

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the Certification) NO. CR 2014-00288
to Conduct Gambling Activities of:)
)
Hector Gonzalez) **FINDINGS, CONCLUSIONS,**
Grandview, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Class III Employee.)

THE MATTER of the revocation of the certification to conduct gambling activities of Hector Gonzalez having come before the Commission on July 11, 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 Hector Gonzalez the following Class III Employee certification:¹

Number 69-19749, authorizing Class III Employee activity, formerly at Legends Casino in Yakima.

The certification expires on October 11, 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 May 8, 2014, Director David Trujillo issued administrative charges to Hector Gonzalez by regular mail. The administrative charges notified Mr. Gonzalez that failure to respond would result in the entry of a default order revoking his certification. Mr. Gonzalez 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:

Mr. Gonzalez has failed to prove he is qualified to hold a certification based on the revocation of his license by the Yakama Nation Tribal Gaming Commission.

¹ The Commission issues Class III certifications to Tribal casino employees. Certifications allow similar activities as Card Room Employee (CRE) licenses for 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 Yakama Nation Tribal Gaming Commission began an internal investigation of its marketing department employees after an indictment was filed in federal court charging 42 co-conspirators with felony charges, including Conspiracy to Steal Casino Funds and Theft By Employee of Gaming Establishment on Indian Lands.
- (2) The Class III Employee, Hector Gonzalez, was not criminally charged; however, the Tribal Gaming Commission's subsequent internal investigation found Mr. Gonzalez had failed to follow promotional rules in 2011.
- (3) The Yakama Nation Tribal Gaming Commission summarily suspended and moved to revoke Mr. Gonzalez's license on December 16, 2013. Mr. Gonzalez received notice of his right to a hearing from the Tribal Commission. On January 3, 2014, Mr. Gonzalez asked for a hearing, which was held on January 24, 2014. Mr. Gonzalez appeared, and the Tribal Commission upheld the revocation in a notice dated January 31, 2014.

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 Agency² 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 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 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) 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

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.

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;

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

(The following subsection applies.)

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

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.

Mr. Gonzalez has failed to prove he is qualified to hold a certification based on the revocation of his license by the Yakama Nation Tribal Gaming Commission. By having his license revoked, Mr. Gonzalez has failed to establish, by clear and convincing evidence, as required by RCW 9.46.153(1), that he is qualified to be certified. Grounds therefore exist to revoke Mr. Gonzalez's Class III Employee certification under the Yakama Nation Tribal/State Compact, RCW 9.46.075(1) and (8), and WAC 230-03-085(1).

IV.

CONCLUSIONS OF LAW

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

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DECISION AND ORDER

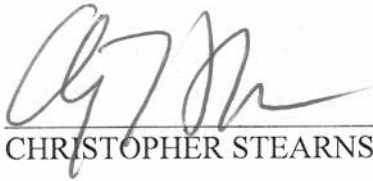
The Washington State Gambling Commission HEREBY ORDERS: Hector Gonzalez's certification to conduct gambling activities is REVOKED.

DATED this 11th day of July 2014.



MICHAEL AMOS, Chair

KELSEY GRAY, Ph.D.



CHRISTOPHER STEARNS



JULIA PATTERSON



BUD SIZEMORE

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.

NOTICE: Petition for Judicial Review

You have the right to appeal this Final Order 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 served upon both the Commission and the Office of the Attorney General within thirty-days (30) after the date this Final Order is served upon you.

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 14 day of July, 2014



Communications and Legal Department
Washington State Gambling Commission

STATE OF WASHINGTON
COUNTY OF THURSTON

I, _____, do hereby certify that I have this day served a copy of the document upon all parties to whom it is directed, and a copy thereof upon the court, and that the same has been filed for the record in the office of the clerk of the court, and that the same is now on file in the office of the clerk of the court.

Witness my hand and the seal of the court at Olympia, Washington, this _____ day of _____, 19____.

STATE OF WASHINGTON
COUNTY OF THURSTON

I hereby certify that I have this day served a copy of the document upon all parties to whom it is directed, and a copy thereof upon the court, and that the same has been filed for the record in the office of the clerk of the court, and that the same is now on file in the office of the clerk of the court.

Dated at Olympia, Washington this _____ day of _____, 19____.

Clerk of the Court