

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Summary Suspension of the )  
Class III Certification to Conduct ) NO. CR 2010-01352  
Gambling Activities of: )  
)  
Sasha L. Longee ) **FINDINGS OF FACT,**  
Wapato, Washington, ) **CONCLUSIONS OF LAW,**  
) **AND ORDER OF SUMMARY**  
) **SUSPENSION OF**  
Class III Employee. ) **CLASS III CERTIFICATION**

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RCW 9.46.070(17) and Section V(C) of the Confederate Tribes and Bands of the Yakama Nation (Yakama Nation) Tribal/State Compact authorize the Washington State Gambling Commission (Commission) to summarily suspend<sup>1</sup> a permit, subject to final action by the Commission. The Director has reviewed this Order of Summary Suspension and has issued it for service.

This order takes effect when served on Sasha L. Longee, a representative, or an agent. A Commission Special Agent shall seize Ms. Longee's Class III Certification and she must stop conducting Class III gambling activities.

**FINDINGS OF FACT**

I.

Rick Day is Director of the Washington State Gambling Commission and issues this order. Jurisdiction of this proceeding is based on chapter 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, Title 230 WAC, and the Yakama Nation Tribal/State Compact.

II.

The Washington State Gambling Commission issued Sasha L. Longee certification number 69-31305, authorizing Class III activity with the Yakama Nation.

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<sup>1</sup> WAC 230-17-165 defines summary suspension as immediately taking a license or permit from a person or organization which prevents them from operating or conducting gambling activities.

The Commission issued this certification, which expires on May 6, 2012, subject to the certified employee's compliance with the Yakama Nation Tribal/State Compact, state gambling laws, and Commission rules.

III.

After a thorough review of the report by a Commission Special Agent about the facts in this matter, the Director accepts the report as true and has determined that the summary suspension is necessary.

IV.

**SUMMARY:**

On October 2, 2010, Sasha L. Longee, while intoxicated, ran her vehicle over a man who had exited her car and was lying in the road. This resulted in substantial bodily harm to the man. As a result, she has a pending felony Vehicular Assault charge.

**FACTS:**

1) On October 27, 2010, Commission staff received an Affidavit from Sasha L. Longee in which she disclosed that on October 2, 2010, she was arrested and then charged with Vehicular Assault.

2) A Commission Special Agent (agent) reviewed Ms. Longee's criminal history and obtained the following documents filed on October 6, 2010, in Yakima County Superior Court:

a) The Information charged Ms. Longee with Vehicular Assault. The Information states that Ms. Longee operated a motor vehicle while under the influence of intoxicating liquor and caused substantial bodily harm to a person.

b) The Declaration of Probable Cause alleged that on October 2, 2010, Ms. Longee and a male passenger were in a vehicle together, and when Ms. Longee stopped the vehicle, the man exited the vehicle. Ms. Longee continued to drive, trying to find the man. In doing so, she ran over the man, who was lying in the road. The man suffered a fractured pelvis, a fractured right femur, several broken ribs, and internal injuries. The responding Washington State Patrol Trooper observed that Ms. Longee had an odor of intoxicants on her breath, bloodshot eyes, and slurred speech. When the vehicle was examined, the Trooper found blood and tissue along the left rear wheel well and the undercarriage of the vehicle. The investigation determined that the vehicle that Ms. Longee had been operating drove over the man.

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## CONCLUSIONS OF LAW

### I.

1) **RCW 9.46.070(17)** provides that the Commission shall have the following powers and duties: The Commission may authorize the Director to temporarily suspend licenses subject to final action by the Commission.

2) **WAC 230-17-165(2)** provides that the Commission delegates its authority to the Director to summarily suspend any license if the Director determines that a licensee has performed one or more of the actions identified in RCW 9.46.075 as posing a threat to public health, safety, or welfare.

3) **WAC 230-17-165(3)** The Commission deems the following actions of a licensee constitute an immediate danger to the public safety and welfare:  
(The following subsections apply.)

(a) Failing or refusing to comply with the provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW or any rules adopted by the Commission; or

(f) Being subject to current prosecution or pending charges, or appealing a conviction, for any of the offenses included under (d)<sup>2</sup> of this subsection.

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

The State Gaming Agency<sup>3</sup> may revoke, suspend or deny 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:

(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.

The Class III Employee has a pending Vehicular Assault charge, a felony involving substantial bodily harm to a person. The certified employee's actions constitute an immediate danger to public safety and welfare based on WAC 230-17-165(3)(a) and (f), and are a basis for Sasha L. Longee to immediately stop conducting gambling activities.

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<sup>2</sup> WAC 230-17-165(3)(d)(vii) Being convicted of, or forfeiting of a bond on a charge of, or having pled guilty to any crime, whether a felony or misdemeanor involving physical harm to individuals.

<sup>3</sup> Section II (V) of the Yakama Nation Tribal/State Compact defines "State Gaming Agency" as the Washington State Gambling Commission.

**5) RCW 9.46.075 Denial, suspension, or revocation of license, application, 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 she is qualified in accordance with the provisions of this chapter.

(9) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (4)<sup>4</sup> of this section: PROVIDED, That at the request of an applicant for an original license, the Commission may defer decision upon the application during the pendency of such prosecution or appeal.

**6) 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.

**7) 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.

Sasha L. Longee, while intoxicated, ran her vehicle over a man who had exited her car and was lying in the road. This resulted in substantial bodily harm to the man. As a result, she has a pending Vehicular Assault charge, a felony involving substantial bodily harm to a person.

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<sup>4</sup> RCW 9.46.075(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to any crime, whether a felony or misdemeanor involving physical harm to individuals.

The certified employee poses a threat to the effective regulation of gaming, or increases the likelihood of unfair or illegal practices as demonstrated by her pending Vehicular Assault charge, which involves substantial bodily harm to a person.

Sasha L. Longee has failed to establish clearly and convincingly, as required by RCW 9.46.153(1), that she is qualified to be certified. As a result, there are grounds to revoke Sasha L. Longee's certification based on Section V(C)(1) of the Yakama Nation Tribal/State Compact, RCW 9.46.075(1), (8), (9), and WAC 230-03-085(1) and (8).

## II.

The certified employee's actions are an immediate danger to public safety and welfare, and she has failed to comply with the Yakama Nation Tribal/State Compact, chapter 9.46 RCW, and Commission rules. The immediate suspension and revocation of Sasha L. Longee's Class III certification is required to protect public safety and welfare.

## ORDER

Based on the FINDINGS OF FACT AND CONCLUSIONS OF LAW and the Director's authority under RCW 34.05.422, RCW 9.46.070(17), and WAC 230-17-165, the Director orders that Sasha L. Longee Class III certification is summarily suspended, pending a formal hearing by an Administrative Law Judge.

## STATEMENT OF RIGHTS

(1) **You may ask for a stay of this Order.** To do so, you must complete and return to the Commission the enclosed Application for Stay Hearing form within fifteen (15) days from the date you receive this Order. If the Commission receives a timely request, we will hold a hearing within seven (7) days as required by WAC 230-17-170(3). The stay hearing will determine if your suspension should continue, or whether the suspension may be modified.

At the stay hearing, you will have to prove by clear and convincing evidence that:

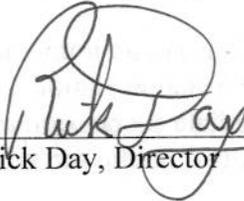
- (a) You will likely win at hearing; and
- (b) If your suspension continues, you will suffer serious injury. Under this section, loss of income from licensed activities is not considered serious injury; and
- (c) Removing the immediate suspension will not hurt others in this case; and
- (d) The threat to the public safety or welfare does not justify continuing the suspension, or that modifying the suspension will adequately protect the public.

(2) **You also have a right to a hearing on the revocation of your Class III certification.** To do so, you must complete and return to the Commission the enclosed Application for Hearing form within twenty (20) days from the date you receive this order. If you do NOT request a hearing, we will enter an Order of Default revoking your certification under RCW 34.05.440.

If you have any questions regarding the rights stated above, please contact Paralegal Michelle M. Pardee, at (360) 486-3465 or 1-800-345-2529, extension 3465.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

Rick Day, under oath, declares that he has read this Order of Summary Suspension of Class III Certification, knows its contents, and believes it to be true, and affirms that he is the Director of the Washington State Gambling Commission and in that capacity has executed this Order of Summary Suspension of the License.

  
Rick Day, Director

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

  
NOTARY PUBLIC in and for the State of  
Washington, residing at: LACEY  
My Commission expires on JUNE 16, 2013

