



STATE OF WASHINGTON  
GAMBLING COMMISSION

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

May 27, 2021

THOMAS LESCHER  
1990 FRAZIER ST APT 303  
BELLINGHAM, WA 98229-3789

**RE: ADMINISTRATIVE ACTION; CR 2020-01597**

Dear Thomas Lescher:

Enclosed is an Order of Default entered by the Commission on May 13, 2021, revoking your certification to conduct gambling activities. This action occurred because you did not timely respond by requesting a hearing to the administrative charges mailed on February 13, 2021.


You have the right to move to vacate this Order. If you do so, we must receive your request by the 10<sup>th</sup> day after the Order was mailed. Your motion must include the specific grounds upon which relief is requested and must be submitted to:

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

You also have the right to submit a Petition for Judicial Review. If you do this, you must submit it within 30 days of the date the Order was mailed. RCW 34.05.514 explains where you must file this petition and RCW 34.05.546 explains what information your Petition must include.

This is not meant to be a full explanation of all the statutes and regulations you would need to understand to move to vacate or Petition for Judicial Review. Please call me at (800) 345-2529, extension 3473, with any questions.

Sincerely,

  
Ashlie Laydon, Rules Coordinator  
Legal & Records Division

Enclosure

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**STATE OF WASHINGTON  
GAMBLING COMMISSION**

<p>In the Matter of:</p> <p>THOMAS M LESCHER, License No. 69-49378,</p> <p>Class III Employee.</p>	<p>NO. CR 2020-01597</p> <p>FINAL ORDER OF THE GAMBLING COMMISSION</p>
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This matter having come before the Washington State Gambling Commission (Commission) on May 13, 2021, the Commission makes the following Findings of Fact, Conclusions of Law, and issues its Final Order:

**I. FINDINGS OF FACT**

1. The Washington State Gambling Commission issued Thomas Lescher gambling certification No. 69-49378 authorizing Class III Employee activity for the Lummi Indian Tribe.
2. This certification, which expires on November 19, 2021, was issued subject to Lescher’s compliance with state gambling laws, Commission rules, and the Lummi Tribal-State Gaming Compact.
3. Lescher has held this certification since 2020.
4. On November 20, 2020 the WSGC received an application for Class III Certification that was submitted by Thomas M. Lescher. As part of the application process, Lescher was required to answer a series of questions related to his criminal history.
5. In response to both of the questions “Have you ever (as a juvenile or an adult)... Been convicted or jailed?” and “Have you ever (as a juvenile or an adult) Been placed on

1 | probation or community service?" Lescher marked the "no" box.<sup>1</sup> Within the application,  
2 | Lescher signed the Oath of Applicant, which states, "I declare under penalty of perjury, under  
3 | the laws of the state of Washington, that all answers and statements are true, correct and  
4 | complete. I understand that untruthful or misleading answers are cause for denial of my  
5 | application and/or revocation of any certification granted."

6 |         6.       On December 2, 2020, a WSGC Special Agent was assigned to conduct a post  
7 | certification review of Lescher's application. As part of the review, the Agent found that Lescher  
8 | had been convicted of a crime in 2008 in Napa County, California which required him to register  
9 | as a sex offender. The Agent requested certified copies of the pleadings in the case.

10 |         7.       Upon receiving the case pleadings, the Agent was able to confirm that on October  
11 | 16, 2008, Lescher pleaded guilty of violating PC 647.6(a), to "annoy or molest a child under  
12 | 18", a misdemeanor. The Criminal Complaint alleges Lescher did, "willfully, unlawfully, and  
13 | lewdly commit a lewd and lascivious act upon and with the body and certain parts and members  
14 | therefor of JANE DOE, a child under the age of fourteen years, with the intent of arousing,  
15 | appealing to, and gratifying the lust, passions, and sexual desires of the said defendant".

16 |         8.       On November 14, 2008, Lescher was sentenced for violating California Penal  
17 | Code 647.6(a), which states, "Every person who annoys or molests any child under 18 years of  
18 | age shall be punished by a fine not exceeding five thousand dollars, by imprisonment in a county  
19 | jail not exceeding one year, or by both the fine and imprisonment."

20 |         9.       Lescher was sentenced to 180 days in jail, given three years probation, and was  
21 | required to register as a sex offender. The Special Agent was able to confirm that Lescher is  
22 | currently registered in Whatcom County.

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25 |         <sup>1</sup> Included within the Criminal History portion of the application is the disclaimer, "You must answer  
26 | 'YES' if any of the above have occurred, even if charges were dismissed, deferred, or changed. Explain each  
charge fully below and attach additional sheets as needed. False or incomplete information may result in  
denial/revocation/administrative closure of your application."

1 10. In the separate application that Lescher had submitted to the Lummi Tribal  
2 Gaming Agency (LTGA), Lescher did disclose a criminal conviction, but only stated it was for  
3 "PC 647.6". Lescher did not disclose to LTGA the name or details of the conviction, nor the  
4 post-conviction requirements outlined in his Plea Agreement.

5 11. Director David Trujillo issued administrative charges on February 3, 2021  
6 alleging that Lescher's actions constituted a violation of RCW 9.46.075(1), (3), (4),(7), and (8),  
7 and WAC 230-03-085(1), (2) and (3), and (9)(a) and (b), and Sections V.C. (1) and (2) of the  
8 Lummi Tribal-State Compact. Further, that Lescher could not show by clear and convincing  
9 evidence that he was qualified for licensure as required by RCW 9.46.153(1), and that his actions  
10 warranted revocation of his license pursuant to RCW 9.46.075(1) and WAC 230-03-085(1).

11 12. Lescher was sent the charges by regular and certified mail on February 3, 2021  
12 to the last address the Gambling Commission had on file.

13 13. Pursuant to WAC 230-17-010, a response was required to be received by the  
14 Commission by March 1, 2021. To date, the Commission has received no communication from  
15 Lescher.

## 16 II. CONCLUSIONS OF LAW

17 1. Thomas Lescher received proper notice of the charges within three days of  
18 February 3, 2021 via regular and certified mail, pursuant to RCW 34.05.413 RCW 34.05.434,  
19 WAC 230-17-005, WAC 230-17-010, and WAC 10-08-130.

20 2. The Commission can take final action against Thomas Lescher's gambling  
21 certification under Case Number CR 2020-01597 pursuant to RCW 9.46.075, RCW  
22 34.05.440(1), RCW 34.05.461, and WAC 230-03-085.

23 3. Thomas Lescher's license should be revoked under Case Number CR 2020-  
24 01597 pursuant to RCW 9.46.075, RCW 9.46.153(1), RCW 34.05.440(1), RCW 34.05.461, and  
25 WAC 230-03-085.

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**III. ORDER**

This matter having come before the Commission at its May 13, 2021, Commission meeting, the Commissioners having heard arguments, been given the chance to review the administrative record, and being fully advised in this matter, now therefore:

It is hereby **ORDERED** that Thomas Lescher's gambling certification, Number 69-49378, is **REVOKED**.

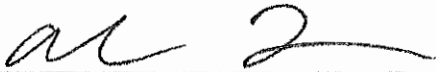
DATED this 13<sup>th</sup> day of May, 2021.



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BUD SIZEMORE, Chair



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JULIA PATTERSON, Vice Chair



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ALICIA LEVY



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LAUREN KING



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KRISTINE REEVES

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3 **NOTICE**

4 Reconsideration: RCW 34.05.470 and WAC 230-17-140 provide that a party may file a  
5 petition for reconsideration of a final order. A petition for reconsideration must be received no  
6 later than thirteen (13) days after the date this final order is mailed. Any motion for  
7 reconsideration must state the specific grounds supporting the party's request for  
8 reconsideration.

9 Stay of Final Order: Filing for reconsideration does not stay the effectiveness of this  
10 Order. WAC 230-17-145 provides that a party may petition the Commission for a stay of a final  
11 order. Any petition for a stay should be received by the Commission within thirteen (13) days  
12 after the date this final order is mailed.

13 Judicial Review: RCW 34.05.542 provides that a party may appeal this final order by  
14 filing a petition for judicial review within thirty (30) days after service of this order. A petition  
15 for judicial review must be filed with the appropriate superior court and served upon both the  
16 Commission and the Office of the Attorney General.

17 Service: This Order was served on you three days after it was deposited in the United  
18 States Postal Service regular mail, excluding the date of mailing, WAC 230-17-035.

19 Any motions or petitions for judicial review should be served on or mailed to:

20 Washington State Gambling Commission  
21 Legal and Records Division  
22 4565 7<sup>th</sup> Avenue S.E., Lacey, WA  
23 P.O. Box 42400  
24 Olympia, WA 98504-2400

25 Doug Van de Brake  
26 Attorney General's Office  
1135 Washington St. SE  
P.O. Box 40100  
Olympia, WA 98504-0100


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**CERTIFICATE OF SERVICE**

I certify that on the date below I served a copy of the foregoing document on all parties and/or their counsel by United States Postal Service regular mail to the following:

THOMAS LESCHER  
1990 FRAZIER ST APT 303  
BELLINGHAM WA 98229-3789

EXECUTED this 2 day of <sup>June</sup>~~May~~, 2021, at Lacey, Washington.

  
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Ashlie Daydon  
Rules Coordinator