STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to Conduct Gambling Activities of: Florence Oelke, Mukilteo, Washington, Licensee.	)	NO. CR 2008-01738 **NOTICE OF ADMINISTRATIVE CHARGES AND OPPORTUNITY FOR AN ADJUDICATIVE PROCEEDING**

I.

The Washington State Gambling Commission issued Frances Oelke the following license:

Number 68-13139, authorizing Class B Card Room Employment activity at Goldie's Casino. This license expired on December 28, 2008, and was issued subject to Ms. Oelke's compliance with state gambling laws and regulations. The license was timely renewed without lapse with new employer, Casino Caribbean, through December 28, 2009.

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

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee employee with the following violation(s) of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230.

1) On February 7, 2008, a Gambling Commission Special Agent (agent) received information from Mark Palmer, General Manager of Great American Casino (GAC) in Everett, that he and shift manager Lori Wangeman fired Yevgeniy "Eugene" Rubinchikovm, a licensed card room employee at GAC, for awarding Player's Club points to Florence Oelke when she was not present in the casino, and for inflating the amount of points Ms. Oelke earned when she was present in the casino playing cards. Player points accumulate based upon length of play and height of wagers, and may ultimately allow a player to redeem the points for a prize. On January 14, 2008, Ms. Oelke tried to redeem her points for a $200 "Coach" purse.

2) On March 31, 2008, an agent collected time card reports, point history reports and surveillance tapes, which show that Ms. Oelke received points for playing at GAC on at least ten days when at the same time and day she was scheduled and appeared for work at Goldie's. Witness reports reflect that Ms. Oelke received points for times when she was not present and gaming at GAC.

3) An agent interviewed Ms. Oelke on September 23, 2008, and Mr. Rubinchikov on September 29, 2008. Ms. Oelke admitted that Mr. Rubinchikov was giving her unearned points, and that she had tried to redeem them for a "Coach" purse. Mr. Rubinchikov admitted that he had given points to Ms. Oelke that had been earned instead by another player.

RCW 9.46.075 **Denial, suspension, or revocation of license, permit** states:
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 licensee, or any person with any interest therein:

(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.

(2) Knowingly causes, aids, abets, or conspires with another to cause any person to violate any of the laws of this state or the rules of the Commission.

(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.

RCW 9.46.185 **Causing person to violate rule or regulation** states:
Any person who knowingly causes, aids, abets, or conspires with another to cause any person to violate any rule or regulation adopted pursuant to this chapter shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

RCW 9.46.153 **Applicants, licensees-Responsibilities, and duties-Waiver of liability-Investigation statement as privileged** states:

(1) 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.

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RCW 9.46.190 **Violations relating to fraud or deceit** states:

Any person, association, or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

(1) Employ any device, scheme, or artifice to defraud; or
(2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; 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.02.021.

RCW 9.46.196[1] **Cheating in the First Degree** states:

(1) A person is guilty of cheating in the first degree if he or she engages in cheating[1] and:
(a) Knowingly causes, aids, abets, or conspires with another to engage in cheating; or
(b) Holds a license or similar permit issued by the State of Washington to conduct, manage, or act as an employee in an authorized gambling activity.
(2) Cheating in the first degree is a class C felony subject to the penalty set forth in RCW 9A.20.021. In addition to any other penalties imposed by law for a conviction of a violation of this section, the court may impose an additional penalty of up to twenty thousand dollars.

WAC 230-03-085 **Denying, suspending, or revoking an application, license or permit** states:

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:

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

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 charges specified above constitute grounds for revoking the gambling license held by Florence Oelke to conduct authorized gambling activities under the authority of RCW 9.46.075 and WAC 230-04-400.

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[1] RCW 9.46.196 **Cheating Defined** - (1) Employ or attempt to employ any device, scheme, or artifice to defraud any other participant or any operator; (2) Engage in any act, practice, or course of operation as would operate as a fraud or deceit upon any other participant or any operator; (3) Engage in any act, practice, or course of operation while participating in a gambling activity with the intent of cheating any other participant or the operator to gain an advantage in the game over the other participant or operator; or (4) Cause, aid, abet, or conspire with another person to cause any other person to violate subsections (1) through (3) of this section.

IV.

You have an opportunity to have a hearing on the alleged violations.

To have a hearing, you must fully complete the enclosed REQUEST FOR HEARING and return it to the Gambling Commission within **23 days** from the date this notice was mailed to you.

Under RCW 34.05.440, FAILURE TO RETURN THIS DOCUMENT WILL RESULT IN THE ENTRY OF A DEFAULT ORDER REVOKING YOUR LICENSE.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed this Notice.

Rick Day

RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me this 14th day of January, 2009.

Michelle M Pardee

NOTARY PUBLIC in and for the State of Washington residing at Lacey

My commission expires on June 15, 2009

MICHELLE M. PARDEE
COMMISSION EXPIRES
NOTARY
PUBLIC
6-15-09
STATE OF WASHINGTON

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, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 15th day of January, 2009

Communications and Legal Department
Washington State Gambling Commission

Maureen Prebell