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DEC 18 2009

GAMBLING COMMISSION
COMM & LEGAL DEPT

In the Matter of the Revocation of the)
Class III Certification to Conduct)
Gambling Activities of:)
)
Rogelio R. Corpuz)
Kent, Washington,)
)
Class III Employee.)
_____)

NO. CR 2009-01409

SETTLEMENT ORDER

RECEIVED
DEC 22 2009
HEADQUARTERS OFFICE OF
ADMINISTRATIVE HEARINGS

This Settlement Order is entered into between the Washington State Gambling Commission and Rogelio R. Corpuz. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Arlene Dennistoun, Staff Attorney. The certified employee represents himself.

I.

The Washington State Gambling Commission issued Rogelio R. Corpuz the following Class III Employee certification:¹

Number 69-26430, Authorizing Class III Employee Activity, formerly for the Muckleshoot Indian Tribe.

The certification expires on February 17, 2010, and was issued subject to the certified employee's compliance with state gambling laws, rules, and the Muckleshoot Indian Tribal/State Compact.

II.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to Rogelio R. Corpuz on October 30, 2009. On November 16, 2009, Commission staff received the certificate holder's Application for an Adjudicative Proceeding and Request for Hearing.

III.

- The certified employee has a certification issued by the Washington State Gambling Commission, and a tribal license through the Muckleshoot Tribal Gaming Agency, to work as a Poker Supervisor.

¹ Class III Employee 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.

- On June 12, 2009, surveillance staff at the Muckleshoot casino observed the certified employee place two, red, \$5 chips in his pocket. According to Muckleshoot Indian Casino Poker Department Policies, Poker Room employees working in a supervisory position cannot solicit or accept any tip or gratuity from any player or patron.
- On July 20, 2009, the certified employee was interviewed by Muckleshoot Tribal Gaming Agent(s) (TGA). The certified employee admitted that for the past three months, he kept tips given to him by patrons. At times, Mr. Corpuz took \$13 to \$15 dollars per week, for a total of approximately \$75 to \$100 in tips that should have been given to the on-duty Board and Brush.² At the end of the interview, the TGA advised the certified employee that his gaming license was suspended pending further review.
- On August 20, 2009, the Muckleshoot Gaming Commission notified the certified employee that his tribal certification license was revoked, based on fraud.
- Therefore, grounds exist to revoke the certification under RCW 9.46.190, RCW 9.46.075(1), (8), and (10), WAC 230-03-085(1), (3), and (8), and Section V(C) of the Muckleshoot Tribal-State Compact.

RCW 9.46.075 Denial, suspension, or revocation of license, application, or 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: (The following subsection(s) 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.

² "Board and Brush" are poker room employees who are responsible for assisting players with seating and they brush the felt tops of the poker tables to keep them clean.

Muckleshoot Tribe/State Compact Section V(C) states:

The State Gaming Agency may revoke, suspend or deny a State certification under the provisions of RCW 9.46.075, and rules promulgated there under, 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 subsection(s) 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.

(3) Has had a Tribal or state gaming license revoked or denied during the twelve (12) months prior to the date of receipt of the application; is currently on probation; or has demonstrated a willful disregard for compliance with gaming regulatory authority in any jurisdiction, including offenses that could subject the individual or entity to suspension, revocation or forfeiture of a gaming license. For the purpose of reviewing any application for a state certification and for considering the denial, suspension or revocation of any state certification the state gaming agency may consider any prior criminal conduct or current probationary status of the applicant or holder of certification and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases.

RCW 9.46.190 Violation relating to fraud or deceit states:

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 subsection applies.)

(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 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: (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; or

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level; or

(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.

IV.

The certificate holder has waived his right to a hearing, based on the terms and conditions of this Settlement Order. The certificate holder further agrees to the following sanctions:

- 1) **Rogelio R. Corpuz shall surrender his Class III certification. The signed Settlement Order and Mr. Corpuz's certification license must be received by Commission staff on or before December 22, 2009**, and mailed to Commission Headquarters at the following address:

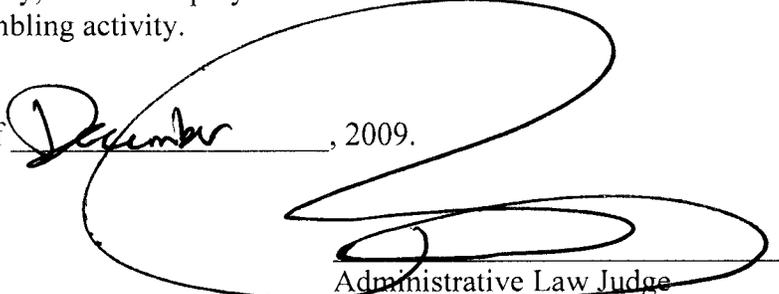
Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

Or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
4565 7th Avenue SE; Fourth Floor
Attention: Communications and Legal Division Lacey, WA 98503

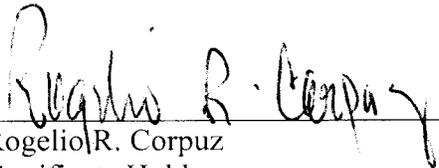
- 2) If Mr. Corpuz is unable to obtain his certification, Commission staff will request the certification from the Muckleshoot Indian Tribe.
- 3) In the event Rogelio R. Corpuz reapplies for a gambling license or certification, he will be subject to all the Commission's investigative procedures for processing an application for a gambling license. Furthermore, no promises or assurances have been made to him that he will receive a license or certification from the Commission should he reapply.
- 4) Rogelio R. Corpuz shall have no involvement, directly or indirectly, whether paid or unpaid, in the operation, ownership, or financing of any business in Washington State which is applying for, or holds, a gambling license or is involved with any gambling activity, including punchboard/pull-tab activity. However, this does not prevent him from working in any capacity in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

DATED this 30th day of December, 2009.


Administrative Law Judge

APPROVED FOR ENTRY:

By his signature, the certificate holder acknowledges reading the Settlement Order, and understands the terms and conditions contained in it.



Rogelio R. Corpuz (Date)
Certificate Holder



Arlene Dennistoun, WSBA# 28760
Lead Staff Attorney
Washington State Gambling Commission

APPROVED AS TO FORM:



H. Bruce Marvin, WSBA# 25152
Assistant Attorney General,
Representing the Washington State
Gambling Commission

