

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the Class III )  
Certification to Conduct Gambling Activities of: )  
Alberta Youckton )  
Olympia, Washington, )  
Class III Employee. \_\_\_\_\_ )

NO. CR 2010-00101

**NOTICE OF ADMINISTRATIVE  
CHARGES AND OPPORTUNITY  
FOR AN ADJUDICATIVE  
PROCEEDING**

I.

The Washington State Gambling Commission issued Alberta Youckton the following Class III Employee certification:<sup>1</sup>

- 69-12052, Authorizing Class III Employee Activity, formerly for the Nisqually Tribe.

The certification expires on September 27, 2010, and was issued subject to the certified employee's compliance with state gambling laws, rules, and the Nisqually Tribal-State Compact.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the certified employee with the following violations of the Washington State Gambling Act, 9.46 RCW, WAC Title 230, and Section V of the Nisqually Tribal-State Compact:

- On November 30, 2009, the certified employee was granted a conditional certification<sup>2</sup> due to her criminal history, which included a 1985 Vehicular Homicide conviction.
- On December 20, 2009, Ms. Youckton's employment was terminated by the Nisqually Tribal Gaming Agency.
- The Class III Employee's Vehicular Homicide conviction establishes that she has failed to prove by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1).
- Therefore, under the Nisqually Tribal-State Compact V(C), RCW 9.46.075(1), (4), and (8), and WAC 230-03-085(1) and (2), grounds exist to revoke Alberta Youckton's Class III Employee certification.

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<sup>1</sup> Class III Employee certification is issued to employees working at tribal Casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may convert their certification to a CRE license.

<sup>2</sup> Section V(C)(5) of the Tribal-State Compact provides that enrolled Nisqually tribal members who do not qualify for a certification may be granted one with specific conditions.

**Nisqually Tribal-State Compact Section V(C)** provides that the State Gaming Agency<sup>3</sup> may revoke or suspend a State certification under the provisions of RCW 9.46.075, and rules promulgated there under, or for any reason or reasons it deems to be in the public interest.

**RCW 9.46.075 Suspending or revoking 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:

(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.

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;

(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 Suspending or revoking 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:

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person.

**RCW 9.46.153 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.

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<sup>3</sup> Washington State Gambling Commission, as referred to in the Nisqually Tribal-State Compact, Section II(U).

III.

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

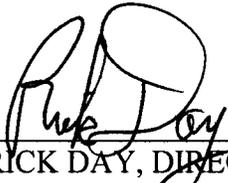
Alberta Youckton will have the opportunity to have a hearing on the alleged violations.

**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 Class III Employee 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.

  
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RICK DAY, DIRECTOR

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF THURSTON )

I hereby certify that I have this day caused a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 26<sup>th</sup> day of February, 2010

Communications and Legal Department  
Washington State Gambling Commission



SUBSCRIBED AND SWORN TO before me this 26<sup>th</sup> day of February, 2010.

  
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NOTARY PUBLIC in and for the State of

Washington residing at Thurston County

My commission expires on July 12, 2011

