

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the )  
Certification to Conduct Gambling Activities of: ) NO. CR 2009-01835  
)  
Coleen Solomon, ) **FINDINGS, CONCLUSIONS,**  
Bellingham, Washington, ) **DECISION, AND FINAL**  
) **ORDER IN DEFAULT**  
Class III Employee. )

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THE MATTER of the revocation of the certification to conduct gambling activities of Coleen Solomon having come before the Commission on April 9<sup>th</sup> 2010, 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 Coleen Solomon the following certification:<sup>1</sup>

Number 69-30213, Authorizing Class III Employee Activity, formerly for the Lummi Nation.

The certification expires on August 5, 2010, and was issued subject to the certified employee's compliance with state gambling laws, rules, and the Lummi Nation Tribal-State Compact.

II.

On January 29, 2010, Director Rick Day issued administrative charges to Coleen Solomon, by certified and regular mail. The administrative charges notified Ms. Solomon that failure to respond would result in the entry of a default order revoking her certification. Ms. Solomon did not respond to the charges.

By not responding, Coleen Solomon 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.

1) In August 2009, the certified employee was granted a conditional certification<sup>2</sup> due to her criminal history, which included a shoplifting conviction.

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<sup>1</sup> 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. By submitting a transfer form and fees, holders of a Class III Certification may convert their certification to a CRE license.

<sup>2</sup> 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) The conditional certification listed terms that must be followed to maintain the conditional certification, which included no further violations of criminal or civil law. If the terms were not met, the conditional certification would be terminated.
- 3) As of August 25, 2009, Ms. Solomon is no longer employed by the Lummi Nation.
- 4) In November of 2009, the certified employee was charged with Theft in the Third Degree. In December of 2009, she was charged with another count of Theft in the Third Degree, and Possession of Stolen Property in the Third Degree. On December 14, 2009, the certified employee was convicted of two counts of Theft in the Third Degree.
- 5) The certified employee did not notify Commission staff of her charges or conviction, in violation of the terms of the conditional certification and WAC 230-06-086(1) and (2).
- 6) The conviction and failure to disclose the charges and conviction establishes that the certified employee has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1).
- 7) Therefore, under the Lummi Nation Tribal-State Compact V(C), RCW 9.46.075(1), (4), (7), and (8), and WAC 230-03-085(1) and (7), grounds exist to revoke Coleen Solomon's certification.

**Lummi Nation Tribal-State Compact Section V(C)** provides that the State Gaming Agency 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.

**RCW 9.46.075 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: (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 offenses, whether a felony or misdemeanor involving physical harm to individuals.

(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 she is qualified in accordance with the provisions of this chapter.

**WAC 230-03-085 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:

(The following subsections apply.)

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

(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 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.

**WAC 230-06-086 Report criminal actions filed**

(The following subsection applies.)

(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.

IV.

**CONCLUSIONS OF LAW**

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Coleen Solomon's certification to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

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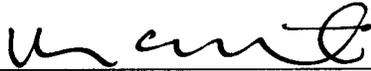
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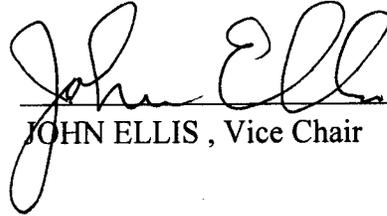
**DECISION AND ORDER**

The Washington State Gambling Commission HEREBY ORDERS: Coleen Solomon's Class III certification to conduct gambling activities is REVOKED.

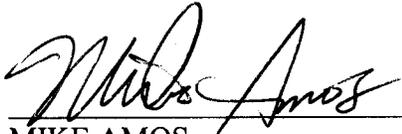
DATED this 9<sup>th</sup> day of April, 2010.



KEVEN ROJECKI, Chair



JOHN ELLIS, Vice Chair



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 7<sup>th</sup> Avenue SE  
Lacey, Washington 98503