

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
Certification to Conduct Gambling Activities of:)
Kakada Norng)
Fife, Washington,)
Class III Employee.)
_____)

NO. CR 2013-00175

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

I.

The Washington State Gambling Commission issued Kakada Norng the following certification:¹

Number 69-18337, authorizing Class III Employee activity with the Muckleshoot Casino.

The certification expires on February 2, 2013, and was issued subject to Kakada Norng's compliance with the Muckleshoot Tribal/State Compact, state gambling laws, and rules.

II.

David Trujillo, Deputy Director of the Washington State Gambling Commission, charges Kakada Norng with the following violations of the Muckleshoot Tribal/State Compact, Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

SUMMARY:

On January 10, 2013, Kakada Norng was charged with Theft of a Motor Vehicle, a felony. The charge is pending and stems from an incident when Ms. Norng allegedly stole a vehicle and drove to the Emerald Queen Casino.

FACTS:

1) On January 9, 2013, a Washington State Gambling Commission Special Agent (agent) was assigned to Ms. Norng's file after receiving an e-mail from the Muckleshoot Tribal Gaming Agency (MTGA) informing Commission staff of her pending criminal history. Ms. Norng has since been terminated from the casino.

2) As part of the investigation, the agent reviewed Ms. Norng's licensing history. Ms. Norng first applied for certification in 2004 to work at the Muckleshoot Casino. She has maintained

¹ 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.

her certification since, and she does not have any previous administrative history.

3) On January 10, 2013, an Information was filed in Peirce County Superior Court charging Ms. Norng with the following:

- Count I: Theft of a Motor Vehicle. On January 9, 2013, Ms. Norng did unlawfully and feloniously obtain or exert unauthorized control over a motor vehicle, which was the property of another, with the intent to deprive such other of the motor vehicle contrary to RCW 9A.56.020(1)(a) and RCW 9A.56.065.
- In the Alternative: Taking a Motor Vehicle without Permission in the 2nd Degree. On January 9, 2013, Ms. Norng did unlawfully and feloniously, without permission of the owner or person entitled to possession, intentionally take or drive away an automobile or motor vehicle with knowledge of the fact that it was unlawfully taken contrary to RCW 9A.56.075(1).

4) On January 10, 2013, a Declaration for Determination of Probable Cause was filed in Pierce County Superior Court. The following is a summary of the document:

- On January 9, 2013, the Fife Police Department was dispatched to a gas station for a report of a motor vehicle theft. The victim stated that he had been at a bar in Auburn when he recognized Ms. Norng, a shift supervisor at the Muckleshoot Casino, where he works. Since Ms. Norng appeared to be intoxicated, the victim offered her a ride home so she wouldn't try and drive. The victim drove Ms. Norng to Fife in his 1998 Nissan Maxima, but Ms. Norng couldn't give him proper directions to her apartment complex. Ms. Norng could only tell the victim that she lived in apartment #4. Eventually, after driving around, the victim pulled into a gas station to use the restroom. He left his car running and Ms. Norng in the front passenger seat. When he returned, the car and Ms. Norng were gone.

5) The car was found in the parking lot of the Emerald Queen Casino and Ms. Norng was at the casino. She admitted to driving the car away from the gas station and said she drove straight to the casino.

6) On January 24, 2013, the agent received notification that Ms. Norng had been terminated from the Muckleshoot Casino on January 15, 2013.

7) On January 28, 2013, the agent sent MTGA an e-mail notification that she was recommending Ms. Norng's certification be revoked based on her pending criminal history.

8) Even though Ms. Norng has terminated from the Muckleshoot Casino, her certification remains active. As long as her certification is active, she could transfer to a different tribal casino, or to a house banked card room.

VIOLATIONS:

Section V.C. of the Muckleshoot Tribe/State Compact

The State Gaming Agency² may revoke, suspend or deny 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. In addition, these reasons shall include, but shall not be limited to when a holder of certification:

(The following subsection applies.)

(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.

RCW 9.46.075 Denying, suspending, or revoking an application, 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: (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;

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, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

² Washington State Gambling Commission, as referred to in the Muckleshoot Tribal/State Compact, Section II (U).

³ (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;

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

RCW 9.46.153 Applicants and licensees-Responsibilities and duties
(The following subsection applies.)

(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.

Kakada Norng poses a threat to the effective regulation of gambling demonstrated through her pending criminal charge of Theft of a Motor Vehicle, or, in the alternative, Taking a Motor Vehicle without Permission in the 2nd Degree. Ms. Norng has failed to show she is qualified for certification, in violation of 9.46.153. Therefore, under the Muckleshoot Tribal/State Compact, RCW 9.46.075 (1), (8), and (9) and WAC 230-03-085 (1), and (8), grounds exist to revoke Kakada Norng's certification.

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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.

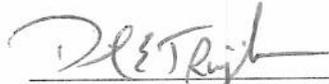
The certified employee will have the opportunity to have a hearing on the alleged violations.

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.

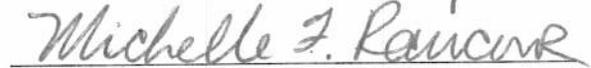
STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

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



DAVID TRUJILLO, DEPUTY DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 30 day of January, 2013.



NOTARY PUBLIC in and for the State of

Washington residing at Thurston Co

My commission expires on 10-19-15



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 _____ day of _____, _____

