

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the License to ) NO. CR 2012-01725  
Conduct Gambling Activities of: )  
)  
Fady N. Salib ) **NOTICE OF ADMINISTRATIVE**  
Tacoma, Washington, ) **CHARGES AND OPPROTUNITY**  
) **FOR AN ADJUDICATIVE**  
) **PROCEEDING**  
Class III Employee. )

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I.

The Washington State Gambling Commission issued Fady N. Salib Class III certification number 69-33158, authorizing Class III Employee activity, formerly at the Emerald Queen Casino in Fife.

The Commission issued this certification, which expires on September 19, 2013, subject to the certified employee's compliance with state gambling laws and Commission rules.

II.

David Trujillo, Acting Director of the Washington State Gambling Commission, charges Fady N. Salib with the following violations of the Puyallup Tribal/State Compact, Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

**SUMMARY:**

Surveillance video captured Fady N. Salib putting black chips<sup>1</sup> from the roulette table where he was stationed to work into the collar of his shirt. The Puyallup Tribal Gaming Regulatory Office revoked his tribal gaming license effective December 12, 2012, as a consequence of these actions. Additionally, Mr. Salib was charged with Theft 3 and is scheduled to appear in Tacoma Municipal Court.

**FACTS:**

- 1) On November 13, 2012, the Commission staff received an e-mail notification that the Puyallup Tribal Gaming Regulatory Office (PTGRO) issued to Fady N. Salib a Notice of Violation, Suspension, and Revocation of Class III-A Gaming License.
- 2) The PTGRO notification explained that Mr. Salib had been arrested for stealing chips at the Emerald Queen Casino. His license had been suspended, effective immediately, pending its revocation.

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<sup>1</sup> Each black chip is worth \$100.00.

- 3) After communicating with the PTGRO staff, a Commission Special Agent obtained a copy of the incident report on December 3, 2012. The incident report summarized events on November 8, 2012 as follows:
- Emerald Queen Casino surveillance staff contacted a Puyallup Tribal Gaming Field Agent about a possible theft. The field agent reviewed the video and observed that at 4:30 a.m. Mr. Salib reached over to the stack of \$100 chips. When his hand moved away, his right fist was balled up as if holding something. This same fist then reached for his collar and appeared to put something inside.
  - At 6:40 a.m., Tribal Police Officer Doug Johns arrived in Surveillance. At that time, Mr. Salib repeated the apparent stuffing of \$100 chip(s) into his shirt collar.
  - Mr. Salib was escorted from the roulette table to the table games shift office. Officer Johns read Mr. Salib his Miranda rights and asked whether Mr. Salib had any chips on his person. Mr. Salib acknowledged that he did and confirmed the location in his shirt. The interview ended when Mr. Salib asked for an attorney to be present.
  - A Table Games Shift Supervisor indicated the casino needed the chips back and asked Mr. Salib how they might recover them. Mr. Salib agreed to open his vest and shirt, and two black chips fell out.
  - Upon obtaining Mr. Salib's identification from his wallet, another black chip was found in his wallet.
- 4) The incident report also indicated that further video was reviewed and Mr. Salib appeared to have taken an additional black chip in the same manner on November 4, 2012.
- 5) On December 17, 2012, the agent received a copy of the PTGRO's Final Order of Default and Revocation of Gaming License for Mr. Salib. The revocation was effective on December 12, 2012.
- 6) The agent also queried the Judicial Information System and learned that Mr. Salib has pending charges for Theft 3.

#### **VIOLATIONS:**

**1) Section V. E. of the Puyallup Tribal State Gaming Compact.**

The Washington State Gambling Commission may revoke, suspend or deny a State certification when in the public interest. In particular, when the certification holder:  
(The following subsections apply.)

- (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 permitted pursuant to this Compact; or the person has violated, failed or refused to

comply with the provision, requirements, conditions, limitations or duties imposed by any provision of a Tribal/State Compact.

3) Has had a Tribal or State gaming license revoked or denied during the twelve (12) months prior to the date of receipt of the application; is currently on probation; or has demonstrated a willful disregard for compliance with gaming regulatory authority in any jurisdiction, including offenses that could subject the individual or entity to suspension, revocation or forfeiture of a gaming license.

**2) 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 certified employee, 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.

(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) of this section<sup>2</sup>: 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;

(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) 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.)

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<sup>2</sup> **946.075(4) Provides that:** 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;

(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.

**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 PTGRO revoked Mr. Salib's Tribal gaming license, and he has pending criminal theft charges based upon taking at least \$300 worth of casino chips. As a result, Fady N. Salib has demonstrated that he poses a threat to the effective regulation of gambling or increases the likelihood of unfair or illegal practices. Mr. Salib has failed to establish clearly and convincingly that he is qualified to be certified, as required by RCW 9.46.153(1). As a result, grounds exist to revoke Fady N. Salib's Class III certification under the Puyallup Tribal/State Compact, RCW 9.46.075(1), (8), (9) and (10), WAC 230-03-085(1) and (8).

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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.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

David Trujillo 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 Acting Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

*DA Trujillo*  
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DAVID TRUJILLO, ACTING DIRECTOR

SUBSCRIBED AND SWORN TO before me  
this 7 day of March, 2013.

*Maureen Pretell*  
\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington residing at Thurston County  
My commission expires on December 2, 2015



STATE OF WASHINGTON )  
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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 8 day of March, 2013

*Maureen Pretell*  
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