

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the Class III)
Certification and Card Room Employee license) No. CR 2008-01766
to Conduct Gambling Activities of:)
)
Charles Williams,) **NOTICE OF ADMINISTRATIVE**
Auburn, Washington) **CHARGES AND OPPORTUNITY FOR**
) **AN ADJUDICATIVE PROCEEDING**
)
Class III Employee/Licensee.)
_____)

I.

The Washington State Gambling Commission issued Charles Williams the following Class III Certification and Card Room Employee license:

Number 69-01847, Authorizing Class III Employee Activity for the Muckleshoot Tribe.

Number 68-09447, Authorizing Card Room Employee (CRE) Activity. Mr. Williams is not currently working as a CRE.

This certification¹ expires on July 9, 2009, 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 Muckleshoot 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 Muckleshoot 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 suspension of Charles Williams' Tribal Gaming License.
- 2) The agent reviewed the information provided by the TGA and the Incident Report, surveillance videos, and supporting documents that illustrate the following:
 - a. 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.

- b. The Muckleshoot Casino staff reviewed surveillance tapes and identified the female patron who lost the \$200. A picture of the female patron was available to casino staff.
- c. On May 17, 2008, Charles Williams, a Pit Manager and direct supervisor of Class III employee Vally Vongkoth, approached Ms. 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.
- d. On May 17, 2008, Mr. Williams and Ms. Vongkoth went to a Security Podium in Casino 1² and asked about the \$200 and the photograph of the female patron who lost the money.
- e. Ms. Vongkoth did not remember losing \$200 but thought that the picture of the female patron looked like her.
- f. On May 18, 2008, Ms. Vongkoth, accompanied by Class III employee Tawn Saechau,³ went to a Security Podium in Casino 2 and Ms. Vongkoth claimed the \$200 from the lost and found.
- g. Later that day, Ms. Vongkoth gave \$50 each to Charles Williams and Ms. Saechau.
- h. On May 19, 2008, a Muckleshoot Tribal Gaming Agency Agent interviewed Charles Williams, who admitted the following:
 - i. Ms. Vongkoth approached him and said she had lost \$200.
 - ii. He saw the photo of the female patron who lost the money about a week ago at a security podium and believed it was Ms. Vongkoth.
- i. On May 21, 2008, a Muckleshoot Tribal Gaming Agency (MTGA) Agent again interviewed Charles Williams, who admitted the following:
 - i. He was at the security podium and saw a photo of the female patron who lost the money and believed it was Ms. Vongkoth.
 - ii. Approximately a week later on or about May 17, 2008, he went to Ms. Vongkoth while she was working and told her about some money she lost. Ms. Vongkoth asked where the money was and he told her at the security podium.
 - iii. When Ms. Vongkoth went on her break, he escorted her to a Security Supervisor that could help her and then went back to work.
 - iv. He was done working and as he was leaving for the night he saw Ms. Vongkoth and Ms. Saechau. Ms. Vongkoth handed him some money and he and Ms. Saechau left the casino.
 - v. He accepted \$30 from Ms. Vongkoth. He did not know why she gave him the money and he did not ask her why she gave it to him.
- j. On May 19 and 20, 2008, a MTGA Agent interviewed Ms. Vongkoth, who admitted the following:
 - i. Charles Williams approached her while she was working at a Craps Table and told her that she looked like the picture of the female patron who lost the \$200.

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.

- ii. Mr. Williams suggested that they split the money “50-50” and she told him that she would give him \$50.
 - iii. She was not sure when she dropped the money but Mr. Williams told her to claim the money.
 - iv. Mr. Williams took her to the security podium to look at the picture of the female patron who lost the \$200 and he told security that she was there to claim the money.
 - v. After she claimed the money, she gave Mr. Williams and his girlfriend Tawn Saechau each \$50.
 - vi. The money did not belong to her.
- k. On June 5, 2008, the Muckleshoot Gaming Commission suspended Mr. Williams’ Tribal Gaming license. On June 23, 2008, the Muckleshoot Gaming Commission reinstated Mr. Williams’ Tribal Gaming license.
- 3) On September 8, 2008, the agent forwarded a case report to the King County Prosecutor for possible criminal charges.
- 4) During his May 19, 2008, interview, Mr. Williams stated that Ms. Vongkoth approached him and stated that she lost \$200. During Mr. Williams May 21, 2008, interview he stated that he approached Ms. Vongkoth about her losing \$200. Mr. Williams gave two different stories when interviewed by a MTGA Agent.
- 5) Mr. Williams conspired with Ms. Vongkoth to claim \$200 from the lost and found that did not belong to either one of them. Mr. Williams received \$50 of the \$200 claimed by Ms. Vongkoth. These actions constitute fraud or deceit under RCW 9.46.190.
- 6) Mr. Williams violated RCW 9.46.185 and RCW 9.46.190 and is not qualified for certification or licensure under RCW 9.46.153(1). Therefore, grounds exist to revoke Charles Williams’ Class III certification and CRE license under RCW 9.46.075(1), (2), (8), and (10), and WAC 230-03-085(1) and (8), and Section V(C) of the Muckleshoot Tribal-State Compact.

Muckleshoot 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 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.

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

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.
- (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.

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 9.46.190 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.

RCW 9.46.153 Applicants and licensees- Responsibilities and duties-Waiver of liability - Investigation statement as privileged.

- (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.

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 Muckleshoot 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 respond to this document will result in the entry of a default order REVOKING your certification and 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.

STATE OF WASHINGTON)
) ss.
 COUNTY OF THURSTON)

Rick Day

 RICK DAY, DIRECTOR

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.

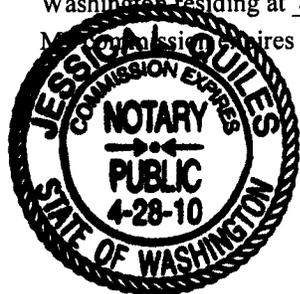
SUBSCRIBED AND SWORN TO before me this 8 day of December, 2008.

J. A. [Signature]

Dated at Olympia, Washington this 8th day of December, 2008

NOTARY PUBLIC in and for the State of
 Washington residing at Thurston County
 My Commission Expires on 4-28-2010

Communications and Legal Department
Washington State Gambling Commission



Maureen Pretzell
