

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the Certification)
to Conduct Gambling Activities of:)
Debralee Thomas,)
Class III Employee.)
_____)

NO. CR 2009-00151

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

I.

The Washington State Gambling Commission issued Debralee Thomas of Auburn the following Class III Employee certification:¹

- 69-02908, Authorizing Class III Employee Activity, for the Muckleshoot Tribe.

The certification expires on March 2, 2009, and was issued subject to the certified employee's compliance with state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the certified employee with the following violations of the Washington State Gambling Act, 9.46 RCW, WAC Title 230 and the Muckleshoot Tribal-State Compact:

- In November 2008, the certified employee was convicted of Driving While Under the Influence and Vehicular Assault, a felony and a crime involving physical harm to an individual.
- In her Statement of Defendant on Plea of Guilty for her Vehicular Assault charge, the certified employee wrote that on February 22, 2008 she, "...did in King Co, Wa, operate a motor vehicle in disregard for the safety of others and Hereby [*sic*] caused substantial bodily harm to another person."
- In November 2008, the certified employee was sentenced to 12 months community custody for her Vehicular Assault conviction and 60 months probation for her Driving While Under the Influence. The Court ordered that these sentences shall run concurrently.
- This conviction establishes that the certified employee has failed to establish by clear and convincing evidence the necessary qualifications for licensure under RCW 9.46.153(1).

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.

- Therefore, under the Muckleshoot Tribal-State Compact V(C)(3), RCW 9.46.075(1), (4), and (8), and WAC 230-03-085(1), (2), and (5), grounds exist to revoke Debralee Thomas' Class III Employee certification.

Muckleshoot Tribal-State Compact V(C)(3)

Section V(C) provides that the State Gaming Agency² may revoke or suspend a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder, or 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 a holder of certification:

(3)... is currently on probation ... For the purpose of reviewing any application for a state certification and for considering the revocation of any state certification the state gaming agency may consider any ...current probationary status of the holder of certification.

RCW 9.46.075(1), (4), and (8) Suspending or revoking 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:

(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.

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude.

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

WAC 230-03-085(1), (2), and (5) Suspending or revoking 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:

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

(2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another

² Washington State Gambling Commission, as referred to in the Muckleshoot Tribal/State Compact, Section II(U).

person, or any crime involving an intention to inflict physical harm on another person.

(5) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4).

RCW 9.46.153(1)

(1) 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.

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, WAC Title 230, and the Muckleshoot Tribal-State Compact.

The certified employee will have the opportunity to have a hearing on the alleged violations.

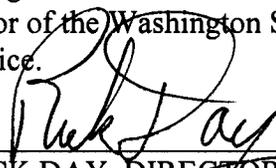
In order to have a hearing or discuss settlement options, the enclosed REQUEST FOR HEARING must be COMPLETED AND RETURNED to the Gambling Commission *within 23 days* from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return this document will result in the entry of a default order REVOKING your Class III Employee certification.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding for Debralee Thomas, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)



RICK DAY, DIRECTOR

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, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

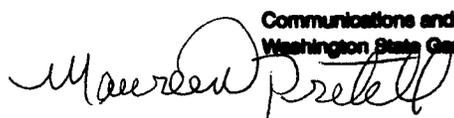
Dated at Olympia, Washington this 27 day of February, 2009

SUBSCRIBED AND SWORN TO before me this 26th day of February, 2009.



NOTARY PUBLIC in and for the State of

My Commission Expires at Lacey on June 15, 2009


Communications and Legal Department
Washington State Gambling Commission

