

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
Class III Certification to Conduct Gambling) CR 2009-01484
Activities of:)
)
Jamie S. Flores,) NOTICE OF ADMINISTRATIVE
Milton, Washington,) CHARGES AND OPPORTUNITY
) FOR AN ADJUDICATIVE
) PROCEEDING
Class III Employee.)
)
_____)

I.

The Washington State Gambling Commission issued Jamie S. Flores the following Conditional Class III Certification:¹

Certificate No. 69-30021, Authorizing Class III Employee² Activity, formerly at the Puyallup Tribe's Emerald Queen Casino.

This conditional certification, which expires on July 21, 2010, was issued subject to Mr. Flores' compliance with state gambling laws, the Puyallup Tribal/State Compact and Washington State Gambling Commission rules. Jurisdiction of this proceeding is based on the Puyallup Tribal/State Compact, Section V, Chapter 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, and Title 230 WAC.

II.

Rick Day, Director of the Washington State Gambling Commission, charges Jamie Flores with the following violations of the Puyallup Tribal/State Compact, RCW Chapter 9.46 and Washington State Gambling Commission rules.

¹ Under the Tribal/State Compact, tribal members who do not qualify for a certification may be granted one with specific conditions, such as not having any arrests.

² 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. Holders of a Class III Certification may apply to have the certification transferred to a CRE license.

SUMMARY:

In August of 2009, Jamie Flores had a warrant issued for his arrest for failing to appear in court as ordered, in violation of his conditional certification. Mr. Flores' employment at the Emerald Queen Casino was terminated. The conditional certification required law-abiding behavior, that Mr. Flores agree to meet all court dates, and that he notify Washington State Gambling Commission staff of any new arrests within 24 hours of the arrest. Mr. Flores violated the terms of his conditional certification and, therefore, his certification should be revoked.

FACTS:

1) On July 22, 2009, the Washington State Gambling Commission issued Jamie Flores a Class III Tribal Gaming Certification. This certification was issued in conjunction with a conditional certification agreement between the Puyallup Tribal Gaming Commission, Jamie Flores, and the Commission. The conditional certification agreement was required because of Mr. Flores' criminal history, which included a pending 4th Degree Domestic Violence Assault charge.

2) According to the signed document, Mr. Flores agreed to comply with the following terms during the conditional certification agreement period:

(a) I shall not be arrested for or charged with violation of any laws, including traffic laws, or for any crime, whether by Tribal Police or any other law enforcement agency.

i. In the event I am arrested, I agree to inform, in writing, both the Washington State Gambling Commission and the Puyallup Gaming Commission within 24 hours.

ii. I agree to meet all court dates.

iii. I will inform the State Gaming Agency by sending a letter to: Washington State Gambling Commission, Communications and Legal Department, P.O. Box 42400, Olympia, WA 98504-2400.

(b) I shall obey all ordinances, statutes, administrative rules, or court orders, whether at the Tribal, local, state, or federal level.

(c) I shall not violate the provisions of the Tribal/State Compact, including Section V(C) (6), the provisions of RCW 9.46.075, or the rules promulgated thereunder.

3) In September, 2009, a Washington State Gambling Commission Special Agent (agent) performed a routine criminal history check of Mr. Flores, which showed that there was an outstanding warrant in his name for failure to appear in court for a review hearing on August 26, 2009, regarding the 4th Degree Assault charge. On July 16, 2009, Mr. Flores had entered into a Stipulated Order of Continuance with Conditions on the Assault charge. He was required to meet

certain conditions and the August 26, 2009 review hearing was scheduled to review his compliance with the conditions. The agent did not find any indication that Mr. Flores disclosed his arrest warrant to the Washington State Gambling Commission.

4) On August 30, 2009, the Puyallup Tribal Gaming Regulatory Office terminated Mr. Flores' employment.

5) Mr. Flores failed to inform staff about both the arrest warrant and the termination.

VIOLATIONS:

Puyallup Tribal/State Compact Section V(C)(1) states:

The Washington State Gambling Commission may revoke any State certification if the continued certification of a person constitutes a threat to the public health or safety.

Puyallup Tribal/State Compact Section V(C)(3) states:

The State Gaming Agency³ 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:

- a) 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.

RCW 9.46.075(1), (7), (8), and (9) state:

The Washington State Gambling 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 Washington State Gambling Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Washington State Gambling Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

³ Washington State Gambling Commission, as referred to in the Puyallup Tribal/State Compact, Section II (M).

(7) The Washington State Gambling Commission may also revoke a license when the licensee makes a misrepresentation of, or fails to disclose a material fact to the Commission.

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

(9) Is subject to pending charges, or a conviction which is under appeal, involving physical harm to individuals.

WAC 230-03-085 Suspending or revoking 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 subsections apply.)

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

(2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person.

(5) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4).

RCW 9.46.153(1) states:

It shall be the affirmative responsibility of each licensee or permit holder to establish by clear and convincing evidence the necessary qualifications for licensure.

Jamie S. Flores, a Class III Employee, violated the terms of his Conditional Certification Agreement when on August 26, 2009, a warrant was ordered for his arrest for failure to appear in court as ordered. By his failure or refusal to comply with the provisions, requirements conditions, limitations, or duties imposed by RCW 9.46, Mr. Flores has failed to establish, by clear and convincing evidence, as required by RCW 9.46.153, that he is qualified to be certified. Grounds exist to revoke Jamie S. Flores' Class III Certification based on the Puyallup Tribal/State Compact, Section V(L), RCW 9.46.075(1), (7), (8), and (9) and WAC 230-03-085(1), (2), and (5).

III.

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

