

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the Certification)
to Conduct Gambling Activities of:)
)
)
Taliau T. Tigilau, Jr.)
Maple Falls, Washington,)
)
Class III Employee.)

NO. CR 2014-00724

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

I.

The Washington State Gambling Commission issued Taliau T. Tigilau, Jr. certification number 69-18005, authorizing Class III Employee activity¹ formerly with the Nooksack Indian Tribe. The certification expires on November 5, 2014, and was issued subject to Mr. Tigilau's compliance with the Tribal/State Compact, state gambling laws, and rules.

II.

Mark Harris, Assistant 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 March 18, 2014, Taliau Tigilau Jr. was charged with 2nd degree Rape after he sexually assaulted a co-worker. Mr. Tigilau was terminated.

FACTS:

1. On December 4, 2013, the Washington State Gambling Commission Special Agent (agent) received an e-mail from Susan Epp with Nooksack Tribal Gaming Agency Licensing Department. The e-mail was notification that Mr. Tigilau's Tribal License (license) was being suspended due to a sexual assault investigation in which the victim was a fellow employee.
2. Along with the e-mail, Ms. Epp sent copies of court documents showing that the victim filed a Temporary Sexual Assault Protection Order and Mr. Tigilau was the respondent.
3. On December 12, 2013, the agent received another e-mail from Ms. Epp informing the agent that Mr. Tigilau's license had been suspended pending investigation.

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.

4. On January 6, 2014, Ms. Epp notified the agent that Mr. Tigilau's employment had been terminated.
5. On March 18, 2014, Mr. Tigilau was charged with 2nd degree Rape in Whatcom County Superior Court.

VIOLATIONS:

1) Section V. C. of the Nooksack 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:

- (i) Violates RCW 9.46.075 or any rules adopted by SGA;
- (vi) Fails to prove by clear and convincing evidence that he is qualified for certification; and
- (vii) Is subject to pending charges, whether a felony or misdemeanor, involving physical harm to an individual or moral turpitude.

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, she or it is qualified in accordance with the provisions of this chapter.
- (9) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (4)³ of this section: PROVIDED, That at the

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

³ RCW 9.46.075(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;

request of an applicant for an original license, the commission may defer decision upon the application during the pendency of such prosecution or appeal;

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.

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 Nooksack Tribal Gaming Commission revoked Taliau T. Tigilau, Jr.'s Tribal Gaming License after he was charged with 2nd degree Rape for sexually assaulting a co-worker. Mr. Tigilau 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 Taliau T. Tigilau, Jr.'s Class III certification under the Nooksack Tribal/State Compact, RCW 9.46.075(1), (8), and 9), WAC 230-03-085(1).

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III.

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

You have the right to a hearing. To have a hearing, or to settle the case, the Gambling Commission must receive the hearing request form back from you within 23 days. After we receive this form, we will call you about settlement options. If you do not return the form on time, your certification may be revoked (taken away) and you cannot work. (RCW 34.05.440.)

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 Assistant Director of the Washington State Gambling Commission.

Dated 5/7/14

Mark Harris

MARK HARRIS, ASSISTANT 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 8 day of May, 2014.
Margaret Probst