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APR 23 2014

Gambling Commission
Comm. & Legal Division

STATE OF WASHINGTON
GAMBLING COMMISSION

Received
APR 14 2014
Gambling Commission
Comm. & Legal Division

In the Matter of the Revocation of the)
License to Conduct Gambling)
Activities of:)
)
Thonyrose Tibi)
Bremerton, Washington,)
)
Licensee.)
_____)

NO. CR 2013-02276

SETTLEMENT ORDER

The Director of the Washington State Gambling Commission and the licensee, Thonyrose Tibi, agree to this Settlement Order to resolve the administrative charges pending against her. Gregory J. Rosen, Assistant Attorney General, and Melinda Froud, Staff Attorney, represent the Gambling Commission. Ms. Tibi represents herself.

I.

The Washington State Gambling Commission issued Thonyrose Tibi the following license: Number 68-19820, authorizing Card Room Employee activity.

The license expires on August 11, 2014, and was issued subject to Ms. Tibi's compliance with state gambling laws and rules.

II.

On March 6, 2014, Thonyrose Tibi was served with the Notice of Administrative Charges. On March 13, 2014, she requested an Administrative Hearing on her revocation proceedings.

III.

SUMMARY:

On October 13, 2013, dealer Thonyrose Tibi allegedly stacked approximately 60 cards in a particular order at the Macau Casino when she was supposed to be checking and shuffling them. Licensee Wiasana Sok, an off-duty dealer at the Macau, was present with Ms. Tibi for part of the time when Ms. Tibi was stacking the cards. Without following the correct procedures, Ms. Tibi later introduced those cards, which were neither cut nor shuffled by hand or a shuffling machine, onto a mini-baccarat table. Ms. Sok bought in for \$1,300 to play at the same mini-baccarat table. Ms. Sok bet her entire \$1,300 on the first hand she bet. During the next ten hands, all using the stacked cards, Ms. Sok correctly bet nine times. A total of \$23,100 was lost to Ms. Sok, who gave Tibi \$5,000 in casino chips that same evening after Ms. Sok finished gambling. Ms. Sok cashed in approximately \$7,000 in casino chips later that same evening.

VIOLATIONS:

1) 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 he is qualified in accordance with the provisions of this chapter.

(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.

2) 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.

(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.

3) RCW 9.46.1961 Cheating in the first degree.

(1) A person is guilty of cheating in the first degree if he or she engages in cheating and:

- (a) Knowingly causes, aids, abets, or conspires with another to engage in cheating; or

(b) Holds a license or similar permit issued by the state of Washington to conduct, manage, or act as an employee in an authorized gambling activity.

4) 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.

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.

On October 13, 2013, dealer Thonyrose Tibi stacked about 60 cards in a particular order while she was supposed to be checking and shuffling them. She later introduced those cards, uncut, onto mini-baccarat table #3. Off-duty dealer Wiasana Sok immediately bought in for \$1,300 and, with only one exception accurately bet each hand of stacked cards resulting in a total loss to the cardroom of \$23,100 in violation of RCW 9.46.1961. Ms. Tibi has failed to establish by clear and convincing evidence that she is qualified, as required by RCW 9.46.153(1). As a result, there are grounds to revoke Tibi's license based on RCW 9.46.075(1), (8), and (10), and WAC 230-03-085(1) and (8).

IV.

Thonyrose Tibi acknowledges that she received and read the Notice of Administrative Charges in this case, and understands the facts and violations alleged in it. The licensee denies the facts and alleged violations specified above in section III. However, the licensee agrees that if the Gambling Commission was able to establish the alleged facts in the case at issue, there would be sufficient evidence of the alleged violations as stated in the administrative charges.

Ms. Tibi has waived her right to a hearing based on the terms and conditions of this Settlement Order and further agrees to the following:

1) Thonyrose Tibi shall surrender her Card Room Employee license, effective April 11, 2014. After that date, she will not be authorized to conduct Card Room Employee activity.

2) In the event Thonyrose Tibi applies for certification or a gambling license, she will be subject to all the Commission's investigative procedures for processing such application. Furthermore, no promises or assurances have been made to Thonyrose Tibi that she will receive a license or certification from the Commission should she apply.

3) Thonyrose Tibi shall have no involvement whether paid or unpaid, in the ownership, operation, or financing of any activity regulated by the Washington State Gambling Commission. This does not prevent Ms. Tibi from working in non-gambling related employment at an establishment engaged in authorized gambling activities.

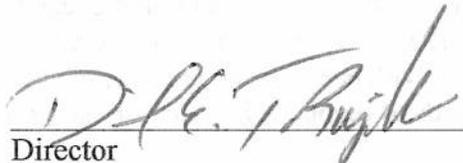
4) **The signed Settlement Order must be received by Commission staff by April 11, 2014,** and mailed to Commission Headquarters at the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

Or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
4565 7th Avenue SE; Fourth Floor
Lacey, WA 98503

DATED this 23 day of April, 2014.



Director

By her signature, the licensee understands and accepts the terms and conditions of this Order.

APPROVED FOR ENTRY:

 4-9-14

Thonyrose Tibi, (Date)
Licensee

 4-10-14

Terrence Wong, WSBA # (Date)
Attorney Representing Thonyrose Tibi

APPROVED AS TO FORM:

 _____
Gregory J. Rosen, WSBA# 15870
Assistant Attorney General,
Representing the Washington State
Gambling Commission



Melinda Froud, WSBA# 26792
Staff Attorney,
Washington State Gambling Commission