

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
Certification to Conduct Gambling Activities of:)
Mariya Johanson,)
Stanwood, Washington,)
Class III Employee.)
_____)

NO. CR 2009-01115

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

I.

The Washington State Gambling Commission issued Mariya Johanson the following certification:¹

Number 69-17722, Authorizing Class III Employee Activity, formerly with the Tulalip Tribe.

The certification expires on September 3, 2009, and was issued subject to the Class III Employee's compliance with state gambling laws, rules and the Tulalip Tribe/State Compact.

II.

Dave Trujillo, Deputy Director of the Washington State Gambling Commission, charges the Class III Employee with the following violations of the Washington State Gambling Act, 9.46 RCW, WAC Title 230, and Tulalip Tribe/State Compact:

- On May 4, 2009, the Tulalip Tribal Gaming Agency (TTGA) revoked the Class III Employee's Tribal Gaming License. The Final Notice of Revocation issued by the TTGA states that the Class III Employee admitted to stealing money on four separate occasions and forging casino documents to cover up for the thefts while working for the Tulalip Tribe.
- On July 6, 2009, the Class III Employee was convicted of Robbery in the First Degree, a class A felony. On May 5, 2009, the Class III Employee robbed a bank by pointing what appeared to be a handgun at bank employees.
- The Class III Employee's conviction and revocation of her Tulalip Tribal Gaming License establishes that she poses a threat to the effective regulation of gaming and has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1) and the Tulalip Tribal/State Compact.

¹ The Commission issues Class III Certifications to employees working at Tribal casinos. Certifications allow similar activities as Card Room Employee (CRE) licenses issued to persons working at commercial house-banked card rooms. Class III Employees may transfer their certifications to a CRE license and work at commercial card rooms by sending Commission staff a transfer form and the accompanying fee.

- Therefore, under Section 5(C)(i), (iv), (vi), and (viii) of the Tulalip Tribe/State Compact, RCW 9.46.075(1), (4), and (8) and WAC 230-03-085(1) and (8), grounds exist to revoke Mariya Johanson’s certification.

Section 5(C) of the Tulalip Tribe/State Compact

The State Gaming Agency may revoke, suspend or deny a State Certification for any reason or reasons it deems to be in the public interest. These reasons shall include but not be limited to when an applicant or holder of certification:

(The following subsections apply)

(i) 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 State Gaming Agency² pursuant thereto, or any provision of a Tribal/State Compact.

(iv) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude.

(vi) Fails to prove, by clear and convincing evidence, that she is qualified in accordance with the provisions of this Section.

(viii) Has had a Tribal license revoked during the preceding twelve months.

RCW 9.46.075 Denying, suspending, or revoking an application, 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;

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or

² “State Gaming Agency” means the Washington State Gambling Commission. Tulalip Tribal/State Compact, Section 2(p).

offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;

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

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:

(The following subsections 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.

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.

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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 Tulalip Tribe/State Compact.

The Class III 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 certification.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Dave Trujillo, 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 Deputy Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

Dave Trujillo
DAVE TRUJILLO, DEPUTY DIRECTOR

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

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 13th day of August, 2009

Communications and Legal Department
Washington State Gambling Commission

Maurice Pretell

SUBSCRIBED AND SWORN TO before me this 17 day of August, 2009.

Michelle M. Pardee
NOTARY PUBLIC in and for the State of

Washington residing at Locuy

My commission expires on June 16, 2013

