

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
Certification to Conduct Gambling)
Activities of:)
)
Dianna M. Breitkopf)
Edgewood, Washington,)
)
Class III Employee.)
_____)

NO. CR 2014-01765

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

I.

The Washington State Gambling Commission issued Dianna M. Breitkopf the following Class III Employee certification:¹

Number 69-16530, authorizing Class III Employee activity, formerly at Muckleshoot Casino in Auburn.

The certification expires on February 5, 2015, and was issued subject to the Class III employee's compliance with state gambling laws and rules and the Muckleshoot Tribal Gaming Commission's Tribal/State Compact.

II.

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

SUMMARY:

On August 7, 2014, the Muckleshoot Gaming Commission revoked Dianna M. Breitkopf's certification because she committed a theft of \$100.

FACTS:

(1) A Washington State Gambling Commission Special Agent (agent) was assigned Ms. Breitkopf's file after the Muckleshoot Gaming Commission (MGC) notified Commission staff of her revocation and provided the Incident File Report, including supporting documentation.

¹ The Commission issues Class III certifications to Tribal casino employees. Certifications allow similar activities as Card Room Employee (CRE) licenses for persons working at commercial house-banked card rooms. Class III employees may transfer their certifications to a CRE license and work at commercial card rooms by sending Commission staff a transfer form and the accompanying fee.

(2) According to the Incident File Reports, the MGC opened an investigation into a \$100 variance that resulted in a loss to the casino. On July 2, 2014, MGC surveillance received a call regarding an unusual cage variance from the previous day. The Cage Supervisor stated there was a \$100 chip variance from the Window 33 Bank Reserve. The area around Window 33 was searched in hope of locating the missing chip, which was not found. Paperwork reviewed for the Window 33 Bank shows that it was verified as correct twice prior to the variance being reported by Ms. Breitkopf.

(3) MGC reviewed surveillance relating to the variance and observed that Ms. Breitkopf appeared to put something in her left shoe while on the ground in front of the Window 33 Bank Reserve.

(4) On July 4, 2014, MGC interviewed Ms. Breitkopf about the variance. During the interview, Ms. Breitkopf admitted to stealing the \$100 chip and placing it in her sock on July 1, 2014. Ms. Breitkopf stated that she needed the money for gas and that she had her daughter April cash out the stolen chip. Ms. Breitkopf provided a written statement about the incident.

(5) On July 23, 2014, Ms. Breitkopf was sent a letter regarding the suspension of her tribal gaming license. She was sent a Notice of Hearing form, notifying her that a revocation hearing was scheduled for August 7, 2014. This letter was returned to MGC marked "return to sender, unclaimed, unable to forward." MGC continued with their revocation proceedings.

(6) On August 7, 2014, a revocation hearing was held for Ms. Breitkopf. Ms. Breitkopf did not attend this hearing. That same day Ms. Breitkopf was sent a letter as notification that her license was revoked by MGC. She was also notified that she had been barred from entering the Muckleshoot Indian Casino or Muckleshoot Indian Bingo.

(7) On September 19, 2014, the agent received confirmation from MGC that no criminal charges were filed against Ms. Breitkopf for this theft.

VIOLATIONS:

1) Section V. C. of the Tribal-State Compact for Class III Gaming with the Muckleshoot Tribe.

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:
(The following subsection applies.)

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

(1) Is determined to be a person whose prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the gaming permitted pursuant to this Compact; or the person has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal-State Compact.

(3) Has a Tribal license revoked and demonstrated willful disregard for compliance.

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:

(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;

(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, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsection applies.)

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

