

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the Certification ) NO. CR 2014-00724  
to Conduct Gambling Activities of: )  
)  
Taliau T. Tigilau, Jr. ) **FINDINGS, CONCLUSIONS,**  
Maple Falls, Washington, ) **DECISION, AND FINAL**  
) **ORDER IN DEFAULT**  
Class III Employee. )

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THE MATTER of the revocation of the certification to conduct gambling activities of Taliau T. Tigilau, Jr., having come before the Commission on July 14, 2014, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

**FINDINGS OF FACT**

I.

The Washington State Gambling Commission issued Taliau T. Tigilau, Jr., certification number 69-18005, authorizing Class III Employee activity,<sup>1</sup> 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.

On May 8, 2014, Director David Trujillo issued administrative charges to Taliau Tigilau, Jr., by regular mail. The administrative charges notified Mr. Tigilau that failure to respond would result in the entry of a default order revoking his certification. Mr. Tigilau did not respond to the charges and waived his right to a hearing. Pursuant to RCW 34.05.440, this final order is entered in default.

III.

**SUMMARY:**

On March 18, 2014, Tailau Tigilau, Jr., was charged with 2<sup>nd</sup> degree Rape after he sexually assaulted a co-worker. Mr. Tigilau was terminated.

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<sup>1</sup> 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.

## 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.
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 2<sup>nd</sup> degree Rape in Whatcom County Superior Court.

## VIOLATIONS:

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

The State Gaming Agency<sup>2</sup> 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

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

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)<sup>3</sup> of this section: PROVIDED, That at the 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 subsection 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 2<sup>nd</sup> 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).

IV.

**CONCLUSIONS OF LAW**

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Tigilau T. Taliau's, Jr.'s, certification to conduct gambling activities under the authority of the Tribal/State Compact, RCW 9.46.075 and WAC 230-03-085.

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<sup>3</sup> 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;

**DECISION AND ORDER**

The Washington State Gambling Commission HEREBY ORDERS: Taliau T. Tigilau, Jr.'s, certification to conduct gambling activities is REVOKED.

DATED this 11<sup>th</sup> day of July 2014.



MICHAEL AMOS, Chair

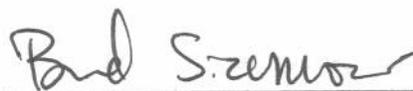
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KELSEY GRAY, Ph.D.



CHRISTOPHER STEARNS



JULIA PATTERSON



BUD SIZEMORE

PRESENTED BY:



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Amy B. Hunter, WSBA# 23773  
Administrator, Communications and Legal Division  
Washington State Gambling Commission

**NOTICE:** RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

**NOTICE:** Petition for Judicial Review

You have the right to appeal this Final Order to Superior Court, pursuant to the Petition for Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final Order must be filed with the court and served upon both the Commission and the Office of the Attorney General within thirty-days (30) after the date this Final Order is served upon you.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

Washington State Gambling Commission  
Communications & Legal Division  
PO Box 42400  
Olympia, Washington 98504-2400

Gregory J. Rosen  
Assistant Attorney General  
P.O. Box 40100  
Olympia, WA 98504-0100

STATE OF WASHINGTON )  
 )SS  
COUNTY OF THURSTON )

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

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



Communications and Legal Department  
Washington State Gambling Commission

