

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the Certification to Conduct Gambling Activities of:) NO. CR 2009-01115
)
Mariya Johanson) **FINDINGS, CONCLUSIONS,**
Stanwood, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Class III Employee.)

THE MATTER of the revocation of the certification to conduct gambling activities of Mariya Johanson having come before the Commission on October 8, 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 Mariya Johanson the following certification:¹ Number 69-17722, Authorizing Class III Employee Activity, formerly for the Tulalip Tribe. The certification expired on September 3, 2009, and was issued subject to the Class III Employee's compliance with state gambling laws, rules, and the Tulalip Tribal/State Compact.

II.

On August 13, 2009, Deputy Director, David Trujillo issued administrative charges to Mariya Johanson by certified and regular mail. The administrative charges notified Ms. Johanson that her failure to respond would result in the entry of a default order revoking her certification. Ms. Johanson did not respond to the charges.

By not responding to the charges, Mariya Johanson waived her right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

- 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.

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.

- The Class III Employee has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1). Therefore, under Section 5(c)(i), (iv), (vi), and (viii) of the Tulalip Tribal/State Compact, RCW 9.46.075(1), (4), and (8) and WAC 230-03-085(1), (2), (5), and (8), grounds exist to revoke Mariya Johanson's certification.

Section 5(c) of the Tulalip Tribal/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 when the certification holder:

(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 or any rules adopted by the State Gaming Agency, 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 any Tribal, State, or government agency at any level, ... 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 or denied 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 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.

(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);

(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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IV.

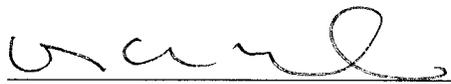
CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Mariya Johanson's certification to conduct gambling activities under the authority of RCW 9.46.075, WAC 230-03-085, and the Tulalip Tribal/State Compact.

DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Mariya Johanson's certification to conduct gambling activities is REVOKED.

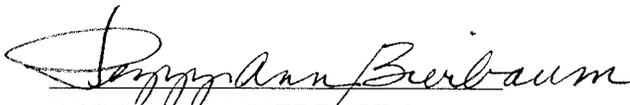
DATED this 8 day of October, 2009.



KEVEN ROJECKI, Chair

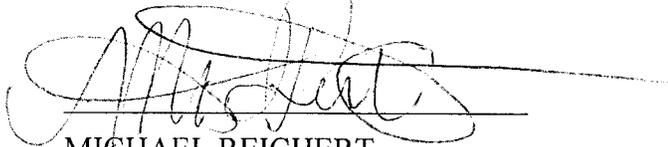


JOHN ELLIS, Vice Chair



PEGGY ANN BIERBAUM

MIKE AMOS



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 7th Avenue SE
Lacey, Washington 98503