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**GAMBLING COMMISSION
COMM & LEGAL DIVISION**

STATE OF WASHINGTON
GAMBLING COMMISSION

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In the Matter of the Revocation of the Certification)
to Conduct Gambling Activities of:)
Laurie Duff)
Imperial Beach, California,)
Class III Employee.)
_____)

NO. CR 2010-00664

SETTLEMENT ORDER

OCT 14 2010

**GAMBLING COMMISSION
COMM & LEGAL DEPT**

The Washington State Gambling Commission and the certified employee, Laurie Duff, agree to this Settlement Order to resolve the administrative charges pending against Ms. Duff. H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney, represent the Gambling Commission. Laurie Duff represents herself.

I.

The Washington State Gambling Commission issued Laurie Duff the following certification:¹
Number 69-27026, authorizing Class III Employee activity, formerly with the Shoalwater Bay Tribe.

This certification expires on February 25, 2011, and was issued subject to the Class III Employee's compliance with the Shoalwater Bay Tribal/State Compact and state gambling laws and rules.

II.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the certified employee on July 15, 2010. The certified employee received the Notice, and on July 26, 2010, Commission staff received Ms. Duff's request for a hearing.

III.

The following summary of facts and violations were alleged in the Notice of Administrative Charges:

- 1) On March 30, 2010, the Casino Shift Manager (Manager) at the Shoalwater Bay Casino was aware of abandoned credits on a player terminal.² The Manager failed to turn in the abandoned credits to the lost and found and failed to notify the Surveillance Department of the abandoned credits, as required by the casino's policy and procedures.

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 A player terminal is a piece of equipment on which patrons play the Tribal Lottery System.

- 2) On March 30, 2010, the Class III Employee was off duty and gambling at the casino. The Manager told the Class III Employee about the abandoned credits, and the Manager gave her permission to play them. Although she knew that the abandoned credits did not belong to her, the Class III Employee went to the player terminal and played the abandoned credits.
- 3) The Class III Employee admitted to the Shoalwater Bay Tribal Gaming Commission:
 - a) She would normally report abandoned credits to the Security department, but this time she did not.
 - b) She used poor judgment when she decided to play the abandoned credits.
- 4) On May 5, 2010, the Shoalwater Bay Tribal Gaming Commission revoked the Class III Employee's Tribal Gaming License. The Shoalwater Bay Tribal Gaming Commission determined that the Class III Employee used a patron's credits that were left on a player terminal which did not belong to her and she 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.
- 5) The Class III Employee has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1). Therefore, under Section V(C) of the Shoalwater Bay Tribal/State Compact, RCW 9.46.075 (1), and (8), and WAC 230-03-085 (1) and (8), grounds exist to revoke Laurie Duff's certification.

Section V(C) of the Shoalwater Bay Tribal/State Compact.

The State Gaming Agency³ may revoke, suspend or deny a State Certification under the provisions RCW 9.46.075, and rules promulgated thereunder, for any reason it deems to be in the public interest. In addition, these reasons shall include, but shall not be limited to, when an applicant or holder of certification:

(The following subsections apply.)

- (1) Is determined to be a person who because of prior activities poses a threat to effective regulation of gaming or creates or enhances the chances of unfair or illegal practices, methods and activities being used in the conduct of the gaming activities permitted pursuant to this Compact.
- (2) 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

³ Section II (AA) of the Shoalwater Bay Tribal/State Compact defines "State Gaming Agency" as the Washington State Gambling Commission.

any such person or over which he or she has substantial control.

(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 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(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.

V.

Laurie Duff requested a hearing in this matter, but waived her right to a hearing based on the terms and conditions of this Settlement Order. The certified employee further agrees to the following:

1) **Laurie Duff shall surrender her Class III certification on or before September 15, 2010.** Additionally, Ms. Duff is not currently working as a certified employee. Laurie Duff shall not hold or re-apply for a gambling certification or license before September 15, 2011.

2) In the event Ms. Duff applies for a gambling certification or license, she will be subject to all the Commission's investigative procedures for processing an application for a gambling certification or license. Nothing herein shall prevent the Commission from denying Ms. Duff's application at that time based on facts that may not be currently known by Commission legal staff. Furthermore, no promises or assurances have been made to Ms. Duff that she will receive a certification or license from the Commission should she apply.

3) Laurie Duff shall have no involvement directly or indirectly, whether paid or unpaid, in the operation, ownership, or financing of any business in Washington State which is applying for, or holds, a gambling license or permit or is involved with any gambling activity, including punchboard/pull-tab activity. However, this does not prevent Ms. Duff from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

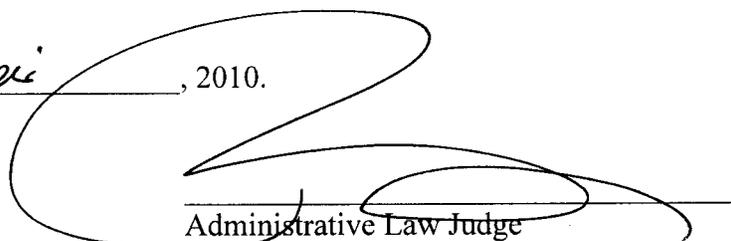
4) The signed Settlement Order must be received by Commission staff on or before September 15, 2010, and mailed to Commission Headquarters at the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

Or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
4565 7th Avenue SE; Fourth Floor
Attention: Communications and Legal Division Lacey, WA 98503

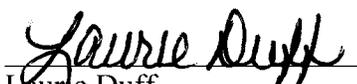
DATED this 12th day of October, 2010.



Administrative Law Judge

By her signature, the certified employee understands and accepts the terms and conditions of this Order

APPROVED FOR ENTRY:

 8-30-10
Laurie Duff (Date)
Class III Employee

APPROVED AS TO FORM:



H. Bruce Marvin, WSBA# 25152
Assistant Attorney General,
Representing the Washington State
Gambling Commission



Melinda Froud, WSBA# 26792
Staff Attorney,
Washington State Gambling Commission

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