

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the )  
Certification to Conduct Gambling Activities of: ) NO. CR 2010-00597  
)  
Samuel Adame ) **FINDINGS, CONCLUSIONS,**  
Auburn, 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 Samuel Adame having come before the Commission on August ~~12~~, 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 Samuel Adame the following certification: Number 69-20904, authorizing Class III Employee activity, formerly with the Muckleshoot Tribe.

The Commission issued this certification, which expires on April 24, 2011, subject to the Class III Employee's compliance with the Muckleshoot Tribal/State Compact, state gambling laws, and Commission rules.

II.

On June 16, 2010, Director Rick Day issued an Order of Summary Suspension to Samuel Adame, by personal service. The Order of Summary Suspension notified Mr. Adame that failure to respond would result in the entry of a default order revoking his certification. Mr. Adame did not respond to the charges.

By not responding, Samuel Adame waived his right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

**SUMMARY:**

On April 30, 2010, Samuel Adame pled guilty to two counts of Child Molestation in the Second Degree, a felony sex offense. Mr. Adame failed to report to Commission staff that in October 2008 he was charged with Rape of a Child in the Second Degree.

## **FACTS:**

- 1) In October 2008, Samuel Adame was charged with Rape of a Child in the Second Degree. The charge was the result of Mr. Adame's sexual contact with a 13-year-old girl between January 2005 and March 2005.
- 2) Mr. Adame did not disclose this charge to Commission staff on his April 2009 or March 2010 renewal applications or by any other means. Mr. Adame failed to report criminal actions filed against him within thirty days of the action begin filed, in violation of 230-06-085(1).
- 3) By failing to report the criminal charge, Mr. Adame misrepresented or failed to disclose material facts about his criminal history to Commission staff on his renewal applications.
- 4) On April 30, 2010, Mr. Adame pled guilty to two counts of Child Molestation in the Second Degree, a felony sex offense. This is a crime of physical harm to an individual and a crime involving moral turpitude.

## **VIOLATIONS:**

### **1) Section V(C) of the Muckleshoot/State Compact**

The State Gaming Agency may revoke a State Certification under the provisions of RCW 9.46.075, and the rules promulgated thereunder, 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:

(The following subsections apply.)

- (1) Is determined to be a person whose prior activities, criminal record, 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 gambling activities permitted pursuant to this Compact; 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.

### **2) RCW 9.46.075 Denying, suspending, or revoking an application, license or permit.**

The Commission may 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;

(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.

**3) WAC 230-03-085 Denying, suspending, or revoking an application, license or permit.**

We may 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; or

(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;

(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.

**4) RCW 9.46.153(1) Applicants and licensees- Responsibilities and duties.**

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.

**5) WAC 230-06-085(1) Report criminal actions filed.**

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.

Mr. Adame:

a) Failed to disclose his criminal charge to Commission staff as required by WAC 230-06-085. As a result, he misrepresented his criminal history to Commission staff on his renewal applications.

b) Pled guilty to two counts of Child Molestation in the Second Degree, a felony sex offense. This is a crime of physical harm to an individual and a crime involving moral turpitude.

- c) Has failed to prove by clear and convincing evidence that he is qualified to hold a Class III Employee certification as required by RCW 9.46.153.
- d) Poses a threat to the effective regulation of gambling as demonstrated by his prior activities and criminal history.

Grounds exist to revoke Samuel Adame's Class III Employee certification under Section V(C)(1) and (2) of the Muckleshoot Tribal/State Compact, RCW 9.46.075(1), (4), (7), and (8), and WAC 230-03-085(1), (2), and (8).

IV.

**CONCLUSIONS OF LAW**

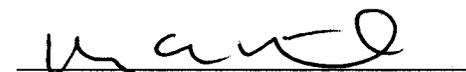
The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Samuel Adame's certification to conduct gambling activities under the authority of the Muckleshoot Tribal/State Compact, RCW 9.46.075 and WAC 230-03-085.

**DECISION AND ORDER**

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

DATED this 12<sup>th</sup> day of August, 2010.

  
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JOHN ELLIS, Chair

  
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KEVEN ROJECKI, Vice Chair

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MIKE AMOS

  
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MICHAEL REICHERT

  
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REBECCA ROE

**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.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

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