

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the )  
Certification to Conduct Gambling Activities of: ) NO. CR 2009-00324  
)  
Bill M. Anderson, ) **FINDINGS, CONCLUSIONS,**  
Auburn, 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 Bill M. Anderson having come before the Commission on July 9, 2009, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, 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 Bill M. Anderson the following certification: Number 69-24936, Authorizing Class III Employee Activity, formerly for the Muckleshoot Tribe.

This certification<sup>1</sup> expired on June 1, 2009, and was issued subject to the certified employee's compliance with state gambling laws and regulations.

II.

On April 30, 2009, Director Rick Day issued administrative charges to Mr. Anderson, by certified and regular mail. The administrative charges notified Mr. Anderson that his failure to respond would result in the entry of a default order revoking his certification. Mr. Anderson did not respond to the charges.

By not responding, Bill M. Anderson waived his right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

- 1) On February 11, 2009, a Gambling Commission Special Agent (agent) received information from the Muckleshoot Tribal Gaming Agency (TGA) about the revocation of Bill M. Anderson's 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:

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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.

- a) On November 27, 2008, the Muckleshoot Casino staff received a complaint that Bill M. Anderson was not properly dropping money from the poker table into a drop box.
- b) From November 28, 2008, through November 30, 2008, the Muckleshoot Casino staff observed Mr. Anderson while he was dealing poker. Surveillance video showed Mr. Anderson took chips from poker pots, placed the chips into his imprest bank,<sup>2</sup> and failed to properly deposit approximately \$397 in the patron jackpot<sup>3</sup> drop box and approximately \$8 into the Casino rake<sup>4</sup> drop box.
- c) To prevent an overage in his imprest bank, Mr. Anderson removed chips from his imprest bank and put them into his fanny pack. Mr. Anderson did this before turning in his imprest bank at the end of his shift or going on break.
- d) On December 4, 2008, TGA agents interviewed Mr. Anderson and he admitted the following:
- He understood the rake procedures and the procedure for turning in an imprest bank that was over the imprest amount.
  - His personal problems were affecting his work and there are times when he has not had any sleep.
  - He forgot if he took the rake and took it again to make sure it was collected.
- e) The TGA agents showed Mr. Anderson the surveillance report that documented when Mr. Anderson failed to properly deposit chips into the patron jackpot or poker rake. The TGA agents explained to Mr. Anderson that this would result in an overage in his imprest bank. However, when Mr. Anderson turned in his imprest bank, there was not an overage. Mr. Anderson's explanation for not having an overage was that he made change for a player during a poker game, but did not collect the money or chips from the player.
- f) On January 12, 2009, the Muckleshoot Gaming Commission revoked Mr. Anderson's Tribal Gaming license.
- 3) Mr. Anderson engaged in a practice that operated fraud upon poker patrons and the Muckleshoot Casino in violation of RCW 9.46.190.
- 4) Mr. Anderson pursued economic gain in an occupational manner, which is in violation of the criminal or civil public policy of this state, and there is probable cause to believe that his participation in gambling or related activities would be inimical to the proper operation of an authorized gambling. As a result of his activities, he poses a threat to the effective regulation of gambling and he is not qualified for certification under RCW 9.46.153(1).

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<sup>2</sup> The dealer's tray is issued for a certain dollar amount called an imprest bank. The dealer must sign for their bank at the beginning of their shift verifying the correct amount and then at the end of their shift, turn in their tray for the same amount which is counted and verified by a supervisor. The dealers are responsible for any shortages in the tray and the overage is considered house money.

<sup>3</sup> Poker dealers collect chips from the poker players' pot and deposit in them in a designated drop box attached to the poker table to support future player jackpots. The chips are not to be placed in the dealer's chip tray.

<sup>4</sup> The rake is the fee collected for playing cards and all raked funds go to the house. Poker dealers collect the rake from the players' pot during the play of the hand and place them in rake drop box which is attached to the table.

- 5) Therefore, grounds exist to revoke Bill M. Anderson'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 Muckleshoot Tribal-State Compact.

**Muckleshoot Tribal-State Compact**

Section V(C) provides that the State Gaming Agency<sup>5</sup> may revoke or suspend 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. The following subsections apply:

- (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.
- (2) Has had a Tribal or State Gaming license revoked during the 12 months prior to the date of receipt of application; is currently on probation; or had demonstrated a willful disregard for compliance with gaming regulatory authority in any jurisdiction, including offenses that could subject the individual to suspension, revocation or forfeiture of a gaming license.

**RCW 9.46.075(1), (8), and (10) Denial, suspension, or revocation of license 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 licensee, 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;
- (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.

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<sup>5</sup> Washington State Gambling Commission, as referred to in the Muckleshoot Tribal/State Compact, Section II(U).

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

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

- (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**

The following subsection applies:

- (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(1) and (8), Denying, suspending, or revoking an 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. The following subsection(s) apply:

- (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

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IV.

**CONCLUSIONS OF LAW**

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Bill M. Anderson's certification to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

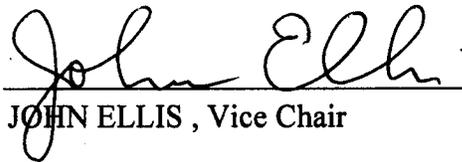
**DECISION AND ORDER**

The Washington State Gambling Commission HEREBY ORDERS: Bill M. Anderson's Class III certification to conduct gambling activities is REVOKED.

DATED this 9 day of July, 2009.



KEVEN ROJECKI, Chair



JOHN ELLIS, Vice Chair



MIKE AMOS

PEGGY ANN BIERBAUM



MICHAEL REICHERT

**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.

Motions must be mailed to:

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

Or delivered in person or via private courier:

Washington State Gambling Commission  
Communications and Legal Division  
4565 7<sup>th</sup> Avenue SE  
Lacey, Washington 98503