

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
License to Conduct Gambling Activities of:) NO. CR 2010-01198
)
Douglas Stuckert) **FINDINGS, CONCLUSIONS,**
Tacoma, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the revocation of the license to conduct gambling activities of Douglas Stuckert having come before the Commission on February 10, 2011, 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 Douglas Stuckert license number 68-10513, authorizing Card Room Employee activity, formerly at the Palace Casino in Lakewood. This license expires on August 11, 2011, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

On December 10, 2010, Director Rick Day issued administrative charges to Douglas Stuckert, by certified and regular mail. The administrative charges notified Mr. Stuckert that failure to respond would result in the entry of a default order revoking his license. Douglas Stuckert did not respond to the charges.

By not responding, Douglas Stuckert waived his 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 October 2, 2010, staff at the Palace Casino failed to give a customer, who regularly plays poker at the Palace Casino, \$160 when he was cashing out. Staff placed an envelope with \$160 and the customer's name on it under the cash drawer in the poker podium.¹ This was done so that the next time the customer came into the Palace Casino, staff could give him the \$160.

2) On October 7, 2010, the customer returned to the Palace Casino and the Poker Manager let him know that he was owed \$160. The Poker Manger went to the poker podium to get the envelope under the cash drawer and discovered that it was missing.²

¹ The poker podium contains cash and chips for the poker room and has a cash drawer for use in the poker room.

² Although the envelope was missing, the Palace Casino still paid the customer \$160 in cash.

- 3) The Surveillance Director reviewed surveillance video of the poker podium and determined that on October 5, 2010, Douglas Stuckert took the envelope under the cash drawer and then shortly thereafter, he took at least one \$10 bill from the poker cash drawer.
- 4) On October 14, 2010, the licensee admitted to a Commission Special Agent that on October 5, 2010, while working as the poker supervisor, he took the envelope containing \$160 in cash that was under the cash drawer in the poker podium. Also on that same day, he took a \$10 overage³ from the poker cash drawer.
- 5) The licensee pursued economic gain while working as a poker supervisor and engaged in an act, practice or course of operation that operated as a fraud, in violation of RCW 9.46.190.
- 6) The licensee's actions create probable cause to believe that his participation in gambling activities would be detrimental to the proper operation of gambling, and he 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. Therefore, the licensee has failed to prove, by clear and convincing evidence, that he is qualified to hold a gambling license, in violation of RCW 9.46.153.
- 7) Therefore, grounds exist to revoke Douglas Stuckert's license under RCW 9.46.075(1), (8), and (10), and WAC 230-03-085(1) and (8).

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 subsection(s) 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.

³ Mr. Stuckert was responsible for counting and reconciling the poker cash drawer. Any overages in the cash drawer belong to the Palace Casino.

WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

The following subsection(s) apply:

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:

- (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 9.46.190 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:

- (1) Employ any device, scheme, or artifice to defraud; or
- (2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or
- (3) 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 Applicants and licensees-Responsibilities and duties

(The following subsection applies.)

- (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.

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IV.

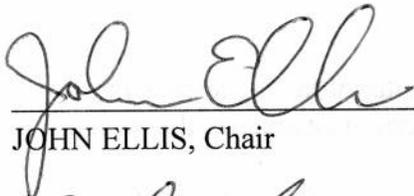
CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Douglas Stuckert's license to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Douglas Stuckert's Card Room Employee license to conduct gambling activities is REVOKED.

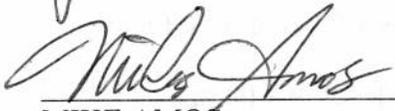
DATED this 10 day of February, 2011.



JOHN ELLIS, Chair



KEVEN ROJECKI, Vice Chair



MIKE AMOS

MICHAEL REICHERT

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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