

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
Class III Certification to Conduct) No. CR 2008-01205
Gambling Activities of:)
)
Valy Vongkoth,) **NOTICE OF ADMINISTRATIVE**
Renton, Washington) **CHARGES AND OPPORTUNITY FOR**
) **AN ADJUDICATIVE PROCEEDING**
)
Certified Employee.)
_____)

I.

The Washington State Gambling Commission issued Valy Vongkoth the following Class III Certification:

Number 69-20301, Authorizing Class III Employee Activity formerly for the Muckleshoot Tribe and currently for the Snoqualmie Tribe.

This certification¹ expires on December 14, 2008, and was issued subject to the certified employee's compliance with state gambling laws and regulations.

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

II.

Rick Day, Director of the Washington State Gambling Commission, charges the certified employee with the following violations of the Washington State Gambling Act, 9.46 RCW, WAC Title 230, and the Snoqualmie Tribal-State Compact:

- 1) On July 14, 2008, a Gambling Commission Special Agent (agent) received information from the Muckleshoot Tribal Gaming Agency (TGA) about the revocation of Val Vongkoth's Tribal Gaming License.
- 2) The agent reviewed the information provided by the TGA and the Incident Report, surveillance videos, and supporting documents illustrate the following:
 - On May 14, 2008, a patron at the Muckleshoot casino lost \$200. An employee of the casino found the money and turned it in to the lost and found.

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.

- The security staff at the Muckleshoot Casino reviewed surveillance tapes and identified the female patron who lost the \$200. A picture of the female patron was available to casino staff.
 - On May 17, 2008, a Pit Manager, who is also the direct supervisor of Valy Vongkoth, approached Valy Vongkoth while she was working at a Craps Table. The Pit Manager discussed with Ms. Vongkoth about collecting the \$200 in the lost and found.
 - The Pit Manager told Valy Vongkoth that she looked like the picture of the female patron who lost the \$200 and suggested that they split the money “50-50.” Valy Vongkoth told the Pit Manager that she would give him \$50.
 - On May 17, 2008, Valy Vongkoth and the Pit Manager went to a Security Podium in Casino 1² and asked about the \$200 and the photograph of the female patron who lost the money.
 - Valy Vongkoth did not remember losing \$200 but thought that the picture of the female patron looked like her.
 - On May 18, 2008, Valy Vongkoth, accompanied by another Class III employee,³ went to a Security Podium in Casino 2 and Ms. Vongkoth claimed the \$200 from the lost and found.
 - Later that day, Valy Vongkoth gave \$50 each to the Pit Manager and the Class III employee who was with her when she collected the \$200.
 - On May 19 and 20, 2008, a Muckleshoot Tribal Gaming Agency Agent interviewed Valy Vongkoth. During these interviews, Valy Vongkoth admitted that the \$200 did not belong to her. This is in violation of RCW 9.46.190 (Fraud).
 - On June 23, 2008, the Muckleshoot Gaming Commission revoked Valy Vongkoth’s Tribal Gaming license.
- 3) Therefore, grounds exist to revoke Valy Vongkoth’s Class III certification under RCW 9.46.075(1), (8), and (10), and WAC 230-03-085(1) and (8), and Section V(C) of the Snoqualmie Tribal-State Compact.

Snoqualmie Tribal-State Compact

Section V(C) provides that the State Gaming Agency⁴ may revoke a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder, or 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 a holder of certification:

(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 activities.

² The Muckleshoot Tribe has two buildings known as Casino 1 and Casino 2.

³ This Class III employee was a dealer at the Muckleshoot Casino and girlfriend of the Pit Manager.

⁴ Washington State Gambling Commission, as referred to in the Snoqualmie Tribal/State Compact, Section II(Z).

(2) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal/State Compact.

(4) Has had a Tribal or State gaming license revoked during the twelve months prior to the date of receipt of the application.

RCW 9.46.075 Denial, suspension, or revocation of license, 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 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.

(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 9.46.190 Violations relating to fraud or deceit.

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.

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:

(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.

III.

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

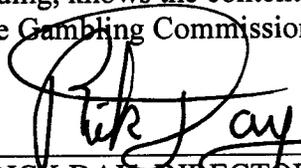
You have an opportunity to have a hearing on the alleged violations.

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.

Under RCW 34.05.440, failure to return this document will result in the entry of a default order REVOKING your certification.

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, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 12 day of November, 2008.



NOTARY PUBLIC in and for the State of
Washington residing at Thurston County

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 12th day of November, 2008

Communications and Legal Department
Washington State Gambling Commission



