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6 **STATE OF WASHINGTON
GAMBLING COMMISSION**

7 In the Matter of:

NO. CR 2019-00433

8
9 TINA G KUAHIWINUI,
License No. 69-40156,

FINAL ORDER OF THE
GAMBLING COMMISSION

10
11 Class III Employee.

12 This matter having come before the Washington State Gambling Commission
13 (Commission) on July 11, 2019, the Commission makes the following Findings of Fact,
14 Conclusions of Law, and issues its Final Order:

15 **I. FINDINGS OF FACT**

16 1. The Washington State Gambling Commission issued Tina G Kuahiwinui
17 Certification No.: 69-40156, authorizing Class III Employee activity at Muckleshoot Casino in
18 Auburn, Washington.

19 2. This certification, which expires on July 21, 2019, was issued subject to Ms.
20 Kuahiwinui's compliance with state gambling laws and Commission rules in accordance with
21 the Muckleshoot Tribal-State Gaming Compact.

22 3. On January 8, 2019, Muckleshoot Tribal Gaming Agency opened an investigation
23 after Key Bank contacted them regarding possible fraudulent activity committed by Ms.
24 Kuahiwinui at the casino.

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FINAL ORDER OF THE
GAMBLING COMMISSION

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IN RE: TINA G KUAHIWINUI
NO. 2019-00433

Washington State Gambling Commission
4565 7th Avenue S.E., Lacey, WA 98503
P.O. Box 42400
Olympia, WA 98504

1 4. Ms. Kuahiwinui reported to Key Bank that someone had used her debit card to
2 withdraw cash from her account without her permission between the hours of 1305 on December
3 30, 2018 and 0054 on December 31, 2018.

4 5. These transactions consisted of attempted withdrawals totaling in \$4,000 and
5 successful withdrawals totaling in \$352.

6 6. Surveillance showed that Ms. Kuahiwinui was present and participated in the
7 transactions that took place during the above times.

8 7. A review of Ms. Kuahiwinui's credit report noted that she had over \$9,000 in
9 collections and owed an additional amount closer to \$10,000 to creditors. The investigation also
10 revealed that Ms. Kuahiwinui's 2018 win/loss at the Muckleshoot Casino was negative \$8,652.

11 8. When interviewed, Ms. Kuahiwinui denied using her Key Bank Debit Card at the
12 Muckleshoot Casino. She admitted to conducting transactions at the above times, but claimed
13 she used her Wells Fargo account. She also denied that she made a disputed charge claim to Key
14 Bank.

15 9. When informed that there was video surveillance of the above transactions, she
16 admitted that she did conduct the transactions and later chose to dispute them. She explained that
17 she was having financial issues and was the sole provider. She apologized for her actions in
18 attempting to defraud Key Bank by making a false claim.

19 10. On January 23, 2019, Ms. Kuahiwinui was sent a letter notifying her that her
20 tribal gaming license was revoked effective immediately.

21 11. Ms. Kuahiwinui has not reported the revocation of her tribal gaming license to
22 the Washington State Gambling Commission.

23 12. Director David Trujillo issued administrative charges on April 23, 2019 alleging
24 that Ms. Kuahiwinui's actions constituted a violation of RCW 9.46.075 and WAC 230-03-085.
25 Further, that she could not show by clear and convincing evidence that she was qualified for
26 licensure as required by RCW 9.46.153(1), and that her actions warranted revocation of her

1 license pursuant to RCW 9.46.075(1), (7), and (9), WAC 230-03-085(1), (8), and (9)(a), and in
2 accordance with Section V. C. (1) and (3) of the Muckleshoot Tribal-State Gaming Compact.

3 13. Ms. Kuahiwinui was sent the charges by regular and certified mail on April 23,
4 2019 to the last address the Gambling Commission had on file. The certified mail was delivered
5 on April 25, 2019.

6 14. Pursuant to WAC 230-17-010, a response was required to be received by the
7 Commission by May 16, 2019. To date, the Commission has received no communication from
8 Ms. Kuahiwinui.

9 **II. CONCLUSIONS OF LAW**

10 1. Ms. Kuahiwinui received proper notice of the April 23, 2019 charges via regular
11 and certified mail on April 23, 2019 pursuant to RCW 34.05.431, RCW 34.05.434, WAC 230-
12 17-005, WAC 230-17-010, and WAC 10-08-130.

13 2. The Commission can take final action against Ms. Kuahiwinui's gambling
14 certification under Case Number CR 2019-00433 pursuant to RCW 9.46.075, RCW
15 34.05.440(1), RCW 34.05.461, and WAC 230-03-085.

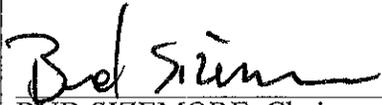
16 3. Ms. Kuahiwinui's certification should be revoked under Case Number CR 2019-
17 00433 pursuant to RCW 9.46.075, RCW 9.46.153(1), RCW 34.05.440(1), RCW 34.05.461, and
18 WAC 230-03-085.

ORDER

This matter having come before the Commission at its July 11, 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:

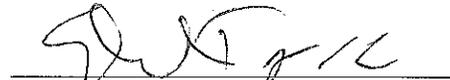
It is hereby **ORDERED** that Tina G Kuahiwinui's Class III certification, Number 69-40156, is **REVOKED**.

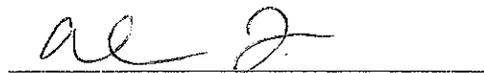
DATED this 11th day of July, 2019.


BUD SIZEMORE, Chair

JULIA PATTERSON, Vice Chair


CHRISTOPHER STEARNS


ED TROYER


ALICIA LEVY

1 **NOTICE**

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

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

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

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

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

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

Kellen Wright
Attorney General's Office
1135 Washington St. SE
P.O. Box 40100
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:

TINA G KUAHIWINUI
210 174TH ST E
SPANAWAY, WA 98387

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



Ashlie Laydon
Rules Coordinator