

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the Certification)
to Conduct Gambling Activities of:)
)
James Hooper,)
Wapato, Washington,)
)
Class III Employee.)
_____)

NO. CR 2009-00007

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

I.

The Washington State Gambling Commission issued James Hooper the following Class III Employee certification:¹

- 69-27051, Authorizing Class III Employee Activity, formerly for the Yakama Nation.

The certification expires on March 2, 2009, and was issued subject to the certified employee's compliance with state gambling laws, rules, and the Yakama Nation 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 Yakama Nation Tribal-State Compact:

- In May 2008, the certified employee was granted a conditional certification due to his criminal history, which included two Felony Vehicular Assault convictions.
- The conditional certification listed terms that the certified employee must follow in order to maintain the conditional certification. If the terms were not met, then the conditional certification would be terminated.
- In June 2008, the licensee was charged Felony DUI and in August 2008, an additional charge of Reckless Endangerment was added. In August 2008, the certified employee was convicted of Felony DUI and Reckless Endangerment.
- The certified employee did not notify Commission staff of his charges or conviction, in violation of the terms of the conditional certification and WAC 230-06-086(1) and (2).
- The conviction and failure to disclose the charges and conviction establishes that the certified

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.

employee has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1).

- Therefore, under the Yakama Nation Tribal-State Compact V(C)(1), (2), (3), RCW 9.46.075(1), (7), and (8), and WAC 230-03-085(1), (2), and (7), grounds exist to revoke James Hoopers' Class III Employee certification.

Yakama Nation Tribal/State Compact Section V(C)(1), (2), and (3) provides that the State Gaming Agency² may revoke or suspend 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:

- (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 failed to provide any information reasonably required to investigate the application for state certification or to reveal any fact material to such application, or has furnished any information which is untrue or misleading in connection with such application.
- (3) Has demonstrated a willful disregard for compliance with gaming regulatory authority in any jurisdiction, including offenses that could subject the individual to revocation of a gaming license.

For the purpose of reviewing any application for a state certification and for considering the revocation of any state certification the state gaming agency may consider any prior criminal conduct of the holder of certification.

RCW 9.46.075(1), (7), and (8) Suspending or revoking 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:

- (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.
- (7) 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.

WAC 230-03-085(1), (2), and (7) Suspending or revoking 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:

² Washington State Gambling Commission, as referred to in the Yakama Tribal/State Compact, Section II (V).

(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.

(7) Fails to provide us with any information required under Commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us.

RCW 9.46.153(1)

(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 230-06-085(1) and (2) Report criminal actions filed

(1) Licensees must report to us in writing within thirty days all criminal actions filed against the licensee, any manager of the licensed gambling activity, the business organization, or any person holding a substantial interest in the business organization.

(2) We must receive a copy of the final written decision or settlement within thirty days after the case is resolved.

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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 Yakama Nation Tribal-State Compact.

The certified employee will have the 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.

Based on RCW 34.05.440, failure to return this document will result in the entry of a default order REVOKING your Class III Employee certification.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

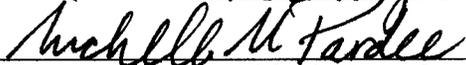
Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding for James Hooper, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.



RICK DAY, DIRECTOR

STATE OF WASHINGTON)
) ss
COUNTY OF THURSTON)

SUBSCRIBED AND SWORN TO before me
this 26 day of February, 2009.



NOTARY PUBLIC in and for the State of

Washington residing at Lacey

My commission expires on June 15, 2009

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 27 day of February, 2009

Communications and Legal Department
Washington State Gambling Commission

