

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
Certification to Conduct Gambling Activities of:)
)
Dominique King,)
Everett, Washington,)
)
)
Class III Employee.)
_____)

NO. CR 2009-01116

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

I.

The Washington State Gambling Commission issued Dominique King the following certification:¹

Number 69-29196, Authorizing Class III Employee Activity, formerly with the Tulalip Tribe.

The certification expires on October 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.

Rick Day, 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:

- 1) In April 2009, the Class III Employee worked as a Slot Floor Attendant for the Tulalip Tribe.
- 2) The Tulalip Tribal Operations Tip Rate Determination Agreement section 2(A) states, "Front Line Cashiers and Slot Floor Attendants are required to place their tokens² in a token box, immediately upon receipt or as soon as possible upon return to the station." Section 2(C) states, "Front Line Cashiers and Slot Floor Attendants shall not commingle Tokens with revenue or banks under their control." The tokens received by Slot Floor Attendants are shared among the attendants.
- 3) On April 6, 10, 11, and 12, 2009, the Tulalip Tribal Gaming Agency Agents (TTGA) observed the Class III Employee fail to immediately place tokens he received into the token box and at times he commingled the tokens with his bank or put the token into his pants pocket. The Class

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.

² Tokens are tips that Floor Slot Attendants receive from customers and are collected for equal distribution among the attendants.

III Employee's actions resulted in a loss of money to his co-workers and demonstrate fraud and deceit, in violation of RCW 9.46.190.

4) On April 12, 2009, TTGA interviewed the Class III Employee about how he handled the tokens he received. The Class III Employee admitted that when he was busy he would put tokens into his bank and that he took \$50 in tokens that he should have put into the shared token box. Also during the interview, the Class III Employee removed a \$10 bill from his pants pocket that TTGA had observed the Class III Employee receive as a token earlier that day and then place into his pants pocket.

5) On April 27, 2009, the Tulalip Tribal Gaming Agency revoked the Class III Employee's Tribal Gaming License. The Final Notice of Revocation issued by the TTGA states that the Class III Employee wrongfully deprived persons of money when he took token money and failed to place it into the token box to be shared with his fellow employees.

6) On multiple occasions TTGA observed the Class III Employee, while working as a Slot Floor Attendant, fail to follow the procedures listed in the Tulalip Tribal Operations Tip Rate Determination Agreement. The Class III Employee's actions demonstrate willful disregard for compliance with the gaming regulatory authority.

7) The Class III Employee, while working as a Slot Floor Attendant, pursued economic gain in an occupational manner or context which is in violation of the criminal laws of this state and such pursuit creates probable cause to believe that his participation in gambling related activities would be inimical to the proper operation of gambling. Additionally, his conduct demonstrates that he poses a threat to the effective regulation of gaming and increases the likelihood of illegal practices as demonstrated through his actions.

8) The Class III Employee's actions and the revocation of his Tulalip Tribal Gaming License establish that he 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).

9) Therefore, under Section 5(C)(i), (vi), (viii), (ix), and (x) of the Tulalip Tribe/State Compact, RCW 9.46.075(1), (8), and (10) and WAC 230-03-085(1) and (8), grounds exist to revoke Dominique King'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 Agency³ pursuant thereto, or any provision of a Tribal/State Compact.

³ "State Gaming Agency" means the Washington State Gambling Commission. Tulalip Tribal/State Compact,

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

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

(ix) Has demonstrated a willful disregard for compliance with gaming regulatory authority in any jurisdiction other than the State of Washington, to include: Suspension, revocation and forfeiture of license.

(x) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal laws 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 any activity for financial gain.

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.

(8) Fails to prove, by clear and convincing evidence, that he 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.

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.

RCW 9.46.190 Violations relating to fraud or deceit

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)

(1) Employ any device, scheme, or artifice to defraud; or

(2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or

(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

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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)

Rick Day, 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 Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

Rick Day

RICK DAY, 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 19th day of August, 2009

Communications and Legal Department
Washington State Gambling Commission

Maura Pretell

SUBSCRIBED AND SWORN TO before me
this 18 day of Lacey, 2009.

Michelle M. Pardee

NOTARY PUBLIC in and for the State of

Washington residing at Lacey

My commission expires on June 16, 2013

