

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Summary Suspension of the)
Class III Certification to Conduct)
Gambling Activities of:)
)
Petcharat Grobthong)
Auburn, Washington,)
)
)
Class III Employee.)

NO. CR 2012-00171

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER OF SUMMARY
SUSPENSION OF
CLASS III CERTIFICATION**

RCW 9.46.070(17) authorizes the Washington State Gambling Commission (Commission) to summarily suspend¹ a certification, subject to final action by the Commission. The Director has reviewed this Order of Summary Suspension and has issued it for service.

This order takes effect when served on the certified employee, representative, or agent. A Commission Special Agent shall seize Petcharat Grobthong's Class III certification and the certified employee must stop conducting gambling activities.

FINDINGS OF FACT

I.

Rick Day is Director of the Washington State Gambling Commission and issues this order. Jurisdiction of this proceeding is based on chapter 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, Title 230 WAC, and the Muckleshoot Tribal-State Compact.

II.

The Washington State Gambling Commission issued Petcharat Grobthong the following certification:

Number: 69-16005, authorizing Class III Employee activity at Muckleshoot Casino, Auburn.

The Commission issued this certification, which expires on October 13, 2012, subject to the certified employee's compliance with state gambling laws and Commission rules.

¹ WAC 230-17-165 defines summary suspension as immediately taking a license or permit from a person or organization which prevents them from operating or conducting gambling activities.

III.

After a thorough review of the report by a Commission Special Agent (agent) about the facts in this matter, the Director accepts the report as true and has determined that the summary suspension is necessary.

IV.

SUMMARY:

The certified employee, Petcharat Grobthong, was charged with Felony Harassment - Domestic Violence, on January 5, 2012. The charges were based on the certified employee's conduct occurring on December 31, 2011; the charges are currently pending.

FACTS:

- (1) On January 4, 2012, an agent began investigating the certified employee's qualifications to continue holding a license after Ms. Grobthong reported to Commission licensing staff that she had been arrested for Felony Harassment, Domestic Violence. The agent obtained and reviewed the police report and certified court records related to Ms. Grobthong's criminal charges.
- (2) On January 5, 2012, Ms. Grobthong was charged by Information, issued by the King County Prosecutor, with Felony Harassment-Domestic Violence, for conduct occurring on December 31, 2011. The Information alleges the certified employee knowingly and without lawful authority threatened to cause bodily injury, immediately or in the future, by threatening to kill Mr. Pansri, and her words or conduct made him fear that she would carry out the threat.
- (3) A Determination for Certification of Probable Cause was filed with the King County Superior Court by Auburn Police. The Declaration of Probable Cause contained the following allegations:

(a) On December 31, 2011, at approximately 17:54, officers were dispatched to a domestic dispute. A female, later identified as Petcharat Grobthong, had called to report that she had been assaulted by her live-in boyfriend. When the police arrived at the scene, Pachaya Pansri waved them down. He explained that he and Ms. Grobthong had been drinking when Ms. Grobthong demanded that he give her his credit card and car keys. Mr. Pansri said that he refused to give Ms. Grobthong the keys and card because she was too intoxicated to drive.

(b) Mr. Pansri told officers that Ms. Grobthong became upset and armed herself with a butcher-style kitchen knife. Ms. Grobthong held the six-inch blade knife above her shoulders with the blade pointed down at Mr. Pansri. Ms. Grobthong approached Mr. Pansri with the knife raised and, through her actions, placed Mr. Pansri in reasonable fear that she was going to stab him with the knife. Mr. Pansri told the officers that he threw a game console remote at Ms. Grobthong as he tried to get away, but it missed and broke the TV. Ms. Grobthong screamed at him, while still holding the knife in a threatening manner. Mr. Pansri slapped

Ms. Grobthong's face with his open hand, causing her to drop the knife. Ms. Grobthong told him that she was calling the police.

(c) Officers interviewed Ms. Grobthong, the reporting individual. Ms. Grobthong confirmed Mr. Pansri's version of events. Ms. Grobthong admitted that she armed herself with a knife because Mr. Pansri refused to give her the credit card. Ms. Grobthong told officers that she came within feet of Mr. Pansri, and could have easily stabbed him.

(4) Ms. Grobthong's Conditions of Release include a separate Domestic Violence No-Contact Order, protecting Pachaya Pansri, Ms. Grobthong's boyfriend, who is also a Class III Employee with Muckleshoot Casino. The No-Contact Order now extends through January 20, 2017.

(5) On February 3, 2012, the agent contacted the Licensing Supervisor for the Muckleshoot Gaming Commission to let her know the agent had received Ms. Grobthong's Information and the Determination for Certification of Probable Cause. The agent also provided the Supervisor with a copy of the court documents. The Supervisor indicated that the Tribe had not taken any action against Ms. Grobthong and was waiting to see what the State would do. On February 7, 2012, the agent again called the Supervisor, to say she was starting a case report for Summary Suspension.

(6) As of February 27, 2012, the charges against the certified employee are pending.

CONCLUSIONS OF LAW

I.

1) **RCW 9.46.070** provides that the Commission shall have the following powers and duties: The Commission may authorize the Director to temporarily suspend licenses subject to final action by the Commission.

2) **WAC 230-17-165(2)** provides that the Commission delegates its authority to the Director to summarily suspend any license if the Director determines that a certified employee has performed one or more of the actions identified in RCW 9.46.075 as posing a threat to public health, safety, or welfare.

3) **WAC 230-17-165(3)** The Commission deems the following actions of a certified employee constitute an immediate danger to the public safety and welfare:
(The following subsections apply.)

(a) Failing or refusing to comply with the provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW or any rules adopted by the Commission;

(f) Being subject to current prosecution or pending charges, or appealing a conviction, for any of the offenses included under (d)² of this subsection.

The certified employee, Petcharat Grobthong, was charged with Felony Harassment-Domestic Violence, on January 5, 2012. The charges are for an offense involving physical harm to an individual and were based on the certified employee's conduct occurring on December 31, 2011; the charges are currently pending. The certified employee's actions constitute an immediate danger to public safety and welfare based on WAC 230-17-165(3)(a) and (f), and are a basis for Ms. Grobthong to immediately stop conducting gambling activities.

4) **Section V(C) of the Muckleshoot Tribal/State Compact** provides that 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. These reasons shall include when the applicant:
(The following subsection applies.)

(4) Has been determined to be a person whose prior activities or criminal record pose a threat to the effective regulation of gaming or has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal-State-Compact.

5) **RCW 9.46.075 Denial, suspension, or revocation of license, application, 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 certified employee, 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 she is qualified in accordance with the provisions of this chapter.

² WAC 230-17-165(3) (d) includes the following offense: "Being convicted of, or forfeiting of a bond on a charge of, or having pled guilty to: (i) Forgery; or (ii) Larceny; or (iii) Extortion; or (iv) Conspiracy to defraud; or (v) 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 (vi) Bribing or otherwise unlawfully influencing a public official or employee of any state or the United States; or (vii) Any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude..."

Petcharat Grobthong

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF
SUMMARY SUSPENSION OF CLASS III CERTIFICATION

(9) Is subject to current prosecution or pending charges, or a conviction, which is under appeal, for any of the offenses included under subsection (4)³ of this section: PROVIDED, That at the request of an applicant for an original license, the commission may defer decision upon the application during the pendency of such prosecution or appeal.

6) 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, certified employee, or anyone holding a substantial interest in the applicant's or certified employee'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.

(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.

7) 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.

The certified employee, Petcharat Grobthong, was charged with Felony Harassment - Domestic Violence, on January 5, 2012. The charges were based on the certified employee's conduct occurring on December 31, 2011; the charges are currently pending. The certified employee's pending criminal charges include an offense involving physical harm to an individual. The certified employee poses a threat to the effective regulation of gambling based on her prior activities. As a result, the certified employee has failed to prove by clear and convincing evidence that she is qualified to hold a certification, in violation of RCW 9.46.153. Grounds, therefore, exist to revoke Petcharat Grobthong's certification based on RCW 9.46.075(1), (8), and (9), and WAC 230-03-085(1), and (8).

³ RCW 9.46.075(4) includes the following offenses: "...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."

II.

The certified employee's actions are an immediate danger to public safety and welfare, and the certified employee has failed to comply with chapter 9.46 RCW or Commission rules. The immediate suspension of Petcharat Grobthong's gambling activity is required to protect public safety and welfare.

ORDER

Based on the FINDINGS OF FACT AND CONCLUSIONS OF LAW and the Director's authority under RCW 34.05.422, RCW 9.46.070(17), and WAC 230-17-165, the Director orders that Petcharat Grobthong's certification is summarily suspended, pending a formal hearing by an Administrative Law Judge.

STATEMENT OF RIGHTS

(1) **You may ask for a stay of this Order.** To do so, you must complete and return to the Commission the enclosed Application for Stay Hearing form within fifteen (15) days from the date you receive this Order. If the Commission receives a timely request, we will hold a hearing within seven (7) days as required by WAC 230-17-170(3). The stay hearing will determine if your suspension should continue, or whether the suspension may be modified. At the stay hearing, you will have to prove by clear and convincing evidence that:

- (a) You will likely win at hearing; and
- (b) If your suspension continues, you will suffer serious injury. Under this section, loss of income from licensed activities is not considered serious injury; and
- (c) Removing the immediate suspension will not hurt others in this case; and
- (d) The threat to the public safety or welfare does not justify continuing the suspension, or that modifying the suspension will adequately protect the public.

(2) **You also have a right to a hearing on the revocation of your certification.** To do so, you must complete and return to the Commission the enclosed Application for Hearing form within twenty (20) days from the date you receive this order. If you do NOT request a hearing, we will enter an Order of Default revoking your certification under RCW 34.05.440.

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