

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Summary Suspension of the Certification to Conduct Gambling Activities of:	)	NO. CR 2013-02380
	)	
Nicholas A. Snyder	)	<b>FINDINGS OF FACT,</b>
Olympia, Washington,	)	<b>CONCLUSIONS OF LAW,</b>
	)	<b>AND ORDER OF SUMMARY</b>
Class III Employee.	)	<b>SUSPENSION OF</b>
	)	<b>CERTIFICATION</b>

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RCW 9.46.070(17) authorizes the Washington State Gambling Commission (Commission) to summarily suspend<sup>1</sup> a Class III certification,<sup>2</sup> 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 Nicholas A. Snyder, his representative, or agent. A Commission Special Agent shall seize Nicholas A. Snyder's certification and he must immediately stop conducting gambling activities.

**FINDINGS OF FACT**

I.

David Trujillo is the 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 Squaxin Island Tribal/State Compact.

II.

The Washington State Gambling Commission issued Nicholas A. Snyder certification number 69-20851 authorizing Class III employee activity.

The Commission issued this certification, which expires on November 25, 2014, subject to the certified employee's compliance with state gambling laws, Commission rules, and the Squaxin Island Tribal/State Compact.

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<sup>1</sup> 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.

<sup>2</sup> Class III 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.

### III.

After a thorough review of the report by a Commission Special Agent about the facts in this matter, the Director accepts the report as true and has determined the Summary Suspension is necessary.

### IV.

#### **SUMMARY:**

Nicholas A. Snyder has pending charges for three counts of unlawful delivery of a controlled substance – Oxycodone, Class B Felonies.

#### **FACTS:**

- 1) On November 19, 2013, a Washington State Gambling Commission Special Agent (agent) received Nicholas A. Snyder's Class III Employee Renewal Application to determine whether he continues to qualify for certification. On his application, Mr. Snyder disclosed that he "was arrested for unlawful distribution and currently under investigation and going to court to resolve this matter." The agent reviewed the Judicial Information System (JIS) and determined Mr. Snyder has three pending charges of Controlled Substance violations from Thurston County Superior Court.
- 2) The agent reviewed the Superior Court Management Information System (SCOMIS) and found an Information was filed May 14, 2013. The violation dates for the charges are February 21, 2013, March 14, 2013, and April 21, 2013. The jury trial is scheduled to begin on February 3, 2014.
- 3) On November 21, 2013, the agent called Squaxin Island Tribal Gaming Agency (TGA) to inform them of the pending charges.
- 4) On November 22, 2013, the agent went to the Thurston County Superior Court and obtained certified copies of the Information and the Declaration of Prosecutor Supporting Probable Cause for this case. The Information indicated that Mr. Snyder was charged with three counts of unlawful delivery of a controlled substance – Oxycodone, in violation of RCW 69.50.401(2)(a), Class B Felonies.
- 5) According to the Declaration of Prosecutor Supporting Probable Cause, the following occurred:
  - a) An Informant told the detective that Mr. Snyder sells large amounts of Oxycodone tablets, specifically 30 mg, doses, as well as other illicit drugs. During the last week of February 2013, the detective contacted the Informant and asked him/her to arrange for a controlled buy of a specific number of Oxycodone tablets from Mr. Snyder.

The Informant later advised the detective that Mr. Snyder had invited the Informant to his residence to conduct the transaction.

- b) The detective met with the Informant and gave the Informant prerecorded Drug Task Force buy funds with instructions to use that money to purchase the specific number of Oxycodone tablets that Mr. Snyder was to deliver. During the briefing, Mr. Snyder texted the Informant and told him/her that he would not be able to meet him/her at the residence, but said he had left the pills inside his apartment. Mr. Snyder told the Informant where the pills were located and where to leave the money.
  - c) While the detective was briefing the Informant, another detective and a sergeant set up surveillance positions in the area of the residence where they could watch the entrance to Mr. Snyder's apartment. The detective followed the Informant to Mr. Snyder's apartment. The Informant was under constant surveillance during the operation. After the Informant left Mr. Snyder's apartment, the Informant went to the post buy location and gave the detective a number of small round blue pills imprinted with the letters "IVI" on one side and "30" on the reverse side. The detective recognized the tablets from his training and experience to be 30 mg Oxycodone; the number of pills matched the number agreed upon.
  - d) The Informant also stated that he/she went into Mr. Snyder's apartment as instructed and went directly to where he said the pills would be and collected the pills. The Informant then left the prerecorded buy funds where he/she had been instructed to leave the money. The detective also identified the drugs via the [www.drugs.com](http://www.drugs.com) website. The drug is described as a narcotic analgesic, a Schedule II narcotic available legally only through prescription.
  - e) Two more buys occurred between the Informant and Mr. Snyder; once during the third week of March 2013 and during the fourth week of April 2013.
- 6) On December 18, 2013, the agent was informed the Squaxin Island TGA had decided they would not take any action against Mr. Snyder's Squaxin Island Tribal Gaming license at this time.

## CONCLUSIONS OF LAW

### I.

#### 1) **SQUAXIN ISLAND TRIBAL/STATE COMPACT**

Section V.C. of the Tribal-State Compact states that State Gaming Agency may revoke, suspend or deny a State certification under the provisions of the RCW 9.46.075 and rules promulgated there under for any reason it deems to be in the public interest. These reasons include when the certification holder:

V.C. (1) is 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.

2) **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.

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

4) **WAC 230-17-165(3)** The Commission deems the following actions of a licensee 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)<sup>3</sup> of this subsection;

Nicholas A. Snyder is subject of three pending Felony counts of unlawful delivery of a controlled substance – Oxycodone. Based on these pending charges he poses a threat to the effective regulation of gambling. 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 Nicholas A. Snyder to immediately stop conducting gambling activities.

5) **RCW 9.46.075 Denial, suspension, or revocation of certification, 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 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

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<sup>3</sup> WAC 230-17-165 (3)(d) 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.

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.

(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)<sup>4</sup> 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

(c) Reputation; or

(d) Habits...

**7) RCW 9.46.153 Applicants and licensees — Responsibilities and duties — Waiver of liability — Investigation statement as privileged.**

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.

Nicholas A. Snyder has failed to establish by clear and convincing evidence, as required by RCW 9.46.153(1), that he is qualified to be certified. In addition, Mr. Snyder is the subject of three pending Felony counts of unlawful delivery of a controlled substance – Oxycodone. Based on his activities, he demonstrated that he poses a threat to the effective regulation of gambling or creates or increases the likelihood of unfair or illegal practices. As a result, there are grounds to

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<sup>4</sup> (4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful 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;

revoke Nicholas A. Snyder's certification based on RCW 9.46.075(1), (8), and (9), and WAC 230-03-085(1) and (8).

## II.

The certified employee's actions are an immediate danger to public safety and welfare, and he has failed to comply with chapter 9.46 RCW, Commission rules, and the Tribal/State Compact. The immediate suspension of Nicholas A. Snyder'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 Nicholas A. Snyder'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.

If you have any questions regarding the rights stated above, please contact Paralegal Jennifer Stretch, at (360) 486-3465 or 1-800-345-2529, extension 3465.

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IV.

I have read this Order of Summary Suspension for an Adjudicative Proceeding, know the contents of it, believe it to be true, and have executed this Order in my capacity as Director of the Washington State Gambling Commission.

Dated January 10, 2014

  
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DAVID TRUJILLO, DIRECTOR