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**STATE OF WASHINGTON
GAMBLING COMMISSION**

7 In the Matter of:

NO. CR 2018-01994

8 JUSTIN T MOFFETT,
9 License No. 69-41542

FINAL ORDER OF THE
GAMBLING COMMISSION

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Class III Employee.

This matter having come before the Washington State Gambling Commission (Commission) on March 14, 2019, the Commission makes the following Findings of Fact, Conclusions of Law, and issues its Final Order:

I. FINDINGS OF FACT

1. The Washington State Gambling Commission issued a Class III certification to Justin T. Moffett Certification No.: 69-41542, authorizing Class III Employee activity at the Little Creek Casino in Shelton, Washington.

2. This certification, which expires on May 7, 2019, was issued subject to Mr. Moffett's compliance with state gambling laws and Commission rules, in accordance with the Squaxin Island Tribal-State Gaming Compact.

3. On October 24, 2018, the Little Creek Casino Facilities Director requested that an investigation be conducted to locate a missing Bard HVAC unit.

4. The investigation showed that on October 14, 2018, Mr. Moffett assisted another employee at Little Creek Casino, Victor Moffett, in loading the Bard HVAC unit onto a white Chevy Little Creek Casino box truck. The men obtained keys from a security podium, parked a

1 truck in the loading zone, and used a forklift to load the HVAC unit into the truck before the unit
2 was taken off the premises without authorization or approval.

3 5. Mr. Moffett's employment was terminated on October 31, 2018.

4 6. Based on the above allegations, which violate the conditions of his tribal gaming
5 license, Mr. Moffett's tribal gaming license was revoked by Squaxin Island Tribal Gaming
6 Agency on October 31, 2018 for involvement in a crime. Mr. Moffett had seven days to request
7 an appeal. No request was received and therefore the revocation is considered final.

8 7. Mr. Moffett failed to report the revocation of his tribal gaming license to
9 Washington State Gambling Commission as required by rule.

10 8. Director David Trujillo issued administrative charges on January 22, 2019
11 alleging that Mr. Moffett's actions constituted basis for revocation in RCW 9.46.075 and WAC
12 230-03-085. Further, that he could not show by clear and convincing evidence that he was
13 qualified for licensure as required by RCW 9.46.153(1), and that his actions warranted
14 revocation of his Class III certification pursuant to RCW 9.46.075(1), (2), (7), and (8), WAC
15 230-03-085(1), (3), (8), and (9)(a), and in accordance with Section V.C. (1) and (3) of the
16 Squaxin Island Tribal-State Gaming Compact.

17 9. Mr. Moffett was sent the charges by regular and certified mail on January 22,
18 2019 to the last address the Gambling Commission had on file. The certified mail was returned
19 on February 20, 2019.

20 10. Pursuant to WAC 230-17-010, a response was required to be received by the
21 Commission by February 14, 2019. No response was received.

22 II. CONCLUSIONS OF LAW

23 1. Mr. Moffett received proper notice of the January 22, 2019 charges via regular
24 and certified mail on January 22, 2019 pursuant to RCW 34.05.431, RCW 34.05.434, WAC 230-
25 17-005, and WAC 230-17-010.

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2. The Commission can take final action against Mr. Moffett's Class III certification under Case Number CR 2018-01994 pursuant to RCW 9.46.075, RCW 34.05.440(1), RCW 34.05.461, and WAC 230-03-085.

3. Mr. Moffett's Class III certification should be revoked under Case Number CR 2018-01994 pursuant to RCW 9.46.075, RCW 9.46.153(1), RCW 34.05.440(1), RCW 34.05.461, and WAC 230-03-085.

ORDER

This matter having come before the Commission at its March 14, 2019, Commission meeting, the Commissioners having heard arguments, been given the chance to review the administrative record, and being fully advised in this matter, now therefore:

It is hereby **ORDERED** that Justin T. Moffett's Class III certification, Number 69-41542, is **REVOKED**.

DATED this 14th day of March, 2019.


BUD SIZEMORE, Chair


JULIA PATTERSON, Vice Chair

CHRISTOPHER STEARNS


ED TROYER


ALICIA LEVY

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NOTICE

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3 Reconsideration: RCW 34.05.470 and WAC 230-17-140 provide that a party may file a
4 petition for reconsideration of a final order. A petition for reconsideration must be received no
5 later than thirteen (13) days after the date this final order is mailed. Any motion for
6 reconsideration must state the specific grounds supporting the party's request for
7 reconsideration.

8 Stay of Final Order: Filing for reconsideration does not stay the effectiveness of this
9 Order. WAC 230-17-145 provides that a party may petition the Commission for a stay of a final
10 order. Any petition for a stay should be received by the Commission within thirteen (13) days
11 after the date this final order is mailed.

12 Judicial Review: RCW 34.05.542 provides that a party may appeal this final order by
13 filing a petition for judicial review within thirty (30) days after service of this order. A petition
14 for judicial review must be filed with the appropriate superior court and served upon both the
15 Commission and the Office of the Attorney General.

16 Service: This Order was served on you three days after it was deposited in the United
17 States Postal Service regular mail, excluding the date of mailing. WAC 230-17-035.

18 Any motions or petitions for judicial review should be served on or mailed to:

19 Washington State Gambling Commission
20 Legal and Records Division
21 4565 7th Avenue S.E., Lacey, WA
22 P.O. Box 42400
23 Olympia, WA 98504-2400

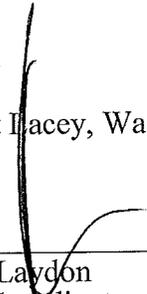
24 Gregory J. Rosen
25 Attorney General's Office
26 1135 Washington St. SE
27 P.O. Box 40100
28 Olympia, WA 98504-0100

CERTIFICATE OF SERVICE

I certify that on the date below I served a copy of the foregoing document on all parties and/or their counsel by United States Postal Service regular mail to the following:

JUSTIN T. MOFFETT
278 SE SR3
SHELTON, WA 98584

EXECUTED this 15 day of March, 2019, at Lacey, Washington.



Ashlie Laydon
Rules Coordinator