

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation )  
of the License to Conduct Gambling Activities of: )  
 )  
Melissa Curry )  
Tacoma, Washington, )  
 )  
Licensee. )  
\_\_\_\_\_ )

NO. CR 2012-00396

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

I.

The Washington State Gambling Commission issued Melissa Curry license number 68-19871, authorizing Card Room Employee activity at Great American Casino in Lakewood. The license expires on March 6, 2013, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- 1) On March 20, 2011, a Gambling Commission Special Agent (agent) was assigned to Ms. Curry's case to investigate whether she continued to qualify for a license while having a large amount of court-ordered fines and fees in collections due to nonpayment. Commission staff became aware of these fines and fees during a routine annual criminal history check.
- 2) In a post-licensing investigation, the agent determined that Melissa Curry first applied and was granted a Class III Certification<sup>1</sup> in 2002 to work at the Muckleshoot Casino. In 2004, Ms. Curry transferred to Great American Casino in Lakewood and has maintained her license there since. Ms. Curry does not have any previous administrative case history with the Washington State Gambling Commission.
- 3) As part of the agent's investigation, she conducted a criminal history background check and determined that Ms. Curry has seven Failures to Appear or Failures to Remit active on her record.
- 4) The following is a breakdown of Ms. Curry's criminal history listed from the date of violation, the charge, and the dollar amount owed in collections:
  - 10/05/2009 – DWLS 3<sup>rd</sup> Degree, \$373;
  - 09/25/2009 – DWLS 3<sup>rd</sup> Degree;

<sup>1</sup> 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.

- 08/23/2009 – Reckless Driving, \$1133;
- 04/14/2009 - Operating Motor Vehicle w/o Insurance, \$177;
- 04/14/2009 – DWLS 3<sup>rd</sup> Degree, \$377.50;
- 10/18/2006 – Speeding 6 MPH Over & Operating Motor Vehicle w/o Insurance, \$691;
- 01/14/2004 – Operating Motor Vehicle w/o Insurance, \$590; and
- 09/26/2003 – Safety Belt Improperly Fastened & Operating Motor Vehicle w/o Insurance, \$252.

Ms. Curry failed to make payments on the above court-ordered fines and fees resulting in a total of \$3,593.50 being sent to collections.

- 5) On March 22, 2012, the agent sent a letter to Ms. Curry and her employer notifying them of the court debt that she has accumulated. The letter notified them that based on her “pattern of criminal history, to include failure to comply with court ordered fines, fees, and obligations and the dollar amount of the fines and fees in collections, we feel that she may pose a threat to the effective regulation of gaming and enhances the chance of unfair or illegal practices, methods or activities of the gaming activity due to the financial pressure facing her.” The letter also stated that, “we are concerned that since she failed to comply with the judge’s rulings, she may not comply with internal control requirements or adhere to the direction of the Washington State Gambling Commission” and that the agent was going to recommend the revocation of her gambling license.
- 6) Ms. Curry has failed to prove by clear and convincing evidence the necessary qualifications for licensure, in violation of RCW 9.46.153. Therefore, under RCW 9.46.075(1) and (8) and WAC 230-03-085(1), (3), (7), (8), and grounds exist to suspend or revoke Melissa Curry’s license.

**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.

**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.

(7) Fails to provide us with any information required under Commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us.

(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

**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.

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STATE OF WASHINGTON  
 COUNTY OF THURSTON

I have this day served a copy of the document upon the following persons, to whom a copy of the document was delivered in person, and a copy of the document was delivered to the following persons by registered mail, return receipt requested, on this day of this month of this year.

\_\_\_\_\_

Notary Public

III.

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

The licensee 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 license.

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 Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

*Rick Day*  
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RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me  
this 18 day of April, 2012.

*Maureen Pretell*  
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NOTARY PUBLIC in and for the State of  
Washington residing at Thurston County  
My commission expires on December 2, 2015

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 19 day of April, 2012

*Maureen Pretell*  
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Communications and Legal Department  
Washington State Gambling Commission

