

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the Certification)
to Conduct Gambling Activities of:)
)
)
Perry P. Adriano)
Spokane Valley, Washington,)
)
Class III Employee.)

NO. CR 2014-01130

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

I.

The Washington State Gambling Commission issued Perry P. Adriano certification number 69-34551, authorizing Class III Employee activity¹, formerly at the Muckleshoot Casino.

The certification expires on October 9, 2014, and was issued subject to Mr. Adriano's compliance with state gambling laws and rules.

II.

David Trujillo, Director of the Washington State Gambling Commission, charges the certified employee with the following violations of the Tribal/State Compact, Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

SUMMARY:

On May 21, 2014, the Muckleshoot Gaming Commission (MGC) revoked Perry P. Adriano's tribal gaming license because he committed a theft of \$200.

FACTS:

1. According to an Incident File Report, MGC opened an investigation into a \$200 variance that resulted in a loss to the casino. On March 27, 2014, a customer notified MGC that she had cashed a \$300 check at the casino on March 24, 2014. The customer stated that her bank account was charged \$500. After reviewing surveillance recordings, it was determined that Mr. Adriano, who was a cage cashier, processed the transaction. Because of charging the customer's account \$500 for a \$300 transaction, Mr. Adriano's cash balance should have had a \$200 variance, but it did not.

¹ Class III Certification is issued to employees working at Tribal casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may convert their certification to a CRE license.

2. Mr. Adriano wrote \$300 on the pay voucher and \$300 was paid to the customer. However, a March 24, 2014, surveillance recording showed Mr. Adriano taking a \$100 bill on two separate occasions that day, which would explain why he did not have a \$200 variance.
3. On April 3, 2014, MGC interviewed Mr. Adriano. During the interview, Mr. Adriano admitted that he had taken \$200 on March 24, 2014. He said he was behind in car payments, his phone bill, and other bills. He admitted being in heavy debt and said he was also in collections. He said that the creditors were getting ready to garnish his wages. Mr. Adriano provided a written statement admitting he took \$200.
4. On April 30, 2014, Mr. Adriano was sent a letter from MGC regarding the suspension of his license. He was also sent a Notice of Hearing form, notifying him that a revocation hearing was scheduled for May 21, 2014. The letter was returned and marked "return to sender, unclaimed, unable to forward."
5. On May 21, 2014, a revocation hearing was held for Mr. Adriano. Mr. Adriano did not attend his hearing. The same day, Mr. Adriano was sent a letter as notification that his license was revoked by MGC. He was also notified that he had been barred from entering Muckleshoot Indian Casino and Bingo.
6. Although Mr. Adriano's tribal gaming license has been revoked, he still has an active state certification and could transfer to another tribal casino or house-banked card room.

VIOLATIONS:

1) Section V. C. of the Muckleshoot Tribal-State Compact.

The State Gaming Agency² may revoke, suspend or deny a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder, for any reason or reasons it deems to be in the public interest. In addition, these reasons shall include, but shall not be limited to when an applicant or holder of certification or principal of an entity:

(1) Is determined to be a person who because of prior activities and habits poses a threat to the effective regulation of gaming or creates or enhances the chances of unfair or illegal practices, methods and activities used in the conduct of the gaming activities permitted pursuant to this compact.

(3) Has demonstrated a willful disregard or failed to comply with the requirements of any gaming regulatory authority in any jurisdiction, including offenses that could subject the individual or entity to suspension, revocation or forfeiture of any gaming license.

2) 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 certified employee, or any person with any interest therein:

² Washington State Gambling Commission, as referred to in Section II.V. of the Muckleshoot Tribal-State Compact.

(The following subsections apply.)

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

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

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

3) 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.

(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 (d) Habits.

4) RCW 9.46.190 Violations relating 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) Employ 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.

4) 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.

The Muckleshoot Tribal Gaming Commission revoked Perry P. Adriano's Tribal Gaming license after he admitted to taking a \$100 bill on two separate occasions, in violation of RCW 9.46.190. As a result, Perry P. Adriano has demonstrated that he poses a threat to the effective regulation of gambling or increases the likelihood of unfair or illegal practices. Mr. Adriano has failed to establish clearly and convincingly that he is qualified to be certified, in violation of RCW 9.46.153(1). As a result, grounds exist to revoke Perry Adriano's Class III certification under the Muckleshoot Tribal/State Compact, RCW 9.46.075(1), (8), and (10), and WAC 230-03-085(1) and (8).

III.

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

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

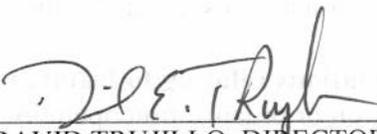
In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

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

IV.

I have read this Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding, know the contents of it, believe it to be true, and have executed this Notice in my capacity as Director of the Washington State Gambling Commission.

Dated 7-14-2014



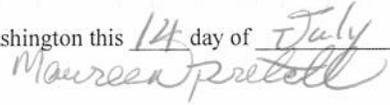
DAVID TRUJILLO, DIRECTOR

STATE OF WASHINGTON)
)
COUNTY OF THURSTON)

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

Dated at Olympia, Washington this 14 day of July, 2014.

Perry P. Adriano
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