

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
Certification to Conduct Gambling Activities of:)
Mark D. Bishop)
Fife, Washington,)
Class III Employee.)
_____)

NO. CR 2010-01373

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

I.

The Washington State Gambling Commission issued Mark D. Bishop certification¹ number 69-29159, authorizing Class III Employee activity with the Puyallup Tribe. The certification expires on November 2, 2011, and was issued subject to Mr. Bishop's compliance with the Puyallup Tribal/State Compact, state gambling laws and rules.

II.

David Trujillo, Deputy Director of the Washington State Gambling Commission, charges Mark D. Bishop with the following violations of the Puyallup Tribal/State Compact, Washington State Gambling Act, 9.46 RCW, WAC Title 230:

- 1) In October 2010, Mark D. Bishop renewed his Class III certification and disclosed that in April 2010, he was arrested for Assault, Fourth Degree, Domestic Violence.
- 2) A Commission Special Agent (agent) investigated Mr. Bishop's criminal history and found that on June 22, 2010, Mr. Bishop was convicted of Assault, Fourth Degree, Domestic Violence. This offense involved physical harm to Mr. Bishop's girlfriend. Mr. Bishop was sentenced to 365 days in jail with 364 suspended and credit for one day served. He was also ordered to pay a fine and placed under the administrative division's jurisdiction until June 22, 2012. Mr. Bishop failed to disclose on his application that on June 22, 2010, he was convicted of Assault, Fourth Degree, Domestic Violence.
- 3) Additionally, Mr. Bishop was convicted of Assault, Fourth Degree, Domestic Violence in November 2004. Mr. Bishop disclosed this conviction on his 2008 certification application.
- 4) Mr. Bishop's April 2004 and June 2010 Assault, Fourth Degree, Domestic Violence, convictions involve physical harm to individuals and establishes 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).

¹ Class III Employee 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.

5) Therefore, under Puyallup Tribal/State Compact V.E., RCW 9.46.075(1), (4), and (8), and WAC 230-03-085(1), (2), (5), and (8), grounds exist to revoke Mark D. Bishop's certification.

Puyallup Tribal/State Compact Section V.E.

The State Gaming Agency² may revoke or suspend a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder, for any reason or reason it deems to be in the public interest. For example, 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 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.

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, wilful 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 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.

² Washington State Gambling Commission, as referred to in the Puyallup Tribal/State Compact, Section II(M).

(2) Has been convicted 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.

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.

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The certified 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 a request for hearing will result in the entry of a default order REVOKING your certification.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

David Trujillo, 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 Deputy Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

David Trujillo

David Trujillo, Deputy 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 21 day of December, 2010

Maurice P. Prete
Communications and Legal Department
Washington State Gambling Commission

SUBSCRIBED AND SWORN TO before me this 20 day of December 2010.

Michelle M. Pardee

NOTARY PUBLIC in and for the State of Washington residing at LACEY
My commission expires on June 16, 2013

