

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
Certification to Conduct Gambling)
Activities of:)
)
George Strong)
Wapato, Washington,)
)
Class III Employee.)
_____)

NO. CR 2012-00662

AMENDED
NOTICE OF ADMINISTRATIVE
CHARGES, AND OPPORTUNITY FOR
AN ADMINISTRATIVE HEARING
(Amendments appear in italics
and strikeouts)

I.

The Washington State Gambling Commission issued George Strong certification¹ number 69-33830, authorizing Class III Employee activity.

The Commission issued this certification, which expires on April 18, 2013, subject to the certified employee's compliance with state gambling laws and Commission rules.

II.

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

SUMMARY:

George Strong applied through the Yakama Nation Gaming Commission (YNGC) for, and subsequently received a Class III Certification (Certification), to work at the Legends Casino. Mr. Strong failed to disclose on his application that, *at the time, he was* the subject of a pending federal felony case involving Theft of Government Funds.

FACTS:

1) On May 23, 2012, a Washington State Gambling Commission Special Agent (agent) was assigned to review Mr. Strong's criminal history during a post-licensing investigation. As part of the investigation, the agent reviewed Mr. Strong's licensing file.

2) On April 18, 2012, Commission staff received Mr. Strong's application from YNGC. Mr. Strong marked the "yes" box indicating he had criminal history and wrote, "see attached record."

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.

He provided a Defendant Case History (DCH) print out. According to the DCH, he has the following criminal history listed by violation date, charge, and judgment:

- 1/13/2012- Speeding 5 MPH Over, Committed;
- 4/10/2012- Speeding 5 MPH Over, Committed;
- 5/17/2009- Speeding 10 MPH Over, Committed;
- 5/09/2009- Speeding 5 MPH Over, Committed; and
- 5/02/2002- Driving While License Suspended 3rd Degree, Bail Forfeited.

Only part of Mr. Strong's criminal history was handled within the Washington State Court system. When Commission staff conducted a background check, no disqualifying criminal history was found, and a certification was issued without any additional review.

3) During the post-licensing investigation, the agent discovered that Mr. Strong was subject of a pending federal case involving theft. As part of the investigation, the agent conducted a background check for the federal case. The agent reviewed a copy of the Indictment filed in the U.S. District Court, Eastern District of Washington against Mr. Strong. The following is a summary of the document, charging Mr. Strong with Theft of Government Funds:

Between August 16, 2010 and May 18, 2011, Mr. Strong did willfully and knowingly embezzle, steal, purloin, and convert to his own use, and the use of another, without lawful authority, a voucher, money, and thing of value of the United States. Through Mr. Strong's virtue of his employment at the Bureau of Indian Affairs, Yakama Agency, Forestry Management, he unlawfully used a Wright Express Fleet Credit Card to purchase fuel for personally owned vehicles belonging to him and to others. Mr. Strong's [actions] resulted in a loss of \$2,644.80.

4) On May 23, 2012, the agent contacted Charlene Tillequots, Licensing Supervisor, YNGC, to let her know about Mr. Strong's criminal history. Ms. Tillequots let the agent know she was not aware of his criminal history and said that she would let the agent know what sort of action, if any, the YNGC decided to take against his tribal certification.

5) On June 12, 2012, the agent spoke with Ms. Tillequots again regarding Mr. Strong's criminal history. She let the agent know that Mr. Strong's certification was suspended on June 5, 2012. The agent let Ms. Tillequots know that Commission staff would be recommending the revocation of Mr. Strong's state certification based on his criminal history.

6) *On June 18, 2012, an Information Superseding Indictment was filed in U.S. District Court, Eastern District of Washington, charging Mr. Strong with Theft of Government Funds. The following is a summary of the document:*

On or about January 1, 2007, through and including on or about May 18, 2011, Mr. Strong did willfully and knowingly embezzle, steal, purloin, and convert to his own use, and the use of another, without lawful authority, a voucher, money, and thing of value to the United States, in an aggregate amount of more than \$1,000.

Through Mr. Strong's virtue of his employment at the Bureau of Indian Affairs, Yakama Agency, Forestry Management, he unlawfully used a Wright Express Fleet Credit Card to purchase fuel for personally owned vehicles belonging to him and to others.

7) *On June 18, 2012, an Order Accepting Guilty Plea and an Order Schedule for Sentencing was filed in U.S. District Court, Eastern District of Washington.*

Mr. Strong has failed to establish clearly and convincingly that he is qualified for licensure, as required by RCW 9.46.153(1). He also failed to disclose his pending federal charges, in violation of RCW 9.46.170. As a result, there are grounds to revoke George Strong's certification based on the Yakama Tribal/State Compact, RCW 9.46.075(1), (3), (4), (7), (8), (9), and (10), and RCW 9.46.170, and WAC 230-03-085(1), (7), and (8).

VIOLATIONS:

Yakama Tribal/State Compact

C. Grounds for Revocation, Suspension, or Denial of State Certification. The State Gaming Agency 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.)

(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 provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal-State Compact.

(2) Has failed to provide any information reasonably required to investigate the application for state certification or to reveal any fact material to such application, or has furnished any information, which is untrue or misleading in connection with such application.

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.

(3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake.

(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;

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the commission.

(8) Fails to prove, by clear and convincing evidence, that he 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)² 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.~~

(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.

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.

(7) Fails to provide us with any information required under commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us; or

² 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;

(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.

RCW 9.46.170 False or misleading entries or statements, refusal to produce records-

Whoever, in any application for a license or in any book or record required to be maintained by the commission or in any report required to be submitted to the commission, shall make any false or misleading statement, or make any false or misleading entry or wilfully fail to maintain or make any entry required to be maintained or made, or who wilfully refuses to produce for inspection by the commission, or its designee, any book, record, or document required to be maintained or made by federal or state law, shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

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.

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I hereby certify that I have this day saved a true and correct copy of the document upon the parties of record in the proceeding by mailing a copy thereof, properly addressed, with postage prepaid, by registered and certified mail to each party to the proceeding, to their attorney or authorized agent.

Dated at _____ day of _____, 2012.

Washington State Gambling Commission
 Communications and Legal Department

STATE OF WASHINGTON)
)
 COUNTY OF THURSTON)

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.

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.

Rick Day

RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 19 day of September, 2012.

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)
) ss.
COUNTY OF THURSTON)

I hereby certify that I have this day served 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 19 day of September, 2012

Maureen Pretell

Communications and Legal Department
Washington State Gambling Commission

