

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation of the )  
Certification to Conduct Gambling Activities of: )  
 )  
Jamie L. Burgett )  
Lakewood, Washington, )  
 )  
Class III Employee. )  

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NO. CR 2011-01288

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

I.

The Washington State Gambling Commission issued Jamie L. Burgett the following certification:<sup>1</sup>

Number 69-21638, authorizing Class III Employee activity with Little Creek Casino.

The certification expires on August 25, 2012, and was issued subject to the Class III employee's compliance with state gambling laws and rules and the Squaxin Tribal/State Compact.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the Class III employee with the following violations of the Washington State Gambling Act, 9.46 RCW, WAC Title 230, and the Squaxin Tribal/State Compact:

- 1) On September 11, 2011, a Commission Special Agent (agent) was assigned to Ms. Burgett's file to investigate her qualification for continued certification in light of her outstanding court-ordered fines and fees. Ms. Burgett has been certified since 2005 to work at a series of tribal card rooms.
- 2) The agent observed that Ms. Burgett failed to pay court-ordered fines and fees, and \$5,256.50 has been sent to collections due to her nonpayment.
- 3) Additional review of Ms. Burgett's certification file showed the following:
  - On December 2, 2009, an agent sent a letter to Donna Baker, with Licensing at Squaxin Tribal Gaming Commission (SIGC), notifying her of Commission staff's concerns regarding Ms. Burgett's unpaid fines and fees. The letter informed Ms Baker that the Class III Employee had \$5,256.50 of court ordered fines and fees in collection status, and she also had four Failure(s) to Appear (FTA) on her record for non-payment. The letter

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<sup>1</sup>The Commission issues Class III Certifications to employees working at Tribal casinos. Certifications allow similar activities as Card Room Employee (CRE) licenses issued to 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.

notified Ms. Baker that the Commission was not pursuing administrative action at that time, but encouraged Ms. Burgett to begin complying with her court obligations to “avoid possible administrative action in the future.”

- On September 2, 2010, the agent sent Ms. Baker another notification letter regarding Ms. Burgett’s collection balances, new charges, an additional FTA, and new matters sent to collections by the courts. The letter notified Ms. Baker that the Commission was not pursuing administrative action at that time, and requested information from the tribal gaming agency as to how they were going to proceed with the information provided,
- On September 14, 2010, SIGC staff sent the agent two documents regarding Ms. Burgett. The first document was a copy of a letter sent to Ms. Burgett from Desmond Smith Tribal Gaming Director, SIGC. The letter notified Ms. Burgett of Commission staff’s concerns, and advised her that her certification could be revoked if she did not reduce her fines significantly, and that any new charges could also put her certification in jeopardy. The second document was a letter signed by Ms. Burgett stating that “I understand that my fines must be reduced and I must not accrue new ones. The consequence of not complying with this could be administrative action against my certification.”
- On September 2, 2011, the agent sent Ms. Baker another notification letter regarding Ms. Burgett’s collection balances, which had increased to \$6,736, as well as now having six FTA’s sent to collections by the courts. The letter also stated that based on her pattern of criminal history, including her failure to comply with court ordered fines and fees, Ms. Burgett may pose a threat to the effective regulation of gaming and enhance the chances of unfair or illegal practices. Commission staff was also concerned that since Ms. Burgett had failed to comply with a judge’s rulings, she may not comply with internal control requirements or adhere to the direction of the Tribal Gaming Agency or the State Gaming Agency<sup>2</sup> in the future. The purpose of the September 2011 letter was to notify Ms. Baker that in 20 days from the date of the letter, the agent was going to start writing a case report stating why Ms. Burgett may not continue to qualify for certification, and that the agent would recommend revocation of Ms. Burgett’s certification.
- On September 7, 2011, Ms. Burgett and SIGC Tribal Director, Summer Petty signed a statement regarding “Potential State Certification Revocation,” which stated that if she did not reduce her fines to bring the amount in collections to below \$3,000, then the State Gaming Agency was going to start the revocation process. By October 17, 2011, Ms. Burgett’s amounts in collections had increased to \$7,097.

(4) On October 12, 2011, the agent called Ms. Baker. The agent told Ms. Baker that she was starting her case report regarding Ms. Burgett’s outstanding fines and fees, which had increased again. Ms. Baker said that she thought that would happen. Through her actions the Class III employee has demonstrated willful disregard for complying with court orders.

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<sup>2</sup> Washington State Gambling Commission, as referred to in the Squaxin Island Tribal/State Compact, Section II.

(5) Based on the Class III employee failure to pay court-ordered fines and fees, she poses a threat to the effective regulation of gaming and enhances the chance of unfair illegal practices. Therefore, the Class III employee has failed to establish by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1).

(6) Therefore, under Section V(C) (1) and (3) of the Squaxin Tribal/State Compact, RCW 9.46.075(1) and (8), and WAC 230-03-085(1), (3), and (8), grounds exist to suspend or revoke Jamie L. Burgett's certification.

**Section V(C) of the Squaxin Tribal/State Compact**

The State Gaming Agency may revoke, suspend or deny a State certification under the provisions of RCW 9.46.075, and rules promulgated there under, 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:

(The following subsections apply.)

(1) Is determined to be a person whose prior activities, criminal record, or 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 activities 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; and

(3) Has demonstrated a willful disregard for compliance with gaming authority in any jurisdiction.

**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 he is qualified in accordance with the provisions of this chapter.

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**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.
- (3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.
- (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; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

**RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties**

(The following subsection applies.)

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.

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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 Squaxin Tribal/State Compact.

The Class III 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 a request for hearing will result in the entry of a default order REVOKING your 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, knows the contents of it, believes it to be true, that he is the Deputy Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.



*[Handwritten Signature: Rick Day]*  
Rick Day, DIRECTOR

SUBSCRIBED AND SWORN TO before me  
this 7<sup>th</sup> day of NOVEMBER, 2011.

*[Handwritten Signature]*  
NOTARY PUBLIC in and for the State of  
Washington residing at ROYALWP, WA  
My commission expires on 7/16/2013

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

Dated at Olympia, Washington this 7 day of November, 2011

*[Handwritten Signature: Maureen Prate]*

Communications and Legal Department  
Washington State Gambling Commission