

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of) NO. CR 2010-00823
Certification to Conduct Gambling Activities of:)
)
Wilma Lomakema) **NOTICE OF ADMINISTRATIVE**
Auburn, Washington,) **CHARGES AND OPPORTUNITY**
) **FOR AN ADJUDICATIVE**
) **PROCEEDING**
Class III Employee.)
_____)

I.

The Washington State Gambling Commission issued Wilma Lomakema the following certification:¹

Number 69-06434, authorizing Class III Employee activity formerly with the Muckleshoot Tribe. The certification expires on March 25, 2011, and was issued subject to the Class III Employee's compliance with state gambling laws and rules and Muckleshoot Tribal/State Compact.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the Class III Employee with the following violations of the Washington State Gambling Act, 9.46 RCW, WAC Title 230, and Muckleshoot Tribal/State Compact:

- On June 21, 2010, the Muckleshoot Gaming Commission revoked Wilma Lomakema's Tribal Gaming License. Ms. Lomakema admitted that while she was working as a poker dealer, she took \$100 from her poker bank for her personal use. Ms. Lomakema was planning on paying back the \$100 by the end of her work shift, but she did not.
- Under RCW 9.46.190, when Ms. Lomakema took \$100 from her poker bank for her personal use, she engaged in an act, practice or course of operation that operated as fraud or deceit upon her employer, the Muckleshoot Tribe. Additionally, she pursued economic gain in an occupational manner that creates probable cause to believe that her participation in gambling or related activities would be inimical to the proper operation of an authorized gambling.
- As a result of Ms. Lomakema's actions, she has failed to establish by clear and convincing evidence the necessary qualifications for licensure under RCW 9.46.153(1).

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.

- Therefore, under Section V(C) of the Muckleshoot Tribal/State Compact, RCW 9.46.075 (1), (8), and (10) and WAC 230-03-085(1) and (8), grounds exist to revoke Wilma Lomakema's certification.

Muckleshoot Tribal/State Compact

Section V(C) provides that the State Gaming Agency² may revoke a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder, 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 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.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter.

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.

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.

(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

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

demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.190(3) Violations relating to fraud or deceit

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person, shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.02.021.

RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties

(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.

III.

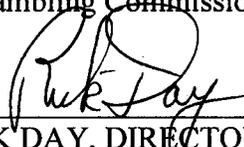
Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, WAC Title 230, and Muckleshoot Tribal/State Compact.

The Class III 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.

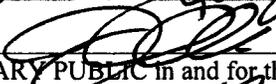
STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, 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 Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.



RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 27 day of August, 2010.



NOTARY PUBLIC in and for the State of
Washington residing at Thurston County
My commission expires on April 29, 2014

