

RECEIVED

JUN 08 2012

STATE OF WASHINGTON  
GAMBLING COMMISSION

GAMBLING COMMISSION  
COMM & LEGAL DIVISION

In the Summary Suspension of the	)	
Certification to Conduct Gambling Activities of:	)	No. CR 2012-00171
	)	
Petcharat Grobthong,	)	<b>SETTLEMENT ORDER</b>
	)	
Class III Employee.	)	
_____	)	

The Washington State Gambling Commission and the licensee, Petcharat Grobthong, agree to this Settlement Order to resolve the Order of Summary Suspension pending against the certified employee. Stephanie U. Happold, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney, represent the Gambling Commission. Scott Stewart, Attorney, represents the licensee.

I.

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.

II.

**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. On March 5, 2012, the Director issued an Order of Summary Suspension for Ms. Grobthong's certification. A stay hearing was held on March 12, 2012, and an Order Denying Request for Stay was issued on March 20, 2012.

III.

**VIOLATIONS:**

1) 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:

RECEIVED

(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.

**2) 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.

(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)1 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.

**3) 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

---

1 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."

(e) Associations.

**4) 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 certified employee's pending criminal charges included 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).

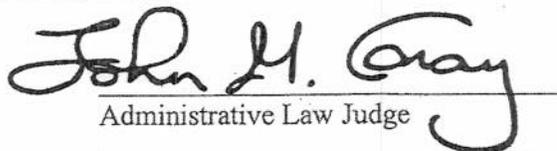
IV.

On March 5, 2012, the Director of the Commission summarily suspended Petcharat Grobthong's Class III Employee certification authorizing Class III Employee activity. The certified employee acknowledges that she received the Order of Summary Suspension issued in this case, and understands the facts and violations contained in it. On March 7, 2012, the certified employee, through her attorney, requested an administrative hearing in this matter.

On April 12, 2012, the certified employee pleaded guilty to the lesser charge of Malicious Mischief in the Third Degree, a non-felony conviction. The certified employee subsequently waived her right to an administrative hearing based on the entry of this Settlement Order, and agrees to the following sanctions:

- 1) Ms. Grobthong's certification shall be suspended for two months. However, she shall be granted credit for the period of time when her certification was summarily suspended on March 5, 2012, and she was ordered to stop working as a Class III employee.
- 2) The certified employee's summary suspension shall end once all parties have signed this Settlement Order. Ms. Grobthong may then return to work.

DATED this 7<sup>th</sup> day of June, 2012.

  
Administrative Law Judge

APPROVED FOR ENTRY:

By the signature below, the licensee understands the terms and conditions contained in the settlement order.

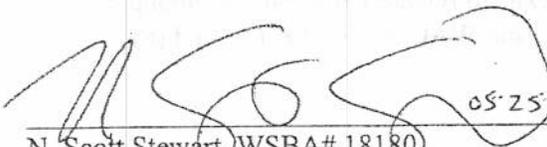
APPROVED AS TO FORM:

  
Petcharat Grobthong (Date)  
Licensee

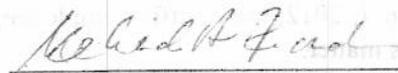
05-25-12

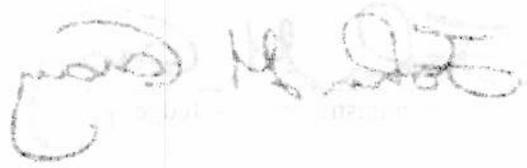
  
Stephanie U. Happold WSBA#38112  
Assistant Attorney General,  
Representing the Washington State  
Gambling Commission

6/1/12

  
N. Scott Stewart WSBA# 18180  
Attorney at Law  
Representing Petcharat Grobthong

05-25-12

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



**Certificate of Service – OAH Docket No. 2012-GMB-0016**

I certify that true copies of this document were served from Tacoma, Washington upon the following as indicated:

Address: <b>Petcharat Grobthong</b> <b>31900 104<sup>th</sup> Avenue SE #6201</b> <b>Auburn WA 98092</b>	First Class US Mail, postage prepaid
Address: <b>Stephanie U. Happold</b> <b>Assistant Attorney General</b> <b>Office of the Attorney General</b> <b>PO Box 40100</b> <b>Olympia WA 98504-0100</b>	First Class US Mail, postage prepaid
Address: <b>N Scott Stewart</b> <b>Attorney at Law</b> <b>655 West Smith Street Suite 210</b> <b>Kent WA 98032</b>	First Class US Mail, postage prepaid
Address: <b>Washington State Gambling Commission</b> <b>Attention: Maureen Pretell</b> <b>Communications and Legal Department</b> <b>PO Box 42400</b> <b>Olympia, WA 98504-2400</b>	First Class US Mail, postage prepaid
Address:	
Address:	

Date: June 7, 2012

  
\_\_\_\_\_  
Josephine Quiles-Negroni  
Office of Administrative Hearings