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BY FAX *MM*

In the Matter of the Revocation or Suspension of)
the License to Conduct Gambling Activities of:)

No. CR 2010-00849

Khoeun Hean)
Tacoma, Washington,)

SETTLEMENT ORDER

Licensee.)
_____)

I.

This Settlement Order is entered into between the Washington State Gambling Commission and Khoeun Hean. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney. The licensee is representing himself.

II.

The Washington State Gambling Commission issued Khoeun Hean the following:

License number 68-26744, authorizing Card Room Employee activity currently with Freddie's Club of Fife; and

Certification¹ number 69-21480, authorizing Class III Employee activity. Mr. Hean has not worked as a Class III Employee since June 2008.

The license expires on August 2, 2011, and was issued subject to Mr. Hean's compliance with state gambling laws and rules.

III.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee on August 16, 2010. On August 20, 2010, Commission staff received the licensee's request for a hearing.

IV.

The following is a summary of the facts alleged, and the violations charged in the Notice of Administrative Charges:

1) Khoeun Hean failed to pay court-ordered fines and fees and owes \$3,348. As a result of Mr. Hean's fines and fees being in collections, the court issued seven Failures to Appear to the

¹Class 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.

licensee. Through his actions, Mr. Hean has demonstrated willful disregard for complying with court orders.

2) Mr. Hean was issued a license in August 2005. Since that time, Mr. Hean has failed to disclose the following charges on the Criminal History Statement section of his renewal applications:

- September 7, 2008, Operating Motor Vehicle without Insurance.
- September 7, 2008, Driving While License Suspended, Third Degree
- May 1, 2008, Operating Motor Vehicle without Insurance.
- May 1, 2008, No Valid Operator's License.
- May 5, 2006, Driving While License Suspended, Third Degree.
- May 6, 2006, Speeding 15mph Over Limit.
- March 24, 2006, Following Too Close.
- March 1, 2006, Operating with No/Illegal Plates, No Valid License and Operating Motor Vehicle without Insurance.
- September 29, 2005, Speeding Too Fast for Conditions.

3) Mr. Hean poses a threat to the effective regulation of gaming and enhances the chance of unfair illegal practices due to amount of money he has in collections from unpaid court fines and fees. Therefore, Mr. Hean has failed to establish by clear and convincing evidence the necessary qualifications for licensure under RCW 9.46.153(1).

4) Therefore, under RCW 9.46.075(1), (7), and (8), and WAC 230-03-085(1), (3), and (8), grounds exist to suspend or revoke Khoeun Hean'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.

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the Commission.

(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.

(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

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.

V.

The licensee acknowledges that he has read the Notice of Administrative Charges and understands the facts contained in it.

The licensee has now paid \$1,300 of his outstanding fines and fees, demonstrating that he no longer poses a threat to the effective regulation of gaming. In the future, if the licensee renews or reapplies for a gambling license, Commission staff will review the amount of any outstanding court ordered fines and fees and notify the licensee if he no longer qualifies for a license.

The licensee waives his right to a hearing, based on the following terms and conditions of this Settlement Order. The parties further agree to the following:

- 1) Khoeun Hean agrees that his license is **suspended for a period of ten (10) days**, provided that:
 - a) **Three (3) days of the suspension shall not be currently served, but shall be deferred for a period of one year** from the date of entry of this Settlement Order, subject to the following: The licensee agrees not to violate the terms of this Settlement Order, or any of Washington's gambling statutes or regulations during the one (1) year term. If the licensee violates this Settlement Order or gambling statutes or regulations, and if the violation is the type that warrants the filing of administrative or criminal charges, then the Director may impose the three-day deferred suspension of the current gambling licenses and any subsequently acquired gambling licenses.

- b) The parties agree that the Director of the Washington State Gambling Commission, pursuant to this Settlement Order, has discretion to determine whether the licensee has violated any term of this Settlement Order. In the event the Director determines that a violation has occurred, he may suspend the license issued to the licensee, and any subsequently acquired licenses, for up to three days, by mailing or delivering a Notice of Order of Administrative Charges to the licensee. This suspension shall be in addition to any consequences of the new violation. The licensee shall be afforded the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.
- c) **The licensee shall serve the remaining seven (7) days of this suspension, as follows:**
 - **The suspension period will begin at 8:00 a.m. on Saturday, October 30, 2010, and run through Friday, November 5, 2010.**
 - **The licensee may resume his gambling activities at 8:00 a.m. on Saturday, November 6, 2010.**
- d) During this period of suspension, the licensee shall have no involvement directly or indirectly, with any gambling activity, including punchboard/pull-tab activity. Mr. Hean's suspension does not prevent him from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

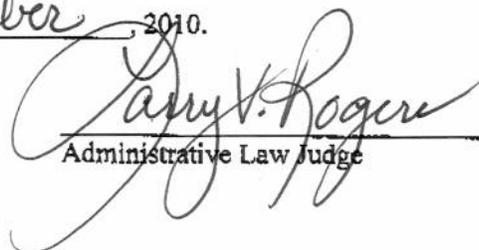
2) The signed order must be received by Commission staff on or before Noon, Friday, October 15, 2010. The order must be mailed to Commission Headquarters at the following address:

Washington State Gambling Commission
 Attention: Communications and Legal Division
 P.O. Box 42400
 Olympia, WA 98504-2400

or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
 Attention: Communications and Legal Division
 4565 7th Avenue SE; Fourth Floor
 Lacey, WA 98503

DATED this 9th day of November, 2010.


 Administrative Law Judge

APPROVED FOR ENTRY:

By his signature, the licensee understands and accepts the terms and conditions of this Order

Khoeun Hean 10-13-10
Khoeun Hean (DATE)
Licensee

Melinda A. Froud
Melinda A. Froud, WSBA# 26792
Lead Staff Attorney,
Washington State Gambling Commission

APPROVED AS TO FORM:

H. Bruce Marvin
H. Bruce Marvin, WSBA #25158
Assistant Attorney General,
Representing the Washington State
Gambling Commission

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