

JUN 27 2011

STATE OF WASHINGTON
GAMBLING COMMISSION

GAMBLING COMMISSION
COMM & LEGAL DIVISION

In the Matter of the Revocation or Suspension of)
the License to Conduct Gambling Activities of:)
Dontrae Burdette)
SeaTac, Washington,)
Licensee.)
_____)

No. CR 2011-00403

SETTLEMENT ORDER

I.

This Settlement Order is entered into between the Washington State Gambling Commission and Dontrae Burdette. 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 Dontrae Burdette license number 68-29780, authorizing Card Room Employee activity at Lucky Dragonz Casino in Skyway. The license expires on February 1, 2012, and was issued subject to the licensee'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 April 5, 2011. On April 27, 2011, 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) On January 12, 2011, Dontrae Burdette failed to appear for a scheduled court date, which resulted in the court issuing a gross misdemeanor warrant for his arrest.
- 2) On February 1, 2011, a Gambling Commission Special Agent (agent) sent Mr. Burdette a letter requesting that he quash his outstanding gross misdemeanor warrant and send the agent documentation by March 4, 2011, that he resolved the warrant. Mr. Burdette failed to provide the agent with documentation that the warrant was quashed.
- 3) The licensee's failure to appear for a court date demonstrates his willful disregard for complying with court orders, and by failing to resolve his outstanding gross misdemeanor warrant. Mr. Burdette has failed to prove by clear and convincing evidence the necessary

qualifications for licensure. Therefore, under RCW 9.46.075(1) and (8) and WAC 230-03-085(1), (3), (6), and (7) grounds exist to suspend or revoke Dontrae Burdette'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.

(6) Is the subject of an outstanding gross misdemeanor or felony arrest warrant.

(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.

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.

On May 9, 2011, the licensee provided Commission staff with documentation that he quashed his outstanding warrant.

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) Dontrae Burdette 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 Monday, June 6, 2011, and run through Sunday, June 12, 2011.**
 - During this period of suspension, the licensee shall have no involvement directly or indirectly, with any gambling activity, including punchboard/pull-tab activity. Mr. Burdett'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.
 - The licensee may resume his card room employee activities at 8:00 a.m. on Monday, June 13, 2011.

2) **The signed order must be received by Commission staff on or before Thursday, June 2, 2011.** 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

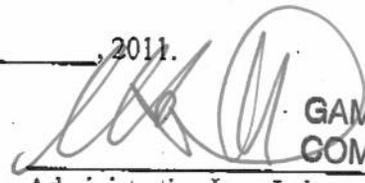
or delivered (in person or via private courier) to the following address:

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

DATED this 5th day of June, 2011.

RECEIVED

JUN 06 2011



GAMBLING COMMISSION
COMM & LEGAL DIVISION

Administrative Law Judge

CHARLES F. BRYANT

6/24/11

APPROVED FOR ENTRY:

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

Dontrae Burdette 6-5-11
Dontrae Burdette (DATE)
Licensee

APPROVED AS TO FORM:

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

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