

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
Certification to Conduct Gambling Activities of:) NO. CR 2012-00621
)
Delia A. Jones) **FINDINGS, CONCLUSIONS,**
Marysville, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Class III Employee.)

THE MATTER of the revocation of the certification to conduct gambling activities of Delia A. Jones having come before the Commission on September 13, 2012, 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 Delia A. Jones the following certification:¹
Number 69-33566, authorizing Class III Employee activity, formerly with the Tulalip Resort Casino.

The certification expires on January 11, 2013, and was issued subject to Delia A. Jones' compliance with state gambling laws and rules and the compact.

II.

On June 22, 2012, Director Rick Day issued administrative charges to Delia A. Jones, by certified and regular mail. Ms. Jones did not respond to the charges and waived her right to a hearing and pursuant to RCW 34.05.44, this final order entered in default.

III.

FACTS:

1) A Washington State Gambling Commission Special Agent (agent) was assigned to Delia Jones' file to investigate whether she continues to qualify for certification after having her tribal conditional license revoked².

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.

² Even though Ms. Jones' tribal license was revoked by the Tulalip Tribal Gaming Agency (TTGA), her state certification remains active. As long as her state certification is active, Ms. Jones could transfer to a different Tribal casino, or to a house banked card room.

- 2) Ms. Jones first applied for and was granted certification to work at the Tulalip Resort Casino in January 2012. She was granted a conditional license by the Tulalip Tribal Gaming Agency (TTGA).
- 3) Ms. Jones signed a Conditional License Agreement on January 30, 2012, in which she agreed to a number of conditions, including the following: not violating any RCW, WAC, or any Tulalip Tribal Ordinances; not violating Tribal Ordinance 55, Tribal Gaming Commission Regulations, or the Tribal-State Compact section 5(c); and not committing any acts of theft or vandalism. Ms. Jones would be ineligible to maintain her conditional license if any of the conditions were unmet.
- 4) On April 2, 2012, the Tulalip Tribal Court entered an Order on Initial Review Hearing of Summary Suspension Pending Revocation based upon theft of an energy drink from the Casino's Team Dining Room.
- 5) On April 16, 2012, at the conclusion of the appeal period, the TTGA issued a Final Notice of Revocation to Ms. Jones for theft.
- 6) The agent reviewed written reports of various casino staff based upon personal observation, including a written surveillance report, a summary of an interview with Ms. Jones, and a cash register receipt.

Ms. Jones has failed to prove by clear and convincing evidence that she is qualified for certification, in violation of RCW 9.46.153. Therefore, under the Tulalip Tribal/State Compact, RCW 9.46.075(1), and (8) and WAC 230-03-085(1), and (8), grounds exist to revoke Delia A. Jones' certification.

VIOLATIONS:

Section 5.c. of the Tulalip 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 for any reason or reasons it deems to be in the public interest. These reasons shall include, but not be limited to when an applicant or holder of certification:

- (i) Has violated, failed or refused to comply with the provision, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the State Gaming Agency pursuant thereto, or any provision of a Tribal/State Compact, or when a violation of any provision of chapter 9.46 RCW or any State Gaming Agency rule, or any provision of a Tribal/State Compact has occurred upon any premises occupied or operated by any such person over which he or she has substantial control;
- (vi) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this Section;

(viii) Has had a Tribal license revoked or denied during the preceding twelve months.

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.

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.)

(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.

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.

Based upon the revocation of her conditional license due to theft, Ms. Jones has failed to demonstrate by clear and convincing evidence that she qualifies to maintain her state-issued Class III certification, in violation of RCW 9.46.153. Therefore, grounds exist to revoke her Class III certification based upon the Tulalip Tribal/State Compact, RCW 9.46.075(1) and (8), and WAC 230-03-085(1) and (8).

IV.

CONCLUSIONS OF LAW

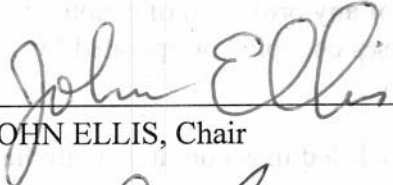
The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Delia A. Jones' certification to conduct gambling activities under the authority

of the Tulalip Tribal/State Compact, RCW 9.46.075, and WAC 230-03-085.

DECISION AND ORDER

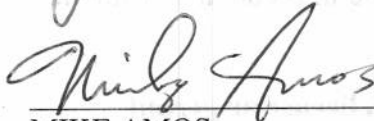
The Washington State Gambling Commission HEREBY ORDERS: Delia A. Jones' Class III Employee certification to conduct gambling activities is REVOKED.

DATED this 13th day of September, 2012.

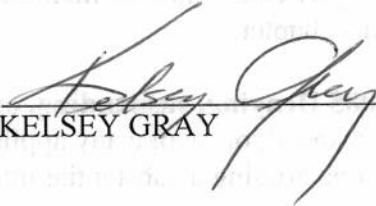


JOHN ELLIS, Chair


MICHAEL REICHERT



MIKE AMOS



KELSEY GRAY

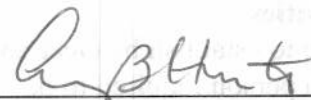


MARGARITA PRENTICE

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PRESENTED BY:



Amy B. Hunter, WSBA# 23773
Administrator, 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.

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

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