

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the )  
Certification to Conduct Gambling Activities of: )  
 )  
Delia A. Jones )  
Marysville, Washington, )  
 )  
 )  
Class III Employee. )  
\_\_\_\_\_ )

NO. CR 2012-00621

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

I.

The Washington State Gambling Commission issued Delia A. Jones the following certification:<sup>1</sup>

Number 69-33566, authorizing Class III Employee activity, formerly with the Tulalip Resort Casino.

The certification expires on January 11, 2013, and was issued subject to Delia A. Jones' compliance with state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges Delia A. Jones with the following violations of the Tulalip Tribal/State Compact, Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

1) A Washington State Gambling Commission Special Agent (agent) was assigned to Delia Jones' file to investigate whether she continues to qualify for certification after having her tribal conditional license revoked<sup>2</sup>.

2) Ms. Jones first applied for and was granted certification to work at the Tulalip Resort Casino in January, 2012. She was granted a conditional license by the Tulalip Tribal Gaming Agency (TTGA).

<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.

<sup>2</sup> Even though Ms. Jones' tribal license was revoked by the Tulalip Tribal Gaming Agency (TTGA), her state certification remains active. As long as her state certification is active, Ms. Jones could transfer to a different tribal casino, or to a house banked card room.

- 3) Ms. Jones signed a Conditional License Agreement on January 30, 2012, in which she agreed to a number of conditions, including the following: not violating any RCW, WAC, or any Tulalip Tribal Ordinances; not violating Tribal Ordinance 55, Tribal Gaming Commission Regulations, or the Tribal-State Compact section 5(c); and not committing any acts of theft or vandalism. Ms. Jones would be ineligible to maintain her conditional license if any of the conditions were unmet.
- 4) On April 2, 2012, the Tulalip Tribal Court entered an Order on Initial Review Hearing of Summary Suspension Pending Revocation based upon theft of an energy drink from the Casino's Team Dining Room.
- 5) On April 16, 2012, at the conclusion of the appeal period, the TTGA issued a Final Notice of Revocation to Ms. Jones for theft.
- 6) The agent reviewed written reports of various casino staff based upon personal observation, including a written surveillance report, a summary of an interview with Ms. Jones, and a cash register receipt.

Ms. Jones has failed to prove by clear and convincing evidence that she is qualified for certification, in violation of RCW 9.46.153. Therefore, under the Tulalip Tribal/State Compact, RCW 9.46.075(1), and (8) and WAC 230-03-085(1), and (8), grounds exist to revoke Delia A. Jones' certification.

## **VIOLATIONS**

### **Section 5.c. of the Tulalip Tribal/State Compact:**

(c) Grounds for Revocation, Suspension or Denial of State Certification. The State Gaming Agency may revoke, suspend or deny a State certification for any reason or reasons it deems to be in the public interest. These reasons shall include, but not be limited to when an applicant or holder of certification:

- (i) Has violated, failed or refused to comply with the provision, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the State Gaming Agency pursuant thereto, or any provision of a Tribal/State Compact, or when a violation of any provision of chapter 9.46 RCW or any State Gaming Agency rule, or any provision of a Tribal/State Compact has occurred upon any premises occupied or operated by any such person over which he or she has substantial control;
- (vi) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this Section;
- (viii) Has had a Tribal license revoked or denied during the preceding twelve months.

### **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.

(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.

**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.

Based upon the revocation of her conditional license due to theft, Ms. Jones has failed to demonstrate by clear and convincing evidence that she qualifies to maintain her state-issued Class III certification, in violation of RCW 9.46.153. Therefore, grounds exist to revoke her Class III certification based upon the Tulalip Tribal/State Compact, RCW 9.46.075(1) and (8), and WAC 230-03-085(1) and (8).




STATE OF WASHINGTON  
COUNTY OF THURSTON  
I hereby certify that I have this day served a copy of the document upon all parties to the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding, and the attorney or authorized agent.  
Date at Olympia, Washington this \_\_\_\_\_ day of \_\_\_\_\_  
Communications and Legal Department  
Washington State Gambling Commission

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

*Rick Day*  
\_\_\_\_\_  
RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me  
this 22 day of June, 2012.

*Maureen Pretell*  
\_\_\_\_\_  
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 22 day of June, 2012

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

