STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the Certification to Operate Gambling Activities of:	)	NO. CR 2012-01743
Katie Bowman Wapato, Washington,	)	***AMENDED*** **NOTICE OF ADMINISTRATIVE CHARGES, AND OPPORTUNITY FOR AN ADMINISTRATIVE HEARING**
Class III Employee.	)	***(Amendments appear in strikeouts and italics)***

I.

The Washington State Gambling Commission issued Katie Bowman certification[1] number 69-30187, authorizing Class III Employee activity.

The Commission issued this certification, which expired on July 5, 2013, subject to the certified employee's compliance with state gambling laws, Commission rules, and the Kalispel Tribal/State Compact.

II.

~~Rick Day~~ *David Trujillo*, Director of the Washington State Gambling Commission, charges the Class III employee with the following violations of the Kalispel Tribal/State Compact, Washington State Gambling Act, 9.46 RCW, and WAC Title 230.

SUMMARY:

Katie Bowman previously held a tribal license through the Kalispel Tribal Gaming Agency (KTGA) to work in their facility, Northern Quest Casino as a Table Games Dealer. On December 5, 2012, Ms. Bowman's license was revoked by the Kalispel Tribal Gaming Board because of her pending criminal history and because she appeared to be under the influence while dealing cards. Ms. Bowman held a Class III Tribal Certification (certification) issued by the Washington State Gambling Commission.

FACTS:

1) A Washington State Gambling Commission Special Agent (agent) was assigned to Katie Bowman's file to investigate if she continues to qualify for certification after having her tribal license revoked. The KTGA notified the Commission staff of the revocation and provided a copy of their Incident Report, Security Department Incident Report, court documents and police

[1] Class III 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.

report, voluntary statements from Ms. Bowman, Report for Licensing File Review, surveillance DVD, and a copy of the Board Action Form. Even though Ms. Bowman's tribal license was revoked by the KTGA, her state certification remains active, which would allow her to transfer to a different tribal casino, or to a house banked card room.

2) The agent reviewed Ms. Bowman's licensing file. Ms. Bowman first applied for and was granted certification to work at the Northern Quest Casino in 2009. She has maintained her certification since then. During this time, she has also held a Public Card Room Employee license and worked at Big Daddy's and Ringo's Little Vegas Casino, both located in Spokane.

3) According to the Incident Report that the KTGA provided, on October 6, 2012, at approximately 19:25 hours, the KTGA received a call regarding Ms. Bowman being involved in a hit and run accident in the casino parking lot. It was also reported that Ms. Bowman was in the first aid room for a probable cause urinalysis. The shift manager informed KTGA that another employee had witnessed Ms. Bowman swerving while driving to work and saw her car pulling away from the front of another car. The employee also saw her walk away from the scene of the accident. Ms. Bowman was also observed at the table dealing cards and appeared to be "very distant," prompting a probable cause urinalysis. Ms. Bowman was transported to the local hospital and a Drug Recognition Expert reviewed her case.

4) On October 6, 2012, the Security Department also completed an Incident Report. It documents the witness description of the hit and run Ms. Bowman was involved in. The witness said while driving to work, he saw Ms. Bowman was "having a very hard time staying in her lane." He passed her and turned into the parking lot at the casino. Ms. Bowman followed him into the parking lot. As the witness was gathering his items from his vehicle, he heard a loud noise and saw the jeep Ms. Bowman was driving had hit a dark red Ford F-150. As Ms. Bowman backed the jeep up, he heard a metal-on-metal sound and saw the license plate from the Ford fall off. He then watched Ms. Bowman pull into a parking spot and then right away pull back out. She then drove down a few rows and parked again.

5) Ms. Bowman wrote a statement about the incident. According to her, before coming to work on October 6, 2012, she had been in an accident and hit her head on the top roll bar in her Jeep. When she got to work and parked, she "hit another car and…had to hurry in to work so I wouldn't be late so…I left my insurance card in the windshield." She went on to say, "shortly after I clocked in I was at my table dealing starting to feel nausous [sic], dizzy, seeing stars, and was confused of what was going on so I got taken back to the EMT room and the next thing I knew I was being put in a [sic] ambulance and was brought to Scared Heart." While at the hospital, an officer informed her she was being charged with a hit and run and DUI. Her blood was taken for a toxicology test. The result showed she had methadone and alprazolam in her system. She said she has a prescription for the methadone and had gotten the alprazolam from a friend for anxiety. She explained, "I know it was wrong for taking something from anyone other than a doctor."

6) On October 26, 2012, the Spokane Police Department completed a Statement of Investigating Officer Affidavit of Facts for a different incident. The report states that at approximately 11:47 the officer was stopped at a red light. As he proceeded through the intersection, he observed a

Jetta make a left turn across westbound traffic almost causing an accident. The officer activated his emergency lights and attempted to pull the driver of the Jetta over. The driver failed to stop for over 100-150 yards while traveling 5 MPH in a parking lot. The officer finally made contact with the driver, Ms. Bowman. She had slurred/slow speech and droopy bloodshot eyes. The officer requested Ms. Bowman's driver's license and she got distracted for over a minute while placing items that were on the front seat into her purse. When she attempted to get her license, she dropped contents of her wallet on her lap. Ms. Bowman voluntarily agreed to a field sobriety test, but couldn't follow the officer's instructions, so the test couldn't be completed.

7) Ms. Bowman admitted to taking a dose of methadone at the methadone clinic at 09:30-10:00 hours on October 26, 2012. Ms. Bowman was placed under arrest for DUI, a gross misdemeanor. In the Blood Alcohol Content room, the officer observed Ms. Bowman move her right hand towards her mouth. The officer saw a small white pill in her hand and watched as she put it into her mouth. The officer told her to stop and she gave him the pill that was identified as 10 mg of methadone hydrochloride. Ms. Bowman told the officer she didn't have a prescription for the methadone and had gotten it from someone named Jason in exchange for a ride home. Ms. Bowman was also charged with possession of methadone, a felony.

8) On October 31, 2012, the Toxicology Report from the hit and run accident in the Casino Parking lot came back positive for methadone and alprazolam.

9) On October 31, 2012, an Information was filed in Spokane County Superior Court charging Ms. Bowman with the following:

- Count I: Possession of a Controlled Substance. Ms. Bowman unlawfully possessed a controlled substance, to wit: Methadone Hydrochloride;
- Count II: Driving Under the Influence of Intoxicating Liquor and/or Drug. Ms. Bowman drove a vehicle while under the influence of or affected by intoxicating liquor or any drug.

10) On November 1, 2012, the KTGA completed Report for Licensing File Review recommending the revocation of Ms. Bowman's Tribal license. The recommendation was made based on the incidents detailed above. In addition, Ms. Bowman failed to timely disclose four pending criminal history charges associated with the above incidents.

11) On November 15, 2012, Ms. Bowman was summoned to Airway Heights Municipal Court for the DUI and Hit and Run Attended.

12) On November 16, 2012, Ms. Bowman provided a statement regarding the incident on October 26, 2012. She said that while going to the parking lot at her bank, she turned over a double yellow line and she was pulled over. She said the officer thought she was on something. "I just had been to my treatment facility and got my prescribed dose of methadone" and was arrested for DUI. "I had a pill that the officer found of methadone and he charged me with possession…" On December 5, 2012, the KTGB met regarding the revocation of Ms. Bowman's license. According to the Board Action Form, her license was revoked.

13) After reviewing the documents that the KTGA submitted, the agent ran a background check on Ms. Bowman. The following is a list of her history by violation date, charge, and disposition:

- 12/11/2012- Theft 3rd Degree, ~~pending~~ *dismissed on 2/15/2013*. (This was not included in KTGA's decision to revoke.);
- 12/09/2012- Fail to use child restraint, ~~pending~~ *committed on 3/14/2013*;
- 10/26/2012- DUI, ~~pending~~ *guilty on 5/16/2013*;
- 10/26/2012- Felony controlled substance violation, possession without prescription, ~~pending~~ *lessened to Criminal Solicitation, guilty on 5/16/2013*;
- 10/26/2012- Wrong way on freeway; committed;
- 10/26/2012- Failed to yield to right away, committed;
- 10/06/2012- DUI, ~~pending~~ *dismissed on 6/20/2013*;
- 12/28/2010- Fail to renew expired registration, committed;
- 04/06/2010- Fail to renew expired registration; committed; and
- 09/30/2001- Negligent Driving 1st Degree, guilty.

14) On April 25, 2013, a Complaint was filed against Ms. Bowman in Spokane County District Court. The charges were a result of the incident that happened on October 26, 2012.

15) On May 16, 2013, Statement of Defendant on Plea of Guilty was filed in Spokane Superior Court showing Ms. Bowman pled guilty to Solicitation to Commit Possession of a Controlled Substance and DUI. On page 5, section 11, she was asked to state in her own words what she did to make her guilty of the crimes. Ms. Bowman didn't write anything, but checked the box next to the statement that says: "Instead of making a statement, I agree that the court may review the police reports and/or a statement of probable cause supplied by the prosecution to establish a factual basis for the plea."

16) On May 16, 2013, a Judgment and Sentence was filed in Spokane County Superior Court, which sentenced Ms. Bowman to 24 months of monitored probation.

17) On June 26, 2013, an Order Amending the Judgment and Sentence was filed in Spokane County District Court. The document clarifies that the DUI was drug related, and not alcohol related as stated on the plea of guilty.

VIOLATIONS:

1) Kalispel Tribal/State Compact

V. C. Grounds for Revocation. Suspension or Denial of State Certification. The State Gaming Agency[2] may revoke, suspend or deny a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder, 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 an applicant or holder of certification or principal of an entity:
(The following subsections apply.)

[2] Washington State Gambling Commission, as referred to in the Kalispel Tribal/State Compact.

(1) Is determined to be a person who because of prior activities, criminal record, if any, or reputation, habits and associations poses a threat to the effective, regulation of gaming or creates or enhances the chances of unfair or illegal practices, methods and activities being used in the conduct of the gaming activities permitted pursuant to this Compact.

(2) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal-State Compact.

(4) Has had a Tribal or State gaming license revoked or denied during the twelve (12) months prior to the date the Tribe received the application; is currently on probation imposed by any jurisdiction; or has demonstrated a willful disregard or failed to comply with the requirements of any gaming regulatory authority in any jurisdiction, including offenses that could subject the individual or entity to suspension, revocation or forfeiture of any gaming license. For the purpose of reviewing any application for a state certification or for considering the denial, suspension or revocation of any state certification, the State Gaming Agency may consider any prior criminal conduct or current probationary status of the applicant or holder of certification and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases.

2) RCW 9.46.075 Denial, suspension, or revocation of certification, 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)[3] 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.~~

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[3] **RCW 9.46.075(4)** 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: (4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful 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;

3) 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, certified employee, or anyone holding a substantial interest in the applicant's or certified employee'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.

(5) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4); or

(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; and
(b) Criminal record;
(c) Reputation; or
(d) Habits.

4) 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. The certified employee's pending criminal charges demonstrate that the Class III employee poses a threat to the effective regulation of gambling, creates, or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities.

Ms. Bowman has failed to establish clearly and convincingly that she is qualified for licensure, as required by RCW 9.46.153(1). On December 5, 2012, Ms. Bowman's license was revoked by the Kalispel Tribal Gaming Board because of her pending criminal history and because she appeared to be under the influence while dealing cards. *Ms. Bowman is also serving monitored probation through May 2015.* As a result, there are grounds to revoke Katie Bowman's certification based on the Kalispel Tribal/State Compact, RCW 9.46.075(1), (8), and ~~(9)~~, and WAC 230-03-085(1), *(5)*, and (8).

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III.

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

The certified 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.

IV.

I have read this Amended Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding, know the contents of it, believe it to be true, and have executed this Notice in my capacity as Director of the Washington State Gambling Commission.

Dated March 25, 2014

David E. Trujillo

DAVID TRUJILLO, DIRECTOR

STATE OF WASHINGTON)
)
COUNTY OF THURSTON)

I certify I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, property 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 25 day of March, 2014

Maureen Prebell