

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
Certification to Conduct Gambling Activities of:) NO. CR 2010-00191
)
Arthur Andy) **FINDINGS, CONCLUSIONS,**
Yakima, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Class III Employee.)

THE MATTER of the revocation of the certification to conduct gambling activities of Arthur Andy having come before the Commission on May 14, 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 Arthur Andy the following Class III Certification:¹ Certificate No. 69-29580, Authorizing Class III Employee Activity, formerly at the Yakama Nations Legends Casino. This certification, which expired on April 27, 2010, was issued subject to Mr. Andy's compliance with state gambling laws, the Yakama Nation Tribal/State Compact and Washington State Gambling Commission rules.

II.

On March 8, 2010, Director Rick Day, issued administrative charges to Mr. Andy by certified and regular mail. The administrative charges notified Mr. Andy that his failure to respond would result in the entry of a default order revoking his certification. Mr. Andy did not respond to charges.

By not responding to the charges, Arthur Andy 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.

1) On May 4, 2009, the certified employee was granted a two-year conditional certification² due to his failure to pay court-ordered fines and fees totaling \$10,854.30, and failure to appear in court after being ordered to do so, on thirteen different occasions.

2) Mr. Andy has not been employed by the Yakama Nation since August 24, 2009.

¹ 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 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. Holders of a Class III Certification may apply to have the certification transferred to a CRE license.

3) On January 14, 2010, Mr. Andy was convicted of new criminal traffic convictions which increased his total court ordered fines by \$2,270. He failed to report his convictions to the Yakama Nation or to Commission staff. His traffic convictions and failure to report these convictions violated the terms of his conditional certification.

4) Through his actions, Mr. Andy has demonstrated willful disregard for complying with court orders and the terms of the conditional certification.

5) Mr. Andy owes a large amount of fines and fees, has willfully disregarded court orders, and has failed to comply with the requirements and conditions imposed by his conditional certification and the Tribal/State Compact. As a result:

- Mr. Andy 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; and
- Mr. Andy has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1).

6) Therefore, under Section V(C) of the Yakama Nation Tribal/State Compact, RCW 9.46.075(1) and (8), and WAC 230-03-085(1), (3), and (8), grounds exist to suspend or revoke Arthur Andy's certification.

Section V(C) of the Yakama Nation Tribe/State Compact

The State Gaming Agency may revoke, suspend or deny 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:

(The following subsection applies.)

(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 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.

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.
- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.
- (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.

IV.

CONCLUSIONS OF LAW

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

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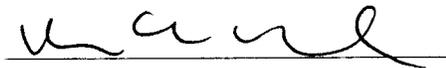
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DECISION AND ORDER

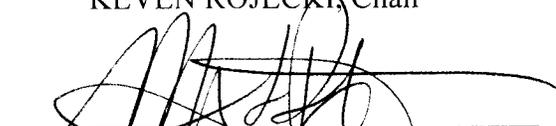
The Washington State Gambling Commission HEREBY ORDERS: Arthur Andy's certification to conduct gambling activities is REVOKED.

DATED this 14th day of May 2010.



KEVEN ROJECKI, Chair

JOHN ELLIS, Vice Chair



MICHAEL REICHERT



MIKE AMOS



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.

Motions must be mailed to:
Washington State Gambling Commission
Communications and 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