STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to Conduct Gambling Activities of:	)	NO. CR 2013-01917
Juan R. Correa Zillah, Washington, Class III Employee.	)	**FINDINGS, CONCLUSIONS, DECISION, AND FINAL ORDER IN DEFAULT**

THE MATTER of the revocation of the certification to conduct gambling activities of Juan R. Correa having come before the Commission on January 16, 2014, 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 Juan R. Correa the following certification:[1]

Number 69-12897, authorizing Class III Employee activity at Legends Casino.

The certification expires on March 22, 2014, and was issued subject to the Class III employee's compliance with state gambling laws and rules and the Yakama Nation Tribal/State Compact.

II.

On November 6, 2013, Director David Trujillo issued administrative charges to Juan R. Correa by certified and regular mail. The administrative charges notified Mr. Correa that failure to respond would result in the entry of a default order revoking his certification. Mr. Correa did not respond to the charges and waived his right to a hearing. Pursuant to RCW 34.05.440, this final order is entered in default.

III.

SUMMARY:

Juan R. Correa conspired with another employee in the Marketing Department at Legends Casino to manipulate the weekly Players Club Drawing to produce a certain predictable winner. After the winner claimed their cash prize, they would give a portion of the winnings to Mr. Correa. The total loss to the casino was at least $64,000.

[1] The Commission issues Class III Certifications to employees working at Tribal casinos. Certifications allow similar activities as Card Room Employee (CRE) licenses issued to persons working at commercial house-banked card rooms. Class III employees may transfer their certifications to a CRE license and work at commercial card rooms by sending Commission staff a transfer form and the accompanying fee.

FACTS:

1. The Legends Casino celebrated its 15th anniversary by running a promotional drawing every 30 minutes between February 6, 2013, and May 15, 2013. Customers obtained entry cards by accumulating points on their Player's Club card, buying into a live poker game or tournament, buying into a live keno game or tournament, or by obtaining newspaper coupons. The customers placed their entries into a tumbler, and at scheduled times, a casino employee pulled an entry card from the tumbler and announced the name. The winning customer had three minutes to claim the prize. The customer would then choose a number between 1 and 13 on a large game board and they would win the cash prize listed behind the number they selected. The cash prizes ranged from $250 to $2,500.

2. Juan R. Correa co-conspired with another employee in the Marketing Department to manipulate the weekly Player's Club drawing to produce a certain predictable winner. Mr. Correa would select a predetermined winner for the drawing and advise the winner when to expect their name to be called. He also advised which number to select on the prize board. After the predetermined winner claimed their cash prize, they gave a portion of the winnings to Mr. Correa.

3. On July 18, 2013, an Indictment against Juan R. Correa and 41 co-conspirators was filed in the United States District Court Eastern District of Washington, Mr. Correa was charged with:

- Count 1 (Conspiracy to Steal Casino Funds in excess of $1,000): from at least February 6, 2013, through May 15, 2013, knowingly, willfully, and unlawfully conspired to commit an offense against the United states, willfully misapply and take away with the intent to steal money in excess of $1,000 belonging to a gaming establishment operated by and for an Indian Tribe in violation of Title 18 Unites States Code, Sections 1167 (b) and 371.

- Counts 2-23 (Theft by Employee of Gaming Establishment on Indian Lands): committed overt acts in furtherance of the conspiracy to accomplish the objectives by: stealing money in excess of $1,000 and aid and abet the same; all in violation of Title 18 United States Code, Sections 1168 (b) and 2; and

- Counts 45-68 (Theft by Employee of Gaming Establishment on Indian Lands): did steal money with a value less than $1,000 and did aid and abet the same in Title 18 United States Code, Sections 1168 (b) and 2.

4. The charges are currently pending, the case is set to go to a jury trial on November 18, 2013.

5. The Yakama Nation Tribal Gaming Commission terminated Juan Correa on September 12, 2013, and is in the process of revoking Mr. Correa's tribal license.

VIOLATIONS:

1) Section V. C. of the Tribal-State Compact for Class III Gaming with the Confederated

Tribes and Bands of the Yakama Indian Nation.
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:

(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 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.

(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.

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 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 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,

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[2] Washington State Gambling Commission, as referred to in Section II.V. of the Tribal-State Compact for Class III Gaming for the Yakama Indian Nation.

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;

(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.)

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

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state or federal level,

(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.

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.

5) RCW 9.46.185 Causing person to violate rule or regulation.
Any person who knowingly causes, aids, abets, or conspires with another to cause any person to violate any rule or regulation adopted pursuant to this chapter shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

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[3] 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;

DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Juan R. Correa's certification to conduct gambling activities is REVOKED.

DATED this 16 day of January, 2014.

MICHAEL AMOS, Chair

MARGARITA PRENTICE, Vice Chair

KELSEY GRAY, Ph.D.

CHRISTOPHER STEARNS

GEOFFREY SIMPSON

PRESENTED BY:

Melinda Froud, WSBA# 26792
Staff Attorney, Communications and Legal Division
Washington State Gambling Commission

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.

NOTICE: Petition for Judicial Review

You have the right to appeal this Final Oder to Superior Court, pursuant to the Petition for Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final Order must be filed with the court and also served upon both the Commission and the Office of the Attorney General within thirty (30) days after the date this Final Order is served upon you.

6) 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:
(The following subsections apply.)

(1) Employ any device, scheme, or artifice to defraud; 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.20.021.

Juan R. Correa conspired with another employee at Legends Casino to manipulate the weekly Players Club Drawing and picked predetermined winners to claim the cash prizes, resulting in a loss of at least $64,000 to the casino. This activity violated RCW 9.46.185 and RCW 9.46.190. Mr. Correa has failed to establish clearly and convincingly that he is qualified to be certified, in violation of RCW 9.46.153(1). As a result, grounds exist to revoke Juan R. Correa's Class III certification under the Yakama Nation Tribal/State Compact, RCW 9.46.075(1), (2), (9), and (10), and WAC 230-03-085(1), (3) and (8).

IV.

CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Juan R. Correa's certification to conduct gambling activities under the authority of the Yakama Nation Tribal/State Compact, RCW 9.46.075, and WAC 230-03-085.

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WAC 230-17-040(3) requires that motions be served on the parties listed below:

Washington State Gambling Commission
Communications & Legal Division
PO Box 42400
Olympia, Washington 98504-2400

Gregory J. Rosen
Assistant Attorney General
P.O. Box 40100
Olympia, WA 98504-0100

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, to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 21 day of January, 2014

Maureen Pretell

Communications and Legal Department
Washington State Gambling Commission