrictions and provided a demonstration of the popular game "Joker Poker."

Chair Sizemore asked for public comment.

George Teeny read a letter from Dolores Chiechi, executive director of the Recreational Gaming Association, into the record;

“Dear Dave,

You may not be aware that the RGA was established in the early 80s, in fact, it was the RGA that changed the laws that created the Washington house bankcard room industry. As well, we were actively involved in the promulgation of the rules that helped shaped and regulate the unique industry that it is today.

“Over the last two decades, we have worked tirelessly on behalf of the Washington card rooms. The relationships and contacts we’ve fostered with policy makers, regulators and staff proved imperative in our efforts to change rules at the Gambling Commission level and represent our members’ interests before Washington’s legislature. We believe these relationships help the industry overall.

“We were also instrumental in leading the efforts towards the creation of responsible gaming policies and trainings for employees in the industry to identify problem gamblers. Since the early 2000s, our work with the Evergreen Council on Problem Gambling and the state’s Problem Gambling Advisory Committee helped bring this important issue to the forefront.

“Throughout the years, we have fought diligently to hold the line on many detrimental proposals put forth against us. As you well know, we have been up against well-funded and, therefore, politically connected adversaries.

“It is public knowledge that Maverick Gaming has purchased 19 licensed card rooms with several more in process. They have since terminated all agreements and memberships with the RGA.

“It has come to our attention that Maverick Gaming has retained a very well connected and powerful lobbying team and hopes in moving the ball forward for non-tribal gaming. We hope that the rising tide of their efforts will raise all votes in that the interests of house banked card rooms licensees will continue to be monitored, protected and, perhaps, enhanced.

“With that being said, it is with great sadness and remorse I write to inform you that the Board of Directors has unanimously decided to dissolve the RGA.

“It is with my deepest sincerity and humility that I thank you one last time for your support over the last twenty plus years.

*“Sincerely,
Dolores Chiechi”*

George Teeny added that he worked with Ms. Chiechi to make the industry strong. He stated that over the years it just hasn't panned out generally in their favor. He wished Maverick well in its endeavors.

Chair Sizemore announced that the next commission meeting would be at the Hampton Inn and Suites in Lacey on November 14, 2019.

The meeting adjourned at 4:02 p.m.



Washington State Gambling Commission

Pre-Licensing Report

House-Banked Public Card Rooms

Part I Licensing/Organization Information

Type of Approval House-Banked Card Room	Premises/Trade Name/Address Macau Casino - Lakewood 9811 South Tacoma Way Lakewood, WA 98499
Date of Application August 06, 2019	

APPLICANT INFORMATION

Name Maverick Lakewood, LLC	License Application # 00-24516	Business Phone # (425) 264-1050
Address 711 Powell Ave SW Renton, WA 98057		Liquor License: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

ACTIVE LICENSES ISSUED BY GAMBLING COMMISSION

Description/Class	Exp. Date	License Number(s)
Punchboard/Pull Tab	09/30/2020	05-21635
House-banked Card Room	09/30/2020	67-00345

COMMISSION STAFF

Licensing Specialist Alec Sorenson, Licensing Michael Moore, Licensing	Special Agents Tyson Wilson, Licensing Mark Harris, Regulation
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Background/Structure

General Information:

The State of Washington Secretary of State's Office issued a *Certificate of Incorporation* to Maverick Lakewood, LLC, doing business as Macau Casino - Lakewood on July 2, 2019.

On August 6, 2019, the WSGC received an application from Macau Casino – Lakewood for a house-banked card room license.

Ownership Information:

- **Maverick Lakewood LLC:**

Name	Title	% Ownership	Residence	State
Maverick Caribbean LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Caribbean LLC:**

Name	Title	% Ownership	Residence	State
Maverick Washington LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Washington LLC:**

Name	Title	% Ownership	Residence	State
Maverick Gaming LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Gaming LLC:**

Name	Title	% Ownership	Residence	State
Eric Persson	Manager	71.3171%	Las Vegas	NV
Justin Beltram	Manager	3.8640%	Las Vegas	NV
Dennis Dougherty	Manager	1.3902%	Las Vegas	NV
Mike Borden	Member	13.0000%	Las Vegas	NV
Minority Owners*	Members	10.4287%		
Total		100.0%		

*Twenty one minority owners hold between .0542% and 2.5277% in Maverick Gaming LLC. Criminal background checks were done on all of these owners and their spouses. Their financial contributions were also investigated and sourced.

- **Other Affiliations:**

Maverick Gaming LLC, ultimately owns 18 house-banked cardrooms in Washington. They have acquired all of these cardrooms in 2019. These are all cardrooms that were previously licensed and operating.

They also own one nonhouse-banked cardroom, one manufacturer, two distributor, and four service supplier licensees. All of these licensee were also previous licensees except for two of the service supplier licensees.

Part II Licensing Investigations Summary

Special Agents from the Commission's Licensing Unit conducted criminal records investigations and financial investigations focusing on funding sources and beneficiaries for suitability in accordance with RCW 9.46 and WAC 230. The investigations found:

- No unreported people or businesses involved (i.e. substantial interest holders);
- No undisclosed ownership or undisclosed involvement in other activities/businesses;
- All funding sources were disclosed; and
- All substantial interest holders qualify.

A complete inspection and review was conducted of the accounting records, bank statements, contracts and agreements of the parent company Maverick Gaming LLC. This included a visit to their lawyer's office in Las Vegas, Nevada to review documents and interview owners and officers. Agents verified the funding sources, reviewed the financial records, and discussed licensing requirements.

Source of Funds:

This purchase was funded by a loan from HG Vora. HG Vora is an SEC regulated hedge fund located in New York, New York. Agent Wilson and Assistant Director Griffin went to HG Vora's office in New York to interview the owner and officers. They also reviewed documents to ensure the funds used to finance the Maverick Gaming transactions were from legitimate sources.

Part III Pre-Operational Review and Evaluation Summary

Special Agents from the Commission's Regulation Unit completed an investigation to determine that the gambling operation complies with the requirements of RCW 9.46 and WAC 230. The review found that the following are in compliance:

- Nature, size, and scope of gambling operations
- Regulations for the operation and management of gambling
- Forms and recordkeeping

- Surveillance and security; and
- Internal controls for surveillance, security, accounting, and gambling.

The applicant proposes to operate the following games:

- 7 – Mini Baccarat with Dragon Bonus
- 2 – Progressive Fortune Pai Gow
- 3 – Player's Edge 21
- 1 – Double Action Blackjack
- 1 – High Card Flush

Part IV
Staff Recommendations

Based upon the licensing and regulation investigations, staff recommends licensing Maverick Lakewood LLC doing business as Macau Casino - Lakewood as a house-banked card room to operate in accordance with the wagering limits of WAC 230-15-140.

Prepared By

Jennifer LaMont, Agent in Charge
Licensing

Signature



Date

10/31/19



Washington State Gambling Commission

Pre-Licensing Report

House-Banked Public Card Rooms

Part I Licensing/Organization Information

Type of Approval House-Banked Card Room	Premises/Trade Name/Address Macau Casino - Tukwila 5700 Southcenter Blvd. Tukwila, WA 98188
Date of Application August 06, 2019	

APPLICANT INFORMATION

Name Maverick Tukwila, LLC	License Application # 00-24514	Business Phone # (425) 264-1050
Address 711 Powell Ave SW Renton, WA 98057		Liquor License: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

ACTIVE LICENSES ISSUED BY GAMBLING COMMISSION

Description/Class	Exp. Date	License Number(s)
Punchboard/Pull Tab	09/30/2020	05-21633
House-banked Card Room	09/30/2020	67-00344

COMMISSION STAFF

Licensing Specialist Alec Sorenson, Licensing Michael Moore, Licensing	Special Agents Tyson Wilson, Licensing Robert Raimond, Regulation
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Background/Structure

General Information:

The State of Washington Secretary of State's Office issued a *Certificate of Incorporation* to Maverick Tukwila, LLC, doing business as Macau Casino - Tukwila on July 2, 2019.

On August 6, 2019, the WSGC received an application from Macau Casino – Tukwila for a house-banked card room license.

Ownership Information:

- **Maverick Tukwila LLC:**

Name	Title	% Ownership	Residence	State
Maverick Caribbean LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Caribbean LLC:**

Name	Title	% Ownership	Residence	State
Maverick Washington LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Washington LLC:**

Name	Title	% Ownership	Residence	State
Maverick Gaming LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Gaming LLC:**

Name	Title	% Ownership	Residence	State
Eric Persson	Manager	71.3171%	Las Vegas	NV
Justin Beltram	Manager	3.8640%	Las Vegas	NV
Dennis Dougherty	Manager	1.3902%	Las Vegas	NV
Mike Borden	Member	13.0000%	Las Vegas	NV
Minority Owners*	Members	10.4287%		
Total		100.0%		

*Twenty one minority owners hold between .0542% and 2.5277% in Maverick Gaming LLC. Criminal background checks were done on all of these owners and their spouses. Their financial contributions were also investigated and sourced.

- **Other Affiliations:**

Maverick Gaming LLC, ultimately owns 18 house-banked cardrooms in Washington. They have acquired all of these cardrooms in 2019. These are all cardrooms that were previously licensed and operating.

They also own one nonhouse-banked cardroom, one manufacturer, two distributor, and four service supplier licensees. All of these licensee were also previous licensees except for two of the service supplier licensees.

Part II Licensing Investigations Summary

Special Agents from the Commission's Licensing Unit conducted criminal records investigations and financial investigations focusing on funding sources and beneficiaries for suitability in accordance with RCW 9.46 and WAC 230. The investigations found:

- No unreported people or businesses involved (i.e. substantial interest holders);
- No undisclosed ownership or undisclosed involvement in other activities/businesses;
- All funding sources were disclosed; and
- All substantial interest holders qualify.

A complete inspection and review was conducted of the accounting records, bank statements, contracts and agreements of the parent company Maverick Gaming LLC. This included a visit to their lawyer's office in Las Vegas, Nevada to review documents and interview owners and officers. Agents verified the funding sources, reviewed the financial records, and discussed licensing requirements.

Source of Funds:

This purchase was funded by a loan from HG Vora. HG Vora is an SEC regulated hedge fund located in New York, New York. Agent Wilson and Assistant Director Griffin went to HG Vora's office in New York to interview the owner and officers. They also reviewed documents to ensure the funds used to finance the Maverick Gaming transactions were from legitimate sources.

Part III Pre-Operational Review and Evaluation Summary

Special Agents from the Commission's Regulation Unit completed an investigation to determine that the gambling operation complies with the requirements of RCW 9.46 and WAC 230. The review found that the following are in compliance:

- Nature, size, and scope of gambling operations
- Regulations for the operation and management of gambling
- Forms and recordkeeping


- Surveillance and security; and
- Internal controls for surveillance, security, accounting, and gambling.

The applicant proposes to operate the following games:

- 1 – High Card Flush
- 1 – Double Action Black Jack
- 1 – Double Deck Lucky Ladies
- 2 – Progressive Fortune Pai Gow
- 8 – Mini Baccarat
- 2 – Players Edge

**Part IV
Staff Recommendations**

Based upon the licensing and regulation investigations, staff recommends licensing Maverick Tukwila LLC doing business as Macau Casino – Tukwila as a house-banked card room to operate in accordance with the wagering limits of WAC 230-15-140.

Prepared By Jennifer LaMont, Agent in Charge Licensing	Signature 	Date 10/31/19
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Washington State Gambling Commission

Pre-Licensing Report

House-Banked Public Card Rooms

Part I Licensing/Organization Information

Type of Approval House-Banked Card Room	Premises/Trade Name/Address Casino Caribbean - Yakima 1901 Boggess Lane Yakima, WA 98901
Date of Application August 06, 2019	

APPLICANT INFORMATION

Name Maverick Yakima, LLC	License Application # 00-24513	Business Phone # (425) 264-1050
Address 711 Powell Ave SW Renton, WA 98057		Liquor License: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

ACTIVE LICENSES ISSUED BY GAMBLING COMMISSION

Description/Class	Exp. Date	License Number(s)
Punchboard/Pull Tab	09/30/2020	05-21632
House-banked Card Room	09/30/2020	67-00342

COMMISSION STAFF

Licensing Specialist Alec Sorenson, Licensing Michael Moore, Licensing	Special Agents Tyson Wilson, Licensing Tyna Antonson, Regulation
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Background/Structure

General Information:

The State of Washington Secretary of State's Office issued a *Certificate of Incorporation to Maverick Yakima, LLC*, doing business as Casino Caribbean - Yakima on July 2, 2019.

On August 6, 2019, the WSGC received an application from Casino Caribbean- Yakima for a house-banked card room license.

Ownership Information:

- **Maverick Yakima LLC:**

Name	Title	% Ownership	Residence	State
Maverick Caribbean LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Caribbean LLC:**

Name	Title	% Ownership	Residence	State
Maverick Washington LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Washington LLC:**

Name	Title	% Ownership	Residence	State
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- All funding sources were disclosed; and
- All substantial interest holders qualify.

A complete inspection and review was conducted of the accounting records, bank statements, contracts and agreements of the parent company Maverick Gaming LLC. This included a visit to their lawyer's office in Las Vegas, Nevada to review documents and interview owners and officers. Agents verified the funding sources, reviewed the financial records, and discussed licensing requirements.

Source of Funds:

This purchase was funded by a loan from HG Vora. HG Vora is an SEC regulated hedge fund located in New York, New York. Agent Wilson and Assistant Director Griffin went to HG Vora's office in New York to interview the owner and officers. They also reviewed documents to ensure the funds used to finance the Maverick Gaming transactions were from legitimate sources.

Part III Pre-Operational Review and Evaluation Summary

Special Agents from the Commission's Regulation Unit completed an investigation to determine that the gambling operation complies with the requirements of RCW 9.46 and WAC 230. The review found that the following are in compliance:

- Nature, size, and scope of gambling operations
- Regulations for the operation and management of gambling

- Forms and recordkeeping
- Surveillance and security; and
Internal controls for surveillance, security, accounting, and gambling

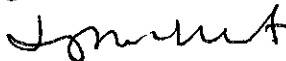
The applicant proposes to operate the following games:

- 1 – Free Bet Blackjack
- 3 – Spanish 21 with up & down match
- 2 – Progressive Fortune Pai Gow
- 1 – Double Action Blackjack
- 2 – Match the Dealer Blackjack with up & down match
- 2 – Progressive Ultimate Texas Hold'em Poker
- 2 – Progressive High Card Flush

**Part IV
Staff Recommendations**

Based upon the licensing and regulation investigations, staff recommends licensing Maverick Yakima LLC doing business as Casino Caribbean – Yakima as a house-banked card room to operate in accordance with the wagering limits of WAC 230-15-140.

Prepared By
Jennifer LaMont, Agent in Charge
Licensing

Signature


Date
10/31/19



Washington State Gambling Commission

Pre-Licensing Report

House-Banked Public Card Rooms

Part I Licensing/Organization Information

Type of Approval House-Banked Card Room	Premises/Trade Name/Address Casino Caribbean - Kirkland 12526 NE 144 th St. Kirkland, WA 98034
Date of Application August 06, 2019	

APPLICANT INFORMATION

Name Maverick Kirkland II, LLC	License Application # 00-24512	Business Phone # (425) 264-1050
Address 711 Powell Ave SW Renton, WA 98057		Liquor License: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

ACTIVE LICENSES ISSUED BY GAMBLING COMMISSION

Description/Class	Exp. Date	License Number(s)
Punchboard/Pull Tab	09/30/2020	05-21631
House-banked Card Room	09/30/2020	67-00341

COMMISSION STAFF

Licensing Specialist Alec Sorenson, Licensing Michael Moore, Licensing	Special Agents Tyson Wilson, Licensing Danny Lisa, Regulation
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Background/Structure

General Information:

The State of Washington Secretary of State's Office issued a *Certificate of Incorporation* to Maverick Kirkland II, LLC, doing business as Casino Caribbean - Kirkland on July 2, 2019.

On August 6, 2019, the WSGC received an application from Casino Caribbean - Kirkland for a house-banked card room license.

Ownership Information:

- **Maverick Kirkland II LLC:**

Name	Title	% Ownership	Residence	State
Maverick Caribbean LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Caribbean LLC:**

Name	Title	% Ownership	Residence	State
Maverick Washington LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Washington LLC:**

Name	Title	% Ownership	Residence	State
Maverick Gaming LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Gaming LLC:**

Name	Title	% Ownership	Residence	State
Eric Persson	Manager	71.3171%	Las Vegas	NV
Justin Beltram	Manager	3.8640%	Las Vegas	NV
Dennis Dougherty	Manager	1.3902%	Las Vegas	NV
Mike Borden	Member	13.0000%	Las Vegas	NV
Minority Owners*	Members	10.4287%		
Total		100.0%		

*Twenty one minority owners hold between .0542% and 2.5277% in Maverick Gaming LLC. Criminal background checks were done on all of these owners and their spouses. Their financial contributions were also investigated and sourced.

- **Other Affiliations:**

Maverick Gaming LLC, ultimately owns 18 house-banked cardrooms in Washington. They have acquired all of these cardrooms in 2019. These are all cardrooms that were previously licensed and operating.

They also own one nonhouse-banked cardroom, one manufacturer, two distributor, and four service supplier licensees. All of these licensee were also previous licensees except for two of the service supplier licensees.

Part II

Licensing Investigations Summary

Special Agents from the Commission's Licensing Unit conducted criminal records investigations and financial investigations focusing on funding sources and beneficiaries for suitability in accordance with RCW 9.46 and WAC 230. The investigations found:

- No unreported people or businesses involved (i.e. substantial interest holders);
- No undisclosed ownership or undisclosed involvement in other activities/businesses;
- All funding sources were disclosed; and
- All substantial interest holders qualify.

A complete inspection and review was conducted of the accounting records, bank statements, contracts and agreements of the parent company Maverick Gaming LLC. This included a visit to their lawyer's office in Las Vegas, Nevada to review documents and interview owners and officers. Agents verified the funding sources, reviewed the financial records, and discussed licensing requirements.

Source of Funds:

This purchase was funded by a loan from HG Vora. HG Vora is an SEC regulated hedge fund located in New York, New York. Agent Wilson and Assistant Director Griffin went to HG Vora's office in New York to interview the owner and officers. They also reviewed documents to ensure the funds used to finance the Maverick Gaming transactions were from legitimate sources.

Part III

Pre-Operational Review and Evaluation Summary

Special Agents from the Commission's Regulation Unit completed an investigation to determine that the gambling operation complies with the requirements of RCW 9.46 and WAC 230. The review found that the following are in compliance:

- Nature, size, and scope of gambling operations
- Regulations for the operation and management of gambling


- Forms and recordkeeping
- Surveillance and security; and
- Internal controls for surveillance, security, accounting, and gambling.

The applicant proposes to operate the following games:

- 1 – Lucky Ladies
- 1 – Double Action Blackjack
- 2 – Lucky Stiff Blackjack
- 1 – Free Bet Blackjack
- 3 – Player's Edge with Monster Match
- 2 – Progressive Fortune Pai Gow
- 1 – Progressive Three Card Poker
- 1 – Progressive Four Card Poker
- 1 – Progressive Ultimate Texas Hold'em
- 2 – Progressive High Card Flush

Part IV
Staff Recommendations

Based upon the licensing and regulation investigations, staff recommends licensing Maverick Kirkland II LLC doing business as Casino Caribbean - Kirkland as a house-banked card room to operate in accordance with the wagering limits of WAC 230-15-140.

Prepared By Jennifer LaMont, Agent in Charge Licensing	Signature 	Date 10/31/19
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Washington State Gambling Commission

Pre-Licensing Report

House-Banked Public Card Rooms

Part I Licensing/Organization Information

Type of Approval House-Banked Card Room	Premises/Trade Name/Address Caribbean Cardroom 12530 NE 144 th St. Kirkland, WA 98034
Date of Application August 06, 2019	

APPLICANT INFORMATION

Name Maverick Kirkland, LLC	License Application # 00-24515	Business Phone # (425) 264-1050
Address 711 Powell Ave SW Renton, WA 98057		Liquor License: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

ACTIVE LICENSES ISSUED BY GAMBLING COMMISSION

Description/Class	Exp. Date	License Number(s)
Punchboard/Pull Tab	09/30/2020	05-21634
House-banked Card Room	09/30/2020	67-00343

COMMISSION STAFF

Licensing Specialist Alec Sorenson, Licensing Michael Moore, Licensing	Special Agents Tyson Wilson, Licensing Danny Lisa, Regulation
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Background/Structure

General Information:

The State of Washington Secretary of State's Office issued a *Certificate of Incorporation* to Maverick Kirkland, LLC, doing business as Caribbean Cardroom on July 8, 2019.

On August 6, 2019, the WSGC received an application from Caribbean Cardroom for a house-banked card room license.

Ownership Information:

- **Maverick Kirkland LLC:**

Name	Title	% Ownership	Residence	State
Maverick Caribbean LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Caribbean LLC:**

Name	Title	% Ownership	Residence	State
Maverick Washington LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Washington LLC:**

Name	Title	% Ownership	Residence	State
Maverick Gaming LLC	Owner	100%		NV
Total		100.0%		

- **Maverick Gaming LLC:**

Name	Title	% Ownership	Residence	State
Eric Persson	Manager	71.3171%	Las Vegas	NV
Justin Beltram	Manager	3.8640%	Las Vegas	NV
Dennis Dougherty	Manager	1.3902%	Las Vegas	NV
Mike Borden	Member	13.0000%	Las Vegas	NV
Minority Owners*	Members	10.4287%		
Total		100.0%		

*Twenty one minority owners hold between .0542% and 2.5277% in Maverick Gaming LLC. Criminal background checks were done on all of these owners and their spouses. Their financial contributions were also investigated and sourced.

- **Other Affiliations:**

Maverick Gaming LLC, ultimately owns 18 house-banked cardrooms in Washington. They have acquired all of these cardrooms in 2019. These are all cardrooms that were previously licensed and operating.

They also own one nonhouse-banked cardroom, one manufacturer, two distributor, and four service supplier licensees. All of these licensee were also previous licensees except for two of the service supplier licensees.

Part II Licensing Investigations Summary

Special Agents from the Commission’s Licensing Unit conducted criminal records investigations and financial investigations focusing on funding sources and beneficiaries for suitability in accordance with RCW 9.46 and WAC 230. The investigations found:

- No unreported people or businesses involved (i.e. substantial interest holders);
- No undisclosed ownership or undisclosed involvement in other activities/businesses;
- All funding sources were disclosed; and
- All substantial interest holders qualify.

A complete inspection and review was conducted of the accounting records, bank statements, contracts and agreements of the parent company Maverick Gaming LLC. This included a visit to their lawyer’s office in Las Vegas, Nevada to review documents and interview owners and officers. Agents verified the funding sources, reviewed the financial records, and discussed licensing requirements.

Source of Funds:

This purchase was funded by a loan from HG Vora. HG Vora is an SEC regulated hedge fund located in New York, New York. Agent Wilson and Assistant Director Griffin went to HG Vora’s office in New York to interview the owner and officers. They also reviewed documents to ensure the funds used to finance the Maverick Gaming transactions were from legitimate sources.

Part III Pre-Operational Review and Evaluation Summary

Special Agents from the Commission’s Regulation Unit completed an investigation to determine that the gambling operation complies with the requirements of RCW 9.46 and WAC 230. The review found that the following are in compliance:

- Nature, size, and scope of gambling operations
- Regulations for the operation and management of gambling
- Forms and recordkeeping

- Surveillance and security; and
- Internal controls for surveillance, security, accounting, and gambling.

Caribbean Cardroom has a house-banked games license, but is operating a Class F nonhouse-banked cardroom. They are currently operating ten poker tables.

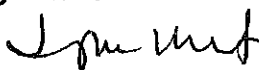
Part IV
Staff Recommendations

Based upon the licensing and regulation investigations, staff recommends licensing Maverick Kirkland, LLC doing business as Caribbean Cardroom as a house-banked card room to operate in accordance with the wagering limits of WAC 230-15-140.

Prepared By

Jennifer LaMont, Agent in Charge
Licensing

Signature



Date

10/31/19



HOUSE-BANKED PUBLIC CARD ROOM REPORT

Current House- Banked Locations Operating		44			
	City	Commission Approval Date	License Expiration Date	Org #	License #
ACES CASINO ENTERTAINMENT	SPOKANE VALLEY	Mar 13, 2014	Dec 31, 2019	00-23112	67-00325
ALL STAR CASINO	SILVERDALE	Jan 14, 1999	Jun 30, 2020	00-18357	67-00058
BLACK PEARL RESTAURANT & CARD ROOM	SPOKANE VALLEY	Jan 10, 2013	Sep 30, 2020	00-22440	67-00321
BUZZ INN STEAKHOUSE/EAST WENATCHEE	EAST WENATCHEE	Oct 10, 2002	Dec 31, 2019	00-11170	67-00183
CARIBBEAN CARDROOM	KIRKLAND	Nov 14, 2019	Sep 30, 2020	00-24515	67-00343
CASINO CARIBBEAN	KIRKLAND	Nov 14, 2019	Sep 30, 2020	00-24512	67-00341
CASINO CARIBBEAN	YAKIMA	Nov 14, 2019	Sep 30, 2020	00-24513	67-00342
CHIPS CASINO/LAKEWOOD	LAKEWOOD	Apr 8, 1999	Dec 31, 2019	00-17414	67-00020
CLEARWATER SALOON & CASINO	EAST WENATCHEE	Feb 14, 2019	Dec 31, 2019	00-24296	67-00339
CLUB HOLLYWOOD CASINO	SHORELINE	Sep 9, 2010	Jun 30, 2020	00-22132	67-00303
COYOTE BOB'S CASINO	KENNEWICK	Jul 10, 2009	Mar 31, 2020	00-21848	67-00282
CRAZY MOOSE CASINO II/MOUNTLAKE TERRACE	MOUNTLAKE TERRACE	Jul 10, 2009	Mar 31, 2020	00-21849	67-00283
CRAZY MOOSE CASINO/PASCO	PASCO	Jul 10, 2009	Mar 31, 2020	00-21847	67-00281
EMERALD DOWNS	AUBURN	May 11, 2017	Mar 31, 2020	00-23814	67-00335
FORTUNE CASINO - RENTON	RENTON	Jan 8, 2015	Sep 30, 2020	00-23339	67-00327
FORTUNE CASINO - TUKWILA	TUKWILA	Oct 8, 2015	Jun 30, 2020	00-23465	67-00329
GOLDIE'S SHORELINE CASINO	SHORELINE	May 13, 1999	Dec 31, 2019	00-17610	67-00016
GREAT AMERICAN CASINO/EVERETT	EVERETT	Nov 12, 1998	Dec 31, 2019	00-19513	67-00194
GREAT AMERICAN CASINO/LAKEWOOD	LAKEWOOD	Aug 14, 2003	Jun 30, 2020	00-19258	67-00184
GREAT AMERICAN CASINO/TUKWILA	TUKWILA	Jan 15, 1998	Sep 30, 2020	00-12554	67-00012
HAWKS PRAIRIE CASINO	LACEY	Jul 12, 2001	Jun 30, 2020	00-17579	67-00091
IRON HORSE CASINO	AUBURN	Jan 9, 2003	Dec 31, 2019	00-19477	67-00192

4

Current House- Banked Locations Operating

44

	City	Commission Approval Date	License Expiration Date	Org #	License #
JOKER'S CASINO SPORTS BAR & FIESTA CD RM	RICHLAND	Nov 12, 1998	Dec 31, 2019	00-15224	67-00006
LANCER LANES/REST AND CASINO	CLARKSTON	Nov 13, 2008	Sep 30, 2020	00-21681	67-00276
LAST FRONTIER	LA CENTER	Feb 11, 1999	Sep 30, 2020	00-11339	67-00055
LILAC LANES & CASINO	SPOKANE	Jul 12, 2007	Jun 30, 2020	00-21305	67-00267
MACAU CASINO	TUKWILA	Nov 14, 2019	Sep 30, 2020	00-24514	67-00344
MACAU CASINO	LAKEWOOD	Nov 14, 2019	Sep 30, 2020	00-24516	67-00345
NOB HILL CASINO	YAKIMA	Sep 12, 2001	Dec 31, 2019	00-13069	67-00173
PALACE CASINO LAKEWOOD	LAKEWOOD	Jan 14, 1999	Dec 31, 2019	00-16542	67-00028
PAPAS CASINO RESTAURANT & LOUNGE	MOSES LAKE	Aug 13, 1998	Jun 30, 2020	00-02788	67-00004
RC'S AT VALLEY LANES	SUNNYSIDE	Nov 16, 2017	Mar 31, 2020	00-16220	67-00336
RIVERSIDE CASINO	TUKWILA	Aug 14, 2003	Jun 30, 2020	00-19369	67-00187
ROMAN CASINO	SEATTLE	Feb 10, 2000	Mar 31, 2020	00-17613	67-00057
ROXY'S BAR & GRILL	SEATTLE	Nov 18, 2004	Jun 30, 2020	00-20113	67-00231
ROYAL CASINO	EVERETT	Sep 9, 2010	Jun 30, 2020	00-22130	67-00301
SILVER DOLLAR CASINO/MILL CREEK	BOTHELL	Sep 9, 2010	Jun 30, 2020	00-22131	67-00302
SILVER DOLLAR CASINO/RENTON	RENTON	Sep 9, 2010	Jun 30, 2020	00-22134	67-00305
SILVER DOLLAR CASINO/SEATAC	SEATAC	Sep 9, 2010	Jun 30, 2020	00-22128	67-00299
SLO PITCH PUB & EATERY	BELLINGHAM	Aug 12, 1999	Jun 30, 2020	00-16759	67-00038
THE PALACE	LA CENTER	Apr 9, 1998	Jun 30, 2020	00-16903	67-00010
WILD GOOSE CASINO	ELLENSBURG	Apr 8, 2004	Dec 31, 2019	00-20009	67-00212
WIZARDS CASINO	BURIEN	Feb 11, 2010	Dec 31, 2019	00-21998	67-00287
ZEPPOZ	PULLMAN	Nov 13, 2008	Mar 31, 2020	00-18777	67-00209

Applications Pending

1

	City	Commission Approval Date	License Expiration Date	Org #	License #
LUCKY DRAGONZ CASINO	SEATTLE			00-23001	67-00323



COMMISSION APPROVAL LIST
(Class III Gaming Employees)
November 2019

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SNOQUALMIE CLASS III GAMING EMPLOYEES.....	2

PAGES: 2

Based upon the licensing investigations, staff recommends approving all new Class III employees listed on pages 1-2.

PERSON'S NAME

CERTIFICATION NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEES

COWLITZ INDIAN TRIBE

ARMSTRONG, SHANNA M
69-47559

CHAMBERS, JOSHUA M
69-43935

COTTON, JAMIE N
69-47531

CYRUS, MICHAEL A
69-47575

DANIELSON, DARREN M
69-47599

FOSTER, JORDAN C
69-47534

FOSTER, JORDAN M
69-47558

GILLENWATER, SAMUEL J
69-47636

HAVENS, JAZMIN L
69-47639

HEIMKES, JEDEDIAH J
69-47576

HENRIE, BRANDON K
69-47642

HO, KAREN T
69-47637

HOUGHTON, ANDREW P
69-47600

LANDAHL, DEBRA J
69-47532

LUONG, BENNY
69-47404

LYNCH, CRAIG D
69-47530

LYNCH, JULIE A
69-41816

MAKI, MIRANDA M
69-28674

MARIN, JOCELYN
69-47520

MARTINEZ, SUSAN K
69-44924

MCKAUGHAN, BOBBY R
69-47557

PROMKOD, NARAKORN
69-47574

ROLLET, WILLIAM C
69-47556

SAGARANG, BENJAMIN A
69-47560

PERSON'S NAME

CERTIFICATION NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEES

COWLITZ INDIAN TRIBE

SISON, RODRIGO C
69-47507

SWARTWOOD, CHARLOTTE A
69-47640

TALIMAO, MELEANE V
69-47641

WANG, HAI
69-47519

WICKER, RANDOM C
69-47491

YADAO, NOBLEEN JOY R
69-47638

SNOQUALMIE TRIBE

BALL, ELAINE J III
69-33112

CATHCART, JODI A
69-35421

ELL, JUSTIN M
69-47509

HORN, TROY W
69-47511

LENUED, ASHLEY N
69-30992

LUKAS, ANTHONY S
69-47561

TEMPLETON, BRIAN K
69-47508

YIM, SINATH
69-47510



COMMISSION APPROVAL LIST
(New Licenses & Class III Gaming Employees)
November 2019

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NONPROFIT ORGANIZATIONS & COMMERCIAL BUSINESSES.....	1-3
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NON-PROFIT GAMBLING MANAGERS.....	5
SERVICE SUPPLIER REPRESENTATIVES.....	5
CARD ROOM EMPLOYEES	6-8
CLASS III GAMING EMPLOYEES	9-16

PAGES: 16

Based upon the licensing investigations, staff recommends approving all new Licenses and Class III employees listed on pages 1 to 16.

ck

ORGANIZATION NAME

LICENSE NUMBER

PREMISES LOCATION

NEW APPLICATIONS**BINGO**

ADVENT LUTHERAN CHURCH

00-24502 01-02795

2715 86TH ST SE
EVERETT WA 98208

BPOE 00228

00-00084 01-02797

9320 E MISSION AVE
SPOKANE VALLEY WA 99206**RAFFLE**

BPOE 00228

00-00084 02-21082

9320 E MISSION AVE
SPOKANE VALLEY WA 99206

CONCORDIA CHRISTIAN ACADEMY

00-11060 02-21086

202 E 56TH ST
TACOMA WA 98404

ETON SCHOOL FOUNDATION

00-24550 02-21088

2701 BEL RED RD
BELLEVUE WA 98008

FOE AUX 02577

00-15407 02-02601

122 B ST
GRAND COULEE WA 99133

HILLCREST ELEMENTARY PTA

00-24022 02-20793

9315 4TH ST SE
LAKE STEVENS WA 98258

LAKE STEVENS LACROSSE CLUB

00-24546 02-21084

9010 MARKET PLACE PMB 57
SNOHOMISH WA 98258

RENOVACION CARISMATICA HISPANA DE SEATTLE

00-24508 02-21072

1512 PINE AVE
SNOHOMISH WA 98290

SAFI FOUNDATION

00-22767 02-09214

51004 CONCRETE-SAUK VAL
CONCRETE WA 98237

TUMWATER AREA CHAMBER OF COMMERCE

00-24553 02-21089

20 STATE AVENUE NE 303
TUMWATER WA 98501**PUNCHBOARD/PULL-TAB COMMERCIAL STIMULANT**

ALE HOUSE TACOMA LLC

00-24497 05-21629

2122 MILDRED ST
UNIVERSITY PLACE WA 98466

CARIBBEAN CARDROOM

00-24515 05-21634

12530 NE 144TH ST
KIRKLAND WA 98034

CASINO CARIBBEAN

00-24512 05-21631

12526 NE 144TH ST
KIRKLAND WA 98034

ORGANIZATION NAME

LICENSE NUMBER

PREMISES LOCATION

NEW APPLICATIONS**PUNCHBOARD/PULL-TAB COMMERCIAL STIMULANT**CASINO CARIBBEAN
00-24513 05-216321901 BOGGESS LN
YAKIMA WA 98901CHECKERBOARD BAR
00-23565 05-213761716 E SPRAGUE AVE
SPOKANE WA 99202MACAU CASINO
00-24514 05-216335700 SOUTHCENTER BLVD
TUKWILA WA 98188MACAU CASINO
00-24516 05-216359811 S TACOMA WAY
LAKEWOOD WA 98499OLD MILL TAVERN
00-24525 05-2163810174 MAIN ST
PESHASTIN WA 98847POODLE DOG
00-19029 05-194981522 54TH AVE E
FIFE WA 98424TUGGS AND CHUGGS
00-24493 05-2162813443 CLOQUALLUM RD
ELMA WA 98541**COMBINATION LICENSE**ALANO CLUB/LYNNWOOD
00-22091 08-002904001 198TH ST SW STE 6
LYNNWOOD WA 98036WASHOUGAL VOLUNTEER FIRE DEPT
00-23077 08-002601400 A ST
WASHOUGAL WA 98671**MANUFACTURER**ANGEL PLAYING CARDS MFG KYOTO CO LTD
20-00266 20-002664600 AONOCHO
HIGASHIOMI NA 527-0232**GAMBLING SERVICE SUPPLIER**4-D GAMING LLC
00-24517 26-0036040491 YARDLEY CT
TEMECULA CA 92591

ORGANIZATION NAME

LICENSE NUMBER

PREMISES LOCATION

NEW APPLICATIONS

PUNCHBOARD/PULLTAB SERVICE BUSINESS PERMIT

WE KEEP TABS
00-24529 27-00037

403 W CANYON LAKES DR
KENNEWICK WA 99337

CARD GAMES NON HOUSE-BANKED

BPOE 01482
00-00234 60-00552

900 ASH ST
KELSO WA 98626

TACOMA ASSN OF THE DEAF
00-22003 60-00504

6315 S 19TH ST
TACOMA WA 98466

BPOE 00228
00-00084 65-07502

9320 E MISSION AVE
SPOKANE VALLEY WA 99206

CARD GAMES HOUSE BANKED

CARIBBEAN CARDROOM
00-24515 67-00343

12530 NE 144TH ST
KIRKLAND WA 98034

CASINO CARIBBEAN
00-24512 67-00341

12526 NE 144TH ST
KIRKLAND WA 98034

CASINO CARIBBEAN
00-24513 67-00342

1901 BOGGESS LN
YAKIMA WA 98901

MACAU CASINO
00-24514 67-00344

5700 SOUTHCENTER BLVD
TUKWILA WA 98188

MACAU CASINO
00-24516 67-00345

9811 S TACOMA WAY
LAKEWOOD WA 98499

PERSON'S NAME
LICENSE NUMBER

EMPLOYER'S NAME
PREMISES LOCATION

NEW APPLICATIONS

MANUFACTURER REPRESENTATIVE

BALAJI VAIDYANATHAN, VINODH
23-02346

BALLY TECHNOLOGIES
LAS VEGAS NV 89119

CASAREZ, ERIC A
23-03015

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89135

GOMEZ, JOSE J JR
23-03023

GAMING ARTS
LAS VEGAS NV 89119-3504

GUILLARTES, CHLOE K
23-03016

EVERI PAYMENTS INC
LAS VEGAS NV 89113-2175

GUILLEN, JOSHUA ARIEL S
23-03017

EVERI PAYMENTS INC
LAS VEGAS NV 89113-2175

HOLLOWOOD, JESSICA
23-02084

EVERI PAYMENTS INC
LAS VEGAS NV 89113-2175

JOHNSON, CODY M
23-03024

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89135

KADIYALA, KALYAN
23-01655

BALLY TECHNOLOGIES
LAS VEGAS NV 89119

KRUPPNER, WAYNED
23-03028

EVERI PAYMENTS INC
LAS VEGAS NV 89113-2175

LIE, SU'TRISNO
23-03019

XPERTX
RENO NV 89511

LINDSTROM, TIMOTHY M
23-03027

EVERI GAMES INC.
AUSTIN TX 78746

MCKENZIE, ARTHUR L JR
23-03020

AGS LLC
LAS VEGAS NV 89118

NARANJO, KALUB A
23-03013

VGT
FRANKLIN TN 37067

PARAISO, OSEAS P
23-03025

TCS JOHN HUXLEY AMERICA INC
LAS VEGAS NV 89120

RAMSAMY SIVABALAN, VASANTHAKUMAR
23-03022

IGT
LAS VEGAS NV 89113

RONEVICZ, DAVID J
23-03012

AGS LLC
LAS VEGAS NV 89118

PERSON'S NAME
LICENSE NUMBER

EMPLOYER'S NAME
PREMISES LOCATION

NEW APPLICATIONS

MANUFACTURER REPRESENTATIVE

ROSE, DEREK W
23-03014

VGT
FRANKLIN TN 37067

ROSENOW, RONALD T
23-00717

BALLY TECHNOLOGIES
LAS VEGAS NV 89119

SALAMON, EVA S
23-03018

EVERI PAYMENTS INC
LAS VEGAS NV 89113-2175

SCUDDER, ANDREW B
23-03026

TCS JOHN HUXLEY AMERICA INC
LAS VEGAS NV 89120

THANGAVEL, ENGELS ELANCHEZHIAN
23-02009

BALLY TECHNOLOGIES
LAS VEGAS NV 89119

WAYNE, ALEXANDER
23-02999

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89135

NON-PROFIT GAMBLING MANAGER

CALLAWAY, KIPSON S
61-03115

AMERICAN LEGION 00176
VANCOUVER WA 98686-1442

LENZ, MICHAEL W
61-04719

FOE 02069
SEDRO WOOLLEY WA 98284

MARSLAND, HUGH D
61-04721

AMERICAN LEGION 00149
BREMERTON WA 98312-2351

SERVICE SUPPLIER REPRESENTATIVE

ABRAMOFF, MAXWELL J
63-00875

HARBORTECH MOBILITY INC
BOTHELL WA 98021

BECKER, WYATT R
63-00876

BULLETPROOF SOLUTIONS II
FREDERICTON NA E3C 2N5

BEST, BRANDON P
63-00877

MAVERICK GAMING
LAS VEGAS NV 89119

PERSON'S NAME
LICENSE NUMBER

EMPLOYER'S NAME
PREMISES LOCATION

NEW APPLICATIONS

CARD ROOM EMPLOYEE

AKKERMAN, DANY 68-11495	B	FORTUNE POKER RENTON WA 98057
ANSHELL, SAMUEL C 68-34835	B	RED DRAGON CASINO MOUNTLAKE TERRACE WA 9804
BECKER, MICHAEL J 68-35493	B	ZEPPOZ PULLMAN WA 99163
BERNARD, EDDIE 68-34521	B	SILVER DOLLAR CASINO/RENTON RENTON WA 98057
CAMPUZANO, CARINA 68-35478	B	RC'S AT VALLEY LANES SUNNYSIDE WA 98944
COE, GEORGINA I 68-35465	B	MACAU CASINO LAKEWOOD WA 98499
DALRYMPLE, DAVID A 68-21906	B	ROYAL CASINO EVERETT WA 98204
DING, LEI 68-35485	B	RIVERSIDE CASINO TUKWILA WA 98168
GABRIO, BRANDON T 68-30517	B	MACAU CASINO LAKEWOOD WA 98499
GLYMPH, ALISHA M 68-35479	B	GREAT AMERICAN CASINO/LAKEWOOD LAKEWOOD WA 98499
GRAZIOSE, BRETT A 68-35467	B	THE PALACE LA CENTER WA 98629
HATHCOX, HEATHER D 68-35481	B	CLEARWATER SALOON & CASINO EAST WENATCHEE WA 98802
HAYNES, MATTHEW T 68-35468	B	CHIPS CASINO/LAKEWOOD LAKEWOOD WA 98499
HULL, JAMES D 68-16810	B	BUZZ INN STEAKHOUSE/EAST WENAT EAST WENATCHEE WA 98802
HUYNH, Y-NHU 68-35486	B	BLACK PEARL RESTAURANT & CARD SPOKANE VALLEY WA 99206-471
JACOBSON, ZANE R 68-35487	B	RIVERSIDE CASINO TUKWILA WA 98168

PERSON'S NAME
LICENSE NUMBER

EMPLOYER'S NAME
PREMISES LOCATION

NEW APPLICATIONS

CARD ROOM EMPLOYEE

LAHR, BARBARA L 68-35483	B	GREAT AMERICAN CASINO/EVERETT EVERETT WA 98204
LOCKRIDGE, SHYANNA L 68-35471	B	MACAU CASINO TUKWILA WA 98188
LYTLE, MEACHELLE M 68-35480	B	THE PALACE LA CENTER WA 98629
MALONEY, AMBER N 68-35463	B	PAPAS CASINO RESTAURANT & LOUN MOSES LAKE WA 98837
MARTINEZ DE DEKKER, ROSA 68-14241	B	CLEARWATER SALOON & CASINO EAST WENATCHEE WA 98802
MCKINNEY, SAVANNAH D 68-35495	B	CHIPS CASINO/LAKEWOOD LAKEWOOD WA 98499
MITCHELL, ANDREW C 68-35386	B	HAWKS PRAIRIE CASINO LACEY WA 98516
MURILLO CAMARENA, MANUEL D 68-35482	B	CLEARWATER SALOON & CASINO EAST WENATCHEE WA 98802
OCHOA, GLORIA U 68-35484	B	LAST FRONTIER LA CENTER WA 98629-0000
OCHS, BILLIE JEAN C 68-35477	B	LAST FRONTIER LA CENTER WA 98629-0000
PERRY, JAMAL D 68-35494	B	CRAZY MOOSE CASINO II/MOUNTLAK MOUNTLAKE TERRACE WA 9804
RAMIREZ, JOSEFINA 68-35498	B	BUZZ INN STEAKHOUSE/EAST WENAT EAST WENATCHEE WA 98802
RICHARDSON, KURT M 68-35491	B	SLO PITCH PUB & EATERY BELLINGHAM WA 98225
RISH, STANLEY JR 68-35476	B	LAST FRONTIER LA CENTER WA 98629-0000
SANTOS, BRYANT B 68-30921	B	HAWKS PRAIRIE CASINO LACEY WA 98516
SAYAHOD, PHANOMPPHONE N 68-12817	B	GREAT AMERICAN CASINO/TUKWILA TUKWILA WA 98168

PERSON'S NAME
LICENSE NUMBER

EMPLOYER'S NAME
PREMISES LOCATION

NEW APPLICATIONS

CARD ROOM EMPLOYEE

SLAGLE, LORA R 68-35464	B	CLEARWATER SALOON & CASINO EAST WENATCHEE WA 98802
SO, SALLY D 68-35473	B	CHIPS CASINO/LAKEWOOD LAKEWOOD WA 98499
SOK, PISEY 68-29533	B	FORTUNE CASINO - TUKWILA TUKWILA WA 98168
SUN, LI 68-25772	B	ROXY'S BAR & GRILL SEATTLE WA 98126
TEP, BRANDY 68-35475	B	MACAU CASINO LAKEWOOD WA 98499
TRAN, VELINDA C 68-34367	B	CHIPS CASINO/LAKEWOOD LAKEWOOD WA 98499
TULOWETZKE, AMANDA M 68-35490	B	SLO PITCH PUB & EATERY BELLINGHAM WA 98225
VANDERFORD, SHAWNA A 68-35492	B	CHIPS CASINO/LAKEWOOD LAKEWOOD WA 98499
WOOD, JAMES M 68-35469	B	GOLDIE'S SHORELINE CASINO SHORELINE WA 98133

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

CHEHALIS CONFEDERATED TRIBES

FRANCIS, KALEM A
69-47613

GARCIA STARR, CASILDA
69-47633

GESTEWITZ, ROBERT J
69-47649

LORENZO, ERICA M
69-47620

MCCOLLUM, PAMELA R
69-47681

MORRIS, KIMBERLY M
69-42860

SMITH, SAVANNAH M
69-47619

SNELL, CHARLES D
69-47680

SNELL, VIOLET L
69-24318

TABER, JONATHAN C
69-47571

WILSON, BRANDI K
69-28168

COLVILLE CONFEDERATED TRIBES

LOUIE, FERDINAND X
69-47544

PAUL, ANNIE M
69-47543

KALISPEL TRIBE

ABRAHAMSON, KYLE N
69-47495

ANGLIN, EASTON L
69-47596

ARWOOD, ADAM F
69-47661

ATKINSON, KATARINA R
69-47555

BRIGMAN, CARMEN J
69-47597

DALYAN, HAKAN
69-47628

DECOTEAU, CHANDLER J
69-47611

DUBOIS, JACKSON L
69-47551

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

KALISPEL TRIBE

DUFNER, CODY L
69-39856

FAGAN, BRENDAN J
69-47609

FLICK, ISAIAH J
69-47607

FRY, KATHLEEN M
69-47547

HILLIER, JOSHUA J
69-47554

IBRAHIMOVIC, ARMIN
69-47552

LANDERS, NAPHTALI J
69-39706

SAPP, SHAYLYNN D
69-47594

SMITH, ARIC C
69-47608

STEARNS, CODY M
69-47549

VANHORN, MATTHEW R
69-47678

VERNON, EMMA L
69-47548

VINCENT, BETHANY C
69-47550

WASHINES, TREY T
69-47610

WINTERS, JENNIFER S
69-47546

WOTTON, JOHNATHAN F
69-47553

YOCHUM, NGOC T
69-47595

LUMMI NATION

AALPOEL, JOSHUA I
69-47591

COOLEY, SHARITA S
69-47590

JACKSON, TYLER J
69-44969

LASTNER, CHRISTOPHER R
69-47577

LAWRENCE, ASHLEY M
69-47506

OBERLY, BRANDON W
69-47593

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

LUMMI NATION

REEVES, ROMAN C
69-07142

REVEY, CASEY W
69-47592

SUCCA, BLESILDA I
69-47653

WASLEY, PETER F
69-47632

MUCKLESHOOT INDIAN TRIBE

ARMSTRONG, JOHN N
69-47567

ASTON, CHRISTINA L
69-47602

BAUTISTA, ADRIAN I
69-47655

CHEA, NY S
69-47601

CONWAY, CRYSTAL S
69-47528

GOAG, WON J
69-47646

HEADDRESS, PATRICIA L
69-18468

KEELINE, ROBERT M SR
69-06946

KOL, VISALSAK
69-47566

LEE, OLIVIA M
69-47605

MANIO, MELAIZA S
69-20322

MOSES, AVRYL D
69-38793

PANGANIBAN, KATELYN M
69-47565

ROHWEIN, SCOTT A
69-47647

WILLIAMS, KEEVIN L
69-14242

NISQUALLY INDIAN TRIBE

ARMENTA, ZACHARY T
69-47584

BELL, LAWRENCE T
69-47540

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

NISQUALLY INDIAN TRIBE

BETTS, ASHTIN E
69-47581

CANTRELL, MARIA D
69-47539

CHA, PATRICIA M
69-47537

CHAPMAN, CURTIS M II
69-47583

EVERYBODYTALKSABOUT, DISHANE E
69-47582

LEGAULT, JESSE M
69-47538

NICHOLS, SHAWN H
69-47663

PARLANTI, DAVID L
69-03655

SUY, SOCHANPHEARO
69-17217

WOOTEN, CHRISTOPHER J
69-47662

PUYALLUP TRIBE OF INDIANS

AUGUST, CHIN-WA R
69-47542

COURSON, JON A
69-21120

DIAMOND, VI H JR
69-47513

DIDIO, CHRISTOPHER D
69-47606

DURU, NNAEMEKA E
69-47515

FIAFIA-SILAFU, PHILANA S
69-47503

GODDARD, JAMIE
69-47502

HENG, ANGELINA M
69-47621

HENLEY, CINDY L
69-47650

HERNANDEZ ANAYA, JAIHAYRA S
69-47603

LAM, SILE T
69-47504

LEAL-WOOD, ISAAC D
69-47501

MARTINEZ, LEEANN
69-39060

MONTOYA, ANGELICA B
69-47631

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

PUYALLUP TRIBE OF INDIANS

NEWMAN, AARON J
69-47622

PERKINS, PERRY M
69-47664

PLATZ, JAMES M
69-47514

REDSTAR, JASMYNE K
69-47659

QUINULT NATION

HARRISON, CHARLES V
69-12863

MCDONALD, MATHEW J
69-47643

ROBINSON, DALILA T
69-47617

SKOKOMISH TRIBE

MCCLUNG, LASCA A
69-32538

SPOKANE TRIBE

FLUTE, ANNALYNN C
69-47626

MIRAMONTES, JACQUELINE M
69-47618

SCOTT, RICHARD C
69-47541

SIMPSON, STEPHANIE R
69-47627

WHITE, JAMIE M
69-47589

SQUAXIN ISLAND TRIBE

AKEN, NICHOLAS K
69-47512

HUNT, FARA H
69-47579

LIND, AMY M
69-47580

MACIAS, CHRISTOPHER J II
69-47522

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

SQUAXIN ISLAND TRIBE

PIERSON, KRISTY C
69-47666

WHITTINGTON, JULIE M
69-47521

STILLAGUAMISH TRIBE

BROWN, KATHLEEN B
69-47568

CURTIS, JOSHUA D
69-28323

HALL, SHERRI L
69-47706

MALLOY, TYLER C
69-47635

MARKEL, JUSTIN M
69-39030

SMITH, CHERYL A
69-47569

STITSEL, TARA A
69-47526

SUQUAMISH TRIBE

ALVAREZ, ATHENA L
69-47585

BOELK, SOKMONY S
69-22936

CARO, KRISTINA M
69-47630

HAMMETT, ROBERT J
69-38443

OLALIA, MARIANNE S
69-21472

SWINOMISH INDIAN TRIBAL COMMUNITY

FOSTER, BRANDON N
69-47516

SCHWITTER, CHRISTOPHER R
69-47455

WALL, JAMES M
69-47414

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

THE TULALIP TRIBES

AMERICAN HORSE, DAWSON W
69-26400

BEGAY, NATHAN A
69-47536

HENRY, JOHN P
69-47578

LATHAM, MABEL I
69-47572

MALGESINI, LORI B
69-47624

REDTHUNDER, WILLENE L
69-18572

TOBIAS, KYLER R
69-40309

UPPER SKAGIT INDIAN TRIBE

BLUBAUGH, JESSICA L
69-47644

CLAUS, TAHSIS S
69-47656

COLE, EVERETT T
69-47573

FARBER, JOYCE J
69-47564

FUNDERBERG, SYDNEY T
69-47545

GONZALES, DOMINIQUE G
69-47612

KERR, EMILY A
69-47523

KRIEGEL, MICHAEL D JR
69-47588

LILLIE, SKILER W
69-47586

MARTINEZ, KARINA A
69-47587

MCGREGOR, PATRICIA R
69-47563

O'DELL, TAMMIE L
69-47524

OLSON, GABRIELLE R
69-47562

SHEPHERD, BRANDI G
69-47625

SMITH, TERRY D
69-47525

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

YAKAMA NATION

CHARLEY, LEDONNA F
69-13801

CUNNINGHAM, ALEXANDER J
69-47529

DOUBLERUNNER, JEREMIAH J
69-08046

HARTGROVE, ELIZABETH A
69-09732

MUNGIA, NOAH M
69-47527

SALINAS, JESSE III
69-22174

UMTUCH, LORILEE J
69-27358

WALTERMANN, RORY S
69-47629

WASHINGTON STATE GAMBLING COMMISSION
Proposed 2020 Commission Meetings Schedule

January 9th & 10th
Thursday & Friday

Hilton Garden Inn
2101 Henderson Park Lane S.E.
Olympia, WA 98501

February 13th & 14th
Thursday & Friday

Hilton Garden Inn
2101 Henderson Park Lane S.E.
Olympia, WA 98501

March 12th & 13th
Thursday & Friday

Hilton Garden Inn
2101 Henderson Park Lane S.E.
Olympia, WA 98501

April 9th & 10th
Thursday & Friday

Hilton Garden Inn
2101 Henderson Park Lane S.E.
Olympia, WA 98501

May 14th & 15th
Thursday & Friday

The Marcus Whitman Hotel
6 W Rose Street
Walla Walla, WA 99362

June 23rd & 24th
Tuesday & Wednesday

The Davenport Grand
333 West Spokane Falls Boulevard
Spokane, WA

July

NO MEETING

August 13th & 14th
Thursday & Friday

Hotel Murano
1320 Broadway
Tacoma, WA 98402

September 10th & 11th
Thursday & Friday

The Heathman Lodge
7801 NE Greenwood Drive
Vancouver, WA 98662

October 15th & 16th
Thursday & Friday

Hilton Garden Inn
2101 Henderson Park Lane S.E.
Olympia, WA 98501

November 17th & 18th
Tuesday & Wednesday

Hilton Garden Inn
2101 Henderson Park Lane S.E.
Olympia, WA 98501

December

NO MEETING



STATE OF WASHINGTON
GAMBLING COMMISSION

"Protect the Public by Ensuring that Gambling is Legal and Honest"

TO: COMMISSIONERS

Bud Sizemore, Chair
Julia Patterson, Vice-Chair
Christopher Stearns
Ed Troyer
Alicia Levy

EX OFFICIO MEMBERS

Senator Conway
Senator Jeff Holy
Representative Brandon Vick
Representative Shelley Kloba

FROM: David Trujillo, Director

SUBJECT: November Directors Report

COMMISSION UPDATE

On October 28, 2019, pursuant to RCW 9.46.040, Lieutenant Governor Cyrus Habib appointed Senator Jeff Holy to the Commission, filling a vacant position. Senator Holy lives in Spokane and represents the 6th Legislative District. He earned his bachelor's degree at Washington State University while serving in the Army and Army National Guard. He was with the Spokane Police Department for 22 years, including time spent in drug enforcement and vice. He is also a graduate from Gonzaga University School of Law and has practiced law for 20 years. Senator Holy currently serves on the Senate Committees for Higher Ed & Workforce Development (Ranking Member), Early Learning & K-12 Education, and Law and Justice.



AGENCY UPDATE

FORECAST (Updated with September final numbers)

For September, license fee revenue continues to be higher than expected, with punchboards and pull-tabs leading the way. We continue to underspend our budget, mostly due to the 12 vacancies that we had at month-end versus the 7 we anticipated. Regarding our working capital balance, we are in good financial health for the next two years, as we expect to end FY20 with about \$6.8M. This is an increase of \$1.5M from the prior report, primarily due to the \$1.25M fine recently attributed to a single licensee.



STATE OF WASHINGTON GAMBLING COMMISSION

"Protect the Public by Ensuring that Gambling is Legal and Honest"

ENFORCEMENT

We signed a settlement agreement with a licensee in response to an investigation into a loansharking and money laundering operation at two of its casinos. The settlement included a \$1.25 million payment which will, in part, reimburse the agency for investigative and administrative costs. This was a joint investigation with a local police department and began in 2016 after we received numerous complaints regarding loansharking and money laundering activities. In addition to the monetary penalty, the two owners have been barred from participation in any future gambling activities in Washington. Criminal convictions are pending as are many gambling license revocations.

GLOBAL GAMING EXPO

Staff had the opportunity to attend G2E again this year. G2E is the annual gambling industry trade show and conference sponsored by the American Gaming Association. The main focus of this year's conference was sports wagering. At the conference, we attended the US Sports Betting Forum, where the primary focus was on game integrity. We also met with New Jersey sports wagering regulators who remembered our cyber/Internet enforcement efforts and want to continue working with us. We met with other regulators and the primary message we are hearing is that the regulator focus is game and data integrity and their enforcement concern is money laundering. We also met with several sports wagering companies and sports book operators, and their main focus is on data integrity, compliance, reporting and knowledgeable personnel. We also met with test lab reps who are knowledgeable in the testing of equipment in the sports wagering arena.



Chief Financial Officer Chris Stanley also attended and found it to be an "incredible learning experience." He attended each of the keynote addresses and was taken by the message that relationships matter more than the product being sold. Chris reflected on that in relation to our agency where we know the relationships we build with stakeholders are key to our success as regulators. Chris attended a number of sessions on sports wagering and eSports, and his main takeaway is that we are living in the digital "wild west." While the industry has prepared for sports wagering, regulators have not. Particularly with eSports, Chris is concerned about the lack of accountability and security around the data that's being collected on children playing



STATE OF WASHINGTON GAMBLING COMMISSION

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these games. For example, "Joe" plays socially for five years, starting when he's fourteen. After five years, Joe meets a recruiter who selects him to be on competitive or local or professional eSports team. The moment Joe plays his first professional eSports match, the game manufacturer can set odds with five years of data the rest of the industry does not have. This is different than high school and college sports where pre-professional play is known to the public. Unless Joe was part of a competitive team or collegiate team, there is only the data collected on Joe by the game manufacturer when he was playing socially as a child.

EMPLOYEE ENGAGEMENT SURVEY UPDATE

We participated in this year's statewide employee engagement survey. The link was sent to staff on October 1 and the survey was available through October 31. While we only participate every other year, we have been a regular participant since it was established in 2006. The purpose of the survey is to engage employees so that they find their work more meaningful and deliver better results, ultimately improving government performance. This year, we had 92 employees participate or about 87% of total staff participate. Results will be available in the coming months.

TRIBAL RELATIONS

New Agent Training

We recently completed our final offering of New Agent Training for 2019. The primary audience for this training is tribal gaming commissioners and tribal gaming agency staff. The training was conducted October 7 - 11 at the Muckleshoot Casino Training Center. Among other courses, attendees learned about: the 1988 Indian Gaming Regulatory Act, the respective roles of the state gaming agency and the tribal gaming agency, tribal-state compacts, regulating tribal gaming operations, and our Criminal Enforcement Unit. Attendees also learned about: internal controls, casino accounting, surveillance, regulating the Tribal Lottery System, licensing operations and cheating detection. Attendees were asked to evaluate the instructors and course materials on a scale of 1 (low) to 5 (high). On average, each individual course rated from 4.62 to 4.84 with overall average of 4.73.

Criminal History Record Inquiries

In late October, we had a teleconference with representatives of the Washington State Patrol and Department of Justice – FBI (DOJ-FBI) to understand the current requirement issued by the National Indian Gaming Commission which prohibits tribes from sharing fingerprint-based



STATE OF WASHINGTON GAMBLING COMMISSION

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information results with us. In short, DOJ-FBI said such information is not the tribe's to share. They are an authorized recipient but are not authorized to share with us. Further, it does not matter if we are authorized to request/receive such info via state statute and the tribes are authorized to request/receive the same through a federal process. The information does not fall within DOJ-FBI's own "agency related doctrine" because the two processes cannot cross state/federal lines even if the information is used for the same purpose. We asked DOJ-FBI to consider the IGRA citations which say the negotiated compact may include provisions related to the application of criminal and civil laws and regulations of the Indian tribe or the state that are directly related to, and necessary for, the licensing and regulation of such activity and the allocation of criminal and civil jurisdiction between the State and the Indian tribe necessary for the enforcement of such laws and regulations. In addition, we also asked for a copy of a legal opinion that they referenced during the call so that we could better understand why the agency-related doctrine does not apply. More information to follow.

UPDATE ON STRATEGIC PLAN 2018-2019

1. Increasing the Commission's Role in Helping People Suffering from Gambling Disorders.

On-call employee John Chinn will be working on this project while a facilitator is being selected through the Request for Proposal (RFP) process, and he may continue thereafter as a Gambling Commission resource. Mr. Chinn successfully oversaw our "Building Restack Project," which was completed at the end of October. He has prepared two separate (but related) project management timelines for the Self-Exclusion and the Problem Gambling Task Force Legislative obligations. These timelines have been distributed to key staff for comment and feedback.

Problem Gambling Task Force Update: Our agency and the Health Care Authority have completed interagency agreements on the general terms and conditions that we will operate under to implement the Problem Gambling Task Force. We have also agreed on how funds will be transferred from our agency to Health Care Authority for the purpose of contracting with a task force facilitator. The agreement also includes updating commissioners at public meetings. The RFP was posted to the WEBS site (WA Electronic Business Solution) and will close on November 15, 2019.

Stakeholders will have, or will soon receive, an invitation to participate on the task force. The invitation summarizes responsibilities of participants and outlines potential areas for recommendations to the Legislature, such as: 1) how to initiate a state prevalence study on adult gambling and problem gambling; 2) expanding state funding for prevention, treatment,



STATE OF WASHINGTON
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and recovery services to address the need for these programs; 3) steps the state should take to improve the current licensing and certification of problem gambling providers to meet the current and projected future demand for services; and regarding additional problem gambling areas for consideration and any actions needed to ensure the state and/or regulatory agencies are effectively addressing problem gambling. As of now, workgroup activities will likely include attending six to eight task force quarterly meetings from January 2020 through June 2021. Meeting locations will be scheduled in Olympia, Seattle I-5 Corridor and in Central/Eastern Washington. All meetings are expected to have a remote participation option and call-in capability. The first meeting is planned to take place in January 2020.

Self-Exclusion: John Chinn has completed an initial scope statement for self-exclusion. This scope statement has been referred to key staff for comment and feedback. Specifically, the statement sets out five objectives and thirteen goals that will help assure we have a deliberate and methodical process that obtains feedback from all stakeholders and also begins to contemplate how the self-exclusion process will interface with the Problem Gambling Task Force. Once finalized, the scope statement and timeline will be included as a part of this report.

2. Strengthening Legislative Relationships.

Annual Report: We have prepared a draft of the annual report which was previously sent out to you electronically for comment and review before finalizing. We are compiling statistics and preparing for publication this quarter.

Sports Wagering: We continue to tactically and strategically prepare for legislative questions about sports wagering. We are preparing because of the three sports wagering bills presented in the 2019 legislative session. To that end, we have a team of personnel from across agency lines that are looking at the scenario "What if sports wagering is authorized in the 2020 session?" Given the movement across the country, we fail in our due diligence if we do not prepare for, and be the best resource we can be for, the Legislature and other government officials, including elected tribal leaders considering sports wagering as economic source of revenue for government services. It is our desire that the sports wagering process and policy discussion be open and transparent to the extent possible, and we do not want government leaders to say "we weren't told this could happen," or "you didn't tell us this would happen," or something similar.



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We are visiting states with state regulatory agencies that have implemented, or will soon implement, sports wagering regulatory programs. Our first regulatory meeting was at the Oregon Lottery Commission. Oregon's mobile wagering program was implemented last month and wagers are allowed on football, basketball, baseball, soccer, golf and NASCAR, but not on college sports. Our second regulatory meeting was at the Mississippi Gaming Commission. The state launched sports wagering in August 2018, so it has completed one full year of operation. During the week of October 20, staff attended sports wagering courses sponsored UNLV, and met with Nevada Gaming Control Board representatives and various sport wagering operators. We also have visits planned in December to meet with regulators from New Jersey and Pennsylvania, as well as various providers and operators. We are planning two additional trips in 2020 to Indiana and Iowa.

3. Staff Continuity and Succession Planning

Behavioral Competencies: Please recall these competencies were updated when staff were asked the question, "What are the behavioral competencies that you would want to see in your colleagues?" In other words, what attributes do you want your co-workers to demonstrate? All staff had the opportunity to provide input. Agency supervisors and managers formalized these behaviors into the current agency behavioral competencies that have been incorporated into all staff performance development plans.

Agent Recruitment: For the first time, we have contracted out a portion of our agent recruitment and hiring program to Public Safety Testing (PST). While we retain control of the recruitment process, all special agent recruitment applicants will need to begin the hiring process through PST which will conduct the physical testing and the written exam. We will conduct the interview and background investigation, and will coordinate the polygraph, psychological medical exams and the drug test. This will greatly enhance our exposure to those wanting a career in law enforcement, as only online application is needed to have an applicant's scores sent to the available departments selected by the applicants.

Growth and Development: Supervisors are ensuring they speak with their respective team members in a one-on-one setting to discuss professional/personal growth and development goals, how individual goals can be accomplished, and how they align with agency/unit goals.

4. Strengthen Stakeholder Relationships

We continue to increase our communication externally and this is demonstrated by the increasing numbers of meetings that include stakeholders. We continued our increased



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attendance at licensee, tribal, and public events and meetings. We continue to consult with tribes on a government-to-government level, and continue to enjoy one of the nation's better state-tribal relationships. We are meeting with prosecutors from across the state and may have an educational component at a future Washington Association of Prosecuting Attorneys conference. One of two agency request legislation items, which will be discussed later, is for the benefit of stakeholders.

Respectfully,

Dave

David E. Trujillo, CPA, CGMA
Director / Chief of Enforcement
Washington State Gambling Commission



STATE OF WASHINGTON
GAMBLING COMMISSION

PO Box 42400 Olympia WA 98504-2400 (360) 486-3440 TDD (360) 486-3637 FAX (360) 486-3626

November 14, 2019

TO:	COMMISSIONERS Bud Sizemore, Chair Julia Patterson, Vice Chair Chris Stearns Ed Troyer Alicia Levy	EX OFFICIO MEMBERS Senator Steve Conway Representative Brandon Vick Representative Shelly Kloba
------------	---	---

FROM: ^{JL} Jennifer LaMont, Agent in Charge
Licensing Unit

SUBJECT: HOUSE-BANKED CARD ROOM SUMMARY OF ACTIVITY

Fiscal Year 2018 Information

During the year ended December 31, 2018, we had 47 licensed house-banked card rooms. Two of these card room ceased operations in 2018 and did not submit financial statements. Of the 45 that submitted, 33 licensees reported a net income between \$151,394 and \$5,164,902; 12 licensees reported net losses between (\$17,947) and (\$2,490,908).

Financial statements are prepared on the assumption that the business is a *going concern*, meaning that it will continue in operation for the foreseeable future. An auditor or reviewer who concludes that substantial doubt exists with regard to the going concern assumption is required to issue an opinion reflecting this concern. Of the 45 licensees that reported for year ended in 2018, 2 (representing 4%) had a going concern issue reflected in their financial statement report. In 2017, out of the 50 licensees that reported, 4 licensees (representing 8%) had a going concern issue. In 2016, out of 49 licensees that reported, 6 licensees (representing 12%) had a going concern issue.

The following is a comparison between 2018 and 2017.

	2018		2017	
	#	%	#	%
Licenses with positive Net Income	33	73%	37	74%
Licenses with Net Losses	12	27%	13	26%
Total	45	100%	50	100%



Range of Net Income	\$151,394 --- \$5,164,902	\$19,988 --- \$4,567,332
Range of Net Loss	(\$17,947) --- (\$2,490,908)	(\$21,234) --- (\$2,087,676)
# of Case Reports Written	3	2

The Licensing Unit has reviewed all of the financial statements that were submitted. This year the Unit has initiated three case reports. These case reports were for failure to report financial contributions and for late submission of financial statements.

Seventeen licensees reported leasing their premise from a party with like ownership. Twenty- one reported leasing their premise from an entity without any like ownership. Seven house-banked card room licensees own their premise. Due to submitting consolidated financial statements, premise information was not obtained from two licensees.

Premise Ownership Status	Number	Annual Lease		
		Low	High	Average
Related Party Premise Ownership	17	\$55,519	\$936,000	\$419,669
No related Party Premise Ownership	21	\$62,075	\$392,118	\$206,068
Own Their Premise	7	NA	NA	NA

For 2018, we had 45 house-banked card rooms submit financial statements compared to 50 reporting for 2017. To date in 2019, the following changes have occurred with the house-banked card room licensees that reported in 2018:

- One new house-banked card room has been added in 2019 (Clearwater);
- Three house-banked card rooms operating in 2018 are no longer operating (Clearwater, Lucky 21, Great American Des Moines);
- One house-banked card room operating in 2018 is now operating as a nonhouse-banked card room (The Getaway Casino);
- Maverick Gaming LLC has acquired 18 house-banked card rooms up to this point in 2019. These include the Nevada Gold Casinos, Macau/Caribbean Casinos, Roman Casino, Wizards Casino, and the Great American Casinos.

As a point of reference, the number of house-banked cards rooms peaked at 97 in 2005 and 2006, see the attached chart.

Background

According to WAC 230-15-740, all house-banked card game licensees must submit financial statements within 120 days following the end of their business year.¹ Licensees are allowed a one-

¹ Some licensees do not have a business year-end date of December 31.

time, 60-day extension if needed, and the majority of the financial statements are received on or about June 30th of each year.

The type of financial statement licensees must submit is dependent upon the gross receipts from the card room:

<u>Gross Receipts for Fiscal Year End 2018</u>	<u>Type of Financial Statement Required</u>
Over \$6 million	Audit
Less than \$6 million but more than \$1 million	Review
Less than \$1 million	Compilation

Licensees are required to have the financial statements prepared by an independent, certified public accountant licensed by the Washington State Board of Accountancy and they must be prepared in accordance with generally accepted accounting principles, including all required footnotes or disclosures. The licensee is also required to report gross revenues for each licensed activity separately and present comparative statements.

In 2002, we began summarizing and posting on our website the financial statement information we collected from the house-banked card rooms. The financial statement summary provides users with the gross card room revenue as well as the overall net income or loss of the business.

The type of legal entity a licensee is, for example a sole proprietor, corporation, or LLC, will impact how some costs are recorded to determine the overall businesses net income or loss. This means that you cannot necessarily compare the licensees in terms of their net income or loss reported based on similar gross receipt levels. For example, some licensees record an owner's salary as expenses while some owners take owner draws, which does not impact the net income or loss.

Attachment

Summary of House-Banked Card Room Financial Statements
For the Fiscal Years Ending in 2018
(Sorted by Licensee Net Income or (Loss))

Licensee	City	----- 2018 REVENUES -----		Total Revenue	Total Expenses	Net Income or (Loss)
		Card Room Revenue	Other Revenue			
		(1)	(2)		(3)	[4]
GREAT AMERICAN CASINO/EVERETT	Everett	\$11,736,796	2,143,733	\$13,880,529	\$8,715,627	\$5,164,902
RIVERSIDE CASINO	Tukwila	\$13,712,038	880,337	\$14,592,375	\$11,353,364	\$3,239,011
CRAZY MOOSE CASINO/PASCO	Pasco	\$8,773,963	2,337,867	\$11,111,830	\$7,962,506	\$3,149,324
CASINO CARIBBEAN/KIRKLAND	Kirkland	\$8,684,188	1,704,238	\$10,388,426	\$7,769,685	\$2,618,741
GOLDIE'S SHORELINE CASINO	Shoreline	\$10,133,637	426,663	\$10,560,300	\$8,061,595	\$2,498,705
MACAU CASINO/LAKEWOOD	Lakewood	\$8,743,399	1,641,285	\$10,384,684	\$7,979,883	\$2,404,801
FORTUNE CASINO - RENTON	Renton	\$9,886,581	1,901,434	\$11,788,015	\$9,427,928	\$2,360,087
ROMAN CASINO	Seattle	\$14,852,492	622,892	\$15,475,384	\$13,200,859	\$2,274,525
COYOTE BOB'S	Kennewick	\$5,408,982	846,005	\$6,254,987	\$4,270,987	\$1,984,000
GREAT AMERICAN CASINO/TUKWILA	Tukwila	\$9,695,889	2,739,544	\$12,435,433	\$10,573,926	\$1,861,507
CASINO CARIBBEAN/YAKIMA	Yakima	\$5,552,421	2,095,393	\$7,647,814	\$6,082,061	\$1,565,753
BUZZ INN STEAKHOUSE/EAST WENATCHEE	East Wenatchee	\$3,419,001	2,826,653	\$6,245,654	\$4,816,443	\$1,429,211
THE PALACE/LACENTER	LaCenter	\$10,484,910	2,398,434	\$12,883,344	\$11,599,897	\$1,283,447
SILVER DOLLAR CASINO/SEATAC	SeaTac	\$5,358,934	1,717,988	\$7,076,922	\$5,881,937	\$1,194,985
CHIPS CASINO/LAKEWOOD	Lakewood	\$8,530,364	163,586	\$8,693,950	\$7,660,241	\$1,033,709
SLO PITCH PUB & EATERY	Bellingham	\$2,941,428	2,414,358	\$5,355,786	\$4,342,789	\$1,012,997
MACAU CASINO/TUKWILA	Tukwila	\$6,926,501	1,582,045	\$8,508,546	\$7,564,163	\$944,383
HAWKS PRAIRIE CASINO	Lacey	\$4,854,743	957,535	\$5,812,278	\$4,944,453	\$867,825
SILVER DOLLAR CASINO/RENTON	Renton	\$6,622,941	1,574,741	\$8,197,682	\$7,361,140	\$836,542
CRAZY MOOSE CASINO/MOUNTLAKE TERRACE	Mountlake Terrace	\$4,388,374	\$857,035	\$5,245,409	\$4,446,683	\$798,726
SILVER DOLLAR CASINO/MILL CREEK	Mill Creek	\$4,431,384	941,450	\$5,372,834	\$4,667,125	\$705,709
JOKER'S CASINO SPORTS BAR & FIESTA	Richland	\$2,567,030	3,369,454	\$5,936,484	\$5,335,501	\$600,983
FORTUNE CASINO - TUKWILA	Tukwila	\$6,814,040	2,295,805	\$9,109,845	\$8,540,392	\$569,453
ROXY'S BAR & GRILL	Seattle	\$3,081,172	2,519,556	\$5,600,728	\$5,065,283	\$535,445
WIZARDS CASINO	Burien	\$5,132,311	2,920,331	\$8,052,642	\$7,517,312	\$535,330
BLACK PEARL RESTAURANT & CARD ROOM	Spokane	\$4,634,508	908,916	\$5,543,424	\$5,110,308	\$433,116
CARIBBEAN CARDROOM	Kirkland	\$2,365,447	899,224	\$3,264,671	\$2,870,243	\$394,428
ALL STAR CASINO	Silverdale	\$3,609,408	4,973,439	\$8,582,847	\$8,199,853	\$382,994
PALACE CASINO/LAKEWOOD	Lakewood	\$5,154,019	405,655	\$5,559,674	\$5,179,487	\$380,187
LILAC LANES & CASINO	Spokane	\$1,970,645	1,898,970	\$3,869,615	\$3,530,312	\$339,303
LANCER LANES RESTAURANT AND CASINO	Clarkston	\$923,886	973,849	\$1,897,735	\$1,664,932	\$232,803
NOB HILL CASINO	Yakima	\$2,861,142	1,413,109	\$4,274,251	\$4,056,923	\$217,328
RC'S AT VALLEY LANES	Sunnyside	\$707,337	863,614	\$1,570,951	\$1,419,557	\$151,394
CLEARWATER SALOON & CASINO	Wenatchee			\$0		\$0
LUCKY 21	Woodland			\$0		\$0
WILD GOOSE CASINO	Eilensburg	\$748,644	202,406	\$951,050	\$968,997	(\$17,947)
ROYAL CASINO	Everett	\$4,393,150	1,106,101	\$5,499,251	\$5,537,642	(\$38,391)
PAPAS CASINO RESTAURANT & LOUNGE	Moses Lake	\$2,224,230	4,449,309	\$6,673,539	\$6,716,417	(\$42,878)
ACES CASINO ENTERTAINMENT	Spokane	\$1,240,866	\$298,286	\$1,539,152	\$1,605,959	(\$66,807)
CLUB HOLLYWOOD CASINO	Shoreline	\$4,708,492	1,216,683	\$5,925,175	\$6,011,874	(\$86,699)
ZS RESTAURANT AT ZEPPOZ	Pullman	\$871,401	2,171,053	\$3,042,454	\$3,133,070	(\$90,616)
THE GETAWAY CASINO	Walla Walla	\$760,782	773,167	\$1,533,949	\$1,667,919	(\$133,970)
LAST FRONTIER	LaCenter	\$9,236,101	1,428,405	\$10,664,506	\$10,982,788	(\$318,282)
GREAT AMERICAN CASINO/LAKEWOOD	Lakewood	\$5,345,611	1,602,172	\$6,947,783	\$7,269,193	(\$321,410)
EMERALD DOWNS	Auburn	\$1,106,939	637,440	\$1,744,379	\$2,371,926	(\$627,547)
IRON HORSE CASINO/AUBURN	Auburn	\$4,356,262	2,068,971	\$6,425,233	\$7,285,866	(\$860,633)
GREAT AMERICAN CASINO/DES MOINES	Des Moines	\$1,143,278	585,728	\$1,729,006	\$4,219,914	(\$2,490,908)

NOTE: House-banked card room licensees must submit financial statements to the commission within 120 days after the end of their fiscal year. The financial statements include all gambling and non-gambling revenues and expenses of the licensee.

(1) Card Room Revenue is the gross revenue from the card room activity only. No other gambling activity revenues are included.

(2) Other Revenue is all revenues earned by the licensee other than from the card room, as defined above. This may include revenues from pull tabs, amusement games, food, beverage, and any other services/activities provided by the licensee.

(3) Total Expenses are all the expenses incurred by the licensee to operate their business during the fiscal year. Expenses may include such items as cost of sales, advertising, wages, utilities, depreciation, interest expenses, taxes, and Federal Income Tax Provisions.

(4) Net loss may include impairment of goodwill and loss on disposal of discontinued operations; net income may include debt forgiveness and gain on deconsolidation.

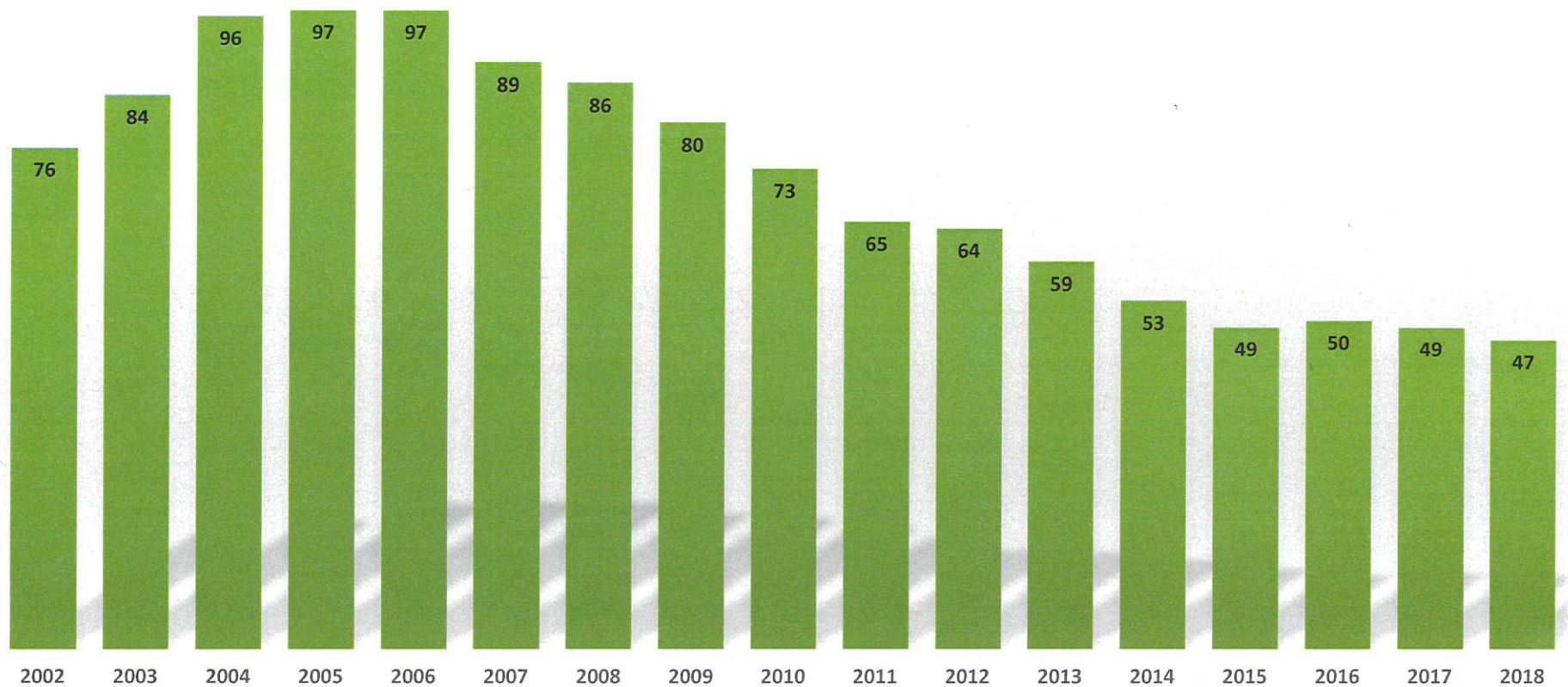
(5) Average -Net Income (Net Loss) of those reporting:

	<u>Average</u>	<u>#</u>	<u>%</u>
Net Income	\$1,333,383	33	73%
Net Loss	\$424,674	12	27%
Combined		45	100%

(6) This report is merely a summary of the financial information reported to us. The actual financial statements, footnotes, and auditor's report are an integral part of this information.

(7) Two card rooms operated in 2018, but went out of business and did not report.

Licensed and Operating HBCRs 2002 to 2018



Highest number of licensed and operating HBCRs per year.

Christopher T. Stearns
1163 32nd St NE
Auburn, WA 98002
cstearns@hobbsstrauss.com

October 30, 2019

Keith Swenson, Director of Boards & Commissions
Office of Governor Jay Inslee
PO Box 40002
Olympia, WA 98504-0002

Dear Mr. Swenson,

I am writing to notify you that I intend to resign as Commissioner from the Washington State Gambling Commission on November 18, 2019 to return to private practice as a Native American rights attorney as well as to join the Auburn City Council early next year.

It has been a great privilege to serve on the Gambling Commission as a Commissioner and as Chairman. Working with my fellow Commissioners and the exceptional Commission staff led by Dave Trujillo has been an extraordinarily rewarding experience.

I am grateful to Governor Inslee for having given me the opportunity to be involved with these remarkable people and this special institution.

Sincerely,



Chris Stearns

Cc: Bud Sizemore, Chair, WA State Gambling Commission
Dave Trujillo, Director, WA State Gambling Commission



STATE OF WASHINGTON
OFFICE OF THE LIEUTENANT GOVERNOR
Cyrus Habib

October 28, 2019

The Honorable Jeff Holy
201 Irv Newhouse Building
PO Box 40425
Olympia, WA 98504

RE: Washington State Gambling Commission

Dear Senator Holy,

I am pleased to appoint you to the Washington State Gambling Commission, as established in RCW 9.46.040. I wish you success in your appointment.

Sincerely,

CYRUS HABIB
Lieutenant Governor

CC: Senator Billig
Senator Schoesler
Brad Hendrickson
Sarah Bannister
Heather Lewis-Lechner
Kathleen Lawrence
Peter Dodds
James Troyer
Ariel Kennedy
Brittany Yunker-Carlson
Nicholas Juno
Brian Considine, Washington State Gambling Commission



WASHINGTON STATE GAMBLING COMMISSION

SUMMARY

Mission: Protect the public by ensuring that gambling is legal and honest.

Foster full cooperation between tribes and the state based upon equality and a shared concern for the welfare of all the citizens of the state and tribes as a result of gaming.

Of the 29 federally recognized tribes in Washington state, 29 have compacts for Class III gaming and 21 operate 27 casinos.

HIGHLIGHTS

Building on the consultation meeting approach we used in 2017, where we involved all tribes, rather than the tribe-by-tribe approach outlined in the compacts, the chair of the commission and staff had two meetings during the reporting period. We are currently working on several projects of mutual interest. First is an update to our agency's tribal relations policy to align with our current processes and practices. We are requesting input from tribes to improve the policy. Second, we are working with a group of tribal regulators, operators and industry staff to improve the review process for electronic gambling equipment used only in tribal gaming facilities. Third, we are working with the tribal gaming agency, or TGA directors, as directed by tribal leadership, on two other important processes: a) to review and improve the regulatory billing structure outlined in the Class III gaming compacts, and b) to coordinate tribal input on a possible statewide self-exclusion process proposed by the Legislature. Although legislation on self-exclusion did not pass, we expect it will be proposed again. The proposals coming from discussion of these two processes will be presented to tribal leadership for final review and agreement. We will continue to have regular discussions and updates for tribal leaders on these and any other emerging topics.

We provided updates and participated in, or organized meetings and training for, licensing staff, TGA directors, gaming executives, equipment manufacturers and independent testing laboratories.

To ensure that our electronic gambling lab does not duplicate testing already performed by the independent testing laboratories, we coordinated a visit to one of the major independent testing laboratories to observe testing. We also conducted meetings with new Tribal Lottery System manufacturers to ensure the requirements of Class III Gaming Compact Appendix X2 are understood and submissions are not unduly delayed due to a misunderstanding or misinterpretation of the requirements. These result-oriented approaches are working well. We have refined our process so that 15-day submissions are approved in an average of eight calendar days and 60-day submissions are approved in an average of 40 calendar days.

In partnership with the Puyallup TGA, we conducted a weeklong new agent training course for 60 students from our agency and 13 tribes; the students were regulatory staff who will be working at the tribal casinos. Topics included history, licensing and regulation of Class III gaming in Washington. In partnership with the Port Gamble S'Klallam TGA, we conducted a daylong licensing training attended by 34 representatives from 15 tribes to answer tribe-specific questions and provide training about licensing, interviewing applicants and criminal history reviews.

As part of our co-regulatory relationship with the tribes and to improve operational efficiency and the use of technology, we jointly agreed to 59 clarifications of compact appendices via Appendix A and X2 revisions and memorandums of understanding, and we concurred with 336 internal control and game rule submissions. We agreed to a second memorandum of understanding that allows a player's ticket to be used in both the Class III Tribal Lottery System and Class II player terminals. (The state gaming agency monitors Class III gaming while the TGA monitors Class III and Class II.) This agreement allows the two agencies to work together across jurisdictions. We also jointly agreed to a new electronic table layout that improves integrity and regulatory control for roulette.

As a result of an amendment to the Jamestown S'Klallam Tribe's Class III gaming compact, staff coordinated with the Jamestown S'Klallam TGA to develop a registration process as well as a revised internal control review process. We altered our licensing system to support the registration process, which was new for Class III gaming employees. We created a format for the internal controls process based on compact requirements.

STAFF CONTACT

Julie Lies, Tribal Liaison, 360-486-3586, julie.lies@wsgc.wa.gov



**STATE OF WASHINGTON
GAMBLING COMMISSION**

“Protect the Public by Ensuring that Gambling is Legal and Honest”

November 1, 2019

TO: COMMISSIONERS:
Bud Sizemore, Chair
Julia Patterson, Vice Chair
Christopher Stearns
Ed Troyer
Alicia Levy

FROM: Brian Considine, Legal and Legislative Manager
Legal and Records Division

**SUBJECT: Christopher R. Dotson – CR 2018-00114
Petition for Review Materials – November 14, 2019 Commission Meeting**

Licensee Christopher Dotson filed a Petition for Review to the Commissioners in the above-referenced case. Mr. Dotson challenges the Administrative Law Judge’s Initial Order finding a violation(s) occurred and revocation of his public card room employee license.

Enclosed in your Commission Meeting packet is the ALJ’s initial Order, Mr. Dotson’s Petition for Review; staff’s response filed by Assistant Attorney General Kellen Wright; and the Commission’s March 2019 order vacating the Licensee’s default. For reference, the complete case record, including audio recordings of prehearing conferences, was sent to you by e-containing a link to a secure web portal where you can access the entire case file.

RECEIVED

AUG 26 2019

WSGC/LICENSING

TO:

Kellen Wright, AAG
Office of the Attorney General

Ashlie Laydon
Washington State Gambling Commission

My intent of writing this petition for review is to hopefully reinstate my hearing to speak in front of a judge and explain the circumstances around the spoken of charges. I spoke with the City of Lakewood court in regards to the warrants and they mentioned that there is a good chance that they sent the legal documents about my criminal charges to the wrong address and they were sent back to the court. I was not, until recently, aware of many of the problems that had grown larger until just recently.

I have a court date set on the 26th of September 2019. At this hearing the judge will be able to provide me documentation that the official papers were sent to the wrong address and we will gather as much supporting documents as possible. The court clerk said that the judge is the only person who could provide such documentation and it can only be done at that time.

Also I wanted to bring it to somebodies attention that the Gaming Commission was fully aware of all of the charges pertaining to the Chips/Palace incident within hours of the occurrence and I don't feel that its accurate or integral to say that they weren't disclosed to the extent of the information I was provided.

What I would like to happen... I would hope to be granted an opportunity to speak before a OAH representative about my cases and find a peaceful and responsible resolution to the problems at hand.

Chris Dotson
OAH Docket # 06-2018-GMB-00054

<input checked="" type="checkbox"/> Lakewood <input type="checkbox"/> University Place <input type="checkbox"/> Steilacoom <input type="checkbox"/> DuPont Municipal Court 6000 Main St SW Lakewood, WA 98499 phone (253) 512-2258 fax (253) 512-2267 https://cityoflakewood.us/municipal-court	Notice of Hearing
City of Lakewood vs. DOTSON, CHRISTOPHER RYAN, Defendant AKA(s): _____ DOB: _____ <input type="checkbox"/> CNN: _____	Case Numbers: 18L001298; 8Z0159438; 8Z0333957

Case 18L001298 -
Defendant to appear at above court for ARR PTR READ JTR NJT REV
 SEN MOT on September 26, 2019 at 08:30 am pm in Court room #
COURTROOM

Case 8Z0159438 -
Defendant to appear at above court for ARR PTR READ JTR NJT REV
 SEN MOT on September 26, 2019 at 08:30 am pm in Court room #
COURTROOM

Case 8Z0333957 -
Defendant to appear at above court for ARR PTR READ JTR NJT REV
 SEN MOT on September 26, 2019 at 08:30 am pm in Court room #
COURTROOM

Other:

WARRANT HEARING - ARRIVE ON TIME

FAILURE TO APPEAR MAY RESULT IN THE COURT ISSUING A WARRANT FOR YOUR ARREST OR ENTERING AN ORDER REVOKING RELEASE OR SUSPENDED/DEFERRED SENTENCE WHICH MAY RESULT IN INCARCERATION AND FORFEITURE OF BAIL/BOND POSTED

Dated this 21 day of August, 2019



Defendant's Signature _____

Served on Defendant

Address: _____

Email: _____ Cell Phone: _____ Home Phone: _____

I authorize courtesy text/email reminders of court dates payment due dates. Message and data rates may apply.

WSGC
SEP 23 2019
RECORDS

1
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7 **BEFORE THE WASHINGTON STATE GAMBLING COMMISSION**

8 In the Matter of:

OAH No. 06-2018-GMB-00054

9 CHRISTOPHER R. DOTSON,

GMB No. 2018-00114

10 License No. 68-29101

RESPONSE TO LICENSEE'S
PETITION FOR REVIEW

11
12 Christopher Dotson, the Licensee in this case, was licensed as a Card Room Employee
13 (CRE). On January 12, 2018, the Licensee returned to a casino that he had been barred from.
14 He was asked to leave. He refused, and police were called. Eventually, the Licensee was arrested
15 and charged with two crimes. The Licensee did not report these crimes to the Gambling
16 Commission.

17 Nor did the Licensee disclose other criminal charges that he later received. Later in 2018,
18 the Licensee was charged with five additional crimes. These charges were not discovered until
19 the Gambling Commission Staff ran a criminal history check when the Licensee applied to renew
20 his license in March of 2019. At the same time, Gambling Commission Staff learned that there
21 were active warrants issued for the Licensee in each of his pending criminal cases.

22 Gambling Commission Staff moved to revoke the Licensee's CRE license based on his
23 conduct at the casino, his criminal charges, his warrants, and his failure to disclose his charges
24 to the Commission as required. The Licensee appealed this revocation. Ultimately, the
25 Administrative Law Judge (ALJ) hearing the case granted the Gambling Commission Staff's
26 Motion for Summary Judgment and issued an Initial Order upholding the revocation of the

1 Licensee's CRE license. The Licensee now Petitions for Review of the Initial Order to this
2 Commission.

3 The Commission should reject this petition. Under WAC 230-17-090, the Licensee's
4 petition is not timely. Because no timely petition was filed, the Initial Order became the Final
5 Order as explained in WAC 230-17-085(2). Because there is already a final order, this
6 Commission has nothing to review.

7 Even if the Commission did consider the petition, it should be rejected and the ALJ's
8 order affirmed. There were no disputes of material fact, and the undisputed facts show that
9 revocation of the Licensee's CRE license was appropriate. The ALJ's decision in this case was
10 correct. Therefore, if this Commission does review this case, the Commission should issue a
11 Final Order affirming the Initial Order and the revocation of the Licensee's CRE license.

12 I. FACTS

13 A. January 12, 2018 Incident

14 Prior to January 12, 2018, the Licensee had been permanently barred from the Palace
15 Casino in Lakewood. Ex. 5. Nevertheless, on that date, the Licensee returned and entered the
16 casino along with two others.¹ *Id.* Casino staff asked the Licensee and the others to leave. Ex. 2.
17 The Licensee refused, and became "verbally aggressive" toward casino staff. Ex. 5. The Licensee
18 demanded that staff call police to have them removed. Ex. 2. Casino staff did so. *Id.*

19 Officer Michael Wiley of the Lakewood Police Department responded to the casino.
20 Ex. 6. He contacted the Licensee inside the casino. *Id.* He found that the Licensee and his
21 companions were "highly intoxicated." *Id.* Officer Wiley asked the Licensee and his friends to
22 leave the casino. *Id.* They did so. *Id.* Once outside, however, the Licensee became uncooperative.
23 *Id.* After Officer Wiley informed the Licensee that he would be trespassed from the casino and
24 then free to leave, the Licensee began shaking his head and said "Not in court dude, this
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26

¹ One of the Licensee's companions had also previously been barred from the casino. Ex. 2.

1 don't work." *Id.* Officer Wiley attempted again to explain the situation to the Licensee, but the
2 Licensee just continued to shake his head. *Id.*

3 The Licensee said that he was calling 911 to talk to a supervisor. Ex. 6. Lakewood Police
4 Sergeant Mark Eakes meanwhile arrived on the scene and informed the Licensee that he was a
5 supervisor, and that the Licensee could talk to him. *Id.* The Licensee ignored Sgt. Eakes, and
6 continued to call 911. *Id.* Officer Wiley then gave the Licensee the trespass form. *Id.* This
7 aggravated the Licensee, who said "What the hell is this, I can't read it." *Id.* Officer Wiley
8 explained the form, and that the Licensee was trespassed and could not return to the location for
9 a year. *Id.* The Licensee began to get so loud that Officer Wiley was unable to hear his radio. *Id.*
10 Officer Wiley asked the Licensee to leave the casino at least three times. *Id.* The Licensee
11 continued to refuse. *Id.* The Licensee then stepped toward the casino doors and said that he was
12 not leaving. *Id.*

13 Due to the Licensee's refusal to leave the casino after he had been trespassed,
14 Officer Wiley arrested the Licensee. Ex. 6. The Licensee initially "passively" resisted being
15 arrested by tensing his muscles and trying to squirm out of the officers' grip. *Id.* The Licensee's
16 companions then approached the officers. *Id.* They refused to leave despite officers ordering
17 them to do so, and were themselves arrested. *Id.* The Licensee meanwhile refused to sit on the
18 hood of the car or to get into the backseat of the officer's vehicle. Ex. 7. The Licensee continued
19 to resist and to curse at officers, and eventually fell to the ground. *Id.* Only once backup arrived
20 was the Licensee able to be secured in the back of a police vehicle. *Id.*

21 The Licensee was charged with Criminal Trespass in the Second Degree for refusing to
22 leave the casino after receiving the trespass form. Ex. 2. The Licensee was also charged with
23 Obstructing a Law Enforcement Officer because of his refusal to cooperate with police and his
24 resistance when being arrested. *Id.* The Licensee did not disclose these charges when he applied
25 for the renewal of his license on March 14, 2019. Ex. 1.

1 The Licensee has some previous similar administrative history. In 2012, he accused a
2 casino of overserving him alcohol and allowing him to gamble. Ex. 2. After losing a hand of
3 cards, the Licensee threw his chips across the poker table. *Id.* He later tore up a check he had
4 written and threw it in the gaming pit. *Id.* The Licensee refused to leave and told the casino staff
5 they would have to get the police to remove him. *Id.* Police later arrived and were able to remove
6 the Licensee. *Id.* In 2015, he was involved in a fight at a casino, but not charged because the
7 other patron instigated the fight. *Id.* In 2017, the Licensee became involved in an altercation at a
8 casino and had to be physically removed by security. Ex. 3. The Licensee resisted being
9 removed, and eventually had to be held back by his friends when he attempted to fight the
10 security officers. *Id.*

11 **B. Other Criminal Charges**

12 The Licensee also received additional criminal charges subsequent to the
13 January 12, 2018 incident at the casino. He was charged with Operating a Motor Vehicle without
14 a Required Ignition Interlock Device and with Driving While License Suspended in the Third
15 Degree for conduct that occurred on April 19, 2018. Ex. 1. He was also charged with Reckless
16 Driving, Operating a Motor Vehicle without a Required Ignition Interlock Device, and Driving
17 While License Suspended in the Third Degree for an incident that occurred on May 17, 2018. *Id.*
18 There are active warrants in all of the Licensee's pending cases, including the charges related to
19 the casino incident. *Id.* The Licensee did not report the existence of these charges to the
20 Gambling Commission. *Id.*

21 **C. Administrative Proceedings²**

22 The Gambling Commission Staff charged the Licensee with numerous violations. The
23 Licensee was charged with failing to report criminal charges as required by WAC 230-06-085
24 and WAC 230-03-085(8); with violating statutory and regulatory rules in violation of
25

26 ² In the initial proceedings, the Licensee failed to appear for a status conference, and a default was entered against him. The Licensee appealed the default to this Commission, which reinstated his appeal. This procedural history includes only the events subsequent to that point.

1 RCW 9.46.075(1) and WAC 230-03-085(1); with obtaining the renewal of his license by
2 concealing his criminal history in violation of RCW 9.46.075(3); with misrepresenting and/or
3 failing to disclose a material fact to the Commission in violation of RCW 9.46.075(7); with
4 failing to prove by clear and convincing evidence that he is qualified for licensure in violation
5 of RCW 9.46.075(8) and RCW 9.46.153(1); with demonstrating a willful disregard for
6 complying with statutes, court orders, and administrative rules by committing the criminal
7 offenses he has been charged with and by having warrants issued for his arrest; with being the
8 subject of outstanding gross misdemeanor arrest warrants in violation of WAC 230-03-085(7);
9 and with posing a threat to the effective regulation of gambling due to his activities and criminal
10 record in violation of WAC 230-03-085(9)(a) and (b). Ex. 1.

11 On June 17, 2019, the Gambling Commission Staff filed a Motion for Summary
12 Judgment. The Licensee did not respond. Initial Order at 4.5. The ALJ reviewed the evidence
13 and granted the Gambling Commission Staff's motion, and ordered that the Licensee's CRE
14 license be revoked. *Id.* at 6.5-6.6. The ALJ's decision was served on the Licensee on
15 August 2, 2019.

16 On August 26, 2019, the Licensee filed a Petition for Review. The Licensee indicated
17 that he was not aware of the warrants, and that he had an upcoming court date at which he would
18 be able to gather more documentation. The Licensee also said that the Gambling Commission
19 was aware of his criminal charges related to the Palace Casino soon after the incident occurred.

20 Commission Staff respectfully submits this response to the Licensee's Petition.

21 II. ARGUMENT

22 A. The Licensee's Petition Is Untimely

23 Pursuant to WAC 230-17-090, parties seeking review of an initial order "*must* file the
24 petition for review [with the Commission] within twenty days of the date of service of the initial
25 order unless otherwise stated." (emphasis added). The Initial Order itself also indicates that a
26 "petition for review *must* be received by the Commission within twenty (20) days from the date

1 | this initial order was mailed to the parties.” (emphasis added). Under the APA, “[s]ervice by
2 | mail is complete upon deposit in the United States mail.” RCW 34.05.010(19). The Licensee
3 | was therefore served with the Initial Order on August 2, 2019. *See* Initial Order, pg. 13. He did
4 | not serve his Petition for Review until August 26, 2019. The Licensee’s appeal is therefore
5 | untimely.

6 | Under WAC 230-17-085(2), “[a]n initial order becomes the final order unless a party
7 | files a petition for review of the initial order as explained in WAC 230-17-090.” The Licensee
8 | in this case did not file a petition for review in compliance with WAC 230-17-090. The Initial
9 | Order thus became the Final Order, and there is nothing for this Commission to review.

10 | **B. The Record Shows that the ALJ’s Decision Was Correct and Should Be Affirmed**

11 | Even if the Licensee’s petition had been filed timely, the ALJ’s decision should stand.
12 | That is because the ALJ’s decision in this case is supported by overwhelming and undisputed
13 | evidence. This evidence shows that there were numerous bases to revoke the Licensee’s CRE
14 | license. Each of these violations, standing alone, would be sufficient for revocation of the
15 | Licensee’s CRE license. Together, they show that the ALJ’s decision was unquestionably
16 | correct.

17 | Under RCW 9.46.075(3), a license may be revoked when a licensee has obtained the
18 | license by “fraud, misrepresentation, concealment, or through inadvertence or mistake.”
19 | RCW 9.46.075(3). One piece of information that licensees are required to provide to the
20 | Commission is a prompt report of any criminal action filed against the licensee.
21 | WAC 230-06-085(1). In this case, the Licensee falsely indicated during his license renewal that
22 | he did not have any pending criminal charges. By making that misrepresentation, and by thereby
23 | acting to conceal his pending criminal charges (and thereby too his active warrants), the Licensee
24 | obtained his license through misrepresentation and concealment. Because the Licensee did so,
25 | his license is subject to revocation.

1 Similarly, RCW 9.46.075(7) allows for revocation when a licensee “[m]akes a
2 misrepresentation of, or fails to disclose, a material fact to the commission.” Likewise,
3 revocation can be imposed under WAC 230-03-085(8) when a licensee “[f]ails to provide
4 [the Commission] with any information required under commission rules within the time
5 required.” Pending criminal charges is one such piece of information that is required to be
6 disclosed. Pursuant to WAC 230-06-085(1), “Licensees must report to [the Commission] in
7 writing within thirty days all criminal actions filed against the licensee.” The Licensee failed to
8 report *any* of his criminal charges. Declaration of Richard Schulte, ¶2. This failure subjects his
9 license to revocation.

10 Pursuant to WAC 230-03-085(3), the Commission will revoke a license when a licensee
11 “[h]as demonstrated willful disregard for complying with ordinances, statutes, administrative
12 rules, or court orders, whether at the local, state, or federal level.”
13 WAC 230- 03- 085(9)(a) and (b) provides that a license can be revoked when a licensee “[p]oses
14 a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or
15 illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated
16 by: (a) Prior activities; or (b) Criminal record.” The Licensee has repeatedly demonstrated such
17 a willful disregard and threat to the effective regulation of the gambling industry. This is
18 demonstrated by the sheer number of charges that the Licensee is facing – there are currently
19 seven criminal charges pending against him.

20 This is also shown by the nature of the charges. The Licensee has been charged with
21 Criminal Trespass in the Second Degree, Obstructing a Law Enforcement Officer, Driving While
22 License Suspended in the Third Degree, and Operating a Motor Vehicle Without a Required
23 Ignition Interlock Device. Each of these crimes requires that the Licensee willfully disregard
24 some restriction or prohibition in order to commit the offense. In the case of Criminal Trespass
25 in the Second Degree, the Licensee knowingly disregarded the criminal trespass notice that he
26 received. *See* RCW 9A.52.080. In the Driving While License Suspended in the Third Degree

1 | charges, the Licensee disregarded the suspended status of his driver license.
2 | See RCW 46.20.342(c). Finally, for the Operating a Motor Vehicle Without a Required Ignition
3 | Interlock Device, the Licensee, as the name of the offense suggests, disregarded the prohibition
4 | on his operating a vehicle without a working ignition interlock device in place.
5 | See RCW 46.20.410(2). In each case, the Licensee knew that it was unlawful for him to take an
6 | action, and yet took the action anyway. This willful disregard of statutory and legal prohibitions
7 | subjects the Licensee's CRE license to revocation.

8 | Additionally, the Licensee has a pattern of refusing to comply with instructions inside of
9 | a casino. In 2012, he created a disturbance in a casino and then refused to leave until police
10 | arrived to remove him. Ex. 2. In 2015, he was in a physical altercation at a casino. *Id.* In 2017,
11 | he was involved in another altercation, and had to be physically removed by casino security.
12 | Ex. 3. In the instant case, the Licensee refused to comply with the orders of both casino
13 | employees and police; this refusal eventually led to his arrest. Ex. 2. The Licensee has therefore
14 | repeatedly demonstrated his willingness to ignore rules and regulations in a casino when he so
15 | chooses. Even more worrying is the Licensee's recent history of getting into physical altercations
16 | at casinos – including with police during the latest incident. This conduct raises serious concerns
17 | about the Licensee's future compliance with Gambling Commission Rules and Regulations.

18 | Revocation is also authorized based on the Licensee's arrest warrants. Pursuant to
19 | WAC 230-03-085(7), the Gambling Commission may revoke a license when a licensee is
20 | "the subject of an outstanding gross misdemeanor or felony arrest warrant." There are currently
21 | arrest warrants issued for the Licensee in each of his pending cases – and each case involves
22 | a gross misdemeanor. Obstructing a Law Enforcement Officer and Operating a Motor Vehicle
23 | Without a Required Ignition Interlock Device (which the Licensee is charged with twice) are
24 | gross misdemeanors. The existence of the warrants is therefore another basis for revocation.

25 | Finally, RCW 9.46.075(8) also authorizes revocation in this case. Under that statute, a
26 | licensee who "[f]ails to prove, by clear and convincing evidence, that he, she or it is qualified in

1 accordance with the provisions of this chapter” will lose their license. In this case, the Licensee
2 cannot prove he is qualified for licensure for a myriad of reasons. As discussed *supra*, there are
3 both statutory and administrative reasons for the Licensee’s CRE license to be revoked. The
4 Licensee cannot show that he remains qualified for a license, and still less make this showing by
5 clear and convincing evidence. Therefore, his license is subject to revocation.

6 The Licensee claims that the City of Lakewood may have sent documents about his
7 criminal charges to the wrong address. He says that he will receive new documents at a court
8 hearing in September. He also says that it is inaccurate to say that the crimes at the Palace Casino
9 were not disclosed, as the Gambling Commission soon learned about what happened.

10 Even assuming all of this is true, it does not make a difference to this case. There is no
11 dispute that the Licensee received the criminal charges described above. There is no dispute that
12 these charges were not disclosed to the Commission as required. And there is no dispute that the
13 Licensee has active warrants. Regardless of whether there was some confusion about the
14 Licensee’s address, the Licensee did receive the criminal charges and the warrants. Additionally,
15 whether the Gambling Commission learned about the incident at the Palace Casino through other
16 sources or not does not change the fact that the Licensee failed to report the incident (as well as
17 his other charges) to the Commission as required. These are the material facts in this case, and
18 they are undisputed.

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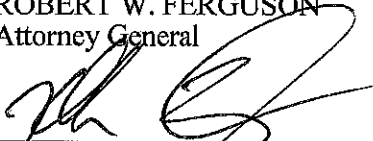
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III. CONCLUSION

Commission Staff request that the Commission affirm the ALJ's Initial Order in the Licensee's case and revoke his CRE License No. 68-29101.

DATED this 20th day of September 2019.

ROBERT W. FERGUSON
Attorney General



KELLEN WRIGHT, WSBA #46826
Assistant Attorney General
Attorney for Washington State
Gambling Commission Staff

PROOF OF SERVICE

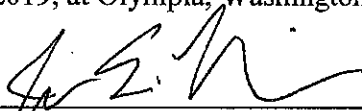
I certify that I served a true and correct copy of this document on all parties or their counsel of record on the date below as follows:

CHRISTOPHER R. DOTSON
8003 49TH AVE SW
LAKEWOOD, WA 98499

- U.S. Mail via state Consolidated Mail Service (with proper postage affixed)
- Courtesy copy via facsimile: (xxx) xxx-xxxx
- Courtesy copy via electronic mail:
- ABC/Legal Messenger

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 20th day of September, 2019, at Olympia, Washington.



JORDAN NIMON
Legal Assistant

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

AUG 05 2019

RECORDS

In the matter of:

Docket No. 06-2018-GMB-00054

Christopher R. Dotson,

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

Appellant/Licensee.

Agency: Gambling Commission
Program: Washington State Gambling
Commission

License No. 68-29101

Agency No. 2018-00114

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

BEFORE THE WASHINGTON STATE GAMBLING COMMISSION

In the Matter of:

CHRISTOPHER R. DOTSON
License No. 68-29101

Licensee.

OAH NO. 06-2018-GMB-00054
GMB NO. CR 2018-00114

ORDER GRANTING
PETITION FOR REVIEW

THIS MATTER came before the undersigned Commissioners of the Washington State Gambling Commission ("Commission") at the Commission's regularly scheduled meeting on March 14, 2019 in Olympia, Washington on Mr. Dotson's Petition for Reconsideration. Mr. Dotson appeared pro se. Assistant Attorney General Chad Standifer, represented the Washington State Gambling Commission's agency staff. The Commission had before it the record of the prior proceedings relating to this matter, as well as additional pleadings prepared for this petition for reconsideration. Oral argument was held.

Following oral argument and review of the record, the Commission GRANTS Mr. Dotson's Petition for Review and remands this matter back to the Office of Administrative Hearings for a full hearing on the merits. The Commission recognizes the validity of Commission

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staff's decision making but feels that circumstances related to the confusion over whether Mr. Dotson's appeal was to be postmarked or received warrants remanding the matter for hearing.

DATED this ___ day of March, 2019.


BUD SIZEMORE, CHAIR


JULIA PATTERSON, VICE-CHAIR


CHRIS STEARNS, COMMISSIONER


ED TROYER, COMMISSIONER


ALICIA LEVY, COMMISSIONER

NOTICE: RECONSIDERATION

PURSUANT TO THE PROVISIONS OF RCW 34.05.470 AND WAC 230-17-140 YOU MAY FILE A PETITION FOR RECONSIDERATION WITH THE COMMISSION WITHIN TEN (10) DAYS FROM THE DATE THIS FINAL ORDER IS SERVED UPON YOU. ANY REQUEST FOR RECONSIDERATION MUST STATE THE SPECIFIC GROUNDS FOR THE RELIEF REQUESTED. PETITIONS MUST BE DELIVERED OR MAILED TO THE WASHINGTON STATE GAMBLING COMMISSION, PO BOX 42400, OLYMPIA, WA 98504-2400.

NOTICE: PETITION FOR JUDICIAL REVIEW

YOU HAVE THE RIGHT TO APPEAL THIS FINAL ORDER TO SUPERIOR COURT, PURSUANT TO THE PETITION FOR JUDICIAL REVIEW PROVISIONS OF RCW 34.05.542. ANY PETITION FOR JUDICIAL REVIEW OF THIS FINAL ORDER MUST BE FILED WITH THE COURT AND ALSO SERVED UPON BOTH THE COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL WITHIN THIRTY (30) DAYS AFTER THE DATE THIS FINAL ORDER IS SERVED UPON YOU.



**STATE OF WASHINGTON
GAMBLING COMMISSION**

“Protect the Public by Ensuring that Gambling is Legal and Honest”

November 4, 2019

TO: COMMISSIONERS:
Bud Sizemore, Chair
Julia Patterson, Vice Chair
Christopher Stearns
Ed Troyer
Alicia Levy

FROM: Brian Considine, Legal and Legislative Manager
Legal and Records Division

**SUBJECT: Gregory P. Means – CR 2017-01110
Petition for Review Materials – November 14, 2019 Commission Meeting**

The Licensee, Gregory Means filed a Petition for Review to the Commissioners in the above-referenced case. Mr. Means challenges the Administrative Law Judge’s Initial Order finding a violation(s) occurred and revocation of his public card room employee license.

Enclosed in your Commission Meeting packet is the ALJ’s initial Order, Mr. Means’ Petition for Review filed by his attorney Bryan Hershman; and staff’s response filed by Assistant Attorney General Greg Rosen. For reference, the complete case record, including audio recordings of prehearing conferences, was sent to you by e-containing a link to a secure web portal where you can access the entire case file.

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**STATE OF WASHINGTON
BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
ON BEHALF OF THE WASHINGTON STATE GAMBLING COMMISSION**

In the Matter of:

GREGORY PAUL MEANS

Petitioner/Licensee.

Docket No. 06-2018-GMB-00058

**LICENSEE'S PETITION FOR
ADMINISTRATIVE REVIEW OF
OAH INITIAL ORDER GRANTING
GAMBLING COMMISSION STAFF'S
MOTION FOR SUMMARY
JUDGMENT
(WAC 230-17-152)**

STATEMENT OF FACTS

Gregory Means was the General manager of the Macau Casino in Tukwila and Lakewood. On March 19, 2018, Petitioner Gregory Means' gambling license was summarily suspended¹ and a Notice of Administrative Charges and a form to request an administrative hearing was provided to Mr. Means.

On April 4, 2018, Mr. Means filed a Request for Stay and Administrative Hearing.

On June 20, 2019, the Washington State Gambling Commission Staff ("Commission") filed a Motion for Summary Judgment and Memorandum of Authorities and the Declaration of Special Agent Jess Lohse. Neither Mr. Means nor counsel for Mr. Means was provided a copy of these documents.²

Because Mr. Means had not filed a response to the Motion for Summary Judgment,

¹ Summary Suspension Order.

² Declaration of Bryan G. Hershman.

1 on August 27, 2019, at the request of the Commission, the Administrative Law Judge
2 (“ALJ”) entered an initial order granting the Commission’s Motion for Summary Judgment.

3 The first notice Mr. Means had of the Motion for Summary Judgment was when he
4 received it in the mail on August 29, 2019.³ The first notice counsel for Mr. Means had of
5 the Motion for Summary Judgment and the Initial Order was the phone call counsel received
6 from Mr. Means.⁴ In fact, the only pleading that counsel for Mr. Means has received is the
7 Order on Summary Judgment, post marked 8/27/2019 and received by counsel on
8 9/03/2019.⁵

9 **ISSUES PRESENTED**

10 Should the Initial Order Granting Summary Judgment be overturned where neither
11 Mr. Means nor his counsel received notice the motion had been filed?

12 **POINTS AND AUTHORITIES**

13 **1. Rules governing this proceeding.**

14 Any party to a brief adjudicative proceeding may request review of the initial order
15 by filing a written petition for review to the Gambling Commission.⁶ The petition for review
16 must contain any evidence or written material relevant to the matter that the Petitioner wishes
17 the reviewing officer to consider and must be served on all other parties or their
18 representatives at the time the petition for review is filed.⁷

19 The chair of the commission or the commissioners shall be the reviewing officer(s).⁸
20 The reviewing officer shall give each party an opportunity to explain the party's view of the
21 matter and shall make any inquiries necessary to ascertain whether the proceeding must be

22 ³ Declaration of Bryan G. Hershman; **DECLARATION OF GREGORY MEANS.**

23 ⁴ Declaration of Bryan G. Hershman.

24 ⁵ Declaration of Bryan G. Hershman; **DECLARATION OF NATALIE CRAWFORD, PARALEGAL**

24 ⁶ WAC 230-17-152(1).

24 ⁷ WAC 230-17-152(2), (3).

25 ⁸ WAC 230-17-152(5).

1 converted to a formal adjudicative hearing.⁹ The reviewing officer considering the appeal
2 may uphold, modify or overturn the brief adjudicative proceeding order.¹⁰ The decision of
3 the reviewing officer is the final agency decision.¹¹ The order on review must be in writing,
4 must include a brief statement of the reasons for the decision, and must be entered within ten
5 business days after the petition for review is considered.¹² The order shall include a
6 description of any further available administrative review or, if none is available, a notice
7 that judicial review may be available.¹³

8 **2. Due process requires the initial order granting summary judgment be**
9 **overturned and Mr. Means' case be sent back for a full adjudicative**
10 **proceeding.**

11 Procedural due process imposes constraints on governmental decisions which
12 deprive individuals of "liberty" or "property" interests within the meaning of
13 the due process clauses of the fifth and fourteenth amendments to the United
14 States Constitution. *Mathews v. Eldridge*, 424 U.S. 319, 332, 96 S.Ct. 893,
15 901, 47 L.Ed.2d 18 (1976); *Wolff v. McDonnell*, 418 U.S. 539, 557-58, 94
16 S.Ct. 2963, 2975-76, 41 L.Ed.2d 935 (1974). "[T]he right to be heard before
17 being condemned to suffer grievous loss of any kind, even though it may not
18 involve the stigma and hardships of a criminal conviction, is a principle basic
19 to our society." *Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123,
20 168, 71 S.Ct. 624, 646-47, 95 L.Ed. 817 (1951) (Frankfurter, J., concurring).
21 **A professional license revocation proceeding has been determined to be**
22 **"quasi-criminal" in nature and, accordingly, entitled to the protections of**
23 **due process.** *In re Ruffalo*, 390 U.S. 544, 551, 88 S.Ct. 1222, 1226, 20
24 L.Ed.2d 117 (1968); *Schwartz v. Board of Bar Examiners*, 353 U.S. 232, 238-
25 39, 77 S.Ct. 752, 755-56, 1 L.Ed.2d 796 (1957); *In re Kindschi*, 52 Wash.2d
8, 11-12, 319 P.2d 824 (1958).¹⁴

The essence of due process is notice and the opportunity to be heard.¹⁵

The grant of the Motion for Summary judgment effectively deprived Mr. Means of

⁹ RCW 34.05.491(3)

¹⁰ WAC 230-17-152(6).

¹¹ WAC 230-17-152(6).

¹² WAC 230-17-152(7).

¹³ WAC 230-17-152(7).

¹⁴ *Matter of Johnston*, 99 Wn.2d 466, 474, 663 P.2d 457, 461-62 (1983) (emphasis added).

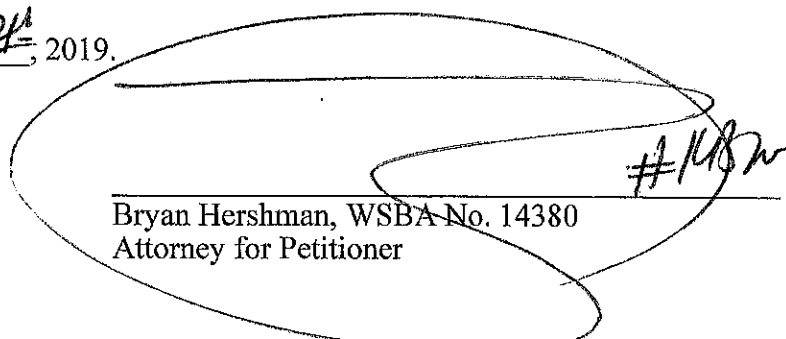
¹⁵ *Nguyen v. State, Dep't of Health Med. Quality Assurance Comm'n*, 144 Wn.2d 516, 537, 29 P.3d 689, 699 (2001).

1 his property interest in his professional license.

2 Prior to the entry of the Initial Order Granting the Commission's Motion for
3 Summary Judgment, Mr. Means was contesting the summary suspension of his gambling
4 license and fully intended to pursue an adjudicative hearing to contest the administrative
5 charges against him. However, because neither he nor his counsel ever received any
6 pleadings in this case or notice the Motion for Summary Judgment had been filed, no
7 Response to the Motion for Summary Judgment was filed on Mr. Means' behalf. Mr. Means
8 received no notice of the motion and was not afforded his due process right to be heard
9 before his license was taken away from him.

10 Mr. Means' due process rights to notice and the opportunity to be heard prior to the
11 deprivation of his professional license were violated. The violation of these rights require the
12 overturning of the Initial Order Granting the Motion for Summary Judgment and the
13 rescheduling of the evidentiary hearing for November 18, 2019 to November 22, 2019.

14 DATED: September 9th, 2019.

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16  #14380
17 Bryan Hershman, WSBA No. 14380
18 Attorney for Petitioner
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5 **WASHINGTON STATE**
6 **OFFICE OF ADMINISTRATIVE HEARINGS**
7

8 In The Matter Of:

9 Gregory P. Means
10

11 Respondent/Licensee.
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Docket No. 06-2018-GMB-00058

DECLARATION OF BRYAN
G. HERSHMAN, RE: PETITION
FOR REVIEW

15 Bryan G. Hershman, being first duly sworn upon oath,
16 deposes and says:

17 I am the attorney for respondent/licensee Gregory Means.

18 Late in the evening on 29 August 2019, at approximately
19 9 PM, I received a rather frantic phone call from Mr. Means, the
20 Respondent/Licensee. I was advised by him that he had received an
21 order on summary judgment in the above listed case. He informed me
22 that the pleading indicated that summary judgment had been granted
23 against us. I asked him to scan pleading and email it to me.

24 Later that night or early the next morning, I received a
25 copy of that order, from Mr. Means. By reference, the subject order
26 is dated 8.27.19.

27
28 DECLARATION OF IN SUPPORT OF A
PETITION FOR REVIEW

BRYAN G. HERSHMAN
ATTORNEY AT LAW
1105 Tacoma Avenue South
Tacoma, Washington 98402
Tacoma: (253) 383-5346
Facsimile: (253) 572-6662

1 As a result of my review of this order, I performed an
2 email search. I had not received an electronic copy of the Motion
3 for summary judgment submitted by the Gambling Commission. I then
4 went into my trash bin on my computer. I found an email dated June
5 of this year containing a motion for summary judgment. I am
6 assuming this is the motion on which the court ruled granting the
7 request of the gambling commission, but I don't know for certain.
8 Point being, I do not know if there was another draft of this
9 motion or if this was the motion itself. This is the first I had
10 seen of this motion.

11 I never received notice of that motion or I would have
12 responded. Moreover, I never received an order granting the
13 summary judgment motion until late last evening when my client
14 emailed it to me.

15 My client has a meritorious defense to the claims of the
16 Gambling Commission. He and I have spent hours developing this
17 defense to these allegations. We have met with regularity in
18 furtherance of said meritorious defense. I have one week blocked
19 off in November to try this case. In fact, I have been zealously
20 protecting that week on my calendar, since it is surrounded by
21 class A felony trials.

22 My client and I have been very anxious to litigate our
23 side of the story against the allegations of the Commission. In my
24 estimation, Mr. Means has very strong arguments in support of his
25 case, i.e., in contradiction to the claims of the Gambling
26 Commission.

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28
DECLARATION OF IN SUPPORT OF A
PETITION FOR REVIEW

BRYAN G. HERSHMAN
ATTORNEY AT LAW
1105 Tacoma Avenue South
Tacoma, Washington 98402
Tacoma: (253) 383-5346
Facsimile: (253) 572-6662

1 I would think it an absolute travesty if my client's
2 livelihood and license were taken as a result of a failure to
3 receive notice, and be provided an opportunity to be heard and
4 reply. Rudimentary due process considerations require notice and
5 an opportunity to be heard. Parenthetically, the case law abhors
6 and closely scrutinizes default judgments. Entry of this summary
7 judgment is effectively, just that.

8 I will also represent that my office never received, by
9 mail or fax, the motion for, or order granting summary judgment.
10 Accordingly, I have not received these pleadings by electronic
11 docket or by hardcopy. (The exception to this, as stated above, I
12 received an email in my trash bin, apparently, last June, and my
13 client sent me a scanned copy of the order on summary judgment
14 several nights ago. Apart from that, I have received no pleadings
15 in this case). I am suggesting that from this point forward, I
16 receive all pleadings by facsimile, but I can deal with that at the
17 time of the next pretrial conference.

18 My paralegal is on vacation and will not be back on next
19 week. She is set to return on Tuesday, 9.3.19, after being gone
20 since 8.26.19. I will fortify the representations in this
21 declaration at that time.¹

22
23 ¹. SUPPLEMENT: Since this declaration was prepared, I
24 have been advised by my paralegal that we did in
25 fact receive a copy of the Order Granting Summary
26 Judgment, in the mail, post marked 8.27.19. This
27 however, is the first notice I received about the
summary judgment process.

28 DECLARATION OF IN SUPPORT OF A
PETITION FOR REVIEW

BRYAN G. HERSHMAN
ATTORNEY AT LAW
1105 Tacoma Avenue South
Tacoma, Washington 98402
Tacoma: (253) 383-5346
Facsimile: (253) 572-6662

1 I implore this Court to grant the relief requested in
2 this petition.

3 "I declare under penalty of perjury that the above is
4 true and correct to the best of my knowledge.

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7 
8 Bryan G. Hershman, Esq., WSB 14380
Signed at: TACOMA, WASHINGTON
Dated: 9 September 2019

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DECLARATION OF IN SUPPORT OF A
PETITION FOR REVIEW

BRYAN G. HERSHMAN
ATTORNEY AT LAW
1105 Tacoma Avenue South
Tacoma, Washington 98402
Tacoma: (253) 383-5346
Facsimile: (253) 572-6662

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5 **WASHINGTON STATE**
6 **OFFICE OF ADMINISTRATIVE HEARINGS**
7

8 In The Matter Of:

9 Gregory P. Means
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Docket No. 06-2018-GMB-00058

DECLARATION OF NATALIE
CRAWFORD, RE: PETITION
FOR REVIEW

12 Respondent/Licensee.
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15 NATALIE CRAWFORD, being first duly sworn upon oath,
16 deposes and says:

17 I am the paralegal for BRYAN G. HERSHMAN, ATTORNEY FOR
18 the respondent/licensee Gregory Means.

19 I was on vacation, starting on 8/26/2019 and returned on
20 9/3/2019. As a result of that, I had not had any communication with
21 Mr. Hershman during that time. Additionally, he was on vacation,
22 the week prior to my vacation.

23 Upon my return on 9/3/2019, I received a hard copy of the
24 Order Granting Summary Judgement, in our mail slot, which was post
25 marked 8/27/2019. This was the first notice that we received about
26 the summary judgement process on 9/3/2019. I immediately took it to
27

28 DECLARATION OF IN SUPPORT OF A
PETITION FOR REVIEW

BRYAN G. HERSHMAN
ATTORNEY AT LAW
1105 Tacoma Avenue South
Tacoma, Washington 98402
Tacoma: (253) 383-5346
Facsimile: (253) 572-6662

1 Mr. Hershman. Further, I also advised him that I checked through my
2 emails, and our scan files and did not locate anything else
3 regarding the summary judgement process.
4

5 "I declare under penalty of perjury that the above is
6 true and correct to the best of my knowledge.
7

8 

9 Natalie Crawford.
10 Paralegal to Bryan G. Hershman
11 Signed at: TACOMA, WASHINGTON
12 Dated: 9 September 2019
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DECLARATION OF IN SUPPORT OF A
PETITION FOR REVIEW

BRYAN G. HERSHMAN
ATTORNEY AT LAW
1105 Tacoma Avenue South
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Facsimile: (253) 572-6662

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5 **WASHINGTON STATE**
6 **OFFICE OF ADMINISTRATIVE HEARINGS**
7

8 In The Matter Of:

9 Gregory P. Means
10

Docket No. 06-2018-GMB-00058

11 DECLARATION OF GREGORY P.
12 MEANS, RE: PETITION
13 FOR REVIEW

14 Respondent/Licensee.

15 GREGORY P. MEANS , being first duly sworn upon oath,
16 deposes and says:

17 I am the respondent/licensee.

18 I called Mr. Hershman on 29 August 2019, at approximately
19 9 PM advising him that I had received an order on summary judgment.
20 The pleading indicated that summary judgment had been granted
21 against me. However, I did not receive anything prior, notifying me
22 or Mr. Hershman of a motion for summary judgement. I scanned a copy
23 of the summary judgement over to Mr. Hershman at his request and he
24 began to further investigate.

25 I have a meritorious defense to the claims of the
26 Gambling Commission. Mr. Hershman and I have spent hours working on
27


28 DECLARATION OF IN SUPPORT OF A
PETITION FOR REVIEW

BRYAN G. HERSHMAN
ATTORNEY AT LAW
1105 Tacoma Avenue South
Tacoma, Washington 98402
Tacoma: (253) 383-5346
Facsimile: (253) 572-6662

1 my case and are prepared to go to trial. It would be a total loss
2 for me not to be able to have my case heard and provide my defense
3 as a result of not receiving any notice of the motion for a summary
4 judgement.

5 I request the Court to provide the relief in our
6 petition.

7 "I declare under penalty of perjury that the above is
8 true and correct to the best of my knowledge.

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13 **GREG MEANS** Respondent/Licensee
14 Paralegal to **Bryan G. Hershman**
15 Signed at: **TACOMA, WASHINGTON**
16 Dated: **9 September 2019**

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DECLARATION OF IN SUPPORT OF A
PETITION FOR REVIEW

BRYAN G. HERSHMAN
ATTORNEY AT LAW
1105 Tacoma Avenue South
Tacoma, Washington 98402
Tacoma: (253) 383-5346
Facsimile: (253) 572-6662

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5 **WASHINGTON STATE**
6 **OFFICE OF ADMINISTRATIVE HEARINGS**
7

8 In The Matter Of:

9 Gregory P. Means
10
11

} Docket No. 06-2018-GMB-00058

} DECLARATION OF SERVICE
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13

} Respondent/Licensee.
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15 **DECLARATION OF SERVICE**
16

17 I declare that I served an original of the Licensee's Petition for Administrative
18 Review of OAH Initial Order Granting Gambling Commission Staff's Motion for
19 Summary Judgement, along with Declaration of Gregory P. Means, Declaration of
Natalie Crawford and Declaration of Bryan G. Hershman on 9.9.2019 to the:

20 STATE OF WASHINGTON
21 OFFICE OF ADMINISTRATIVE HEARINGS
22 949 MARKET ST.
23 SUITE 500
24 TACOMA, WA 98402

25 And, I further declare a true and correct copy of Licensee's Petition for
26 Administrative Review of OAH Initial Order Granting Gambling Commission Staff's
27 Motion for Summary Judgement, along with Declaration of Gregory P. Means,
28 Declaration of Natalie Crawford and Declaration of Bryan G. Hershman on all parties
on the date below as follows:

DECLARATION OF SERVICE

BRYAN G. HERSHMAN

ATTORNEY AT LAW
1105 Tacoma Avenue South
Tacoma, Washington 98402

Tacoma: (253) 383-5346

Facsimile: (253) 572-6662

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GREGORY J. ROSEN, AAG
Office of the Attorney General
1125 Washington St. SE
MS: 40100
PO Box 40100
Olympia, WA 98504-0100

Staff Attorney
Gambling Commission
MS: 42400
PO Box 42400
Olympia, WA 98504-2400

Gregory Means
407 S. 15th St.
Renton, WA 98055
Respondent/Licensee

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated: this 9th day of September, 2019 at Tacoma, Washington.

BY: /s/ Bryan G. Hershman
BRYAN G. HERSHMAN, WSB#
Attorney for Mr. Means

DECLARATION OF SERVICE

BRYAN G. HERSHMAN
ATTORNEY AT LAW
1105 Tacoma Avenue South
Tacoma, Washington 98402
Tacoma: (253) 383-5346
Facsimile: (253) 572-6662

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2
3 **RECEIVED**

4 **OCT 08 2019**

5 **WSGC/LICENSING**

6
7 **BEFORE THE WASHINGTON STATE GAMBLING COMMISSION**

8 In the Matter of:

OAH No. 06-2018-GMB-00058

9 GREGORY P. MEANS
License No. 68-07011

GMB No. CR 2017-01110

10 Licensee.

11 **RESPONSE TO LICENSEE'S
PETITION FOR REVIEW**

12 Washington State Gambling Commission Staff (Staff) respectfully submit this response
13 to Licensee Gregory Means' (Mr. Means) Petition for Review (Petition).

14 **I. INTRODUCTION**

15 On August 27, 2019, an Administrative Law Judge (ALJ) granted Staff's Motion for
16 Summary Judgment (Motion). After reviewing the evidence submitted, the ALJ found that
17 Mr. Means had "direct knowledge of numerous illegal and suspicious activities" that he failed
18 to report. Initial Order ¶ 5.18. The ALJ also determined that there was "no genuine dispute of
19 material fact" that Mr. Means could not show that he was qualified for a license by clear and
20 convincing evidence. *Id.* ¶ 5.25. Therefore, Staff's Motion was granted and Mr. Means' license
21 was ordered to be revoked.

22 Despite being present for scheduling conferences and being served with prior pleadings
23 from Staff's counsel, Mr. Means' counsel did not respond to Staff's Motion. Mr. Means has
24 now filed a Petition for Review, claiming that he was unaware of Staff's Motion. His petition
25 and counsel's supporting declaration include assertions that based on the record do not appear
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1 to be credible. And despite counsel's assertion that with two exceptions, he has "received no
2 pleadings in this case," counsel filed an answer to Commission Staff's interrogatories that had
3 been mailed to him.

4 Moreover, even if the Commission accepts the reasons for Mr. Means' failure to respond
5 to Staff's Motion for Summary Judgment, Mr. Means fails to present any argument that the
6 ALJ's Initial Order was incorrect. WAC 230-17-090(3) requires that petitions for review "must
7 specify the portions of the initial order the parties disagree with and refer to the evidence in the
8 record on which they rely to support their petition." Mr. Means' Petition says nothing
9 whatsoever about the Initial Order or the voluminous evidence in the record showing that
10 summary judgment was appropriate. Even if, hypothetically, Mr. Means' claims about failing
11 to receive Staff's Motion had merit, his failure to comply with the minimum requirements of
12 WAC 230-17-090(3) means there is no legal basis for the Commission to grant the Petition.

13 II. ARGUMENT

14 A. Means' Counsel Fails to Show that He Did Not Receive Staff's Motion for Summary 15 Judgment

16 Staff's Motion for Summary Judgment was served to the same location at which
17 Mr. Means had previously received mail. None of the mail sent to Mr. Means' attorney in this
18 case has been returned as undeliverable. Declaration of Kelli Lewis (Lewis Decl.) ¶ 11. It is
19 indisputable that his counsel does receive mail at that address, as that is the address listed for
20 him on the Washington State Bar Association website. Lewis Decl. ¶ 12; *see also* Ex. 9.
21 Moreover, Mr. Means' attorney was usually, but not always, provided with email courtesy copies
22 of documents filed by Staff's counsel. Lewis Decl.; *see also* Ex. 1, 5-8. It is similarly
23 indisputable that Mr. Means' counsel received emails at the address used because Staff's counsel
24 has corresponded with him at that address. Lewis Decl. ¶ 3.

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1 Attached to Mr. Means' Petition for Review is the declaration of Mr. Means' counsel,
2 Bryan Hershman. This declaration contains numerous statements which are not credible in light
3 of the record.

4 First, counsel asserts that he found an email dated "June of this year containing a motion
5 for summary judgment submitted by the Gambling Commission." *Id.* Significantly, however,
6 he fails to provide the email's specific date in June, which is noteworthy, since Staff's Motion
7 was emailed to counsel and sent to him by regular mail on June 20, 2019. Lewis Decl. at 3;
8 *see also* Ex. 7. Although Mr. Hershman's declaration represents that his office never received
9 Staff's Motion by mail, that assertion is belied by Ms. Lewis' declaration, which notes that she
10 has not received any mail returned as undeliverable that she sent to Mr. Hershman at
11 1105 Tacoma Ave S, Tacoma, Washington 98402 – including, but not limited to, Staff's Motion
12 for Summary Judgment. Lewis Decl.

13 Second, Mr. Hershman's declaration fails to explain how the June 2019 email was moved
14 from his email inbox to his computer's trash bin. Notably, his declaration does not state that the
15 email was in his email Junk folder, but rather that the email was in his trash bin, which occurs
16 only after, assumedly, the email has been moved from the inbox to the trash. He fails to explain
17 when or how that was done, or by whom. In any case, the email was clearly received, available
18 to be examined, but was apparently then moved into the trash, where it still should have been
19 examinable.

20 Third, Mr. Hershman's declaration also states that "I am assuming this is the motion on
21 which the court ruled granting the request of the gambling commission, but I don't know for
22 certain. Point being, I do not know if there was another draft of this motion or if this was the
23 motion itself. This is the first I had seen of this motion." Hershman Decl. at 2. This assertion
24 is perplexing, as attorneys are not generally in the habit of sending opposing counsel drafts of
25 summary judgment motions.

26 ///

1 Significantly, Mr. Hershman’s declaration also includes the following:

2 I will also represent that my office never received, by mail or fax, the motion for,
3 or order granting summary judgment. Accordingly, I have not received these
4 pleadings by electronic docket or by hardcopy. (The exception to this, as stated
5 above, I received an email in my trash bin, **apparently**, last June, and my client
6 sent me a scanned copy of the order on summary judgment several nights ago.
7 **Apart from that, I have received no pleadings in this case**).

8 Hershman Decl. at 3 (emphasis added).

9 First, since Mr. Hershman acknowledges that “I found an email dated June of this year
10 [sic] containing a motion for summary judgment”, it is unknown why he states that he
11 “apparently” received an email in his trash bin last June.

12 Second, Means’ Petition also states that “because neither he nor his counsel ever
13 received any pleadings in this case or notice the Motion for Summary Judgment has been filed,
14 no Response to the Motion for Summary Judgment was filed on Mr. Means’ behalf.” Petition
15 at 4.¹ Ms. Lewis’ declaration notes that on October 25, 2018, she served Washington State
16 Gambling Commission Staff’s First Interrogatories to Licensee on Licensee’s counsel by mail
17 at 1105 Tacoma Ave S, Tacoma, Washington 98402. Lewis Decl. ¶2. That same day Ms. Lewis
18 also emailed a courtesy copy of the discovery requests to Mr. Hershman at
19 bryan@bryanhershman.com, which is the email address listed for Mr. Hershman on the
20 Washington State Bar Association’s website. *See also* Ex 1.

21 Although Mr. Hershman’s declaration states that he has “received no pleadings in this
22 case,” Hershman Decl. at 3, **the record shows that numerous items were sent to
23 Mr. Hershman via mail and email.** Amongst other examples in Ms. Lewis’s declaration, she
24 notes that an email chain between October 25, 2018 and March 29, 2019 between Mr. Hershman
25 and Senior Counsel Gregory Rosen includes Mr. Hershman indicating that he is working on the
26 responses to Commission Staff’s discovery requests. Lewis Decl. ¶ 3; *see also* Ex. 2. Ms. Lewis’
27 declaration also notes that on April 10, 2019, the Attorney General’s Office received Mr. Means’

¹ Since Mr. Means is represented by Mr. Hershman, Staff’s counsel would not be serving Mr. Means directly with any pleadings in this case, but would only be serving Mr. Means through his attorney, Mr. Hershman.

1 answers to Commission Staff's Interrogatories. Since Mr. Hershman served an answer to Staff's
2 discovery requests, there is no doubt that he received those pleadings after they were mailed to
3 him. Lewis Decl. ¶ 4; *see also* Ex. 3. Notably, the street address to which Commission Staff
4 mailed the First Interrogatories to Mr. Hershman, which were irrefutably received by his office
5 since he answered them, was 1105 Tacoma Ave S, Tacoma, Washington 98402 – this is the
6 identical street address to which Staff's Motion for Summary Judgment was mailed to
7 Mr. Hershman.

8 Ms. Lewis' declaration also notes that on January 8, 2019, Mr. Hershman was served
9 Commission Staff's Witness and Exhibit List by mail at 1105 Tacoma Ave S, Tacoma,
10 Washington 98402. Lewis Decl. ¶ 5; *see also* Ex. 4. Due to the voluminous exhibits, Ms. Lewis
11 was unable to send a courtesy email to Mr. Hershman with the documents. Lewis Decl. ¶ 5.
12 However, Ms. Lewis notes that the documents mailed to Mr. Hershman were never returned as
13 undeliverable. Lewis Decl. ¶ 11.

14 Ms. Lewis' declaration also notes that on April 12, 2019, she was copied on an email
15 from AGO Legal Assistant Tina Bert to Mr. Hershman with a courtesy copy of Commission
16 Staff's Second Supplemental Witness and Exhibit List. Lewis Decl. ¶ 6. Ms. Bert's Declaration
17 of Service certifies that she sent the document by mail to Mr. Hershman's office at 1105 Tacoma
18 Ave S, Tacoma, Washington 98402. *See also* Ex. 5.

19 Ms. Lewis' declaration also notes that on April 18, 2019, she served Commission Staff's
20 Third Supplemental Witness and Exhibit List on Mr. Hershman by mail at 1105 Tacoma Ave S,
21 Tacoma, Washington 98402, and that on that same day, she emailed Mr. Hershman a courtesy
22 copy of that list and added exhibits. Lewis Decl. ¶ 7 at 2; *see also* Ex. 6.

23 Finally, on July 26, 2019, Ms. Lewis mailed a letter regarding a reply to Commission
24 Staff's Motion for Summary Judgment to the Office of Administrative Hearings. Ms. Lewis
25 sent Mr. Hershman a copy of that letter by mail to 1105 Tacoma Ave S, Tacoma, Washington
26 98402. That same day, Ms. Lewis emailed Mr. Hershman a courtesy copy of that letter.

1 Lewis Decl. ¶ 9; *see also* Ex. 8. Neither Mr. Means' Petition for Review nor Mr. Hershman's
2 declaration make any mention of the letter that was mailed and emailed to him on July 26, 2019.

3 While Mr. Hershman states that he has not received documents via mail or email (but for
4 the two exceptions noted in his declaration at 3), Ms. Lewis' declaration states that all of Staff's
5 pleadings have been mailed to him, and some have also been emailed to him as courtesy copies.

6 As Ms. Lewis' declaration states:

7 Since my introduction to this case in September of 2018, I have not once received
8 an undeliverable message from my email provider when sending courtesy copies
9 of documents to bryan@bryanhershman.com.
I also have not received any mail returned as undeliverable that I sent to 1105
Tacoma Ave S, Tacoma, Washington 98402.

10 Lewis Decl. ¶ 10-11.

11 Moreover, Mr. Hershman's assertion that "I will also represent that my office never
12 received, by mail or fax, the motion for, or order granting summary judgment" (Decl. Hershman
13 at 3) is questionable in light of Ms. Lewis' statements of fact that she has not once received an
14 undeliverable message from her email provider when sending courtesy copies of documents to
15 bryan@bryanhershman.com, and that she has not received any mail returned as undeliverable
16 that she sent to 1105 Tacoma Ave S, Tacoma, Washington 98402. In light of the numerous
17 pleadings that were served on Mr. Hershman, and the fact that none of them were returned to
18 Staff's counsel as undeliverable, his declaration's statement that he has "**received no pleadings**
19 **in this case**" but for the two exceptions in his declaration, is questionable, particularly because
20 he answered one of those pleadings, Commission Staff counsel's interrogatories.
21 Decl. Hershman at 3 (emphasis added). *See also* Ex. 3.

22 Consequently, Mr. Hershman's contention that Mr. Means' due process rights were
23 violated because he was not served with Commission Staff's Motion for Summary Judgment, in
24 light of the evidence discussed above, lacks merit. Petition at 3-4. Mr. Means clearly had the
25 opportunity to respond to Staff's Motion and failed to do so. Neither Mr. Means' Petition nor
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1 the supporting declarations establish good cause for his failure to file a response to Staff's
2 Motion.²

3 It is also worth noting that the Office of Administrative Hearings (OAH) has been
4 sending its notifications and paperwork to the same 1105 Tacoma Ave S address that Staff's
5 counsel has been using. Much of this correspondence consists of instructions on when and how
6 to appear for proceedings before OAH. Without the telephonic access code contained in these
7 notifications, Mr. Hershman could not have appeared for the telephonic conferences in this case.
8 It is clear that Mr. Hershman *did* receive these notifications as he appeared at numerous hearings
9 using the codes contained therein. *See e.g.*, Ex. 10 and Lewis Decl. ¶ 13. There is no discernible
10 reason why Mr. Hershman would have received OAH's mailings, but failed to receive Staff
11 counsel's mailings to him at the same address. For example, as Mr. Hershman's declaration
12 noted, his office did in fact receive a copy of the ALJ's Initial Order Granting Summary
13 Judgment, in the mail, post marked August 27, 2019, which Mr. Hershman contends was the
14 first notice he received about the summary judgment process. Hershman Decl. at 3, n.1.
15 The ALJ's Initial Order Granting Summary Judgment was sent to Mr. Hershman's office by
16 OAH to the same address that OAH previously mailed its Order setting out the case schedule
17 and deadlines for the parties' dispositive motions, responses and replies. *See* Exhibit 10 at 25.
18 Despite his assertion that the ALJ's Initial Order Granting Summary Judgment was the first
19 notice he received about the summary judgment process, Exhibit 10 at 24-32 demonstrates that
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22 ² Means' Petition for Review contains numerous references to WAC 230-17-152. *See* Petition at 2-3, at
23 footnotes 6-8 and 10-13. WAC 230-17-152, however, refers to the appeal rights in Brief Adjudicative Proceedings
24 (BAPs). The ALJ's adjudication of a motion for summary judgment is not a BAP. For example, a hearing to
25 adjudicate whether the Commission's summary suspension should be stayed is a BAP, and Means had such a
26 hearing in March 2018. However, the ALJ's Initial Order that granted Commission Staff's Motion for Summary
Judgment was not in the context of a BAP. Therefore, all references to WAC 230-17-152 are not applicable.

Similarly, Means' citation to RCW 34.05.491(3) is also inapplicable, as that statute states that "[t]he reviewing officer shall give each party an opportunity to explain the party's view of the matter and shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal adjudicative hearing." *See* Petition at 3, n.9.

1 Mr. Hershman received notice about the relevant deadlines in the summary judgment process
2 prior to the ALJ's Order Granting Summary Judgment.

3 Moreover, the ALJ's Order Granting Summary Judgment, which Mr. Hershman
4 concedes his office received, was mailed by OAH to his office at 1105 Tacoma Ave S Tacoma,
5 WA 98402 – the identical address to which Staff's Counsel mailed its Motion for Summary
6 Judgment to Mr. Hershman. *See* Ex. 7.

7 Based on the totality of the evidence, this Commission should conclude that Mr. Means,
8 through his counsel, was served with Commission Staff's Motion for Summary Judgment, and
9 deny his Petition for Review.

10 **B. Because Means' Petition for Review Fails to Specify the Portions of the Initial Order**
11 **with Which He Disagreed and Failed to Refer Evidence in the Record on Which He**
12 **Relies to Support His Petition, There is No Legal Basis for The Commission to**
Grant the Petition

13 Even if the Commission finds that Mr. Hershman's various explanations for failing to
14 respond to Staff's Motion are credible – which they are not – Mr. Means fails to present any
15 argument that the Administrative Law Judge's Initial Order was incorrect. His Petition for
16 Review must therefore fail.

17 WAC 230-17-090(3) requires that petitions for review “**must specify the portions of the**
18 **initial order the parties disagree with and refer to the evidence in the record on which they**
19 **rely to support their petition.**” (Emphasis added.) Mr. Means' petition for review fails to
20 specify the portions of the ALJ's initial order with which he disagrees. Mr. Means' Petition also
21 fails to refer to the evidence in the record on which he relies to support his petition. In short, his
22 Petition says nothing whatsoever about the Initial Order or the voluminous evidence supporting
23 that order. The only reference to the merits of the case offered are Mr. Hershman's and
24 Mr. Means' conclusory assertions that “[m]y client has a meritorious defense to the claims of

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1 the Gambling Commission” and “I have a meritorious defense to the claims of the Gambling
2 Commission.” Hershman Decl. at 2 and Declaration of Gregory P. Means at 1, respectively.
3 Neither statement identifies any support for this claim in the record.

4 Because Mr. Means’ Petition fails to satisfy the foundational requirements set out in
5 WAC 230-17-090(3), his Petition must be denied on that basis alone, as there is no legal basis under
6 upon which the Commission can grant the Petition.

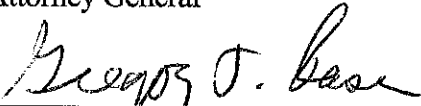
7 As noted above, Commission Staff filed a 56-page Motion for Summary Judgment on
8 June 20, 2019 which was granted by the ALJ. If the Commission determines that this case should
9 be remanded to the ALJ, Commission Staff requests that the remand specifically instruct the ALJ
10 to require Mr. Means to file a response to Staff’s Motion for Summary Judgment, and that Staff
11 be permitted to file a reply to Mr. Means’ response, rather than a remanding for a hearing.

12 **III. CONCLUSION**

13 For the reasons stated above, Commission Staff respectfully requests that Gregory
14 Means’ Petition for Review be denied.

15 DATED this 8th day of October 2019.

16
17 ROBERT W. FERGUSON
Attorney General

18 
19 _____
GREGORY J. ROSEN, WSBA #15870
20 Senior Counsel
21 Attorney for Washington State
22 Gambling Commission Staff
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1 DECLARATION OF SERVICE

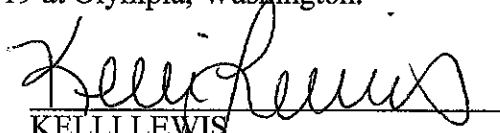
2 I declare that I served a true and correct copy of this document on all parties or their
3 counsel of record on the date below as follows:

4 BRYAN G. HERSHMAN
5 ATTORNEY AT LAW
6 1105 TACOMA AVE S
7 TACOMA, WA 98402

- U.S. mail via state Consolidated Mail Service (with proper postage affixed)
- courtesy copy via facsimile:
- courtesy copy via electronic mail: bryan@bryanhershman.com
- ABC/Legal Messenger

8 I declare under penalty of perjury under the laws of the state of Washington that the
9 foregoing is true and correct.

10 DATED this 8th day of October 2019 at Olympia, Washington.

11 
 12 KELLI LEWIS
 13 Legal Assistant

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4 OCT 08 2019

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6 WSGC/LICENSING

7 BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS ON BEHALF OF THE
8 WASHINGTON STATE GAMBLING COMMISSION

9 In the Matter of:

10 GREGORY P. MEANS
11 License No. 68-07011

12 Licensee.

OAH No. 06-2018-GMB-00058

GMB No. CR 2017-01110

13
14 DECLARATION OF KELLI LEWIS
15 IN SUPPORT OF COMMISSION
16 STAFF'S RESPONSE TO PETITION
17 FOR REVIEW

18 I, Kelli Lewis, make the following declaration of my own personal knowledge under
19 penalty of perjury under the laws of the state of Washington. I am over the age of 18, have
20 personal knowledge of the matters herein, and am otherwise competent to testify to the matters
21 stated in this declaration.

- 22 1. I am employed by the Washington State Office of the Attorney General (AGO) as a
23 Legal Assistant 3. I have been employed by the AGO for two years. I have been the
24 Legal Assistant assigned to this case since September of 2018.
- 25 2. On October 25, 2018, I served Washington State Gambling Commission Staff's First
26 Interrogatories to Licensee on Licensee's counsel by mail at 1105 Tacoma Ave S,
Tacoma, Washington 98402. That same day I also emailed a courtesy copy of the
discovery requests to Mr. Hershman at bryan@bryanhershman.com, which is the
email address listed for Mr. Hershman on the Washington State Bar Association's
website. Attached as **Exhibit 1** is a true and correct copy of my Declaration of Service

1 regarding Commission Staff's First Interrogatories to Licensee and courtesy email to
2 Mr. Hershman with those documents.

3 3. Attached as **Exhibit 2** is an email chain between October 25, 2018 and March 29,
4 2019 between Mr. Hershman and Senior Counsel Gregory Rosen, where
5 Mr. Hershman indicates that he is working on the responses to Commission Staff's
6 discovery requests.

7 4. On April 10, 2019, our office received the Licensee's answers to Commission Staff's
8 Interrogatories, which shows that Licensee's counsel has received pleadings from our
9 office. Attached as **Exhibit 3** is the Licensee's Answers to Washington State
10 Gambling Commission Staff's First Interrogatories to Licensee.

11 5. On January 8, 2019, I served Commission Staff's Witness and Exhibit List on
12 Mr. Hershman by mail at 1105 Tacoma Ave S, Tacoma, Washington 98402. Due to
13 the voluminous exhibits, I was unable to send a courtesy email to Mr. Hershman with
14 the documents. Attached as **Exhibit 4** is a true and correct copy of my Declaration
15 of Service regarding Commission Staff's Witness and Exhibit List.

16 6. On April 12, 2019, I was copied on an email from AGO Legal Assistant Tina Bert to
17 Mr. Hershman with a courtesy copy of Commission Staff's Second Supplemental
18 Witness and Exhibit List. Ms. Bert's Declaration of Service certifies that she sent the
19 document by mail to Mr. Hershman's office at 1105 Tacoma Ave S, Tacoma,
20 Washington 98402. Attached as **Exhibit 5** is a true and correct copy of that email and
21 Ms. Bert's Declaration of Service.

22 7. On April 18, 2019, I served Commission Staff's Third Supplemental Witness and
23 Exhibit List on Mr. Hershman by mail at 1105 Tacoma Ave S, Tacoma, Washington
24 98402. That same day I emailed Mr. Hershman a courtesy copy of that list and added
25 exhibits. Attached as **Exhibit 6** is a true and correct copy of my Declaration of
26

1 Service regarding Commission Staff's Third Supplemental Witness and Exhibit List
2 and courtesy email to Mr. Hershman with those documents.

3 8. On June 20, 2019, I served Commission Staff's Motion for Summary Judgment with
4 exhibits on Mr. Hershman by mail at 1105 Tacoma Ave S, Tacoma, Washington
5 98402. That same day I emailed Mr. Hershman a courtesy copy of motion and
6 exhibits. Attached as **Exhibit 7** is a true and correct copy of my Declaration of
7 Service regarding Commission Staff's Motion for Summary Judgment and courtesy
8 email to Mr. Hershman that shows the attachments.

9 9. On July 26, 2019, I mailed a letter regarding a reply to Commission Staff's Motion
10 for Summary Judgment to the Office of Administrative Hearings (OAH). I sent
11 Mr. Hershman a copy of that letter by mail to 1105 Tacoma Ave S,
12 Tacoma, Washington 98402. That same day I emailed Mr. Hershman a courtesy copy
13 of that letter. Attached as **Exhibit 8** is a true and correct copy of the letter sent and
14 the courtesy copy with the letter attached.

15 10. Since my introduction to this case in September of 2018, I have not once received an
16 undeliverable message from my email provider when sending courtesy copies of
17 documents to bryan@bryanhershman.com.

18 11. I also have not received any mail returned as undeliverable that I sent to 1105 Tacoma
19 Ave S, Tacoma, Washington 98402.

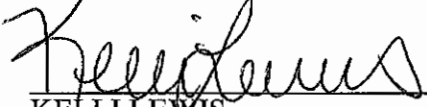
20 12. Attached as **Exhibit 9** is a true and correct print-out from the Washington State Bar
21 Association's website as of October 1, 2019 showing the mailing and email addresses
22 Mr. Hershman registered with the Association.

23 13. According to all of the scheduling notices the AGO has received in this case, OAH
24 has served Mr. Hershman with all of its pleadings at the same address I have served
25 him at. All of the orders indicate that Mr. Hershman has attended all of those
26

1 scheduled hearings and conferences. Attached as **Exhibit 10** are the three scheduling
2 notices and corresponding orders in this case.

3 I declare under penalty of perjury under the laws of the State of Washington that the
4 foregoing is true and correct.

5 DATED this 8th day of October 2019 in Olympia, Washington,

6 
7 _____
8 KELLI LEWIS
9 Legal Assistant

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EXHIBIT 1

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DECLARATION OF SERVICE

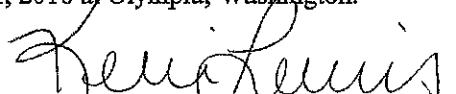
I declare that I served a true and correct copy of this document on all parties or their counsel of record on the date below as follows:

BRYAN HERSHMAN
LAW OFFICE OF BRYAN HERSHMAN
1105 TACOMA AVE S
TACOMA, WA 98402

- U.S. mail via state Consolidated Mail Service (with proper postage affixed)
- courtesy copy via facsimile:
- courtesy copy via electronic mail:
- ABC/Legal Messenger

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 25th day of October, 2018 at Olympia, Washington.


KELLI LEWIS
Legal Assistant

From: [Lewis, Kelli \(ATG\)](#)
To: bryan@bryanhershman.com
Cc: [Rosen, Gregory \(ATG\)](#)
Subject: Gregory P. Means - GMB No. 2017-01110
Date: Thursday, October 25, 2018 9:49:46 AM
Attachments: [Discovery-20181025-ROGSToLicensee.pdf](#)

Good morning,

Attached please find a courtesy copy of the Gambling Commission Staff's First Interrogatories to Licensee. A hard copy will follow via mail.

Thank you,

Kelli Lewis

Legal Assistant 3

Attorney General's Office

Government Compliance & Enforcement Division

Ph. (360) 586-3357

Kelli.lewis@atg.wa.gov

This e-mail may contain information that is legally privileged. If you received this e-mail in error, please notify me by return e-mail and delete this message. Any disclosure, copying, distribution or other use of the contents of this message is prohibited.

EXHIBIT 2

From: [Rosen, Gregory J \(ATG\)](#)
To: ["Bryan G. Hershman"](#); [Natalie Crawford, Paralegal to Bryan G. Hershman](#)
Cc: [Lewis, Kelli \(ATG\)](#)
Subject: FW: Gregory P. Means - GMB No. 2017-01110
Date: Friday, March 29, 2019 8:20:18 AM

Hi Natalie,

I'm sure Bryan is really busy, but could you please ask him if he could send over the answers to the interrogatories? They were due on February 25th. Thanks.

Greg

From: Rosen, Gregory (ATG)
Sent: Tuesday, March 26, 2019 10:55 AM
To: 'Bryan G. Hershman' ; Natalie Crawford, Paralegal to Bryan G. Hershman
Cc: Lewis, Kelli (ATG)
Subject: RE: Gregory P. Means - GMB No. 2017-01110

Hi Bryan,

Do you anticipate being able to send your answers to the interrogatories sometime this week?

Thanks.

Greg

From: Bryan G. Hershman <bryan@bryanhershman.com>
Sent: Wednesday, January 30, 2019 11:04 AM
To: Rosen, Gregory (ATG) <GregR@ATG.WA.GOV>; Natalie Crawford, Paralegal to Bryan G. Hershman <ParaLegal@bryanhershman.com>
Cc: Bryan G. Hershman <bryan@bryanhershman.com>
Subject: RE: Gregory P. Means - GMB No. 2017-01110

We will

I'll speak with my paralegal and the client. We were just working on them.

From: Rosen, Gregory (ATG) [<mailto:GregR@ATG.WA.GOV>]
Sent: Wednesday, January 30, 2019 11:03 AM
To: Bryan G. Hershman; Natalie Crawford, Paralegal to Bryan G. Hershman
Subject: FW: Gregory P. Means - GMB No. 2017-01110

Hi Bryan,

We sent you the attached interrogatories last October, but have not yet received your answers to them. Will you be answering them sometime in the next 30 days or so?

Greg

From: Lewis, Kelli (ATG)
Sent: Thursday, October 25, 2018 9:52 AM
To: bryan@bryanhershman.com
Cc: Rosen, Gregory (ATG)
Subject: Gregory P. Means - GMB No. 2017-01110

Good morning,

Attached please find a courtesy copy of the Gambling Commission Staff's First Interrogatories to Licensee. A hard copy will follow via mail.

Thank you,

Kelli Lewis

Legal Assistant 3
Attorney General's Office
Government Compliance & Enforcement Division
Ph. (360) 586-3357
Kelli.lewis@atg.wa.gov

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EXHIBIT 3

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BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS ON BEHALF OF THE
WASHINGTON STATE GAMBLING COMMISSION

In the Matter of the Summary Suspension
of the License to Operate Gambling
Activities of:

GREGORY PAUL MEANS
License No. 68-07011
Licensee.

} OAH NO. 04-2018-GMB-00041
} GMB No. CR 2017-01110
} LICENSEE ANSWERS TO WASHINGTON
} STATE GAMBLING COMMISSIONS STAFF
} FIRST INTERROGATORIES TO LICENSEE

INTERROGATORY NO. 1: From 1/1/16 to 3/31/18 provide dates, amounts, wager placed,
where and how wager was placed and with whom you placed sports wagers.

ANSWER: I do not bet on sports for money and have not done so. I find gambling of any kind to
be a waste of money.

INTERROGATORY NO. 2: From 1/1/16 to 3/31/18 provide dates, amounts, where and who
paid you for winnings from sports wagers placed.

ANSWER: I do not bet on sports for money and have not done so. I find gambling of any kind to
be a waste of money.

1 INTERROGATORY NO. 3: From 1/1/16 to 3/31/18 provide dates, amounts, where and who
2 paid you for losses from sports wagers placed.

3
4 **ANSWER:** I do not bet on sports for money and have not done so. I find gambling of any kind to
5 be a waste of money.

6
7 INTERROGATORY NO. 4: Describe what financial incentives you received for allowing Anna
8 Bui to take sports wagers.

9
10 **ANSWER:** I did not allow Ms. Bui to take real sports wagers. If Ms. Bui was engaged in real
11 sports wagering, she was doing so without my knowledge. As a corollary, to the preceding, I
12 never provided Bui with financial incentives for real sports wagers. Ms. Bui and I played a sports
13 wager game, through a web site, called "All Sports". I still have the web site on my phone. It
14 amounts to a wagering game, with no money exchanged.

15
16 INTERROGATORY NO. 5: Describe what financial incentives you gave to Ana Bui to take
17 sports wagers.

18
19 **ANSWER:** If Ms. Bui was engaged in real sports wagering, she was doing so without my
20 knowledge. As a corollary, to the preceding, i never provided Bui with financial incentives for
21 real sports wagers. Ms. Bui and I played a sports wager game, through a web site, called "All
22 Sports". I still have the web site on my phone. It amounts to a wagering game, with no money
23 exchanged.

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1 INTERROGATORY NO. 6: What financial incentives was Anna Bui given to make loans to
2 customers and employees of Macau Casino?

3
4 ANSWER: In order to give financial incentives for Ms. Bui to loan money, I would have had to
5 know about the loans. I am not aware of any money lending in which Ms. Bui was engaged.
6 That said, I'm assuming that chips & cash were passed back and forth at tables, between people
7 gambling. This goes on all of the time at tables, and is not illegal, nor does it require paperwork.

8 Ms. Bui, if she gambled, she gambled after I left at night. I have never seen her engage in
9 even the above described innocuous conduct, assuming it happened. That said, people sharing
10 money and chips is common practice at all casinos, and is not against the law.

11
12 INTERROGATORY NO.7: Provide a list of owners, officers and employees that Anna Bui made
13 loans to, loan and interest details, dates, amounts, etc. for all loans made to customers and
14 employees.

15
16 ANSWER: I am not aware of Ms. Bui loaning money to anyone, including customers or
17 employees. Accordingly, I am unable to list owners, officers or employees...

18
19
20 INTERROGATORY NO. 8: Describe what financial incentives you received for allowing Anna
21 Bui to make loans to customers and employees.

22
23 ANSWER: I am not aware of Ms. Bui loaning money to anyone, including customers or
24 employees. Accordingly, I am unable to list owners, officers or employees...

25
26 INTERROGATORY NO. 9: Describe how interest and principal payments were collected from
27

28
Page 3 of 13

1 customers and employees. Provide details as to who collected, how collections were made, as
2 well as where and when collections were made.

3

4 ANSWER: I am not aware of Ms. Bui loaning money to anyone, including customers or
5 employees. Accordingly, I am unable to list owners, officers or employees...

6

7 INTERROGATORY NO. 10: Describe the check kiting process Anna Bui was allowed to
8 conduct at Macau Casino during the calendar years 2016 and 2017.

9

10 ANSWER: It came to my attention that people might be writing checks they could not cover. I
11 became aware of this because the armored car came on Monday, Wednesday and Friday. On
12 those days, I would see a line of employees and other players at the cashier counter. I inquired
13 from the cashiers the reason for my (preceding) observation. I was informed that employees and
14 patrons wanted to buy back their checks before the checks went to the armored car. In some
15 cases, the bags were already closed, and the cashiers were encouraged, by the employees, to
16 reopen the bags. The reason for this line to buy back checks is because there were people who
17 did not want their spouse to know of the check, or their accountant, or the like.

18 Once I became aware of this practice, I wrote a memo designed to discourage this
19 practice, stating that when someone bought back a check, that they could not write another check
20 within 24 hours without approval of a supervisor. Supervisors were instructed to allow people to
21 write checks for everyday gamblers, if they felt it would generate business for the casino.

22 Ms. Bui wrote checks that we were under the impression she could cover. On occasion,
23 Ms. Bui would represent that checks would be paid off, and she referenced waiting to receive
24 money for the same. Further, Ms. Bui had credibility with the casino, since she had paid off as
25 much as \$100,000.00 in checks in the past. Accordingly, it was believed she had money to cover
26 the checks.

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INTERROGATORY NO. 11: Where did Anna Bui get the money to loan to customers and employees?

ANSWER: I am not aware of Ms. Bui loaning money to anyone, including customers or employees. Accordingly, I am unable to list owners, officers or employees...

INTERROGATORY NO. 12: Did you ever question or verify the source of Anna Bui's money she was lending to customers and employees?

ANSWER: I am not aware of Ms. Bui loaning money to anyone, including customers or employees. Accordingly, I am unable to list owners, officers or employees...

INTERROGATORY NO. 13: Provide a list of people who knew, encouraged, and/or financially benefitted from Anna Bui loaning money to customers and employees at Macau Casino.

ANSWER: I am not aware of Ms. Bui loaning money to anyone, including customers or employees. Accordingly, I am unable to list owners, officers or employees...

INTERROGATORY NO. 14: Was Anna Bui written up for violating and RCW and/or WAC provisions? If yes, what did the write up say?

ANSWER: I was not the one who wrote up Ms. Bui, but I was present when the write up took place.

///

1 INTERROGATORY NO. 15. Did you approve any of the checks Anna Bui wrote when she
2 engaged in the check kiting scheme during the calendar years of 2016 and 2017?

3
4 ANSWER: I was not aware of any check kiting scheme.

5
6 INTERROGATORY NO. 16. Did you or any other officer at Macau Casino fire anyone as a
7 result of the check floating scheme Anna Bui engaged in? Provide names and titles of anyone
8 fired.

9
10 ANSWER: No one was fired or disciplined for anything related to check floating or check
11 kiting. Until late March I was unaware that the terminology "check kiting" even existed or that it
12 was illegal. Two cashiers were terminated in February when Anna Bui was disciplined. Dawn
13 Mangano and myself performed an investigation and interviewed both cashiers separately with
14 [Lead Bookkeeper] Mani Douangprachanh and [Corporate Director of Finance] Waiman Lam
15 present. Both cashiers were unable to explain why they allowed someone to exceed their "House
16 Limit" of writing checks by over \$100,000 without getting the checks approved by a
17 supervisor. If a supervisor had approved the transactions it would have been their responsibility.
18 That is part of what we pay them for. The cashiers have no authority to make those decisions and
19 put the casino at risk for \$100,000. It was for that poor decision that the cashiers were
20 terminated. That decision was made by [Chief Operating Officer] Dawn Mangano and agreed
21 upon by [General Manager] Greg Means.

22
23 INTERROGATORY NO. 17: Why was Anna Bui not fired for engaging in check floating after
24 January 2017?

25
26 ANSWER: To repeat, I was not aware of a check floating scheme.

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INTERROGATORY NO. 18: Did Anna Bui engage in check floating after January 2017?

ANSWER: I was not aware that Bui was engaging in check floating. As far as I knew, she had the money to cover the checks she wrote.

When I self-reported to Agent Lohse that Bui had paid off a check with a check, he investigated the incident. Remarkably, I only learned of this after coming back on the job from my heart surgery. Lohse never mentioned that it was against the law. He merely said that he had spoken with his boss and that they would continue investigating. No warning was given to myself or the casino, nor was a fine levied against us for this. I had no idea that Bui's practices were defined by a law or regulation as a violation of the law. Accordingly, due to this lack of information, and Lohse's failure to admonish me, the practice was not stopped.

INTERROGATORY NO. 19: Describe all persons, names, dates of birth, titles and addresses who were aware of Anna Bui's check floating.

ANSWER: To repeat, no one was aware of "check floating." Insofar as persons who would have been aware of Bui's practices, anyone working at the casino may have had information. Since it was not discussed, I cannot recite names. Further, the idea that I would have addresses or dates of birth, with all due respect, is preposterous.

INTERROGATORY NO. 20: Did anyone else, including but not limited to Casino employees engage in check kiting or check floating? If yes, which persons did so?

ANSWER: There was a time when several employees had written checks and use cash to buy

1 back the checks, and then write more checks. Most of them were not active players at the casino
2 so there was no reason to allow them to write checks. Most of them had their check writing
3 privileges suspended so that their checks went to the bank and they were asked to pay for the
4 checks. I don't remember all of the names of the customers/ employees that had done that but I
5 do remember Anna Bui, Tien Le, Helen Le and Cong Chen. These were high level players at
6 Macau Southcenter. Once I took over Macau Lakewood I found that check floating was also
7 happening there. I can't remember the names of the top of my head from there because I was only
8 there for 2.5 months but I could probably pick their names off of a list of customers.

9
10 INTERROGATORY NO. 21: Did Tien Le engage in check kiting or check floating at Macau
11 Casino?

12
13 **ANSWER:** Tien Le engaged in similar practices as did Bui.

14
15 INTERROGATORY NO. 22: What was Tien Le's check writing limit in 2016, 2017 and 2018?
16 Who set the limit?

17
18 **ANSWER:** I can not say what Tien's check writing limits were from year to year without access
19 to the computers at Macau. Tien, as with all employees, started with a \$2,000 check writing limit
20 when the casino opened in 2014. Customers and employees check writing limits have changed
21 throughout the years based on their level of play and ability to handle check writing. I believe
22 Tien had a \$20,000 check writing limit by 2018. She was one of our bigger players at the casino.
23 I [Greg Means] set this "House Limit" for her check writing.

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1 INTERROGATORY NO. 23: Did Anna Bui have any non-sufficient funds (NSF) checks in
2 2018? Describe all NSF checks, dates, amounts, check amounts and total balances.

3
4 ANSWER: Without access to the computer systems at Macau I can't be accurate but I believe
5 Anna Bui had NSF checks in 2018 for \$140,000. I can't possibly recall all of the specific data
6 requested in the second part of this question without access to the computers at Macau
7 Southcenter. Greg reported this NSF to Michael Marquest, who put Bui on a payment plan.

8
9
10 INTERROGATORY NO. 24: Did you report to the Gambling Commission that Anna Bui had
11 \$100,000 in NSF checks?

12
13 ANSWER: Macau Casino did not report Anna Bui's NSF checks to the Gaming Commission.
14 When the casino opened in 2014 we sent all returned checks to our gaming agent Jess Lohse. He
15 told me that we didn't need to notify him of checks returned for non-sufficient funds. He asked
16 us to notify him of any checks that were returned for reasons other than NSF such as fraud/being
17 altered, written on a closed account, stop payment, etc.

18
19 INTERROGATORY NO. 25: Describe all persons who were aware of Anna Bui's NSF checks
20 of \$100,000 to include names, titles, dates of birth and addresses.

21
22 ANSWER: I don't know anyones date of birth or address but [owner] Michael Marquess,
23 [General Manager] Greg Means, [Casino Manager] Sergey Shakhnazarov, [Director of Finance]
24 Waiman Lam, [Controller] Wayne ?, [bookkeeper] Lisa Lau, [Lead Bookkeeper] Jennifer
25 Hohensuh (sp) and all of the cashiers. There could have been more than I am not aware of.

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1 INTERROGATORY NO. 26: Did you know that Anna Bui loaned money at Macau Casino to
2 gamble with? If so, approximately when did you find out this information?

3
4 ANSWER: Although I can't recall witnessing it, because I was seldom present when Anna Bui
5 played, I can recall her saying that she shared her chips or money with friends that asked her to
6 borrow some so they could "chase" their money. I never heard of the exchange referred to as a
7 "loan" or that there was any terms involved with this. I have no knowledge of the amount of
8 money exchanged. I took it to be an innocent gesture that happens frequently in casinos.

9
10 INTERROGATORY NO. 27: Did Michael Marquess know Anna Bui loaned players money at
11 Macau Casino to gamble with? If yes, what do you base your information on?

12
13 ANSWER: I have no idea what Michael Marquess did or did not know. I was never present with
14 him where anything like that was ever discussed or mentioned.

15
16 INTERROGATORY NO. 28: Did you fail to file Currency Transaction Reports (CTRs) at
17 Macau Casio between 1/1/16 through 3/26/18? If yes how many? Provide dates, amounts and
18 persons who CTRs should have been completed for.

19
20 ANSWER: I am not aware of any CTRs not being filed for any players that should have been
21 filed. While I was the Anti-Money Laundering Officer for Macau Southcenter I made a conscious
22 effort to collect the data to best of my ability and made a reasonable effort to file all necessary
23 documents to best of my knowledge. I filed on average about 3 CTR's per day, so I cannot
24 calculate the number without casino records. Suggesting that I could compute how many CTR's
25 were NOT filed, is preposterous. First, it assumes they should have been filed, which is a
26 concession I will not make. Second, it would take weeks, if not months, to go back through the

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1 old records to make such a determination. Third, I filed so many of these, in particular,
2 pertaining to Bui, if failed to file a CTR, it was an over-site due to the pace of the job, it was not
3 intentional. I had a system and I followed it.
4
5

6 INTERROGATORY NO. 29: Did you file CTRs after the reportable 15-day requirement? If yes
7 detail how many occurrences.
8

9 ANSWER: I had filed CTRs after the 15-day requirement in the past but it was almost always
10 because of a problem with the web browser not working correctly with FinCen because of
11 normal computer updates. I have sent emails to FinCen in the past notifying them of the delays
12 and spoken with their tech support people about the matter. They assured me that as long as the
13 reports were filed that these instances would be overlooked. FinCen does not accept hard copies
14 of CTRs like they used to in the past so computer filing is the only acceptable method. I can't
15 detail the number of occurrences because it has been too long.
16

17 INTERROGATORY NO. 30: Has anyone ever paid you to obtain employment at Macau Casino
18 or any other card room in Washington? If yes, provide names, dates of birth and addresses of all
19 persons.
20

21 ANSWER: I have never asked for nor received any payment to obtain employment at Macau
22 Casino or any other card room in any state.
23

24 INTERROGATORY NO. 31: Have you ever placed a sports bet?
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26 ANSWER: No.
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INTERROGATORY NO. 32: Do you have a user ID and password for a sports betting website?

ANSWER: I used to have a sign on for a website that was doing beta testing for a platform that they intended to develop for use on a future website. The website was in beta testing and used actual sporting events to demonstrate how bets could be placed and outcomes rendered. No actual money was bet, won or lost during this beta testing. I only participated for one week and then discontinued because I had no time for it. I engaged in this web site as sort of a game, just to see how I could do. I have never and would never, engage in sports betting.

INTERROGATORY NO. 33: Has anyone ever placed a sports bet on your behalf? If yes, provide names, titles, dates of birth and addresses.

ANSWER: I don't gamble or bet on sports. No one has ever placed a bet for me.

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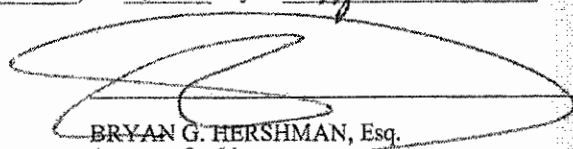
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ATTORNEYS CR 26 CERTIFICATION

The undersigned attorney certifies pursuant to Civil Rule 26(g) that he has read each response and objection to Gambling Commission Staff's First Set of Interrogatories to Licensee, and that to the best of his knowledge, information, and belief, formed after a reasonable inquiry, each is (1) consistent with the Civil Rules, statutes and administrative regulations, and warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and (2) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the costs of litigation.


SIGNED AT Tecoma, this 9th day of April 2019.


BRYAN G. HERSHMAN, Esq.
Attorney for Licensee

STATE OF WASHINGTON)
 : ss
County of Pierce)

I, Greg Means, am above the age of eighteen, and declare under penalty of perjury under the laws of the State of Washington that I read the "Answers" to the Gambling Commission Staff's First Set of Interrogatories to Licensee, know the contents thereof, and believe them to be true and correct to the best of my knowledge and belief.

FURTHER YOUR AFFIANT SAYETH NAUGHT.


GREG MEANS
Dated: 4/9/19

SWORN and SUBSCRIBED to before me this 9th day of April

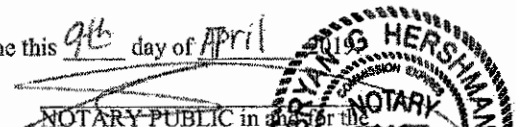
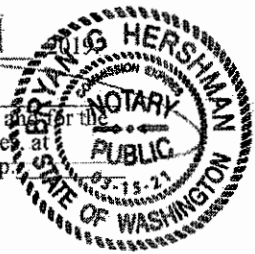

NOTARY-PUBLIC in and for the
State of Washington, res. at
_____, my comm. exp. _____


EXHIBIT 4

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DECLARATION OF SERVICE

I declare that I served a true and correct copy of this document on all parties or their counsel of record on the date below as follows:

BRYAN HERSHMAN
LAW OFFICE OF BRYAN HERSHMAN
1105 TACOMA AVE S
TACOMA, WA 98402

- U.S. mail via state Consolidated Mail Service (with proper postage affixed)
- courtesy copy via facsimile:
- courtesy copy via electronic mail:
- ABC/Legal Messenger

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 8th day of January, 2019 at Olympia, Washington.

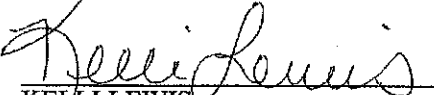

KELLI LEWIS
Legal Assistant

EXHIBIT 5

From: Bert, Tina L. (ATG)
To: ParaLegal@bryanhershman.com; bryan@bryanhershman.com
Cc: [Rosen, Gregory J \(ATG\)](#); [Lewis, Kelli \(ATG\)](#)
Subject: Gregory Paul Means - GMB - CR 2017-01110
Date: Friday, April 12, 2019 4:12:38 PM
Attachments: [List-20190412-2ndSupplW&E.pdf](#)
[Exhibit 69.pdf](#)
[Exhibit 70.pdf](#)
[Exhibit 71.pdf](#)
[Exhibit 67.pdf](#)
[Exhibit 68.pdf](#)

Mr. Hershman,

Attached is copy of the Washington State Gambling Commission Staff's 2nd Supplemental Witness & Exhibit List which has been filed with OAH. A hard copy has been sent by us mail today.

Feel free to contact me if you have problems opening the attached.

Tina L. Bert

Legal Assistant Supervisor

Government Compliance & Enforcement Division

Office of the Attorney General

Ph. 360-753-1815

tinab1@atg.wa.gov

THIS E-MAIL AND ANY ATTACHMENTS ARE INTENDED ONLY FOR THE NAMED ADDRESSEE(S) AND IS CONFIDENTIAL. REVIEW, DISSEMINATION, OR USE OF THIS E-MAIL OR ITS CONTENTS BY PERSONS OTHER THAN THE ADDRESSEE(S) IS PROHIBITED. IF YOU RECEIVE THIS MESSAGE IN ERROR, PLEASE DELETE IT AND NOTIFY THE SENDER.

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DECLARATION OF SERVICE

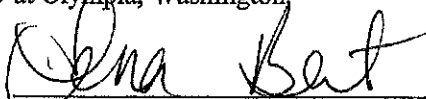
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1105 TACOMA AVE S
TACOMA, WA 98402

- U.S. mail via state Consolidated Mail Service (with proper postage affixed)
- courtesy copy via facsimile:
- courtesy copy via electronic mail:
- ABC/Legal Messenger

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 12th day of April, 2019 at Olympia, Washington.



TENA BERT
Legal Assistant

EXHIBIT 6

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DECLARATION OF SERVICE

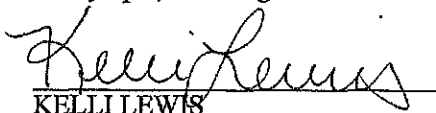
I declare that I served a true and correct copy of this document on all parties or their counsel of record on the date below as follows:

BRYAN HERSHMAN
LAW OFFICE OF BRYAN HERSHMAN
1105 TACOMA AVE S
TACOMA, WA 98402

- U.S. mail via state Consolidated Mail Service (with proper postage affixed)
- courtesy copy via facsimile:
- courtesy copy via electronic mail:
- ABC/Legal Messenger

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 18th day of April, 2019 at Olympia, Washington.



 KELLI LEWIS
 Legal Assistant

From: [Lewis, Kelli \(ATG\)](#)
To: bryan@bryanhershman.com
Cc: [Rosen, Gregory J \(ATG\)](#)
Subject: Greg Means - GMB No. 2017-01110
Date: Thursday, April 18, 2019 3:36:07 PM
Attachments: [Exhibit 72.pdf](#)
[Exhibit 73.pdf](#)
[Exhibit 74.pdf](#)
[Exhibit 75.pdf](#)
[Exhibit 76.pdf](#)
[Exhibit 77.pdf](#)
[List-20190408-CommStaff3rdSuppWit&Exh.pdf](#)

Good afternoon,

Attached please find Commission Staff's Third Supplemental Witness & Exhibit List, filed today with OAH in the above-referenced matter. Also attached are the added Exhibits, 72-77. A hard copy will follow via mail.

Thank you,

Kelli Lewis

Legal Assistant 3

Attorney General's Office

Government Compliance & Enforcement Division

Ph. (360) 586-3357

Kelli.lewis@atg.wa.gov

This e-mail may contain information that is legally privileged. If you received this e-mail in error, please notify me by return e-mail and delete this message. Any disclosure, copying, distribution or other use of the contents of this message is prohibited.

EXHIBIT 7

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DECLARATION OF SERVICE

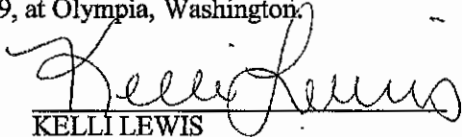
I declare that I served a true and correct copy of this document on all parties or their counsel of record on the date below as follows:

BRYAN G. HERSHMAN
ATTORNEY AT LAW
1105 TACOMA AVE S
TACOMA, WA 98402

- U.S. mail via state Consolidated Mail Service (with proper postage affixed)
- courtesy copy via facsimile:
- courtesy copy via electronic mail:
bryan@bryanhershman.com
- ABC/Legal Messenger

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 20th day of June 2019, at Olympia, Washington.



 KELLI LEWIS
 Legal Assistant

From: [Lewis, Kelli \(ATG\)](#)
To: bryan@bryanhershman.com
Cc: [Rosen, Gregory J \(ATG\)](#)
Subject: Gregory Means - GMB No. 2017-01110
Date: Thursday, June 20, 2019 4:49:15 PM
Attachments: [Motion-20190620-MSJ.pdf](#)
[Declaration-20190620-Lohse.pdf](#)

Good afternoon,

Attached please find a courtesy copy of Commission Staff's Motion for Summary Judgment and Declaration in Support, filed today with OAH. Hard copies will follow via mail.

Thank you,

Kelli Lewis

Legal Assistant 3

Attorney General's Office

Government Compliance & Enforcement Division

Ph. (360) 586-3357

Kelli.lewis@atg.wa.gov

This e-mail may contain information that is legally privileged. If you received this e-mail in error, please notify me by return e-mail and delete this message. Any disclosure, copying, distribution or other use of the contents of this message is prohibited.

EXHIBIT 8



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON
Government Compliance & Enforcement Division
PO Box 40100 • Olympia, WA 98504-0100 • (360) 664-9006

July 26, 2019

Administrative Law Judge TJ Martin
Office of Administrative Hearings
949 Market Street, Suite 500
Tacoma, WA 98402

RE: *Gregory P. Means*
OAH No. 06-2018-GMB-00058
GMB No. 2017-01110

Dear Judge Martin:

Gambling Commission Staff filed a motion for summary judgment and memorandum in support in the above-entitled case on June 20, 2019. Commission Staff served that motion on Mr. Means' attorney by U.S. mail through Consolidated Mail Service on June 20, 2019, and also sent him a courtesy copy by email. See Declaration of Service appended to this letter. This Court's Order Rescheduling Hearing and Second Amended Prehearing Conference Order dated May 17, 2019 noted that July 12, 2019, by 5:00 p.m., was the final day to file and serve any responses to a dispositive motion.

As of July 25, 2019, Mr. Means had not filed a response to Commission Staff's motion for summary judgment. Commission's Staff reply to any response from Mr. Means is due on July 26, 2019. Since Means has not filed a response, there is no pleading to reply to. Because he has failed to respond, Commission Staff's motion for summary judgment should be granted at this time.

Superior Court Civil Rule 56(e) states the following, in pertinent part:

"When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of a pleading, but a response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary judgment, if appropriate, shall be entered against the adverse party."

ATTORNEY GENERAL OF WASHINGTON

Gregory P. Means
July 26, 2019
Page 2

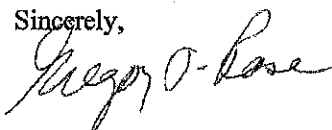
(Emphasis added.) Moreover, as the Washington Supreme Court held in *Kendall v. Douglas, Grant, Lincoln and Okanogan Counties Public Hosp. Dist. No. 6*, 118 Wn.2d 1, 8-9, 820 P.2d 497 (1991) (citing *Hines v. Data Line Systems, Inc.*, 114 Wn.2d 127, 787 P.2d 8 (1990)):

"The moving party in a summary judgment motion must show that judgment should be granted as a matter of law. There must be no genuine issue of fact upon which the trial would depend either in whole or in part. Once the moving party establishes that there is no genuine issue of material fact, the burden shifts to the nonmoving party to establish specific facts which demonstrate the existence of a genuine issue for trial. **The trial court should grant a motion for summary judgment if the nonmoving party fails to establish the existence of an element essential to that party's case.**"

(Emphasis added.) *See also* WAC 10-08-135 (A motion for summary judgment may be granted and an order issued if the written record shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.)

Mr. Means has failed to bear his burden to respond to Commission Staff's motion for summary judgment and establish specific facts that demonstrate the existence of a genuine issue for hearing. Therefore, this Court should issue a ruling at this time granting Commission Staff's motion for summary judgment, revoke Mr. Means' gambling license, and strike the November 2019 administrative hearing.

Sincerely,



GREGORY J. ROSEN
Senior Counsel

GJR:kd
Enclosure

cc: Bryan Hershman, Attorney for Licensee (w/ enclosure)

From: [Lewis, Kelli \(ATG\)](#)
To: bryan@bryanhershman.com
Cc: [Rosen, Gregory J \(ATG\)](#)
Subject: Gregory P. Means - GMB No. CR 2017-01110
Date: Friday, July 26, 2019 8:57:22 AM
Attachments: [Ltr-20190726-ReMSJReply.pdf](#)

Good morning,

Attached please find a courtesy copy of Commission Staff's letter regarding its deadline to reply to its Motion for Summary Judgment. A hard copy will follow by mail.

Thank you,

Kelli Lewis

Legal Assistant 3

Attorney General's Office

Government Compliance & Enforcement Division

Ph. (360) 586-3357

Kelli.lewis@atg.wa.gov

This e-mail may contain information that is legally privileged. If you received this e-mail in error, please notify me by return e-mail and delete this message. Any disclosure, copying, distribution or other use of the contents of this message is prohibited.

EXHIBIT 9

10/1/2019

Legal Profile

Bryan G. Hershman

License Number: 14380
License Type: Lawyer
Eligible To Practice: Yes
License Status: Active
WSBA Admit Date: 11/1/1984

Contact Information

Public/Mailing Address: 1105 Tacoma Ave S
Tacoma, WA 98402-2031
United States
Email: bryan@bryanhershman.com
Phone: (253) 383-5346
Fax: (253) 572-6662
Website:
TDD:

Practice Information Identified by Legal Professional

Firm or Employer:
Office Type and Size: Solo in shared office or suite
Practice Areas: Criminal, Personal Injury
Languages Other Than English: None Specified

Professional Liability Insurance

Private Practice: Yes
Has insurance? Yes - Click for more info
Last Updated: 12/20/2018 8:00:00 AM

Committees

Member of these committees/boards/panels:

None

Disciplinary History

In some cases, discipline search results will not reveal all disciplinary action relating to a Washington licensed legal professional, and may not display links to the official decision documents.

EXHIBIT 10

JUL 03 2018

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS GOVERNMENT COMPLIANCE
& ENFORCEMENT

In the matter of:

Gregory P. Means,

Respondent,

Docket No. 06-2018-GMB-00058

NOTICE OF PREHEARING CONFERENCE

Agency: Gambling Commission
Program: Washington State Gambling Commission
Agency No. 2017-01110

The administrative law judge will conduct a Prehearing Conference. At the Prehearing Conference, the administrative law judge will schedule the hearing and plan the hearing process. Under RCW 34.05.431 and WAC 10-08-130, a Prehearing Conference is scheduled for:

Date: Monday, July 16, 2018
Time: 10:00 AM
Location: Telephone Conference Call (see instructions below)
Judge: TJ Martin
Access Code: 806 224 038

To participate in the Prehearing Conference, call **1-855-929-3239** at the time specified above. When prompted, enter **806 224 038, followed by the # key**. You will not have an Attendee ID Number. When prompted by the system for your Attendee ID Number, just press #. You will now be in the conference and may hear other participants on the call. Please announce yourself as you join the conference. Make sure your phone has reception and is charged to last at least an hour, and that you are in a quiet place where you can hear and be heard clearly.

If you have problems joining the telephone conference, or if the judge does not join within ten minutes after the Prehearing Conference start time, immediately call the Office of Administrative Hearings (OAH) at (253) 476-6888. If you get disconnected, call back in using the same code. If you have trouble getting reconnected to the telephone conference, call (253) 476-6888 immediately for help.

You must call in to the conference. If you fail to call in, the administrative law judge may hold you in default and dismiss your appeal. RCW 34.05.440(2)

If you are unable to call in, you may request a continuance of the Prehearing Conference. A request must include a reason. The continuance will only be granted if you can show good cause. Please send your request to the assigned administrative law judge at:

Office of Administrative Hearings
949 Market Street Suite 500
Tacoma, WA 98402
Fax: (253) 593-2200

You must send a copy of your request to everyone listed on the Certificate of Service. If the request is urgent, call (253) 476-6888. You must call in unless the Office of Administrative Hearings notifies you that the Prehearing Conference is continued.

You may be represented by an attorney or other representative at your own expense. RCW 34.05.428. If you need an interpreter, we will provide one at no cost. If you have a disability and need accommodation, we may be able to help. Please contact the Office of Administrative Hearings at (253) 476-6888 to request an interpreter or accommodation.

You can find more information about the hearing process at www.oah.wa.gov.

Firearms and other dangerous weapons are prohibited at hearings and in all Office of Administrative Hearings facilities. WAC 10-20-010.

CERTIFICATE OF SERVICE ATTACHED

CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 06-2018-GMB-00058

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

<p>Gregory P. Means 407 S. 15th Street Renton, WA 98055 Respondent</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>Bryan G. Hershman Law Office of Bryan Hershman 1105 Tacoma Ave S. Tacoma, WA 98402 Respondent 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 1125 Washington St SE MS: 40100 PO Box 40100 Olympia, WA 98504-0100 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>Haylee Mills, Staff Attorney Gambling Commission MS: 42400 PO Box 42400 Olympia, WA 98504-2400 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: Monday, July 02, 2018

OFFICE OF ADMINISTRATIVE HEARINGS



Ricci Frisk
Legal Administrative Manager

ATTORNEY GENERAL
CHRISTOPHER E. WELLS

JUL 24 2018

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

GOVERNMENT COMPLIANCE
& ENFORCEMENT

In the matter of:

Gregory P. Means,

Respondent.

Docket No. 06-2018-GMB-00058

PREHEARING CONFERENCE ORDER

Agency: Gambling Commission Board Staff

Program: Washington State Gambling
Commission

Agency No. 2017-01110

1. CASE SCHEDULE:

Date and Time	Event
Tuesday, October 30, 2018 by 5:00 p.m.	Final Day for Discovery (Mandatory) .
Tuesday, November 6, 2018 by 5:00 p.m.	Final day for filing and serving dispositive motions (Voluntary) .
Tuesday, January 8, 2019 by 5:00 p.m.	Gambling Commission Board Staff's final day for filing and serving Witness Lists, Exhibit Lists, and marked Exhibits (Mandatory) .
Tuesday, January 15, 2019 by 5:00 p.m.	Respondent's final day for filing and serving Witness Lists, Exhibit Lists, and marked Exhibits (Mandatory) .
Tuesday, January 29, 2019 by 5:00 p.m.	Final day for filing and serving hearing briefs (Voluntary) .
To Be Determined.	Status Conference, if requested by either party.
Tuesday, February 5, 2019 to Friday, February 8, 2019, beginning at 9:00 a.m.	Evidentiary Hearing; see enclosed Notice of Hearing for more information and instructions

2. PREHEARING CONFERENCE SUMMARY:

- 2.1 Administrative Law Judge TJ Martin conducted the prehearing conference on Monday, July 16, 2018 at 10:00 a.m.
- 2.2 Bryan G. Hershman, attorney, represented Gregory P. Means ('Respondent').
- 2.3 Gregory J. Rosen, Senior Counsel, represented the Gambling Commission Board Staff ('Board Staff').

3. AGREEMENTS AT THE PREHEARING CONFERENCE: During the prehearing conference, the parties agreed to the following:

- 3.1 ISSUES- Based on the Gambling Commission's 'Notice of Administrative Charges', dated March 19, 2018:
 - 3.1.1 Whether the Respondent, Gregory P. Means, failed to report illegal and suspicious activity of Ms. Anna T. Bui and her co-conspirators, in violation of WAC 230-03-085?
 - 3.1.2 Whether the Respondent cannot show by 'clear and convincing evidence' that he is qualified for licensure, as required by RCW 9.46.153(1)?
 - 3.1.3 Whether the Gambling Commission is authorized to revoke the Respondent's gambling license, in accordance with RCW 9.46.075(1), (7), and (8), and WAC 230-03-085(1),(3),(8)(a),(c),(d) and (e)?
 - 3.1.4 The hearing in this matter will be limited to these issues, unless they are modified at a later prehearing conference, with notice to both parties.
- 3.2 CASE SCHEDULE: The Case Schedule in Section 1 governs this case.
- 3.3 DELAY: A hearing like this one is normally scheduled 8-10 weeks after the prehearing conference. However, this hearing is set six months later to accommodate the parties' respective schedules.

[Continued]

4. **CONTEST RULING:** At the prehearing conference, the Gambling Commission Board Staff requested this matter be heard by the same administrative law judge presiding over the appeal of *Anna T. Bui* (OAH Dkt. No. 04-2018-GMB-00048), for judicial efficiency and economy, since it may pertain to the same incident or occurrence of events. The Respondent objected to the matter being heard by the same ALJ. The Respondent contends the two matters are unrelated and would be prejudicial to his client, if Ms. Bui were to plead the '5th Amendment' in her matter, then the Respondent could not cross-examine her in his own matter. The Board Staff's request is not a consolation of the present matter with Ms. Bui's matter. However, based on this information and the possibility of such an issue presenting itself at hearing, the undersigned administrative law judge errors in the way of caution and respectfully declines the Board Staff's request to have this matter heard by the same ALJ presiding over the *Bui* matter.

5. **HEARING PROCEDURES:**

5.1 **FILING AND SERVING DOCUMENTS**

5.1.1 **FILING WITH OAH:** To 'file' a document, you must provide the original to OAH and a copy to the other party. You can deliver those documents by hand delivery, mail, or fax followed by same-day mailing. Documents filed by fax should not exceed fifteen pages.¹ The date of filing will be the date of receipt by OAH during regular business hours.² Documents may be filed with OAH at the following address:

Office of Administrative Hearings
949 Market Street Suite 500
Tacoma, WA 98402
Phone: (253) 476-6888
Fax: (253) 593-2200

5.1.2 **SERVING ON OTHER PARTIES:** When you file documents with OAH, you must also serve copies on the other party and the other party's representative, if applicable.³ You can serve those copies by hand delivery, mail, or fax followed by same-day mailing.⁴

5.2 **CONTINUANCES:** You may request a continuance of any hearing event. If you have good reason for a continuance, file your request before the event. Your request should explain the good reason you are seeking a continuance. If the request is urgent, call (253) 476-6888. You must appear at the hearing event, unless OAH has informed you it has continued the hearing.

¹ WAC 10-08-110(1)(b)(iv).

² WAC 10-08-110(1)(a).

³ WAC 10-08-110(2)(a).

⁴ WAC 10-08-110(2)(b).

- 5.3 PRESENTING WITNESSES: If you want to present witnesses at the hearing, you must file a witness list. Your witness list must include the following information about each witness: (a) name, (b) role, (c) phone number, (d) address, (e) the testimony you expect the witness to give, and (f) whether your witness will appear in-person or by telephone. Without approval from the ALJ, only witnesses named in a timely filed witness list will be allowed to testify. Find a form attached.
- 5.4 PRESENTING EXHIBITS:
- 5.4.1 Preparing an Exhibit List: Exhibits are documents used as evidence. If you want to introduce exhibits, you must file an exhibit list and a fully marked set of your exhibits. For each exhibit, your list must include: (a) title or description, (b) date, and (c) number of pages. Without approval from the ALJ, only exhibits named in a timely filed exhibit list will be admitted. Find a form attached.
- 5.4.2 Marking Exhibits: you must mark each page of your exhibits in the lower right hand corner with an exhibit number and a page number. **Gambling Commission Board Staff** will identify exhibits numerically. **Gregory P. Means** will identify exhibits alphabetically. For example:
- **Gambling Commission Board Staff:** Exhibit 1, page 1 or 10
 - **Gregory P. Means:** Exhibit A, page 1 of 10.
- 5.5 CONTACT INFORMATION: If your address or telephone number changes, you must immediately update OAH.
- 5.6 INTERPRETER and/or DISABILITY ACCOMMODATION SERVICES: Neither the Respondent nor the Board Staff requested such services for the hearing. However, as each party prepares their respective cases for hearing makes the determination such services are needed, please contact the Office of Administrative Hearings as soon as possible. Such services will be provided for at the hearing, without cost to either party.
- 5.7 DEFAULT: If you do not participate in any stage of the proceedings or if you fail to appear at your hearing, you may be held in default. This means you lose the right to a hearing and your appeal will be dismissed. RCW 34.05.440
- 5.8 WEAPONS: Except for law enforcement personnel, no one may bring firearms or other dangerous weapons to an administrative hearing or an OAH facility.⁵

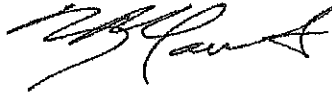
[Continued]

⁵ Chapter 10-20 WAC.

6. ORDER:

6.1 This order governs this matter unless modified by the Administrative Law Judge, with notice to both parties.

ISSUED from Tacoma, Washington, on the date of mailing.



TJ Martin
Administrative Law Judge
Office of Administrative Hearings

Objections: Each party has 10 days to file an objection to this order. If no party timely objects, this order governs this matter as written, unless modified by an Administrative Law Judge.⁶

CERTIFICATE OF SERVICE ATTACHED

⁶ WAC 10-08-130.

WITNESS LIST

Case Name: In the matter of Gregory P. Means, OAH Docket No. 06-2018-GMB-00058

Party Proposing Witnesses:

Witness Name	Relationship to Case (Example: Department Investigator)	Telephone Number	Contact Address	Method of Appearance (In-Person/By Phone)
Brief Description of Testimony:				
Brief Description of Testimony:				
Brief Description of Testimony:				
Brief Description of Testimony:				
Brief Description of Testimony:				

CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 06-2018-GMB-00058

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

<p>Gregory P. Means 407 S. 15th Street Renton, WA 98055 Respondent</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>Bryan G. Hershman Law Office of Bryan Hershman 1105 Tacoma Ave S. Tacoma, WA 98402 Respondent 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 1125 Washington St SE MS: 40100 PO Box 40100 Olympia, WA 98504-0100 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>Haylee Mills, Staff Attorney Gambling Commission MS: 42400 PO Box 42400 Olympia, WA 98504-2400 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: Monday, July 23, 2018

OFFICE OF ADMINISTRATIVE HEARINGS



Ricci Frisk
Legal Administrative Manager

JAN 28 2019

GOVERNMENT COMPLIANCE
& ENFORCEMENT

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

In the matter of:

Gregory P. Means,
Respondent.

Docket No. 06-2018-GMB-00058

NOTICE OF MOTION HEARING

Agency: Gambling Commission

Program: Washington State Gambling Commission

Agency No. 2017-01110

The Office of Administrative Hearings has scheduled a motion hearing as follows:

DATE: Monday, January 28, 2019
TIME: 4:00 PM Pacific Time
LOCATION: Telephone Conference Call (see instructions below)
JUDGE: TJ Martin
WEBEX: 287 940 612

At the time of your motion hearing, please call 1-855-929-3239 (toll free). When prompted, enter WebEx access code followed by the pound sign (#). You will not have an Attendee ID Number. When prompted by the system for your Attendee ID Number, just press #. There will be silence until the administrative law judge joins the conference. You may be waiting as long as 15 minutes for the administrative law judge to join the conference call. Please make sure your cell phone or cordless phone has sufficient reception and is sufficiently charged to last the entire proceeding. If you have problems connecting to the call, or if the administrative law judge has not joined the hearing within 10 minutes after the scheduled start time, please immediately contact the Office of Administrative Hearings by calling (253) 476-6888.

You must call in to the motion hearing. If you fail to call in, the administrative law judge may hold you in default and dismiss your appeal. RCW 34.05.440(2)

If you are unable to call in, you may request a continuance of the motion hearing. A request must include a reason. The continuance will only be granted if you can show good cause. Please send your request to the assigned administrative law judge at:

Office of Administrative Hearings
949 Market Street Suite 500
Tacoma, WA 98402
FAX: (253) 593-2200

You must send a copy of your request to everyone listed on the Certificate of Service. If the request is urgent, call (253) 476-6888. You must call in unless the Office of Administrative Hearings notifies you that the motion hearing is continued.

CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 06-2018-GMB-00058

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

<p>Gregory P. Means 407 S 15th St Renton, WA 98055 Respondent</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>Bryan G. Hershman Law Office of Bryan Hershman 1105 Tacoma Ave S Tacoma, WA 98402 Respondent 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: bryan@bryanhershman.com paralegal@bryanhershman.com</p>
<p>Gregory J. Rosen, AAG Office of The Attorney General 1125 Washington St SE MS: 40100 PO Box 40100 Olympia, WA 98504-0100 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: gregr@atg.wa.gov kellil@atg.wa.gov</p>
<p>Haylee Mills, Staff Attorney Gambling Commission MS: 42400 PO Box 42400 Olympia, WA 98504-2400 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, January 25, 2019

OFFICE OF ADMINISTRATIVE HEARINGS



Nathan Robinson
Legal Assistant3

FEB 07 2019

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

GOVERNMENT COMPLIANCE
& ENFORCEMENT

In the matter of:

Docket No. 06-2018-GMB-00058

Gregory P. Means,

Respondent.

ORDER GRANTING CONTINUANCE
AND AMENDED
PREHEARING CONFERENCE ORDER

Agency: Gambling Commission
Program: Washington State Gambling Commission
Agency No. 2017-01110

- GAMBLING COMMISSION STAFF'S REQUEST FOR CONTINUANCE:** On January 17, 2019, the Washington State Gambling Commission Staff ('Commission Staff'), represented by Greg Rosen, Senior Counsel, requested a continuance of the evidentiary hearing scheduled for Tuesday, February 5, 2019 to Friday, February 8, 2019, due to extensive discovery and a scheduling conflict.

On Monday, January 28, 2019, a motion hearing was held to discuss the Gambling Commission Staff's motion. At the motion hearing, Mr. Rosen appeared on behalf of the Gambling Commission Staff, while Bryan Harshman, attorney, appeared on behalf of Gregory Means ('Appellant'). The Appellant had no objection to the Commission Staff's continuance request.

'Extensive discovery' and a 'scheduling conflict' provide 'good cause' for continuing the hearing. For 'good cause' shown, the Commission Staff's request for a continuance is **granted** under WAC 10-08-090. As a result, an 'Amended Case Schedule' and new evidentiary hearing date were established. The following 'Amended Case Schedule' replaces the original 'Case Schedule'. Aside from the new 'Amended Case Schedule', all other terms and conditions of the original 'Prehearing Conference Order' remain in full force and effect.

- AMENDED CASE SCHEDULE:**

Date and Time	Event
Monday, February 25, 2019 Tuesday, October 30, 2018 by 5:00 p.m.	Final Day for Discovery (Mandatory).
Monday, March 4, 2019 Tuesday, November 6, 2018 by 5:00 p.m.	Final day for filing and serving dispositive motions (Voluntary).

Monday, April 8, 2019 Tuesday, January 8, 2019 by 5:00 p.m.	Gambling Commission Board Staff's final day for filing and serving Witness Lists, Exhibit Lists, and marked Exhibits (Mandatory).
Monday, April 15, 2019 Tuesday, January 15, 2019 by 5:00 p.m.	Respondent's final day for filing and serving Witness Lists, Exhibit Lists, and marked Exhibits (Mandatory).
Monday, April 22, 2019 Tuesday, January 29, 2019 by 5:00 p.m.	Final day for filing and serving hearing briefs (Voluntary).
To Be Determined.	Status Conference, if requested by either party.
Monday, April 29, 2019 to Thursday, May 2, 2019 Tuesday, February 5, 2019 to Friday, February 8, 2019, beginning at 9:00 a.m.	Evidentiary Hearing; see enclosed <i>Notice of Hearing</i> for more information and instructions

3. PREHEARING CONFERENCE SUMMARY:

- 3.1 Administrative Law Judge TJ Martin conducted the prehearing conference on Monday, July 16, 2018 at 10:00 a.m.
- 3.2 Bryan G. Hershman, attorney, represented Gregory P. Means ('Respondent').
- 3.3 Gregory J. Rosen, Senior Counsel, represented the Gambling Commission Board Staff Board Staff ('Board Staff').

4. AGREEMENTS AT THE PREHEARING CONFERENCE: During the prehearing conference, the parties agreed to the following:

- 4.1 ISSUES: Based on the Gambling Commission's 'Notice of Administrative Charges', dated March 19, 2018:
 - 4.1.1 Whether the Respondent, Gregory P. Means, failed to report illegal and suspicious activity of Ms. Anna T. Bui and her co-conspirators, in violation of WAC 230-03-085?
 - 4.1.2 Whether the Respondent cannot show by 'clear and convincing evidence' that he is qualified for licensure, as required by RCW 9.46.153(1)?

4.1.3 Whether the Gambling Commission is authorized to revoke the Respondent's gambling license, in accordance with RCW 9.46.075(1), (7), and (8), and WAC 230-03-085(1),(3),(8)(a),(c),(d) and (e)?

4.1.4 The hearing in this matter will be limited to these issues, unless they are modified at a later prehearing conference, with notice to both parties.

4.2 CASE SCHEDULE: The Case Schedule in Section 1 governs this case.

4.3 DELAY: A hearing like this one is normally scheduled 8-10 weeks after the prehearing conference. However, this hearing is set six months later to accommodate the parties' respective schedules.

5. **CONTEST RULING:** At the prehearing conference, the Gambling Commission Board Staff requested this matter be heard by the same administrative law judge presiding over the appeal of *Anna T. Bui* (OAH Dkt. No. 04-2018-GMB-00048), for judicial efficiency and economy, since it may pertain to the same incident or occurrence of events. The Respondent objected to the matter being heard by the same ALJ. The Respondent contends the two matters are unrelated and would be prejudicial to his client, if Ms. Bui were to plead the '5th Amendment' in her matter, then the Respondent could not cross-examine her in his own matter. Based on this information and the possibility of such an issue presenting itself at hearing, the undersigned administrative law judge errs in the way of caution and respectfully declines the Board Staff's request to have this matter hearing by the same ALJ presiding over the *Bui* matter.

6. HEARING PROCEDURES:

6.1 FILING AND SERVING DOCUMENTS:

6.1.1 FILING WITH OAH: To 'file' a document, you must provide the original to OAH and a copy to the other party. You can deliver those documents by hand delivery, mail, or fax followed by same-day mailing. Documents filed by fax should not exceed fifteen pages.¹ The date of filing will be the date of receipt by OAH during regular business hours.² Documents may be filed with OAH at the following address:

Office of Administrative Hearings
949 Market Street Suite 500
Tacoma, WA 98402
Phone: (253) 476-6888

¹ WAC 10-08-110(1)(b)(iv).

² WAC 10-08-110(1)(a).

Fax: (253) 593-2200

- 6.1.2 **SERVING ON OTHER PARTIES:** When you file documents with OAH, you must also serve copies on the other party and the other party's representative, if applicable.³ You can serve those copies by hand delivery, mail, or fax followed by same-day mailing.⁴
- 6.2 **CONTINUANCES:** You may request a continuance of any hearing event. If you have good reason for a continuance, file your request before the event. Your request should explain the good reason you are seeking a continuance. If the request is urgent, call (253) 476-6888. You must appear at the hearing event, unless OAH has informed you it has continued the hearing.
- 6.3 **PRESENTING WITNESSES:** If you want to present witnesses at the hearing, you must file a witness list. Your witness list must include the following information about each witness: (a) name, (b) role, (c) phone number, (d) address, (e) the testimony you expect the witness to give, and (f) whether your witness will appear in-person or by telephone. Without approval from the ALJ, only witnesses named in a timely filed witness list will be allowed to testify. Find a form attached.
- 6.4 **PRESENTING EXHIBITS:**
- 6.4.1 **Preparing an Exhibit List:** Exhibits are documents used as evidence. If you want to introduce exhibits, you must file an exhibit list and a fully marked set of your exhibits. For each exhibit, your list must include: (a) title or description, (b) date, and (c) number of pages. Without approval from the ALJ, only exhibits named in a timely filed exhibit list will be admitted. Find a form attached.
- 6.4.2 **Marking Exhibits:** you must mark each page of your exhibits in the lower right hand corner with an exhibit number and a page number. **Gambling Commission Board Staff** will identify exhibits numerically. **Gregory P. Means** will identify exhibits alphabetically. For example:
- **Gambling Commission Board Staff:** Exhibit 1, page 1 or 10
 - **Gregory P. Means:** Exhibit A, page 1 of 10.
- 6.5 **CONTACT INFORMATION:** If your address or telephone number changes, you must immediately update OAH.

³ WAC 10-08-110(2)(a).

⁴ WAC 10-08-110(2)(b).

6.6 INTERPRETER and/or DISABILITY ACCOMMODATION SERVICES: Neither the Respondent nor the Board Staff requested such services for the hearing. However, as each party prepares their respective cases for hearing makes the determination such services are needed, please contact the Office of Administrative Hearings as soon as possible. Such services will be provided for at the hearing, without cost to either party.

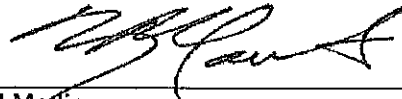
6.7 DEFAULT: If you do not participate in any stage of the proceedings or if you fail to appear at your hearing, you may be held in default. This means you lose the right to a hearing and your appeal will be dismissed. RCW 34.05.440

6.8 WEAPONS: Except for law enforcement personnel, no one may bring firearms or other dangerous weapons to an administrative hearing or an OAH facility.⁵

7. ORDER:

7.1 This order governs this matter unless modified by the Administrative Law Judge, with notice to both parties.

ISSUED from Tacoma, Washington, on the date of mailing.



TJ Martin
Administrative Law Judge
Office of Administrative Hearings

Objections: Each party has 10 days to file an objection to this order. If no party timely objects, this order governs this matter as written, unless modified by an Administrative Law Judge.⁶

CERTIFICATE OF SERVICE ATTACHED

⁵ Chapter 10-20 WAC.

⁶ WAC 10-08-130.

EXHIBIT LIST

Case *In the matter of Gregory P. Means, OAH Docket No. 06-2018-GMB-00058*
Name: _____

Party Proposing Exhibits:

Exhibit Number or Letter	Name and Date of Document: Example: Investigation Report, January 12, 2017	Number of Pages	Treatment of Exhibit (FOR AJL USE ONLY)

WITNESS LIST

Case *In the matter of Gregory P. Means, OAH Docket No. 06-2018-GMB-00058*
 Name: _____

Party Proposing Witnesses:

Witness Name	Relationship to Case (Example: Department Investigator)	Telephone Number	Contact Address	Method of Appearance (In-Person/By Phone)
Brief Description of Testimony:				
Brief Description of Testimony:				
Brief Description of Testimony:				
Brief Description of Testimony:				

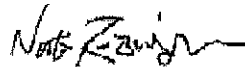
CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 06-2018-GMB-00058

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

Gregory P. Means 407 S 15 th St Renton, WA 98055 Respondent	<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
Bryan G. Hershman Law Office of Bryan Hershman 1105 Tacoma Ave S Tacoma, WA 98402 Respondent Representative	<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: bryan@bryanhershman.com paralegal@bryanhershman.com
Gregory J. Rosen, AAG Office of The Attorney General 1125 Washington St SE MS: 40100 PO Box 40100 Olympia, WA 98504-0100 Agency Representative	<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: gregr@atg.wa.gov kellil@atg.wa.gov
Haylee Mills, Staff Attorney Gambling Commission MS: 42400 PO Box 42400 Olympia, WA 98504-2400 Agency Contact	<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

Date: Wednesday, February 06, 2019

OFFICE OF ADMINISTRATIVE HEARINGS



Nathan Robinson
 Legal Assistant3

ATTORNEY GENERAL
OF WASHINGTON

MAY 03 2019

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

GOVERNMENT COMPLIANCE
& ENFORCEMENT

In the matter of:

Gregory P. Means,

Respondent.

Docket No. 06-2018-GMB-00058

NOTICE OF STATUS CONFERENCE

Agency: Gambling Commission
Program: Washington State Gambling Commission
Agency No. 2017-01110

The administrative law judge will conduct a status conference to reschedule the hearing, originally scheduled for Monday, April 29th through Thursday, May 2nd, 2019. Under RCW 34.05.431 and WAC 10-08-130, the status conference is scheduled for:

Date: Wednesday, May 15, 2019
Time: 11:00 AM PACIFIC TIME
Location: Telephone Conference Call (see instructions below)
Judge: TJ Martin
Access Code: 807 423 253

At the time of your status conference, please call 1-855-929-3239 (toll free). When prompted, enter WebEx access code followed by the pound sign (#). You will not have an Attendee ID Number. When prompted by the system for your Attendee ID Number, just press #. There will be silence until the administrative law judge joins the conference. You may be waiting as long as 15 minutes for the administrative law judge to join the conference call. Please make sure your cell phone or cordless phone has sufficient reception and is sufficiently charged to last the entire proceeding. If you have problems connecting to the call, or if the administrative law judge has not joined the hearing within 10 minutes after the scheduled start time, please immediately contact the Office of Administrative Hearings by calling (253) 476-6888.

You must call in to the conference. If you fail to call in, the administrative law judge may hold you in default and dismiss your appeal. RCW 34.05.440(2)

If you are unable to call in, you may request a continuance of the status conference. A request must include a reason. The continuance will only be granted if you can show good cause. Please send your request to the assigned administrative law judge at:

Office of Administrative Hearings
949 Market Street, Suite 500
Tacoma, WA 98402

Fax: (253) 593-2200

NOTICE OF STATUS CONFERENCE
Docket No. 06-2018-GMB-00058
8050-SCP

OAH: (253) 476-6888
Page 1 of 3

You must send a copy of your request to everyone listed on the Certificate of Service. If the request is urgent, call (253) 476-6888. You must call in unless the Office of Administrative Hearings notifies you that the status conference is continued.

CERTIFICATE OF SERVICE ATTACHED

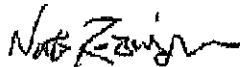
CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 06-2018-GMB-00058

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

<p>Gregory P. Means 407 S 15th St Renton, WA 98055 Respondent</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>Bryan G. Hershman Law Office of Bryan Hershman 1105 Tacoma Ave S Tacoma, WA 98402 Respondent 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: bryan@bryanhershman.com paralegal@bryanhershman.com</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: gregj@atg.wa.gov kellil@atg.wa.gov</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 03, 2019

OFFICE OF ADMINISTRATIVE HEARINGS



Nathan Robinson
Legal Assistant3

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

ATTORNEY GENERAL
OF WASHINGTON

MAY 20 2019

GOVERNMENT COMPLIANCE
& ENFORCEMENT

In the matter of:

Docket No. 06-2018-GMB-00058

Gregory P. Means,

Respondent.

**ORDER RESCHEDULING HEARING
AND SECOND AMENDED
PREHEARING CONFERENCE ORDER**

Agency: Gambling Commission
Program: Washington State Gambling Commission
Agency No. 2017-01110

1. **ORDER RESCHEDULING HEARING:** On April 29, 2019 to May 2, 2019, the evidentiary hearing was cancelled due to the emergency unavailability of the administrative law judge. On Wednesday, May 15, 2019, a status conference was held to discuss rescheduling of the hearing. At the status conference, Greg Rosen, Senior Counsel, and Kellen Wright, Assistant Attorney General, appeared on behalf of the Gambling Commission Staff ('Commission Staff'). Bryan Hershman, attorney, appeared on behalf of Gregory Means ('Appellant').

Based on the status conference, a 'Second Amended Case Schedule' and new evidentiary hearing date were established. The following 'Second Amended Case Schedule' replaces all previous case schedules. However, all other terms and of the original 'Prehearing Conference Order' remain in effect.

2. **SECOND AMENDED CASE SCHEDULE:**

Date and Time	Event
Thursday, June 20, 2019, by 5:00 p.m.	Final day for filing and serving dispositive motions (Voluntary).
Friday, July 12, 2019, by 5:00 p.m.	Final day for filing and serving any responses to the dispositive motion(s).
Friday, July 26, 2019, by 5:00 p.m.	Final day for filing and serving any replies to the dispositive motions.
Monday, August 26, 2019, by 5:00 p.m.	Administrative Law Judge will issue a written decision regarding any dispositive motions.
Monday, October 28, 2019, by 5:00 p.m.	Gambling Commission Board Staff's final day for filing and serving Witness Lists, Exhibit Lists, and marked Exhibits.

Monday, November 4, 2019, by 5:00 p.m.	Respondent's final day for filing and serving Witness Lists, Exhibit Lists, and marked Exhibits.
Monday, November 11, 2019, by 5:00 p.m.	Final day for filing and serving hearing briefs (Voluntary).
Monday, November 18, 2019 to Friday, November 22, 2019, beginning at 9:00 a.m.	Evidentiary Hearing; see enclosed Notice of Hearing for more information and instructions

3. PREHEARING CONFERENCE SUMMARY:

- 3.1 Administrative Law Judge TJ Martin conducted the prehearing conference on Monday, July 16, 2018 at 10:00 a.m. .
- 3.2 Bryan G. Hershman, attorney, represented Gregory P. Means ('Respondent').
- 3.3 Gregory J. Rosen, Senior Counsel, represented the Gambling Commission Board Staff Board Staff ('Board Staff').

4. AGREEMENTS AT THE PREHEARING CONFERENCE: During the prehearing conference, the parties agreed to the following:

- 4.1 ISSUES- Based on the Gambling Commission's 'Notice of Administrative Charges', dated March 19, 2018:
 - 4.1.1 Whether the Respondent, Gregory P. Means, failed to report illegal and suspicious activity of Ms. Anna T. Bui and her co-conspirators, in violation of WAC 230-03-085?
 - 4.1.2 Whether the Respondent cannot show by 'clear and convincing evidence' that he is qualified for licensure, as required by RCW 9.46.153(1)?
 - 4.1.3 Whether the Gambling Commission is authorized to revoke the Respondent's gambling license, in accordance with RCW 9.46.075(1), (7), and (8), and WAC 230-03-085(1),(3),(8)(a),(c),(d) and (e)?
 - 4.1.4 The hearing in this matter will be limited to these issues, unless they are modified at a later prehearing conference, with notice to both parties.
- 4.2 CASE SCHEDULE: The Case Schedule in Section 1 governs this case.
- 4.3 DELAY: A hearing like this one is normally scheduled 8-10 weeks after the prehearing conference. However, this hearing is set six months later to accommodate the parties' respective schedules.

5. **CONTEST RULING:** At the prehearing conference, the Gambling Commission Board Staff requested this matter be heard by the same administrative law judge presiding over the appeal of *Anna T. Bui* (OAH Dkt. No. 04-2018-GMB-00048), for judicial efficiency and economy, since it may pertain to the same incident or occurrence of events. The Respondent objected to the matter being heard by the same ALJ. The Respondent contends the two matters are unrelated and would be prejudicial to his client, if Ms. Bui were to plead the '5th Amendment' in her matter, then the Respondent could not cross-examine her in his own matter.

Based on this information and the possibility of such an issue presenting itself at hearing, the undersigned administrative law judge erred in the way of caution and respectfully declines the Board Staff's request to have this matter hearing by the same ALJ presiding over the *Bui* matter.

6. **HEARING PROCEDURES:**

6.1 **FILING AND SERVING DOCUMENTS:**

- 6.1.1 **FILING WITH OAH:** To 'file' a document, you must provide the original to OAH and a copy to the other party. You can deliver those documents by hand delivery, mail, or fax followed by same-day mailing. Documents filed by fax should not exceed fifteen pages.¹ The date of filing will be the date of receipt by OAH during regular business hours.² Documents may be filed with OAH at the following address:

Office of Administrative Hearings
949 Market Street, Suite 500
Tacoma, WA 98402

Phone: (253) 476-6888

Fax: (253) 593-2200

- 6.1.2 **SERVING ON OTHER PARTIES:** When you file documents with OAH, you must also serve copies on the other party and the other party's representative, if applicable.³ You can serve those copies by hand delivery, mail, or fax followed by same-day mailing.⁴

- 6.2 **CONTINUANCES:** You may request a continuance of any hearing event. If you have good reason for a continuance, file your request before the event. Your request should explain the good reason you are seeking a continuance. If the

¹ WAC 10-08-110(1)(b)(iv).

² WAC 10-08-110(1)(a).

³ WAC 10-08-110(2)(a).

⁴ WAC 10-08-110(2)(b).

request is urgent, call (253) 476-6888. You must appear at the hearing event, unless OAH has informed you it has continued the hearing.

6.3 PRESENTING WITNESSES: If you want to present witnesses at the hearing, you must file a witness list. Your witness list must include the following information about each witness: (a) name, (b) role, (c) phone number, (d) address, (e) the testimony you expect the witness to give, and (f) whether your witness will appear in-person or by telephone. Without approval from the ALJ, only witnesses named in a timely filed witness list will be allowed to testify. Find a form attached.

6.4 PRESENTING EXHIBITS:

6.4.1 Preparing an Exhibit List: Exhibits are documents used as evidence. If you want to introduce exhibits, you must file an exhibit list and a fully marked set of your exhibits. For each exhibit, your list must include: (a) title or description, (b) date, and (c) number of pages. Without approval from the ALJ, only exhibits named in a timely filed exhibit list will be admitted. Find a form attached.

6.4.2 Marking Exhibits: you must mark each page of your exhibits in the lower right hand corner with an exhibit number and a page number. **Gambling Commission Board Staff** will identify exhibits numerically. **Gregory P. Means** will identify exhibits alphabetically. For example:

- **Gambling Commission Board Staff:** Exhibit 1, page 1 or 10
- **Gregory P. Means:** Exhibit A, page 1 of 10

6.5 CONTACT INFORMATION: If your address or telephone number changes, you must immediately update OAH.

6.6 DEFAULT: If you do not participate in any stage of the proceedings or if you fail to appear at your hearing, you may be held in default. This means you lose the right to a hearing and your appeal will be dismissed. RCW 34.05.440

6.7 WEAPONS: Except for law enforcement personnel, no one may bring firearms or other dangerous weapons to an administrative hearing or an OAH facility.⁵

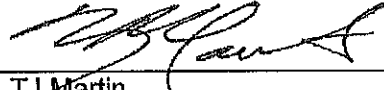
[Continued]

⁵ Chapter 10-20 WAC.

7. ORDER:

- 7.1 This order governs this matter unless modified by the Administrative Law Judge, with notice to both parties.

ISSUED from Tacoma, Washington, on the date of mailing.



T.J. Martin
Administrative Law Judge
Office of Administrative Hearings

Objections: Each party has 10 days to file an objection to this order. If no party timely objects, this order governs this matter as written, unless modified by an Administrative Law Judge.⁶

⁶ WAC 10-08-130.

EXHIBIT LIST

Case Name, Docket #: *In the matter of Gregory P. Means, Docket No. 06-2018-GMB-00058*

Party Proposing Exhibits:

Exhibit Number or Letter	Name and Date of Document Example: <i>Investigation Report, January 12, 2017</i>	Number of Pages	Treatment of Exhibit (FOR ALJ USE ONLY)

WITNESS LIST

Case Name, Docket #: *In the matter of Gregory P. Means, Docket No. 06-2018-GMB-00058*

Party Proposing
Witnesses:

Witness Name		Relationship to Case <i>Example: Department Investigator</i>	
Brief Description of Testimony:			
Telephone Number	Contact Address		Method of Appearance (In-Person/By Phone)
Witness Name		Relationship to Case <i>Example: Department Investigator</i>	
Brief Description of Testimony:			
Telephone Number	Contact Address		Method of Appearance (In-Person/By Phone)
Witness Name		Relationship to Case <i>Example: Department Investigator</i>	
Brief Description of Testimony:			
Telephone Number	Contact Address		Method of Appearance (In-Person/By Phone)

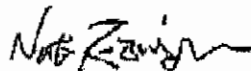
CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 06-2018-GMB-00058

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

<p>Gregory P. Means 407 S 15th St Renton, WA 98055 Respondent</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>Bryan G. Hershman Law Office of Bryan Hershman 1105 Tacoma Ave S Tacoma, WA 98402 Respondent 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: bryan@bryanhershman.com paralegal@bryanhershman.com</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: gregj@atg.wa.gov kellil@atg.wa.gov</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 17, 2019

OFFICE OF ADMINISTRATIVE HEARINGS



Nathan Robinson
Legal Assistant 3

AUG 28 2019

RECORDS

WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS

In the matter of:

Gregory P. Means,

Respondent/Licensee.

Docket No. 06-2018-GMB-00058

**INITIAL ORDER GRANTING
GAMBLING COMMISSION STAFF'S
MOTION FOR SUMMARY JUDGMENT**Agency: Washington State Gambling Commission
Program: Gambling Commission
Agency No. 2017-01110**1. ISSUES:**

- 1.1. Does a genuine dispute of material fact exist as to whether Gregory P. Means failed to report illegal and suspicious activity by Anna T. Bui and her co-conspirators, in violation of Washington Administrative Code (WAC) 230-03-085?
- 1.2. Does a genuine dispute of material fact exist as to whether Gregory P. Means cannot show by 'clear and convincing evidence' that he is qualified for licensure, as required by Revised Code of Washington (RCW) 9.46.153(1)?
- 1.3. Whether the Gambling Commission is authorized to revoke Gregory P. Means' gambling license, based on RCW 9.46.075(1),(7)&(8) and WAC 230-03-085(1),(3),(9)(a),(c),(d) and (e)?

2. ORDER SUMMARY:

- 2.1. The Respondent, Gregory Means, raised no genuine dispute of material fact that he failed to report illegal and suspicious activity by Anna T. Bui and her co-conspirators, in violation of WAC 230-03-085. The Gambling Commission Staff's Motion for Summary Judgment is **GRANTED**.
- 2.2. The Respondent, Gregory Means, raised no genuine dispute of material fact that he cannot show by 'clear and convincing evidence' that he is qualified for licensure, as required by RCW 9.46.153(1). The Gambling Commission Staff's Motion for Summary Judgment is **GRANTED**.
- 2.3. Based on Gambling Commission Staff's Motion for Summary Judgment being granted, in accordance with RCW 9.46.075(1), (7) & (8), and WAC 230-03-085(1),(3),(9)(a),(c),(d) and (e), Gregory P. Means' gambling license is **REVOKED**.

[Continued]

3. GAMBLING COMMISSION STAFF'S MOTION FOR SUMMARY JUDGMENT:

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: Gregory P. Means (Respondent/Licensee)

3.3.1. Representative: Bryan G. Hershman, Attorney

3.4. Agency: Gambling Commission Staff (Commission Staff)

3.4.1. Representative: Gregory J. Rosen, Senior Counsel

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	Gambling Commission's Notice of Administrative Charges	03/19/18	8
2	Gambling Commission's Summary Suspension Order	03/19/18	6
3	Gregory P. Means' Request for Stay and Administrative Hearing	04/04/18	3
4	Office of Administrative Hearings (OAH) Prehearing Conference Order	07/23/18	8
5	OAH Order Granting Continuance and <u>Amended</u> Prehearing Conference Order	02/06/19	8
6	OAH Order Rescheduling Hearing and <u>Second Amended</u> Prehearing Conference Order	05/17/19	8
7	Washington State Gambling Commission Staff's Motion for Summary Judgment and Memorandum of Legal Authorities in Support	06/20/19	56
8	Declaration of Special Agent Jess Lohse in Support of Commission Staff's Motion for Summary Judgment and Memorandum of Legal Authorities in Support (with Exhibits 1-79)	06/20/19	499
9	Gambling Commission Staff's Letter Correspondence	07/26/19	2

[Continued]

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 19, 2018, the Washington State Gambling Commission (Gambling Commission) issued a 'Notice of Administrative Charges' and 'Summary Suspension Order' to Gregory P. Mean (Means).

The 'Notice of Administrative Charges' alleged Means failed to report the unlawful and suspicious activities, including check kiting, money laundering and loan sharking, by Anna Bui and her co-conspirators, to the Gambling Commission. Based on the allegations, the Gambling Commission moved to revoke Means' Public Card Room Employee License.

4.2. On April 4, 2018, Means filed a 'Request for Stay and Administrative Hearing'.

Gambling Commission Staff's Motion for Summary Judgment-

4.3. On June 20, 2019, the Washington State Gambling Commission Staff filed 'Washington State Gambling Commission Staff's Motion for Summary Judgment and Memorandum of Authorities' and the 'Declaration of Special Agent Jess Lohse in Support of Commission Staff's Motion for Summary Judgment and Memorandum of Legal Authorities in Support', with Exhibits 1-79.

4.4. Based on OAH's 'Order Rescheduling Hearing and Second Amended Prehearing Conference Order', dated May 17, 2019, the Appellant had until July 12, 2019 to file a 'Response' to Commission Staff's Motion for Summary Judgment. The Appellant did not file any response.

4.5. On July 26, 2019, the Gambling Commission Staff filed a two-page letter requesting its Motion for Summary Judgment be granted based on the Appellant's failure to respond to the motion.

4.6. As of the date of this Order, the Appellant has not filed any response or provided any evidence raising any genuine issue of material fact contesting the Gambling Commission Staff's Motion for Summary Judgment.

[Continued]

Respondent and the Macau Casino-

- 4.7. Gregory P. Means (Means) holds a Washington State Public Card Room Employee License. *Declaration of Special Agent Jess Lohse in Support of Commission Staff's Motion for Summary Judgment and Memorandum of Legal Authorities in Support (Dec. of Lohse): Exhibit (Ex.) 1; Page (Pg.) 1.*
- 4.8. Means worked as the General Manager of the Macau Casino (Casino) located in Tukwila and Lakewood. As the General Manger, he is the sole person at the Casino who contacts the Gambling Commission regarding any illegal or suspicious activity. Means also served as the Casino's systems administrator for the digital surveillance system. All Casino department managers reported to Means. *Dec. of Lohse: Ex. 1; Pg. 9 and Exs. 63 & 64.*
- 4.9. Means, as the Casino's General Manager, was the sole person responsible for completing all Financial Crimes Enforcement Network (FINCEN) paperwork including Currency Transactions Reports (CTRS) and Suspicious Activity Reports (SARS). *Dec. of Lohse: Ex. 1; Pg. 9.*
- 4.10. Means also served as the Casino's Anti-Money Laundering Officer (AMLO), responsible for training shift managers and cashiers annually regarding anti-money laundering practices. *Dec. of Lohse: Ex. 1; Pg. 9; and Ex. 27.*
- 4.11. In March 2018, Macau Casino terminated Means. *Dec. of Lohse: Ex. 5 and Ex. 60.*
- 4.12. Means has no previous administrative history. *Dec. of Lohse: Ex. 1; Pg. 10.*

Respondent's Failure to Report Illegal and Suspicious Activity by Anna Bui-

- 4.13. From August 14, 2017 to January 4, 2018, Washington State Gambling Commission Special Agent Jess Lohse conducted an investigation regarding possible illegal and suspicious activity by several card room employees at the Macau Casino. *Dec. of Lohse; Ex. 1.*
- 4.14. The Gambling Commission's investigation included reviewing complaints regarding Anna Bui (Bui), a Macau Casino dealer and player, who may be engaging in check kiting, loan sharking and money laundering at the Macau Casino. *Dec. of Lohse: Exs. 1 & 2.*
- 4.15. 'Check kiting' is the process whereby a player writes a check to the casino to get cash, then later, writes another check to cancel out the previous check, thereby extending the time a player has to repay the casino. 'Loan sharking' is the process of loaning money to another person and charging excessive interest. 'Money Laundering' is the process of concealing the origins of illegal money by cashing in the money at the casino for poker chips then cashing out and receiving 'clean' money back. These three practices are strictly prohibited by the Gambling Commission. *Dec. of Lohse: Ex. 1.*

- 4.16. Casinos are required to file 'Currency Transaction Reports' (CTRs) for any transaction where cash comes in or goes out exceeding \$10,000. Casinos are also required to file Suspicious Activity Reports (SARs) for any suspicious activities involving \$5,000 or more in funds. *Dec. of Lohse: Ex. 1; Pgs. 10 & 11.*
- 4.17. As a part of Gambling Commission Special Agent Lohse's investigation included reviewing Macau's CTRs for the period of 2012 to June 2018. Means, as the Casino's General Manager, was responsible for filing SARs and CTRs on behalf of the Casino. (In December 2016, these responsibilities were passed to another person for six weeks due to Means' medical condition). *Dec. of Lohse: Ex. 5; Pg. 13 and Exs. 40 & 78.*
- 4.18. Means was involved in a dating/romantic relationship with Anna Bui during the period of the alleged illegal and suspicious activity. *Dec. of Lohse: Ex. 5; Pg. 34, Ex. 6; Pg. 9 and Ex. 79.*
- 4.19. Washington State Gambling Commission Special Agent Lohse determined that between November 28, 2016 to January 31, 2017, Bui wrote 104 checks to the Macau Casino, totaling \$2.0 million dollars. Most of these checks were for \$20,000 each. At one point, General Manager Means determined Bui had \$180,000 in checks in the Macau Casino cashier's cage. When caught 'floating' these checks, Bui brought in \$100,000, in cash, to buy-back and cover a portion of the checks. At the time, Bui was making less than \$58,000 per year, as a card dealer. Means, as General Manager, did not file any SARs regarding Bui's activities. *Dec. of Lohse: Ex. 1; Pgs. 22 & 26 and Ex. 5.*
- 4.20. While Means never filed any SARs regarding Bui's check kiting activities, he did file 77 CTRs pertaining to Bui, totaling \$1,444,990, between June 28, 2016 and January 17, 2017. *Dec. of Lohse: Ex. 1; Pg. 22 and Exs. 32, 40 & 44.*
- 4.21. On at least 15 of Bui's transactions, in which she either cashed checks or bought checks back by writing new checks ('check kiting'), each over \$20,000, Means never filed a CTR. Several of these checks were in the amount of \$60,000 and \$70,000. *Dec. of Lohse: Exs. 1 & 40.*
- 4.22. Means never reported any suspicious activity, including Bui's 'check kiting', except on January 31, 2017. *Dec. of Lohse: Ex. 1, 19 & 78.*
- 4.23. In July 2015, Means, as Casino Manager, sent a memo to casino staff informing them it was against the rules to allow 'check kiting'. *Dec. of Lohse: Ex. 28.*
- 4.24. However, later, in response to Gambling Commission Staff interrogatories, Means denied knowing what 'check kiting' was or that it was against Gambling Commission rules. *Dec. of Lohse: Ex. 71.*

- 4.25. Bui's check writing limit was \$20,000. However, in early 2017, Means changed Bui's check cashing limit to \$60,000. *Dec. of Lohse: Ex. 33.*
- 4.26. Means and Bui text messaged one another regarding 'check kiting', as evidenced in the text messages from February 22, 2017, when Bui asked Means to have her check limit raised to \$40,000 since another player ('Tony') was coming in to gamble. (It is assumed to allow Bui to loan money to the player coming into the casino to gamble, which both Means and Bui, as gambling licensees, knew was a prohibited activity). Means raised Bui's credit limit by responding, in a text message to her, "I got it." *Dec. of Lohse: Ex. 5 and Ex. 46; Pgs. 2-3.*
- 4.27. Between January and October 2017, Bui wrote at least 350 checks totaling at least \$6.7 million dollars at the Macau Casino, with Means approving many of Bui's checks. However, Bui's salary at the Casino was only \$98,000 per year, at the time. *Dec. of Lohse: Ex. 33.*
- 4.28. On April 10, 2017, Gambling Commission Special Agent Lohse emailed Means, reminding him to report any illegal/suspicious activity within three days of the alleged activity. *Dec. of Lohse: Ex. 1; Pg. 28 and Ex. 20.*
- 4.29. In September 2017, Bui wrote five checks at the same time to replace five existing checks. By this action, Bui extended her casino credit. However, Means never reported Bui's suspicious activity to the Gambling Commission. *Dec. of Lohse: Ex. 5; Pgs. 4-4-5 and Ex. 33.*
- 4.30. On October 13, 2017, Means personally approved Bui writing five checks for a total of \$140,000, to replace existing checks, thereby extending her credit. However, five of these checks, totaling \$100,000 came back as 'NSF' (Non-Sufficient Funds). Means approved the writing of the five checks and failed to complete CTRs regarding these transactions. *Dec. of Lohse: Ex. 4; Pg. 3-5, Exs. 5, 31 & 33.*
- 4.31. Gambling Commission Special Agent Lohse reviewed Bui's check cashing history for the period of July 12, 2016 to October 13, 2017. The special agent determined Bui had floated several hundreds of thousands of dollars in checks at the Macau Casino. *Dec. of Lohse: Exs. 1 & 33.*
- 4.32. Means had personal knowledge of Bui writing NSF checks on: July 26, 2012 (\$2,000), February 23, 2013 (\$2,000), August 5, 2013 (\$2,000), September 29, 2014 (\$2,000), October 13, 2014 (\$2,000), August 7, 2015 (\$2,000), December 12, 2015 (\$2,000), March 21, 2016 (\$2,000), April 30, 2016 (\$2,000), and August 25, 2017 (\$10,000). However, Means never filed a SAR on BUI regarding any of these transactions. *Dec. of Lohse; Ex. 1 & 5.*
- 4.33. However, Bui's name never appeared on the non-sufficient funds (NSF) logbook, required to be kept by the casino. *Dec. of Lohse: Ex. 4; Pg. 3 & Ex. 29.*

- 4.34. Gambling Commission investigators determined the Macau Casino, with Means as its General Manager and AMLO, failed to report at least 250 reportable transactions, requiring a CTR to be completed. Only after investigators brought the matter to the Casino's attention, did the Casino go back and issue CTRs on those transactions. *Dec. of Lohse: Ex. 44.*
- 4.35. Between 2016 and 2018, numerous casino cashiers, including Matalena Jantoc, Savya Thay, Cody Carter and Robert "Bobby" Nero, were aware of Bui's 'check kiting' activity at the Macau Casino. They also knew Means was aware of Bui's activity since they informed Means about it, but that he 'brushed off' their concerns. *Dec. of Lohse: Ex. 5; Pg. 23-26 and Ex. 55.*
- 4.36. Means admitted being aware of Bui 'check kiting', approving of such activity. *Dec. of Lohse: Exs. 33, 74 and Ex. 78; Pg. 10.*
- 4.37. On March 20, 2018, Bui admitted to Gambling Commission investigators she engaged in check kiting at the Macau Casino, when she knowingly did not have enough money in her bank account to cover such checks. *Dec. of Lohse: Ex. 4; Pg. 2.*
- 4.38. On March 22, 2018, while Bui was in jail, Means spoke with her. During their conversation, Means asked Bui about a check floated by casino dealer Tien Le as well as acknowledged he was aware she made loans to various casino customers. Means never reported to the Gambling Commission that Bui was providing loans to casino customers, a prohibited practice. *Dec. of Lohse: Exs. 4 & 24.*
- 4.39. Communications between Means and Bui also suggest Means provided her with access to the Macau's Casino surveillance system, despite Bui only being a card dealer. She was not authorized for such access, only the General Manager/Chief Operating Officer, Gaming Manager, Casino Manager Shift Manger and Surveillance Staff have such access. Means' granting surveillance access to Bui raises suspicions as to the reason Bui would need such access. *Dec. of Lohse: Exs. 4, 45, 57 & 58.*
- 4.40. Bui also would bring in large quantities of money in plastic bags, hardly gamble, then cash out, essentially 'laundering' the money. Gaming Commission investigators suspected these large quantities of money stemmed from illegal drug activity. *Dec. of Lohse: Ex. 1.*
- 4.41. On January 17, 2019, Bui's gambling license was revoked. *Dec. of Lohse: Ex. 66.*

[Continued]

Respondent's Failure to Report Illegal and Suspicious Activity by Tien Le and Cong Chen-

- 4.42. In 2017 and 2018, Means approved Chong Le and Tien Chen for a \$20,000 check limits, despite Chen having zero income in 2017 and 2018 and Tren having only \$23,923.88 of income between October 2017 and March 2018. *Dec. of Lohse: Exs. 5 & 34.*
- 4.43. Cong Chen, a casino dealer, on August 14, 2017, began cashing \$20,000 checks and did so over 20 gaming days, equaling \$420,000. However, he reported no income in 2017 and 2018. Means never reported the sudden and suspicious check writing activity to the Gambling Commission. *Dec. of Lohse: Ex. 5; Pg. 10 & Ex. 38.*
- 4.44. Means even went so far as to approve two of Chen's buy-back checks for \$20,000, including one on September 22, 2017. *Dec. of Lohse: Ex. 5; Pg. 10, Exs. 38, 41 & 71; Pg. 8.*
- 4.45. Tien Le engaged in similar 'check kiting' activities as Bui. However, Means never reported the suspicious activity to the Gambling Commission. *Dec. of Lohse: Ex. 5; Pgs. 7-9 and Ex. 38 & 41.*
- 4.46. Means, as Macau Casino's General Manager, never filed any SARs or CTRS regarding Tien Le and Cong Chen, despite their numerous transactions over \$10,000. *Dec. of Lohse: Exs. 5, 36, 38, 41, 42 & 65.*
- 4.47. Tien Le's gambling license was later revoked. *Dec. of Lohse: Ex. 67.*
- 4.48. The Respondent did not file any 'response', or file an documentation or evidence, disputing any of the facts raised by the Gambling Commission Staff in its Motion for Summary Judgment.

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.

[Continued]

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.”¹ *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. 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. *Verizon NW*, 164 Wn.2d 916.
- 5.6. Admissions, stipulations, procedural history, and uncontested declarations and affidavits establish facts for summary judgment.
- 5.7. 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 Policy, Rules & Regulations-

- 5.8. 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.

- 5.9. 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.
- 5.10. RCW 9.46.070(14) authorizes the Gambling Commission to adopt such rules and regulations necessary to carry out the purposes and provisions of Chapter 9.46 RCW.

5.11. WAC 230-03-085(3) & (9) authorizes the Gambling Commission to suspend a licensee's gaming license, if he/she, in relevant part:

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

Respondent's Failure to Report Illegal and Suspicious Activity by Bui, Le or Chen-

5.12. WAC 230-15-305(1) requires gaming licensee to report any illegal or suspicious activities, within three days, to the Gambling Commission.

5.13. RCW 9.46.075(7) authorizes the Gambling Commission to revoke a licensee's gaming license for making a misrepresentation of, or fails to disclose, a material fact to the commission;

5.14. RCW 9.46.153(3) requires:

All licensees, and persons having any interest in licensees, including but not limited to employees and agents of licensees, and other persons required to be qualified under this chapter or rules of the commission shall have a duty to inform the commission or its staff of any action or omission which they believe would constitute a violation of this chapter or rules adopted pursuant thereto. No person who so informs the commission or the staff shall be discriminated against by an applicant or licensee because of the supplying of such information;

5.15. WAC 230-03-085(9)(a),(d)&(e) authorizes the Gambling Commission to revoke a licensee's gaming license if he/she:

(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; or...
- (d) Habits;
- (e) Associations;

5.16. WAC 230-06-035(1) establishes:

Licensees, employees, or members must not offer or give credit, loans, or gifts to any person playing in an authorized gambling activity or which makes it possible for any person to play in an authorized gambling activity.

5.17. WAC 230-15-155 requires casino to keep a record of all non-sufficient fund (NSF) checks and to have such a record available to the cashiers. Gambling Commission regulations mandate that persons are not allowed to write any additional checks until the NSF check is paid in full.

5.18. In the present case, the Gambling Commission Staff has established the Respondent, Gregory Means, had direct knowledge of numerous illegal and suspicious activities committed by Anna Bui, Tien Le and Cong Chen, in direct violation of Gambling Commission rules and regulations and failed to report such activities. Means' direct knowledge and failure to report such activities, included: (1) Means' knowledge and approval of Bui's prohibited check kiting activities and failure to report such activities to the Gambling Commission in violation of WAC 230-15-305(1); (2) Means' failure to file appropriate reports including SARs and CTRs relating to Bui as well as failing to maintain the Casino's logbook regarding Bui's NSF check activities, in violation of WAC 230-15-155; (3) Means' direct knowledge Bui was loaning money to players in the casino in violation of WAC 230-06-035(1); (4) Cong Chen and Tien Le's sudden and suspicious check cashing activities over \$20,000, despite neither having income over \$25,000 and Means' failure to report such suspicious activities to the Gambling Commission in violation of WAC 230-15-305(1);

5.19. Gregory Means failed to respond to Gambling Commission Staff's 'Motion for Summary Judgment' and the factual allegations contained within the motion. As a result, the Respondent failed to establish any genuine dispute of material fact. Therefore, summary judgment is appropriate under Civil Rule 56(e).

5.20. The Respondent, Gregory Means, raised no genuine dispute of material fact that he failed to report illegal and suspicious activity by Anna T. Bui and her co-conspirators, Tien Le and Cong Chen, in violation of WAC 230-03-085. The Gambling Commission Staff's Motion for Summary Judgment is **GRANTED**.

[Continued]

Respondent's Failure to Establishing Clear and Convincing Evidence of Licensure-

5.21. RCW 9.46.075(8) authorizes the Gambling Commission to revoke a licensee's gaming license if the licensee fails to prove by clear and convincing evidence that he/she is qualified for licensure.

5.22. RCW 9.46.153(1) establishes:

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;

5.23. In the present case, the Gambling Commission Staff has established Gregory Means failed to report illegal and suspicious activity by Anna Bui and her co-conspirators to the Gambling Commission.

5.24. Means failed to respond to the allegations raised by the Gambling Commission Staff in its Motion for Summary Judgment. In fact, as of the date of this order, Means has not filed any response, declaration or any other documentation contesting the facts, as alleged by the Gambling Commission. As a result, Means has failed to prove, by clear and convincing evidence, he is qualified for licensure.

5.25. Therefore, the Respondent, Gregory Means, raised no genuine dispute of material fact that he cannot show by 'clear and convincing evidence' that he is qualified for licensure, as required by RCW 9.46.153(1). The Gambling Commission Staff's Motion for Summary Judgment is **GRANTED**.

Revocation of the Respondent's Gaming License-

5.26. RCW 9.46.075 authorizes the Gambling Commission to revoke a licensee's gaming license for any of the following reasons, in relevant part:

(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;

5.27. WAC 230-03-085 authorizes the Gambling Commission to revoke a licensee's gaming license, if he/she, in relevant part:

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

(3) He/she demonstrates a willful disregard of applicable gaming rules and regulations; 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; or

(b) Criminal record; or

(c) Reputation; or

(d) Habits; or

(e) Associations; or

5.28. In the present case, the Gambling Commission Staff has established the Respondent, Gregory Means, failed to report illegal and suspicious activity by Anna Bui, Tien Le and Cong Chen, in violation of WAC 230-03-085. The Respondent did not challenge the facts, as asserted by the Gambling Commission. In addition, the Respondent has failed to establish, by clear and convincing evidence, that he is qualified for licensure. Therefore, summary judgment was granted for the Gambling Commission Staff.

5.29. Based on the Gambling Commission Staff's Motion for Summary Judgment being granted, in accordance with RCW 9.46.075(1), (7), and (8), and WAC 230-03-085(1),(3),(9)(a),(c),(d) and (e), Gregory P. Means' gambling license is **REVOKED**.

Evidentiary Hearing Cancellation-

5.30. Since the Gambling Commission Staff's Motion for Summary Judgment is granted, no fact-finding hearing is warranted. As a result, the evidentiary hearing, scheduled for Monday, November 18, 2019 to Friday, November 22, 2019, is **CANCELLED**.

6. INITIAL ORDER:

THIS ADMINISTRATIVE COURT ORDERS:

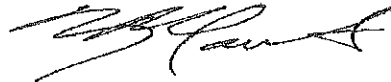
6.1. The Respondent, Gregory Means, raised no genuine dispute of material fact that he failed to report illegal and suspicious activity by Anna T. Bui and her co-conspirators, in violation of WAC 230-03-085. The Gambling Commission Staff's Motion for Summary Judgment is **GRANTED**.

6.2. The Respondent, Gregory Means, raised no genuine dispute of material fact that he cannot show by 'clear and convincing evidence' that he is qualified for licensure, as required by RCW 9.46.153(1). The Gambling Commission Staff's Motion for Summary Judgment is **GRANTED**.

6.3. Based on the Gambling Commission Staff's Motion for Summary Judgment being granted, in accordance with RCW 9.46.075(1), (7), and (8), and WAC 230-03-085(1),(3),(9)(a),(c),(d) and (e), Gregory P. Means' gambling license is **REVOKED**.

6.4. Since the Gambling Commission Staff's Motion for Summary Judgment is granted, the evidentiary hearing, scheduled for Monday, November 18, 2019 to Friday, November 22, 2019, is **CANCELLED**.

SIGNED at Tacoma, Washington on the date of mailing.



TJ Martin
Administrative Law Judge
Office of Administrative Hearings

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.

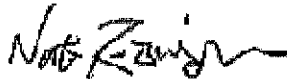
CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 06-2018-GMB-00058

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

<p>Gregory P. Means 407 S 15th St Renton, WA 98055 Respondent</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>Bryan G. Hershman Law Office of Bryan Hershman 1105 Tacoma Ave S Tacoma, WA 98402 Respondent 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: bryan@bryanhershman.com paralegal@bryanhershman.com</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: gregj@atg.wa.gov kellil@atg.wa.gov</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: Tuesday, August 27, 2019

OFFICE OF ADMINISTRATIVE HEARINGS



Nathan Robinson
Legal Assistant 3



Rule Petition to Adopt

- WAC 230-11-013- Conducting a raffle by a credit union.
- WAC 230-03-146- Applying for a raffle license by a credit union.
- WAC 230-05-160- Charitable or nonprofit organization fees.**

November, 2019 – Final Action
September, 2019 – Discussion and Possible Filing
April, 2019 – Petition to Initiate Rule-Making

Tab 4: NOVEMBER, 2019 Commission Meeting Agenda.	Statutory Authority 9.46.070
Who Proposed the Rule Change?	
Washington State Gambling Commission Staff	
Background	
<p>Bold = Changes made since September, 2019 Commission Meeting.</p> <p>At the February, 2019 Commission Meeting, Commissioners directed staff to approve Numerica Credit Union for a raffle license. At that time, staff was also directed to draft rules to allow credit unions to obtain a raffle license.</p> <p>In April, 2019, the Commission began issuing licenses to credit unions when Numerica Credit Union received its gambling license. The license was issued pursuant to RCW 9.46.0209(2)(a) and consistent with the purpose of RCW 9.46.0315. However, current raffle and licensing rules do not distinguish credit unions from nonprofits even though there are some organizational structural differences than those identified in RCW 9.46.0209(1). Additionally, current raffle rules need minor changes to clarify how credit unions can offer members-only raffles consistent with RCW 9.46.0209(2) and RCW 9.46.0315.</p> <p>Attachments:</p> <ul style="list-style-type: none"> • WAC 230-11-013 • WAC 230-03-146 • WAC 230-05-160 	
Stakeholder Outreach	
Draft rule language was sent to Numerica Credit Union for review on August 14, 2019. No feedback was received.	
Staff Recommendation	
Final Action.	
Effective Date	
31 days after filing with the Office of the Code Reviser – expected on or about December 16, 2019.	

NEW SECTION

WAC 230-11-013 Conducting a raffle by a credit union. The following requirements apply when a credit union organized and operating under state or federal law conducts a raffle:

(1) All revenue received from raffles, less prizes and expenses, must be devoted to purposes authorized in RCW 9.46.0209(1); and

(2) Tickets for such raffles can be sold only to, and winners are determined only from among, the regular members of the credit union; and

(3) All recordkeeping requirements outlined in this chapter must be met; and

(4) A license must be obtained if gross revenues from all such raffles held by the credit union during a calendar year exceed five thousand dollars.

NEW SECTION

WAC 230-03-146 Applying for a raffle license by a credit union.

Credit unions may apply for a raffle-credit union license to operate raffles, as authorized under RCW 9.46.0209(2) and 9.46.0315. The credit union must provide:

(1) Proof they are currently a federally or state chartered credit union located in Washington and are in good standing; and

(2) Official meeting minutes of the organization for the last twelve months demonstrating they are in the business for nongambling purposes; and

(3) A listing of the names of the director, board chair, and board as defined in WAC 208-400-020; and

(4) A section in their bylaws or their articles of incorporation guaranteeing that, if the organization is dissolved, all raffle revenues less prizes and expenses must be distributed to a charitable and nonprofit organization as set out in RCW 9.46.0209(1); and

(5) A listing of the charitable and nonprofit organizations as set out in RCW 9.46.0209(1) receiving all raffle revenues less prizes and expenses; and

(6) Any additional information requested by us.

WAC 230-05-160 Charitable or nonprofit organization fees. Bona fide charitable and nonprofit organizations must pay the following fees:

(1) Annual licenses:

License Type	Base License Fee	Gross Gambling Receipts Rate	Maximum Annual License Fee
Amusement games	\$65 plus \$65 per approved location	0.730%	\$1,000
Bingo	\$65	0.460%	\$11,000
Card games - House-banked	\$10,000	1.462%	\$40,000
Card games - Nonhouse-banked	\$65	0.430%	\$1,000
Combination	\$125	-	-
Fund-raising equipment distributor	\$270	1.430%	\$700
Punch board/pull-tabs	\$650	1.430%	\$10,000
Raffles	\$65	3.380%	\$2,000
<u>Raffle - Credit Union</u>	<u>\$65</u>	<u>3.380%</u>	<u>\$2,000</u>
Enhanced raffles	\$5,000	0.430%	\$32,000

(2) Event licenses or permits:

License Type	Base License Fee	Gross Gambling Receipts Rate	Maximum Annual License Fee
Fund-raising event	\$180	3.130%	\$1,000
Recreational gaming activity	\$65	-	-
Special property bingo/ change of bingo premises	\$30	-	-

(3) Change fees:

Change of:	Fee
Name	\$100
Location	\$100
Fund-raising event location, date, or time	\$50

(4) Other fees:

Transaction	Fee
Add a new amusement game location	\$65
Duplicate license	\$50
Review, inspection, and/or evaluation of gambling equipment, supplies, services, games, or schemes	Deposit and cost reimbursement



Rule Petition to Repeal

WAC 230-15-135- Wagering limits for nonhouse-banked card games.

November, 2019 – Commission Petition Review
 September, 2019 – Petition to Initiate Rule-Making

Tab 5: NOVEMBER, 2019 Commission Meeting Agenda. Statutory Authority 9.46.070

Who Proposed the Rule Change?

Murray McKinney, Bothell, Washington

Background

Murray McKinney submitted a petition to repeal WAC 230-15-135- Wagering limits for nonhouse-banked card games. The petitioner feels that the role of the Gambling Commission is to prevent cheating and player abuse but not to limit wager amounts for responsible players. The petitioner believes that this rule change would allow larger games which would recruit better players to those games, and would protect weaker players at lower limit tables.

Maximum single wager limits have increased over time, as reflected in the table below.

Maximum Amount of a Single Wager			
	Card Room	Class F Endorsed	House-Banked
Prior to 2008	\$25	\$25	\$25
January 1, 2008	\$40	\$40	\$40
January 1, 2013	\$40	\$40	\$40
		\$100 for Texas Hold'em	\$100 for Texas Hold'em
September 26, 2016	\$40	\$100	\$300
December 23, 2016	\$40	\$300	\$300

This proposed change would impact all card room licensees. As of October, 2019, there are 3 Class F endorsed licensees, 44 house-banked card room licensees, and 209 commercial and nonprofit nonhouse-banked card rooms.

Attachments:

- Petition
- WAC 230-15-135
- Stakeholder Feedback

Stakeholder Outreach

This petition was sent out to all cardroom licensees and also posted on the Gambling Commission's website. We have received five responses in support of removing limits and one response in support of keeping the limits the same as other table games unless surveillance requirements are required for nonhouse-banked card games.

Staff Recommendation

Under the requirements of the Administrative Procedure Act, the Commission must take action on a petition within 60 days of receiving it. Your options are:

- 1) Initiate rule-making proceedings by filing the rule as proposed for further discussion; or
- 2) Deny the petition, in writing, a) stating the reasons for the denial, specifically addressing the concerns stated in the petition, or b) indicating alternative means by which the agency will address the concerns raised in the petition.

Staff recommends denial of this petition. All Washington authorized gambling activities are limited in nature and scope by RCW 9.46.010 and therefore have wagering limits.

Rule Petition Type: Amend Rule – I am requesting WSGC to change an existing rule.

List rule number (WAC) if known: WAC 230-15-135

I am requesting the following change: Remove entire WAC Section WAC 230-15-135 and all limits to bet sizing for Poker.

This change is needed because: I depend on the gaming commission to make sure poker games are void of cheating and player abuse. I do not depend on the gaming commission to nanny the size of Poker Games I play with my 6 figure income. I and many other residents can play responsibly at higher limits and the State's Efforts should be focused on helping problem gamblers and not restricting responsible residents.

The effect of this rule change will be: Larger Poker Games with Larger Rakes that could also translate to large casino profits and taxes for the state. Allowing casinos to run larger games would also pull better players to higher limit games and thus protect weaker players at lower limit tables. Currently all the good players and weak players are all playing \$1/3\$ NL as the 300 dollar limit makes higher stakes games pointless.

~~WAC 230-15-135 Wagering limits for nonhouse-banked card~~

~~games.~~ Card room licensees must not exceed these wagering limits:

~~(1) Poker~~

~~(a) There must be no more than five betting rounds in any one game; and~~

~~(b) There must be no more than four wagers in any betting round, for example, the initial wager plus three raises; and~~

~~(c) The maximum amount of a single wager must not exceed forty dollars; however, Class F and house-banked card game licensees may offer a single wager not to exceed three hundred dollars;~~

~~(2) Games based on achieving a specific number of points~~

~~Each point must not exceed five cents in value;~~

~~(3) Ante~~ No more than the maximum wager allowed for the first betting round for any game, except for Panguingue (Pan). The ante may, by house rule:

~~(a) Be made by one or more players, but the total ante may not exceed the maximum wager allowed for the first betting round; and~~

~~(b) Be used as part of a player's wager;~~

~~(4) **Panguingue (Pan)** The maximum value of a chip must not exceed ten dollars. An ante must not exceed one chip. We prohibit doubling of conditions. Players going out may collect no more than two additional chips for going out from each participating player.~~

[Statutory Authority: RCW 9.46.070. WSR 18-05-029, § 230-15-135, filed 2/9/18, effective 7/1/18. Statutory Authority: RCW 9.46.070 and 9.46.0201. WSR 16-23-153, § 230-15-135, filed 11/22/16, effective 12/23/16; WSR 16-18-024, § 230-15-135, filed 8/26/16, effective 9/26/16. Statutory Authority: RCW 9.46.070 and 9.46.0282. WSR 12-21-048 (Order 680), § 230-15-135, filed 10/12/12, effective 1/1/13; WSR 09-21-013 (Order 658), § 230-15-135, filed 10/9/09, effective 11/9/09. Statutory Authority: RCW 9.46.070. WSR 09-09-056 (Order 642), § 230-15-135, filed 4/10/09, effective 7/1/09; WSR 07-21-116 (Order 617), § 230-15-135, filed 10/22/07, effective 1/1/08; WSR 07-09-033 (Order 608), § 230-15-135, filed 4/10/07, effective 1/1/08.]

From: dan.heisel@watech.wa.gov on behalf of [WSGC Web](#)
To: [Rules Coordinator \(GMB\)](#)
Subject: Request for Public Comment Submission from wsgc.wa.gov
Date: Friday, September 27, 2019 5:19:03 PM

Submitted on Friday, September 27, 2019 - 5:18pm
Submitted by anonymous user: 172.103.152.96
Submitted values are:

Select a Topic: Petition for Rule Change: Poker Wager Limits

Name: Alexandra Chauran

Organization:

Comments: Please remove betting limits for poker games. No limit is a game enjoyed all over the world. Thank you.

The results of this submission may be viewed at:

<https://wsgc.wa.gov/node/19/submission/1160>

From: dan.heisel@watech.wa.gov on behalf of [WSGC Web](#)
To: [Rules Coordinator \(GMB\)](#)
Subject: Request for Public Comment Submission from wsgc.wa.gov
Date: Friday, September 27, 2019 5:18:53 PM

Submitted on Friday, September 27, 2019 - 5:18pm

Submitted by anonymous user: 107.77.205.221

Submitted values are:

Select a Topic: Petition for Rule Change: Poker Wager Limits

Name: Austin

Organization:

Comments: The poker betting limit makes high stakes poker games obsolete because you can only bet \$300 at a time. This leads to more underground games to circumvent this law which is way worse for the people that this law is trying to protect in the first place.

The results of this submission may be viewed at:

<https://wsgc.wa.gov/node/19/submission/1159>

From: [Cory Thompson](#)
To: [Laydon, Ashlie \(GMB\)](#)
Subject: Re: Washington State Gambling Commission - Notice of Rule Petition
Date: Friday, September 27, 2019 11:31:49 AM
Attachments: [image001.jpg](#)
[image002.gif](#)
[image003.png](#)
[image004.jpg](#)
[image005.png](#)

Ashlie,

I think we should keep the limits the same as in the table games area unless there are more stringent rules put in place for the security of poker rooms. Currently, they are not required for poker rooms. There should also be a requirement for manned surveillance rooms to accommodate any issues with poker, especially dealing with a Player Supported Jackpot.

:o),

Cory Thompson

On Fri, Sep 27, 2019 at 11:26 AM Laydon, Ashlie (GMB) <ashlie.laydon@wsgc.wa.gov> wrote:

Good morning,

This email is to inform you that the Washington State Gambling Commission has received the attached petition for rulemaking. [RCW 34.05.330](#) is the law that governs these types of petitions and it requires that an agency hear a petition within 60 days of receiving the petition. This petition will be heard by the Commission at the November 14th Commission meeting in Olympia, Washington. More details regarding this meeting can be found [here](#). The agenda and materials should be posted approximately a week prior to the meeting.

If you would like to comment on this petition, you can do so by responding to me directly or by submitting a public comment through our website [here](#). Feel free to contact me if you have any questions.

Thank you,

Ashlie Laydon

Rules Coordinator | Legal and Records Division

Washington State Gambling Commission

P.O. Box 42400 | Olympia, WA 98504-2400

☎ (360) 486-3473 | ✉ ashlie.laydon@wsgc.wa.gov

From: [George Teeny](#)
To: [Laydon, Ashlie \(GMB\)](#)
Cc: [Jo England](#); DChiechi@rga-wa.org
Subject: FW: response to wac change
Date: Thursday, October 3, 2019 11:48:16 AM

Afternoon Ashlie

I am responding to the change request for WAC 230-15-135.

Raising the limits in poker to “no-limit” play is a good idea for all gaming interests throughout the state, both tribal and non-tribal.

- 1) “No limit” is the game of choice for the majority of players that play throughout the country.
- 2) In Washington State “no limit” is the number one game type requested by players who frequent, and do not frequent, our state poker rooms.
- 3) My club borders Oregon, and there are approx. two to three thousand players in the Portland area that no longer play in Washington because we don’t offer no-limit. These and many other players would prefer to play in a highly regulated, customer protected environment that Washington State offers, but end up playing in illegally ran cardrooms in Oregon where the clubs are unregulated, untaxed, no employee protection and with no government or policing oversight.
- 4) Obviously, the more customers who play in Washington rooms the larger the revenue which translates to more taxes for the local jurisdictions, more employees/more benefits, larger demands for venter services and more.
- 5) The customers gravitate to the limits they feel most comfortable with.
- 6) No-limit games come in different “sizes” simply by adjusting the “blinds” that are offered (e.g. lower no-limit players will play in games that offer \$1/\$2 blinds, while people that wish to play higher no limit can play in games that offer \$5/\$5/\$10 blind structure).
- 7) Of all of the games that are offered in this state, poker is probably the most protected. Not only do the games have center dealers, but after every played hand the deck is shuffled, a fresh shuffled deck is then put in use, the internal controls for dealing and shuffling are well established, there are floor people supervising all the games continually and the players themselves monitor the game extremely close for any irregularities.
- 8) However, If there are still protection concerns, the state should mandate manned surveillance cardrooms.

If you have any questions about what I have written or would like to have further discussions please don’t hesitate to reach out to me at:

Work number – 360-573-6442 ext 321

Email address – gteeny@thephoenixcasino.com

george teeny

From: dan.heisel@watech.wa.gov on behalf of [WSGC Web](#)
To: [Rules Coordinator \(GMB\)](#)
Subject: Request for Public Comment Submission from wsgc.wa.gov
Date: Thursday, October 31, 2019 6:11:49 PM

Submitted on Thursday, October 31, 2019 - 6:11pm

Submitted by anonymous user: 67.183.193.211

Submitted values are:

Select a Topic: Petition for Rule Change: Poker Wager Limits

Name: Phil

Organization:

Comments: I'm a Washington resident and I agree with lifting the poker wager limits and repealing WAC 230-15-135 (1) A,B, and C. The limit is silly and as a result I just go to play in other states. Conceptually the caps on betting make no real sense either. You can gamble the same amount of money, it just might take you a few more hands to do so.

The results of this submission may be viewed at:

<https://wsgc.wa.gov/node/19/submission/1224>

From: dan.heisel@watech.wa.gov on behalf of [WSGC Web](#)
To: [Rules Coordinator \(GMB\)](#)
Subject: Request for Public Comment Submission from wsgc.wa.gov
Date: Friday, November 1, 2019 4:39:33 AM

Submitted on Friday, November 1, 2019 - 4:39am
Submitted by anonymous user: 35.137.236.164
Submitted values are:

Select a Topic: Petition for Rule Change: Poker Wager Limits

Name: Martin Shapiro

Organization:

Comments: This petition makes some very salient points. Poker games without wager limits are run safely and successfully in the other states where poker gaming is licensed and regulated. Wager limits do not provide protection to the compulsive gambler, who can still find many opportunities and venues to indulge their impulses. Adherence to the standard protections of personnel training, help line and a coordinated exclusion program at licensed facilities are effective deterrents to problem gambling; the wager limits are not needed for this purpose. As the petitioner posits, the wager limits force players of all means to play together at the same stakes. This creates an environment where players of lower means can be "out-gunned" at the tables, making the games untenable for such players. In addition, the foremost public mandate for licensed gaming is to provide a safe gaming venue for players through regulation of the games. With the wager limits in place, higher-stakes players may continue to engage in poker gaming outside the licensed facilities in underground games, where they are not subject to such limits. Eliminating the wager limits will lead to many such players opting for the safer games at the licensed facilities, which will fulfill the public mandate as well as increase revenues for the state through higher participation rates in licensed gaming.

The results of this submission may be viewed at:

<https://wsgc.wa.gov/node/19/submission/1226>



Financial Update

November 14, 2019
Christopher Stanley
Chief Financial Officer



FY 2020 is starting well

FY 2020 Revenue by Category/Subsource

Total Revenue by Category	2020 Expected Revenue	2020 Actual Revenue	2020 Projected Remaining	2020 Revenue Variance
Activity Licenses - Commercial	\$ 4,630,530	\$ 1,287,077	\$ 3,499,540	\$ 156,087
Activity Licenses - Non-Profit	\$ 955,285	\$ 284,360	\$ 725,675	\$ 54,750
Individual Licenses	\$ 1,062,192	\$ 299,065	\$ 796,644	\$ 33,517
Vendor Licenses	\$ 454,567	\$ 191,038	\$ 335,032	\$ 71,503
Tribal-Related Activities	\$ 6,257,720	\$ 1,725,716	\$ 4,688,290	\$ 156,286
Other Sources	\$ 292,632	\$ 1,427,042	\$ 219,474	\$ 1,353,884
Agency Total	\$ 13,652,926	\$ 5,214,298	\$ 10,264,655	\$ 1,826,027

General revenues have out-performed expectations by over 4.2 percent, which does not include the \$1.25M fine collected on September 30.

FY 2020 is starting well

FY 2020 Agency / Object-Level View

Agency Total by Object	2020 Total Budgeted	2020 Spent To-Date	2020 Projected Remaining	2020 Variance (Bd-Sp-Pr=Var)
FTEs	119.25	107.05		12.20
Salaries	\$ 9,390,636	\$ 1,974,866	\$ 7,042,977	\$ 372,793
Benefits	\$ 3,340,008	\$ 721,715	\$ 2,505,006	\$ 113,287
Contracts	\$ 14,700	\$ -	\$ 11,025	\$ 3,675
Goods & Services	\$ 2,535,036	\$ 801,270	\$ 1,901,277	\$ (167,511)
Travel	\$ 313,560	\$ 61,173	\$ 235,170	\$ 17,217
Capital Expenses	\$ 527,784	\$ 27,595	\$ 395,838	\$ 104,351
Grants & Benefits	\$ 2,712	\$ 950	\$ 2,074	\$ (312)
Agency Total	\$ 16,124,436	\$ 3,587,569	\$ 12,093,367	\$ 443,500

The agency has underspent its budget for FY 2020 by 2.75% due to standard vacancy savings.

FY 2020 Balance Sheet

Gambling Revolving Account (884-6)

Projected Balance Sheet – 17-19 and 19-21 Biennium – 114 FTEs

	Actual/Projected FY20	Projected FY21	Biennium Total	Projected FY22	Projected FY23	Biennium Total
Starting Working Capital Balance	7,048,652	6,846,669		5,039,572	3,404,738	
Revenue	15,478,953	14,169,090	29,648,043	14,594,162	15,031,987	29,626,149
Expenditures*	15,680,936	15,976,187	31,657,123	16,228,996	17,040,446	33,269,443
<i>Revenue minus Expenditures</i>	<i>(201,983)</i>	<i>(1,807,098)</i>	<i>(2,009,080)</i>	<i>(1,634,834)</i>	<i>(2,008,459)</i>	<i>(3,643,293)</i>
Ending Working Capital Balance	6,846,669	5,039,572		3,404,738	1,396,278	
FTEs	107.1	119.3		119.3	119.3	
WCB Target (2 months Exp)	2,613,489	2,662,698		2,704,833	2,840,074	

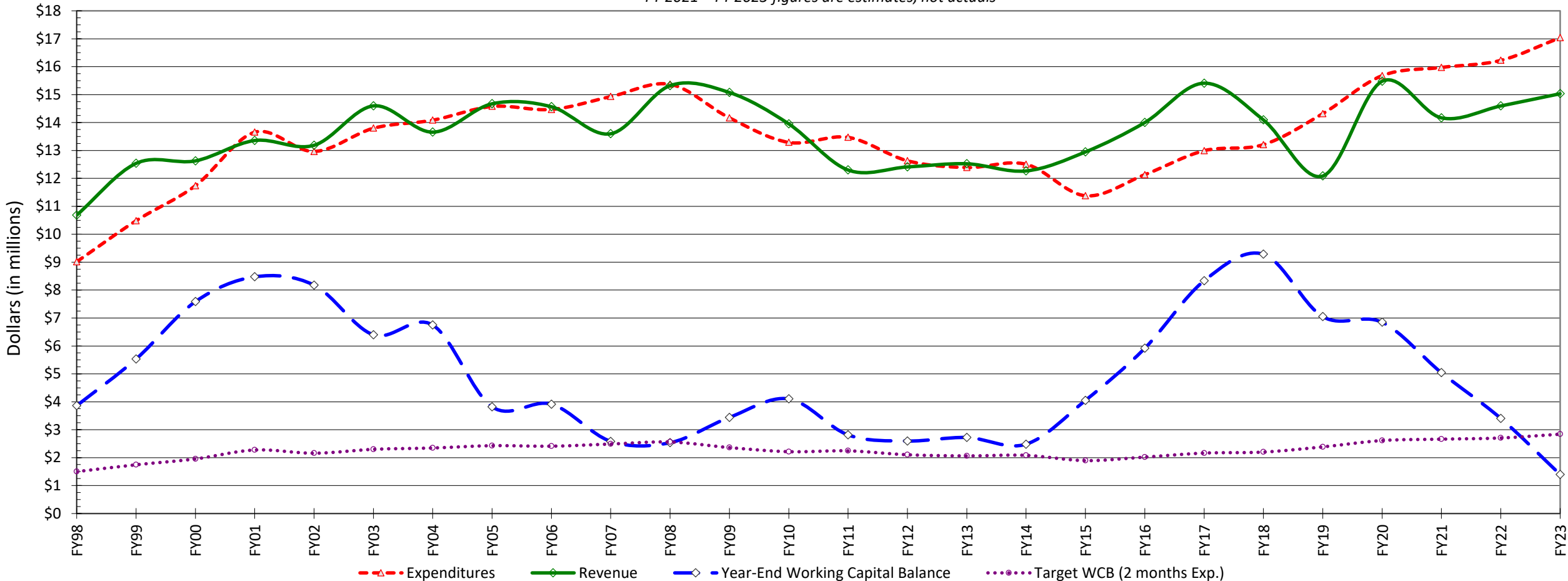
*Expenditures in other accounts are not included. High-level balances are below.

Other Funds:	Actual FY20	Projected FY21	Biennium Total	Projected FY22	Projected 23	Biennium Total
Federal Seizure (141)	\$76,000	\$0	\$76,000	\$0	\$0	\$76,000
State Seizures (226)	\$569,659	\$0	\$569,659	\$0	\$0	\$569,659
Industrial Ins Prem Ref (03K)	\$230,414	\$0	\$230,414	\$0	\$0	\$230,414

Looking to the Future...

Gambling Revolving Fund Revenue, Expenditures, and Working Capital Reserve: FY 1998 – FY 2023

**FY 2021 – FY 2023 figures are estimates, not actuals*

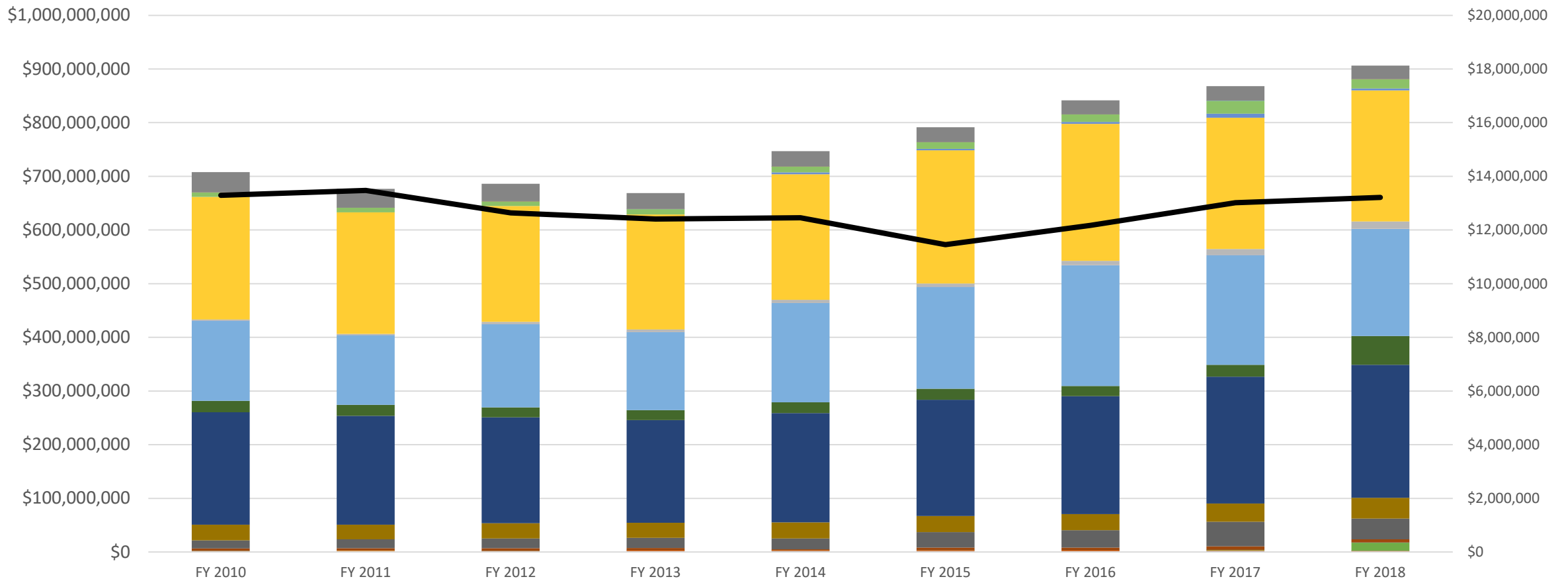


“Begin at the beginning,” the King said, very gravely, “and go on till you come to the end: then stop.” — Chapter 12, Alice in Wonderland

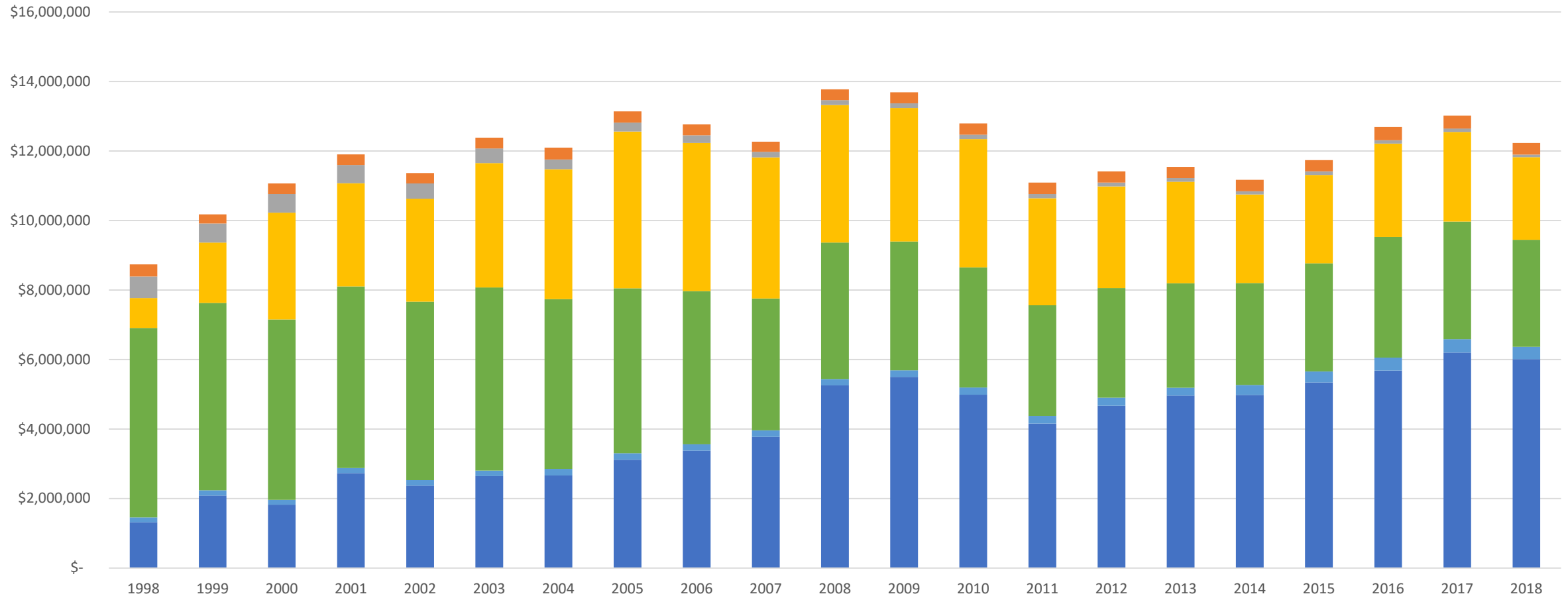
Taking a deeper dive into licensee revenue and future projections

Non-Tribal Licensees Over Time

Gross Gambling Receipts by License Type: FY 2010 through FY 2018
**Washington State Gambling Commission Expenditures by Fiscal Year Reflected on Black Line*



Fees Paid by Licensees Over Time





Questions?

Christopher Stanley, CGFM
Chief Financial Officer

(360) 870-7282

Christopher.Stanley@wsgc.wa.gov





STATE OF WASHINGTON
GAMBLING COMMISSION

"Protect the Public by Ensuring that Gambling is Legal and Honest"

November 14, 2019

TO: **COMMISSIONERS** **EX OFFICIO MEMBERS**
Bud Sizemore, Chair Senator Steve Conway
Julia Patterson, Vice Chair Senator Jeff Holy
Chris Stearns Representative Brandon Vick
Ed Troyer Representative Shelley Kloba
Alicia Levy

FROM: Donna Khanhasa, Special Agent
 Licensing Unit

SUBJECT: Special Olympics of Washington – 2019 Western Washington Enhanced Raffle Results

At the November 2018 commission meeting, the Commissioners approved a plan submitted by the Special Olympics of Washington (SOWA) to conduct an enhanced raffle in Western Washington. SOWA held the grand prize drawing on May 10, 2019.

In accordance with WAC 230-11-103, charitable or nonprofit licensees conducting enhanced raffles must have an independent audit conducted on each enhanced raffle and the associated smaller raffles. SOWA submitted the auditor's report in accordance with the rule.

The purpose of this memo is to report the results of the enhanced raffle and the agents' review. This is the seventh enhanced raffle that SOWA has reported on.

The grand prize offered was a dream home located in the Puget Sound area or an annuity of \$4,000,000 paid over 20 years or a one-time cash payment of \$2,800,000 based on 65,000 tickets being sold. If fewer than 62,000 tickets were sold, the grand prize winner would receive a choice between a sum equal to 50% of the net raffle proceeds paid as an annuity over 20 years, not to exceed \$4,000,000, or a one-time cash payment of up to 70% of the annuity value, not to exceed \$2,800,000.

The results of the May 10, 2019, enhanced raffle and the associated raffles are as follows:

Tickets Sold	Sales of Raffle Tickets	Prizes Awarded	Other Expenses	Net Proceeds from Enhanced Raffle
25,952	\$3,688,880	\$1,045,999	\$1,741,348	\$901,533

Drawing details and prizes:

Drawing	Date	Location	Prizes Awarded
Early Bird 1	March 7, 2019	SOWA Office	\$50,000
Early Bird 2	April 11, 2019	SOWA Office	\$10,000
Multi-Ticket	May 10, 2019	Seattle Center	\$50,000
Add-On (50/50)	May 10, 2019	Seattle Center	\$232,940
Grand Prize	May 10, 2019	Seattle Center	Grand prize: \$399,386 2 nd prize: \$50,000 3 rd prize: \$10,000 4 th to 10 th prize: \$5,000*

*In addition to prizes noted above, there were an additional 3,240 prizes awarded, with prize values ranging from \$50 to \$800.

Use of Proceeds:

Net proceeds of \$901,533 from the Enhanced Raffle will benefit SOWA by supporting program activities.

Regulatory Review:

An agent from the Regulatory Unit conducted an inspection of the enhanced raffle. Prior to the inspection, he reviewed the approved enhanced raffle plan and reviewed the case reporting system for compliance history. No material findings were noted.

The agent compared the enhanced raffle ticket sales to the bank statements and verified the money from all ticket sales was deposited. The agent noted 25,952 tickets were sold for the grand prize drawing and 32,954 tickets were sold for the 50/50 drawing. The agent contacted the top tier Grand Prize Drawing winners, the Early Bird #1 prize winner, the Early Bird #2 prize winner, Multi-Ticket Drawing winner, and the 50/50 Add-On prize winner. All winners contacted confirmed they received their prizes.

The agent noted the total grand prize amount awarded was \$399,385.79 in the form of a 20 year annuity. In addition, the 50/50 Add-On prize awarded was \$232,940. No discrepancies in the calculation method of the grand prize or 50/50 Add-On prize were noted.

The agent reviewed the licensee's gambling records to verify accuracy and compliance with the WACs. He noted no discrepancies.

The agent confirmed that SOWA operated the enhanced raffle within the plan approved by the Commissioners.

Regulatory Actions:

There were no state or federal regulatory actions taken in relation to this enhanced raffle.

Programs and Clients Served:

SOWA currently serves more than 19,500 athletes and has a support system of nearly 10,000 volunteers.

Purpose for Conducting the Enhanced Raffle:

To provide the necessary resources for the organization to enhance its programming and to grow its athlete base.

Enhanced Raffle Details:

Ticket costs: \$150 each, 3 for \$400, or 5 for \$550.

50/50 Add-on tickets are \$20 each, 3-pack for \$50, or 6-pack for \$75.

Drawing	Date	Location	Prizes Available
Early Bird 1	March 5, 2020	Western Washington – King County	Winner’s choice: TBD* or \$70,000 cash
Early Bird 2	April 2, 2020	Western Washington – King County	Winner’s choice: TBD* or \$10,000 cash
Grand Prize	May 8, 2020	Western Washington – King County	Grand Prize Dream House, an annuity, or onetime cash option. Other prizes include cash or merchandise.
Multi-Ticket	May 8, 2020	Western Washington – King County	Winner’s choice: TBD* or \$50,000 cash.
50/50 Add-on Drawing	May 8, 2020	Western Washington – King County	Half of the gross proceeds of the 50/50 Add-on ticket sales.

*Prizes to be determined after procurement of the house. Final plan to be submitted for staff approval before the start of the raffle.

Security and Purchase of Prizes:

All prizes will be purchased with the raffle revenue and awarded after each applicable drawing.

Protection of the integrity of the raffle:

SOWA will conduct an audit of ticket stubs prior to each drawing. The audit will be performed by the CEO who will use an Excel generated random list of tickets to audit. The tickets will be made up of the entire population of tickets sold, both active and voided. The sample size will be no less than 90 tickets. An employee of SOWA will draw all winning raffle tickets.

All ticket proceeds of the raffle, whether the tickets are sold in the SOWA office by SOWA designated staff or through the call center, will be deposited into a SOWA raffle account which is separate from the Organization's general operating funds.

Use of Proceeds:

The proceeds will be used to further drive the vision of SOWA.

Protection in the Event of Low Ticket Sales:

The law requires that in the event SOWA determines the ticket sales are insufficient to qualify for a complete enhanced raffle to move forward, the enhanced raffle winner must receive fifty percent of the net proceeds in excess of expenses as the grand prize. The enhanced raffle winner will receive a choice between an annuity value equal to fifty percent of the net proceeds in excess of expense paid by annuity over twenty years, or a one-time cash payment of seventy percent of the annuity value. In no case will the grand prize be less than \$50,000. Unless, the raffle ticket sales fall at or below the breakeven amount of 17,197 tickets sold, and net proceeds in excess of expenses produce a negative value, Special Olympics Washington will consider refunding all purchases and cancelling the raffle due to insufficient sales of tickets or issuing a flat \$5,000 to the Grand Prize winner.

Projected Budget:

SOWA estimates the breakeven number of ticket sales to be 17,197. The net proceeds will depend upon the grand prize awarded. SOWA estimates net proceeds to be between \$0 and \$2,060,430 if a \$4,140,000 house is the grand prize.

Dedicated Employee Responsible for Oversight of the Enhanced Raffle Operation:

Meryl Newman, SOWA Chief Financial Officer, will be overseeing the enhanced raffle operation.

Licensed Service Supplier Managing the Enhanced Raffle:

NZ Consulting, Inc., owned 100% by Neal Zeavy from Seattle, Washington, is managing the enhanced raffle for SOWA.

Licensed Call Center Contracted to Receive Enhanced Raffle Ticket Sales:

Hosni Enterprises, LLC, doing business as Cornerstone Administrative Services, owned 100% by Melissa Melcher-Hosni, will be the call center contracted to receive enhanced raffle tickets sales for SOWA.

Special Olympics Washington



Special Olympics Washington
Enhanced Raffle Plan 2020

“Special Olympics Washington Dream House Raffle”

Purpose

The Special Olympics Washington Dream House Raffle will be conducted to provide the necessary resources for the organization to enhance its programming and to grow its athlete base. Currently, Special Olympics Washington serves more than 19,500 athletes across the state. However, there are nearly 180,000 individuals in Washington State with intellectual disabilities who qualify for our programs. In 2018, the Special Olympics USA Games were hosted in Seattle and as a result of the awareness this major event brought to the movement, Special Olympics Washington has seen an increase in the number of individuals locally who want to become a Special Olympics athlete. With the funds earned from the “Dream House Raffle,” Special Olympics Washington can continue the journey of reaching into every corner of the state to make sure all children and adults with intellectual disabilities have the opportunity to achieve their personal best.

About Special Olympics Washington

Special Olympics Washington was incorporated in 1975 and provides year-round programming in sports, education and athlete leadership. The organization is the leader in sports, inclusive health, and community building, empowering children and adults with intellectual disabilities to be valued on and off the playing field. Special Olympics Washington currently serves more than 19,500 athletes and has a support system of more than 10,000 volunteers. The organization is part of Special Olympics International, which serves more than 5.4 million athletes in more than 190 countries. Special Olympics Washington is a 501(c)(3) organization in Washington State.

MISSION: The mission of Special Olympics is to provide year-round sports training and athletic competition in a variety of Olympic type sports for children and adults with intellectual disabilities, giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in the sharing of gifts, skills and friendship with their families, other Special Olympics athletes and the community.

About Our Athletes

Persons with intellectual disabilities, regardless of ability level, may participate in sports and other programs offered by Special Olympics Washington. Individuals are eligible for training and competition at age eight and there is no upper age limit, with athletes competing into their 70s. Once an athlete joins Special Olympics, they typically participate in three sports per year. Special Olympics becomes a year-round endeavor bringing new friends, greater self-esteem and a place for family members to connect. As a result of the leadership skills, confidence and discipline gained through participating in Special Olympics Washington, 50% of our athletes are employed vs. only 2% of those who have an intellectual disability who are not involved with Special Olympics.

SPECIAL OLYMPICS WASHINGTON
Enhanced Raffle Rules
2020

Special Olympics Washington (SOWA), a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code, is conducting this raffle pursuant to SB 5723, Washington Administrative Code 230-03-152, to raise funds for ongoing charitable purposes. The Rules and Regulations of the SOWA raffle are set forth below. By purchasing a raffle ticket, the purchaser agrees to be bound by these rules and regulations. SOWA's interpretation and application of the rules and regulations shall be final.

The Grand Prize Drawing for Special Olympics Washington Dream House Raffle will be held on Friday, May 8, 2020 at the Seattle Center, Seattle WA. All early bird drawings will be held at 2815 2nd Ave, Suite 370, Seattle, WA 98121. Tickets will not be sold after April 24, 2020. Tickets may sell out before that time. An independent raffle auditor will supervise the drawing. The drawing for prizes may be open to the public, but the winner does not need to be present to win.

Only 65,000 tickets will be sold. The chances of winning are based on that number. If fewer tickets are sold, the chances of winning the Grand Prize and other prizes improve. The IRS has taken the position that amounts paid for chances in raffles, lotteries or similar drawings for valuable prizes are not gifts, and consequently do not qualify as deductible charitable contributions.

The Grand Prize Winner assumes all fees, local, state and federal taxes (including but not limited to income taxes based on the value of the prize). Likewise, there are federal taxes and there may be state and/or local tax consequences if the winner selects the alternate cash prize (See Prizes section below). These consequences may apply to other prizes as well. SOWA takes no responsibility for any tax liabilities. Consult your tax advisor. This offer is void where prohibited by law, and all federal, state and local laws and regulations apply.

By entering this raffle, entrants accept and agree (1) to be bound by all the rules, limitations and restrictions set forth here and (2) that their names and/or likenesses may be disclosed to and used by the news media and may otherwise be used by SOWA for publicity purposes and in lists of prize winners to be published in area newspapers and announced on the SOWA raffle website. SOWA will provide purchasers all raffle information as required by WAC 230-11-015. Other rules and regulations may apply. Please contact SOWA if you have questions. SOWA's interpretation and application of the rules and regulations shall be final.

By entering this raffle, each participant releases SOWA, its directors, officers, employees and agents from any and all liability for injuries, losses or damages of any kind caused by participating in the raffle or winning any prize or resulting from acceptance, possession, use or misuse of any prize, and each winner agrees to indemnify and hold SOWA harmless from any and all losses, damages, rights, claims and actions of any kind rising in connection with or as a result of participating in the raffle or the winner's acceptance or use of any prize.

Tickets:

Tickets are \$150 each, 3-pack for \$400, and 5-pack for \$550. Only one method of payment, one name, and one mailing address are permitted per ticket pack. Only one eligible person may be entered in the raffle per ticket sold. If the name of more than one person is submitted with a ticket purchase, and that ticket is selected as a winning ticket, then the person named first will be deemed the holder of record of that ticket and declared the

winner regardless of who paid for the ticket. Division of prize by a group purchasing a ticket in common shall be to the sole responsibility of the person named as the holder of record of that ticket, should that ticket be selected as a winner.

Early ticket purchases will be included in up to three drawings. Tickets purchased by February 21, 2020, will be eligible for the Early Bird Drawing 1 (drawing date: March 5, 2020). Tickets purchased by March 20 2020, will be eligible for the Early Bird Drawing 2 (drawing date: April 2, 2020). All such tickets, including all winning tickets from Early Bird Drawings, will be included in applicable subsequent drawings as well as the Grand Prize Drawing. Tickets purchased by April 24, 2020, will be eligible for the Grand Prize Drawing (drawing date: May 8, 2020).

50/50 Add-On Tickets are one for \$20, 3-pack for \$50 or 6-pack for \$75.

Rules for purchasing 50/50 Add-On tickets are as follows:

- Only one method of payment and only one mailing address are permitted.
- Only one name can be listed per ticket.
- 50/50 Add-On Tickets must be ordered at the same time as your Dream House Raffle ticket order.
- 50/50 Add-On orders will not be accepted after your original raffle ticket order date.

SOWA reserves the right to reject any entry form that is submitted with payment that does not constitute “good funds.” All defective or physically altered entry forms will be immediately disqualified by SOWA. Prior to the Grand Prize Drawing, SOWA will make a reasonable effort to notify the individual and/or entity that submits such an entry form or one which has been rejected because the credit card or check did not clear that the entry has been rejected by attempting to make contact through the information provided at the time of submitting the purchase request. All orders for tickets for the Early Bird Drawings must be received and/or purchased by the indicated deadline. Any orders received after these deadlines will be held for the subsequent drawings, if applicable and Grand Prize Drawing. SOWA assumes no responsibility for lost, late, misdirected or non-delivered mail or fax messages, or any other failure to receive orders or deliver receipts prior to the drawing deadlines.

A raffle participant's sole and exclusive remedy for SOWA's breach shall be limited to the return of the purchase price paid for his or her raffle ticket(s). In no event shall SOWA, its directors, officers, employees, agents or representatives be liable to any party for any loss or injuries to earnings, profits or goodwill, or for any incidental, special, punitive or consequential damages of any person or entity whether arising in contract, tort or otherwise, even if advised of the possibility of such damages.

How to Purchase:

To purchase tickets: use the order form provided and fax the order form to **TBD**, or you may mail it to SOWA Dream House Raffle, 2815 2nd Avenue, Suite 370 Seattle, WA 98121 or call **TBD**, providing your name, address, phone number along with your credit card number, credit card security code and expiration date. Tickets cannot be purchased on the raffle website or by email. ***Any entry form submitted by email will be rejected.*** All entries must include payment by cash, check, money order or credit card in US dollars. SOWA reserves the right to reject any entry form that is submitted with payment that does not constitute "good funds." No refunds will be made except under the following circumstances: any ticket order with payment received after 65,000 tickets have been sold or after April 24, 2020, will be returned. No other refunds are available except in the exclusive discretion of SOWA. SOWA assumes no responsibility for lost, late, misdirected or non-delivered mail or fax messages, or any other failure to receive orders or deliver receipts prior to the drawing deadlines.

Selection of Winners:

The Special Olympics Washington Dream House Raffle Grand Prize Drawing will be held on May 8, 2020 from all eligible raffle tickets. Winners need not be present to win. SOWA will conduct the Early Bird drawings on March 5, 2020 (Early Bird Drawing 1) and April 2, 2020 (Early Bird Drawing 2). The Bonus

Multi-Ticket Drawing and 50/50 Add-On Drawing (See Bonus Drawings) will be held on May 8, 2020. The Bonus Multi-Ticket Drawing, 50/50 Add-On Drawing, and Grand Prize Drawing will be held under the supervision of an independent raffle auditor. The Grand Prize Drawing, 50/50 Add-On Drawing, and Multi-Ticket Drawing, will be held on Friday, May 8, 2020 at the Seattle Center, Seattle WA. All early bird drawings will be held at 2815 2nd Avenue, Suite 370, Seattle, WA 98121. All drawings may be open to the public or available for viewing on television. Winners will be notified according to the contact information provided to SOWA at the time of ticket purchase. If the grand prize winner cannot be located by 5:00 p.m., May 22, 2020, after attempting to make contact through the information provided at the time of purchasing the ticket, such winner will be deemed to have elected the onetime cash alternate prize and another winner will not be selected for such prize. In addition to the list of winners posted on the SOWA raffle web site, a list of winners may be obtained from SOWA or by sending a self-address, stamped envelope to Special Olympics Washington Dream House Raffle, 2815 2nd Avenue, Suite 370, Seattle, WA 98121 within one week of the drawing.

In order to collect prizes valued greater than \$4,999, a ticket winner must sign and deliver to SOWA: (a) a sworn affidavit of eligibility in accordance with these Rules and applicable law, including without limitation that he or she is at least 18 years old; (b) such written information as is required by any applicable tax and/or real estate laws, including without limitation his or her Social Security Number; (c) proof of identity in forms satisfactory to the SOWA showing that the person claiming the prize is the same person who is named on the winning raffle ticket.; and (d) the winning ticket stub. Winners of prizes of \$5,000 or more may be required to submit a W-2G, Form 5754 or similar tax form (provided by SOWA) for tax withholding purposes.

Winning Odds:

The odds of winning a prize will depend on the number of tickets sold. If all 65,000 tickets are sold the odds of winning the Grand Prize is 1 in 65,000. If fewer tickets are sold, the chance of winning the Grand Prize, Early Bird Prizes and all secondary prizes improves. The odds to win a prize are no less than 1 in 20.

Eligibility:

Anyone 18 years of age or older may enter. SOWA employees, members of the Board of Directors, authorized agents and employees thereof, consultants, attorneys, independent accountant firm, and their spouses and children living in the same household are excluded from participating and are not eligible to win a prize. All federal, state, and local laws and regulations apply. The raffle is void where prohibited or restricted by law. An affidavit of eligibility may be required from prize winners.

Prizes:

The Grand Prize is the home located within the Puget Sound area of Washington, and a detailed description will be referred to in all raffle materials. Alternatively, the Grand Prize winner may elect to receive an annuity of \$4,000,000 paid over 20 years or a onetime \$2,800,000 cash payment (except as stated below) based on 65,000 tickets sold. The Grand Prize Winner must make an election in writing between the house, the annuity, or the onetime cash payment no later than 5:00 p.m. May 22, 2020. In the event of circumstances outside of the control of SOWA such as but not limited to: fire, earthquake, foreclosure and as determined by SOWA, the Grand Prize Winner will instead have no election as stated above and will instead have an election between an annuity of \$4,000,000 paid over 20 years or a onetime \$2,800,000 cash payment (except as stated below). A minimum of 62,000 tickets must be sold by April 24, 2020 for the Grand Prize Winner to have a choice of the House, the annuity of \$4,000,000 paid over 20 years, or a onetime \$2,800,000 cash payment alternate prize. If fewer than 62,000 tickets are sold by April 24, 2020, the raffle will be held as scheduled, and prizes will be awarded as advertised with the exception that the Grand Prize Winner will receive a choice between sum equal to 50% of the Net Raffle Proceeds paid as an annuity over 20 years, not to exceed \$4,000,000 or a onetime cash payment of 70% of the annuity value, not to exceed \$2,800,000. Net Raffle Proceeds will be calculated

based on SOWA accounting, which shall be final and conclusive with respect to the Grand Prize Winner. For these purposes “Net Raffle Proceeds” are defined as the balance of funds left after paying all other prizes, all raffle expenses and all expenses for the House. SOWA will estimate the final prize (“Estimate Prize”) just prior to the Grand Prize drawing so as to award 90% of the estimated prize payment. No later than 120 days from the drawing date, SOWA will verify that all expenses have been accounted for and a final net amount will be calculated (“Actual Prize”). SOWA will issue a final check to the Grand Prize winner based on the difference between the Actual Prize and the Estimated Prize payment along with an updated W-2G.

All vehicles come base model factory equipped and winner(s) are also solely responsible for any and all state or local license, title, registration, cost differential between the value of the car and the cash alternate prize, taxes, or fees associated with the vehicle, as well as insurance (proof of which must be shown prior to delivery) and pickup or delivery costs at the dealership as well as any non-standard options chosen by the winner and negotiated with the dealership. All winners of vehicles must make an election in writing between the vehicle and the alternative cash payment no later than 5:00 p.m. on the fifth business day after the drawing. All contracted vehicles are subject to availability at the automobile dealer selected by SOWA and may be substituted with a comparable vehicle by SOWA or with the cash alternate prize.

Vacation travel prizes are for two economy round trip tickets from any continental US airport to the destination city and for one double occupancy standard hotel room in the destination city unless otherwise noted on the raffle website. Please note that some vacation travel is for land only and does not include airfare. All vacation and travel prizes are subject to space and availability. All gratuities, taxes and fees are the responsibility of the winner. Winners of travel related prizes must comply with all applicable requirements and restrictions related to said prizes including without limitation applicable travel dates, age restrictions, liability waivers, travel documentation and reservation and confirmation procedures. All contracted vacations are subject to availability and may be substituted with a comparable vacation prize or with a cash alternate prize.

All unclaimed prizes will be returned to Special Olympics Washington 60 days after the Grand prize drawing date.

Early Bird Drawings:

Early Bird Drawing 1

Winner's choice between **TBD** or \$70,000 cash*

Early Bird Drawing 2

Winner's choice between **TBD** or \$10,000 cash*

Grand Prize Drawing:

Grand Prize: The Dream House **TBD** or \$4,000,000 annuity or \$2,800,000 cash option*

2nd Prize: Winner's choice between **TBD** or \$50,000 cash*

3rd Prize: **TBD** or \$10,000 cash*

4th Prize: **TBD** or \$5,000 cash *

5th Prize: **TBD** or \$5,000 cash*

6th Prize: **TBD** or \$5,000 cash*

7th Prize: **TBD** or \$5,000 cash*

8th Prize: **TBD** or \$5,000 cash*

9th Prize: **TBD** or \$5,000 cash*

10th Prize: **TBD** or \$5,000 cash*

Prizes 11-3,250 **TBD**

*Except as stated above

Bonus Drawing:**Multi-Ticket Drawing**

Prize: Winner's choice between **TBD** or \$50,000

Any individual who buys three or more tickets will be entered into the Multi-Ticket Drawing, subject to the following; to be eligible entrants must purchase three or more tickets during the same purchase, using one method of payment, using the same name on each ticket, and the same mailing address for each eligible ticket. For each eligible ticket purchased, a corresponding eligible ticket will be added into the Multi-Ticket Drawing. Three tickets purchased will have three tickets entered into the Multi-Ticket Drawing. Four tickets purchased will have four tickets entered into the Multi-Ticket Drawing, etc. Multiple tickets purchased at the same time are eligible for discounts. Multiple tickets can be purchased individually or a 3-pack for \$400, or 5-pack for \$550.

50/50 Add-On Drawing:

Prize: Winner will be awarded 50% of the gross proceeds of the 50/50 Add On raffle.

50/50 Add-On Tickets are one for \$20, 3-pack for \$50 or 6-pack for \$75.

Rules for purchasing 50/50 Add-On tickets are as follows:

- Only one method of payment and only one mailing address are permitted.
- Only one name can be listed per ticket.
- 50/50 Add-On Tickets must be ordered at the same time as your Dream House Raffle ticket order.
- 50/50 Add-On orders will not be accepted after your original raffle ticket order date.

General Terms and Conditions:

No express warranties are given and no affirmation of SOWA by words and/or actions will constitute a warranty. The House, if selected, will be transferred to the Grand Prize Winner "as is, where is, and with all faults". SOWA does not provide any guarantee or warranty, expressed or implied, in connection with the House and accepts no liability or responsibility regarding the construction or condition of the House. SOWA does not warrant that the house is of mercantile quality or that it can be used for any particular purpose. No express warranties are given and no affirmation of SOWA by words and/or actions will constitute a warranty.

At the time of closing, all federal and state income taxes based on the value of the House will be due from the Grand Prize Winner. If the Grand Prize Winner selects the annuity or the onetime cash payment as well as winners of Early Bird Prizes, Multi-Ticket Prize, 50/50 Add-On Prize, and Secondary Prizes of \$5,000 or more, all appropriate and required federal and state taxes will be withheld by SOWA in accordance with federal and state law and SOWA will remit the balance of the cash prizes to the winners. SOWA makes no guarantee that the Grand Prize Winner will be able to sell the House for the value of **TBD** nor is there any guarantee that the Internal Revenue Service (IRS) will accept that value of the house for the purpose of determining any income tax that may be due from the winner. SOWA takes no responsibility for any tax liabilities. Consult your tax advisor.

Any controversy or claim arising out of or relating to the contract, or the breach thereof, shall be settled by binding arbitration administered by the American Arbitration Association (pursuant to its expedited procedures) under its Commercial Arbitration Rules, and judgment on the award rendered by the arbitrator may be entered in any court having jurisdiction thereof.

C (i) Dates of raffle and drawing:

January 21 – Start date
February 21 – Early Bird 1 deadline
March 5 – Early Bird 1 drawing
March 20 – Early Bird 2 deadline
April 2 – Early Bird 2 drawing
April 24 – Grand Prize Deadline
May 8 – Grand Prize, Multi-Ticket, and 50/50 Add-On Drawings

C(ii) Cost of raffle ticket:

Tickets are \$150 each, or 3-tickets for \$400, or 5 tickets for \$550
50/50 Add-On Tickets are one for \$20, 3-pack for \$50 or 6-pack for \$75.

C(iii) Prizes available:

Grand Prize: The Dream House **TBD** or \$4,000,000 annuity or \$2,800,000 cash option*
2nd Prize: Winner's choice between **TBD** or \$50,000 cash*
3rd Prize: **TBD** or \$10,000 cash*
4th Prize: **TBD** or \$5,000 cash*
5th Prize: **TBD** or \$5,000 cash*
6th Prize: **TBD** or \$5,000 cash*
7th Prize: **TBD** or \$5,000 cash*
8th Prize: **TBD** or \$5,000 cash*
9th Prize: **TBD** or \$5,000 cash*
10th Prize: **TBD** or \$5,000 cash*

Prizes 11-3,250 **TBD**

*Except as stated above

Bonus Drawings:

Multi-Ticket Drawing
Prize: **TBD** or \$50,000 cash

50/50 Add-On Drawing

Prize: 50% the gross proceeds of the 50/50 Add On raffle

C(iv) Security of prizes:

Prizes including cash, vacations, and cars, which will be purchased and awarded after each applicable drawing with raffle revenue, thus prizes don't need to be protected since they are not being purchased prior to the raffle drawing. Add-On Sales will be recorded in a separate account code based on the sales report/ticket ledger and deposited into the main Raffle bank account. 50% of the sales of Add-On tickets will be distributed to the 50/50 raffle winner.

C(v) Plans for selling raffle tickets:

Raffle tickets will be sold via phone, fax, mail, and in person.

Please refer to the Raffle Ticket Process document attachment (**Attachment A**)

C(vi) Description of how the integrity of the raffle will be protected:

Special Olympics WA will conduct an audit of ticket stubs prior to each drawing. The audit will be performed by the CEO who will use an Excel generated random list of tickets to audit. The tickets will be made up of the entire population of tickets sold, both active and voided. The sample size will be no less than 90 tickets.

All ticket purchase proceeds of the raffle, whether the tickets are sold in the SOWA office by SOWA designated staff or through the call center, will be deposited into a Special Olympics WA raffle account which is separate from the Organization's general operating funds.

An employee of Special Olympics WA will draw all winning raffle tickets.

d) Explanation of how the proceeds from the raffle will be used:

Funds will be used to further drive the vision of Special Olympics Washington as described on page 1 of this document.

e) Plan to protect the licensee in the event of low ticket sales and other risks:

In the event the bona fide charitable or nonprofit organization determines ticket sales are insufficient to qualify for a complete enhanced raffle to move forward, the enhanced raffle winner must receive fifty percent of the net proceeds in excess of expenses as the grand prize. The enhanced raffle winner will receive a choice between an annuity value equal to fifty percent of the net proceeds in excess of expense paid by annuity over 20 years, or a one-time cash payment of seventy percent of the annuity value. In no case will the Grand Prize be less than \$50,000. Unless, the raffle ticket sales fall at or below the breakeven amount of 17,197 tickets sold, and net proceeds in excess of expenses produce a negative value, Special Olympics Washington will consider refunding all purchases and cancelling the raffle due to insufficient sales of tickets or issuing a flat \$5,000 to the Grand Prize winner.

f) Explanation of how the prize(s) will be purchased for the raffle:

Cash prizes are offered from the sale of raffle tickets. Non-cash prizes, such as vacations and cars will be purchased if the winner chooses such prize in lieu of cash.

g) Projected budget includes the following – (Attachment B**)**

- (i) Estimated gross gambling receipts, expenses, and net income for the raffle
- (ii) Corresponding sales and prize levels with projected revenues and expenses for each level.
- (iii) Minimum and maximum prizes available.

h) SOWA's dedicated employee is Meryl Newman.

i) NZ Consulting Inc. will be the licensed service supplier

j) Hosni Enterprises LLC will be our licensed Call Center

k) Raffle Ticket Process Document (**Attachment A**)

SPECIAL OLYMPICS WA

WSGC Ticket Sales

2020

U:\FIU\All Licensees\S\Special Olympics - WA\2020\05-08-2020 Dream House Raffle\[Attachmen

	Breakeven	Annuity \$300k/Lump Sum \$210k GP	\$4M Annuity or \$2.8M Lump sum GP	House GP
Total # of Tickets	19,542	25,364	72,000	72,000
Average Price/ticket	\$ 110	\$ 110	\$ 110	\$ 110
GROSS SALES	2,149,620	2,790,040	7,920,000	7,920,000
Expenses:				
Advertising	606,765	606,765	606,765	606,765
Professional Fees	344,557	432,222	1,135,040	1,135,040
Postage	525,916	525,916	525,916	525,916
Personnel	71,079	71,079	71,079	71,079
Sales Expense	72,260	72,260	72,260	72,260
Prize Expense	465,000	465,000	465,000	465,000
Regulatory Expense	14,043	16,797	36,800	36,800
TOTAL EXPENSE	2,099,620	2,190,040	2,912,860	2,912,860
NET INCOME BEFORE GP	50,000	600,000	5,007,140	5,007,140
Grand Prize - Annuity	N/A	300,000	4,000,000	N/A
Grand Prize - Lump Sum	50,000	210,000	2,800,000	N/A
Net to SOWA - Lump Sum Pymt	(0)	390,000	2,207,140	N/A
Net to SOWA - Annuity	N/A	360,000	1,807,140	N/A
Grand Prize - House	N/A	N/A	N/A	4,140,000
Net to SOWA - House Option	N/A	N/A	N/A	867,140



**Washington State Gambling Commission
Program Review
AmVets Tacoma #00001**

**Part I
Licensing/Organization Information**

For Fiscal Year Ended
December 31, 2018

Name/Address
AmVets #00001
5717 South Tyler St.
Tacoma, WA 98409

MEMBERSHIP AND MANAGEMENT

42 Active voting members
7 Officers and 13 Board members (20 total)
12 Monthly Board meetings were conducted during the 2018 fiscal year
12 General membership meetings were held during the 2018 fiscal year
Board member election was held on May 10, 2018

ACTIVE LICENSES ISSUED BY GAMBLING COMMISSION

Description	Exp. Date	License Number(s)
Bingo	6/30/2020	01-01001
Raffle	6/30/2020	02-00507
Non-profit Pull Tab	6/30/2020	05-00616
Non-profit Card Room	6/30/2020	60-00063

Organizational Purpose and Structure

Statement of Purpose

AmVets Tacoma is a non-profit organization established to encourage fellowship among all veterans and to keep the public forever reminded that veterans fought or served to preserve peace.

Their mission & stated purpose is to encourage fellowship among all American veterans and those currently serving in the Armed Forces of the United States. To ensure the orderly return of veterans to civilian life, to expedite and assist in the rehabilitation of veterans, to act as a liaison agent between the veterans and the government and to remind the public that American veterans fought and served to preserve peace, liberty and democracy for their nation.

Charitable/Nonprofit Services

During 2018, AmVets Tacoma expended \$581,991 for program services that included, in part, the following:

- Served 4,133 clients filing 805 claims resulting in recovery awards (veteran's benefits) of \$3,764,812.

- Donated funds, volunteer services, and state of the art equipment to both the Veteran's Hospital and Madigan Medical Center that are not included in the Department of Veteran's Affairs budget for military spending.
- Donated 1,300 square feet of office space within their building to the Veteran's Service Office, including utilities equaling \$17,160.
- Donated \$10,000 to the Veteran's Service Office for operating expenses.
- Donated hall space to other charitable/non-profit and veteran's organizations for various functions as well as the Tacoma public schools for ROTC programs and the Puget Sound Healthcare for social events for disabled persons.

Part II Staff Findings

During our review of AmVets Tacoma, numerous steps were taken to ensure they are functioning in accordance with their Bylaws and continue to meet the definition of a charitable or nonprofit organization under the RCW. This was done in part by reviewing: board meeting minutes, program services, financial statements, internal controls, and payroll for reasonable wages, the use of funds and assets and contracts for reasonableness. We verified their programs exist and are being supported and they made significant progress towards their stated purpose.

Based on our review, we determined AmVets Tacoma was in compliance with all WACs and RCWs during their fiscal year ending December 31, 2018 and is suitable for continued licensure.

Prepared By:
Greg Allen, Special Agent
Regulation Unit

Signature:



Date:

11/4/19

Sports Leagues cont...

The Indianapolis Colts and FanDuel announced an agreement for FanDuel to be the official daily fantasy sports partner of the Colts. The agreement will allow both parties to access to their customers through a range of marketing channels, including: in-stadium digital signage; in-game digital, radio, and TV promotions.

States

Arkansas, Delaware, Indiana, Iowa, Mississippi, New Jersey, New York, Nevada, New Mexico, Oregon, Pennsylvania, Rhode Island, and West Virginia currently offer opportunities for regulated sports gambling, including land-based and online offerings.

Additionally, Colorado, Illinois, New Hampshire, Maine, Montana, North Carolina, Tennessee, and Washington, D.C. have authorized sports gambling and most states are looking to begin operations in 2019-2020.

Ohio, Massachusetts, and Michigan are the primary states still considering passage of sports gambling bills in 2019. Here is an update, where possible, for current operating states (all numbers are approximate):

Delaware – Sports gambling started in the state on June 5, 2018. The state Lottery is the primary regulator. Sports gambling is only offered at 3 land-based racetracks and casinos, and these are joint operations by the state through a vendor. The allocation of net revenues are 12.5% to the vendors (Scientific Games, William Hill, and StadiumTech) and the remaining 87.5% of net revenues are allocated 50% to the state, 40% to the racetrack/casinos, and 10% to horse racing purses. In September, \$11.8 million was wagered resulting in \$2.1 million in gross revenue. There was \$1 million in revenue to the state.

New Jersey – Sports gambling started in the state on June 14, 2018. The Casino Control Commission is the primary licensing authority and Attorney General's Division of Gaming Enforcement (DGE) is the primary regulator. There are currently 10 land-based and 13 online operators offering sports gambling. Its land-based gross revenues are taxed at 9.75% and mobile and online revenues are taxed at 13%. In September, \$445.5 million was wagered resulting in \$37.8 million in gross revenue. There was \$5 million in tax revenue.

Mississippi – Sports gambling started in the state on August 1, 2018. The Gaming Commission is the primary regulator, and gross revenues are taxed at 12%. 23 of the 28 state casinos currently offered sports gambling. In September, \$37.8 million was wagered resulting in \$5.6 million in gross revenue. There was \$675,790 in tax revenue.

West Virginia – Sports gambling started in the state on September 1, 2018. The state Lottery is the primary regulator for that state's 5 licensed race racetrack/casinos, and gross revenues are taxed at 10%. In September, \$27.5 million was wagered for \$4.1 million in gross revenue. There was \$411,946 in tax revenue.

States cont...

Rhode Island – Sports gambling started in the state on November 26, 2018. Online/mobile betting started September 4, 2019. The Rhode Island state lottery operates sports betting at two state-run operations using IGT and William Hill as vendors. The allocation of net revenues are 51% to the state; 32% to the Vendor (IGT); and 17% to the casino. In September, \$22.1 million was wagered resulting in \$2.5 in gross revenue. There was \$1.28 million in state revenue.

Pennsylvania – Sports gambling started in the state in December 2018. The state gaming control board is the primary regulator. There are 9 casino locations with 4 online operators currently. Pennsylvania has a \$10 million sports wagering licensing fee and gross revenue are taxed at 36%. In September, there was \$194 million wagered for \$19.3 million in gross revenue. There was \$5.2 million in tax revenue.

Nevada – The Gaming Control Board is the primary regulator. Gross revenues are taxed at 6.75% and sports gambling can occur at the state's approximately 190 licensed locations and through mobile and internet platforms. In September, \$546.3 million was wagered resulting in \$52 million in gross revenue. There was \$3.5 million in tax revenue.

Iowa - The Iowa Racing and Gaming Commission is the primary regulator. Sports gambling started in the state on August 15, 2019. There are 19 commercial casinos, \$45,000 license fee, gross revenues are taxed at 6.75%, and both retail and online wagering is allowed. In September, \$38.5 million was wagered for \$4.9 million in gross revenue. There was \$334,553 in tax revenue.

Indiana – The Indiana Gaming Commission is the primary regulator. Sports gambling started in the state on September 1, 2019. There are 13 commercial casinos, \$100,000/\$50,000 initial license fee, gross revenues are taxed at 9.5%, and both retail and online wagering is allowed. In September, \$35.2 million was wagered for \$8.5 million in gross revenue. There was \$813,103 in tax revenue.

Oregon – The Oregon Lottery is the primary state operator/regulator and have partnered with SB Tech to run the online sportsbook. The state launched its online sportsbook through its "Oregon Lottery Scoreboard" app on October 17, 2019. Anyone can download the app but you can only place wagers within the borders of Oregon and outside federally recognized Oregon Tribal reservations. All U.S. and international professional sports are offered but no collegiate games are offered at this time.

Montana – The Montana Lottery is the primary state operator/regulator and have partnered with Intralot to offer sports gambling through up to 1,400 kiosks placed throughout the state. The lottery has published proposed rules that would allow for kiosks to accept wagers on college and professional sports events. There will also be a mobile phone app that will allow you to place wagers within a close distance of the lottery kiosks and remote registration will be authorized. There also is a self-exclusion process and the lottery is targeting an end-of-year launch. The Montana Lottery hopes to pass the proposed rules at their November 21st meeting.

Tribal Governments

There are no new updates this month.

Commercial Operators

Flutter Entertainment, owners of Paddy Power Betfair, FanDuel, TVG, announced the acquisition of the Stars Group, owners of FOX Bet, Poker Stars, and Sky Bet, for \$6 billion. This deal will likely need approval by regulators since both are publicly traded companies and would make the new company the largest online gambling company in the world.

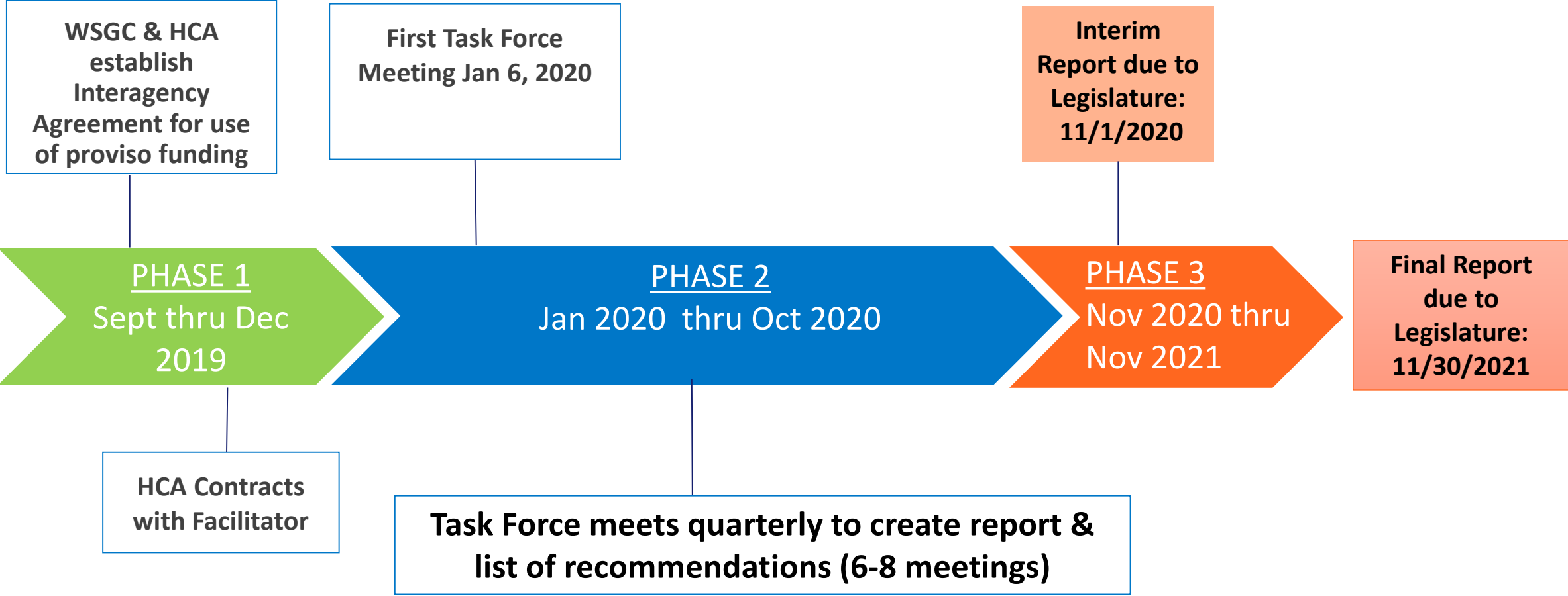
MGM and Yahoo Sports, Yahoo was acquired by Verizon in 2017, announced a partnership where MGM/GVC joint venture Roar Digital will integrate its BetMGM sports gambling platform into Yahoo Sports' online website and app. Yahoo Sports runs a popular fantasy sports and sports information platform and will also be the official digital media sports partner for MGM Resorts. Beginning in November, a Yahoo Sports app will see lines, odds, and other sports gambling content with prompts directing them to the BetMGM platform for legal sports wagers, where legal.

DraftKings and Pepsi announced a partnership to create the Pepsi Live Prediction Challenge that is available on the DraftKings Sportsbook website and app. The contest is advertised as a free game where registered players pick certain in-game outcomes every NFL weekend to earn points for a chance at a weekly \$5,000 maximum prize and possible grand prize trip to the Super Bowl in Miami.

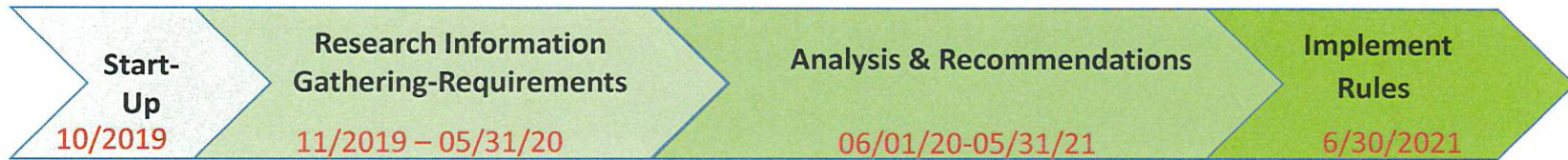
Sportradar announced it acquired the company Optima who is a sports gambling and online gaming platform and technology supplier to regulated sportsbooks around the world. This acquisition will allow Sportradar to become a full service supplier of data, betting, trading and player management platform services.

Google lifted its ban on gambling advertisements and will now allow online sports gambling websites in Indiana, Iowa, Montana, Pennsylvania, and Rhode Island along with previously permitted states of Nevada, New Jersey, and West Virginia.

Timeline – Problem Gambling Task Force



Self-Exclusion Project Timeline



- Studies
- Professional Papers
- Existing in State
- Existing out of State
- Existing other countries

- Develop rules based on
 - Best Practices
 - Software approach
- Recommendations on implementation