

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the )  
Certification to Conduct Gambling Activities of: ) NO. CR 2010-00823  
)  
Wilma Lomakema ) **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 Wilma Lomakema having come before the Commission on October 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 Wilma Lomakema certification<sup>1</sup> 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.

On August 27, 2010, Director Rick Day issued administrative charges to Wilma Lomakema, by certified and regular mail. The administrative charges notified Ms. Lomakema that failure to respond would result in the entry of a default order revoking her certification. Wilma Lomakema did not respond to the charges.

By not responding, Wilma Lomakema waived her 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 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 do so.

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<sup>1</sup> 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) 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.

3) 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).

4) 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 Agency<sup>2</sup> 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.

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



IV.

**CONCLUSIONS OF LAW**

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

**DECISION AND ORDER**

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

DATED this 14 day of October, 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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