

STATE OF WASHINGTON
GAMBLING COMMISSION

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Comm. & Legal Division

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Gambling Commission
Comm. & Legal Division

In the Matter of the Revocation of the)
License to Conduct Gambling)
Activities of:)
)
Garrett T. Shelton)
Lynnwood, Washington,)
)
Licensee.)
_____)

NO. CR 2013-01963

SETTLEMENT ORDER

The Washington State Gambling Commission and the Licensee, Garrett T. Shelton, agree to this Settlement Order to resolve the administrative charges pending against Mr. Shelton. Gregory J. Rosen, Assistant Attorney General, and Melinda Froud, Staff Attorney, represent the Gambling Commission. Mr. Shelton represents himself.

I.

The Washington State Gambling Commission issued Garrett T. Shelton the following license:

Number: 68-25247, authorizing Card Room Employee activity formerly at Club Hollywood in Shoreline.

The Commission issued this license, which expires on June 3, 2014, subject to the licensee's compliance with state gambling laws and Commission rules.

II.

David Trujillo, Director, issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee on December 5, 2013. On December 26, 2013, Commission staff received the licensee's request for a hearing.

The following is a summary of the facts alleged and the violations charged in the Notice of Administrative Charges:

III.

SUMMARY:

Garrett T. Shelton, while employed as a Floor Supervisor at Club Hollywood Casino, cheated while drawing a winner for the card room's promotional contest of chance drawing. Mr. Shelton placed a drawing entry for his ex-girlfriend into his pocket, later removed the slip of paper, and announced her as the winner of the drawing.

VIOLATIONS:

1) RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

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

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

We may deny, suspend, or revoke any application, license or permit, when the applicant, certified employee, or anyone holding a substantial interest in the applicant's or certified employee's business or organization: (The following subsections apply.)

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

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

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

3) RCW 9.46.1961 Cheating in the First Degree

(The following subsections apply.)

(1) A person is guilty of cheating in the first degree if he or she engages in cheating¹ and:

¹ **RCW 9.46.196 Cheating Defined** - (1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator; (2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator; (3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or (4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section.

(b) Holds a license or similar permit issued by the State of Washington to conduct, manage, or act as an employee in an authorized gambling activity.

(2) Cheating in the first degree is a class C felony subject to the penalty set forth in RCW 9A.20.021. In addition to any other penalties imposed by law for a conviction of a violation of this section, the court may impose an additional penalty of up to twenty thousand dollars.

4) RCW 9.46.190 Violations Related to Fraud or Deceit

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:
(The following subsections apply.)

(1) Employs any device, scheme, or artifice to defraud; or

(3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person; Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

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

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

On October 10, 2013, Garrett T. Shelton printed a drawing entry ticket for his ex-girlfriend, but he put the ticket in his pocket instead of placing it into the drawing barrel. Mr. Shelton later went to the barrel and acted as though he was going to draw a random ticket to determine the winner. He removed the ticket from his pocket and placed his hand into the barrel to give it the appearance of pulling out a random ticket, in violation of RCW 9.46.190 and RCW 9.46.1961. Mr. Shelton has failed to establish clearly and convincingly that he is qualified for licensure, as required by RCW 9.46.153(1). As a result, there are grounds to revoke Garrett T. Shelton's license based on RCW 9.46.075(1), and (8), and WAC 230-03-085(1), (3), and (8).

IV.

Mr. Shelton has waived his right to a hearing based on the terms and conditions of this Settlement Order and further agrees to the following:

1) Garrett T. Shelton agrees to surrender his gambling license. **The signed Settlement Order and the license must be received by Commission staff on or before April 11, 2014**, and mailed to Commission Headquarters at the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

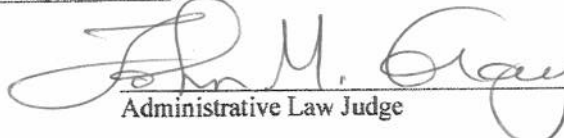
Or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
4565 7th Avenue SE; Fourth Floor
Lacey, WA 98503

2) In the event Mr. Shelton subsequently applies for a certification or gambling license, he will be subject to all the Commission's investigative procedures for processing an application for a gambling license. Furthermore, no promises or assurances have been made to Mr. Shelton that he will receive a certification or license from the Commission should he apply.


3) Mr. Shelton shall have no involvement directly or indirectly, whether paid or unpaid, in the operation, ownership, or financing of any business in Washington State which is applying for, or holds, a gambling license or permit or is involved with any gambling activity, including punchboard/pull-tab activity. However, this does not prevent Mr. Shelton from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

366th May 20
DATED this ~~16~~ day of ~~APRIL~~, 2014.

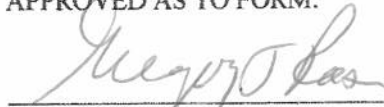

Administrative Law Judge


By his signature, the licensed employee understands and accepts the terms and conditions of this Order.

APPROVED FOR ENTRY:


Garrett T. Shelton, Licensee
4/16/14 (Date)

APPROVED AS TO FORM:


Gregory J. Rosen, WSBA# 15870
Assistant Attorney General,
Representing the Washington State
Gambling Commission


Melinda Froud, WSBA# 26792
Staff Attorney,
Washington State Gambling Commission