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COMM & LEGAL DIVISION

STATE OF WASHINGTON  
GAMBLING COMMISSION

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GAMBLING COMMISSION  
COMM & LEGAL DEPT

In the Matter of the Suspension of the )  
Licenses to Conduct Gambling Activities of: )  
 )  
Macau Casino )  
Lakewood, Washington, )  
 )  
Licensee. )  
\_\_\_\_\_ )

No. CR 2009-01077

**SETTLEMENT ORDER**

I.

This Settlement Order is entered into between the Washington State Gambling Commission and Macau Casino. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Brenda M. Bono, Staff Attorney. The licensee is represented by attorney Dave Malone.

II.

The Washington State Gambling Commission issued Macau Casino, Organization Number 00-20428, the following licenses:

Number 67-00239, Authorizing Class "15" House-Banked Card Room Activity; and  
Number 05-20181, Authorizing Class "B" Punchboard/Pull-Tab Activity.

The licenses expire on March 31, 2010, and were issued subject to the licensee's compliance with state gambling laws and regulations.

III.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee on August 25, 2009. On September 15, 2009, Commission staff received the licensee's Request for Hearing.

IV.

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

1) On June 29, 2009, the licensee allowed a minor to gamble in its card room, violating WAC 230-06-010. The licensee was previously issued a NOVAS<sup>1</sup> on March 20, 2009, for allowing a minor to gamble.

<sup>1</sup>NOVAS –A Notice of Violation and Settlement identifies the violation and gives the licensee the opportunity to pay a fine to settle the matter.

2) Therefore, grounds exist to suspend Macau Casino's licenses under RCW 9.46.075(1) and WAC 230-03-085(1) and (3).

V.

The licensee acknowledges that it has read the Notice of Administrative Charges and understands the facts contained in it. The licensee has waived its right to a hearing, based on the terms and conditions of this Settlement Order.

The licensee submitted mitigating circumstances, and terminated employees who allowed the underage minor to gamble.

Macau Casino added to its internal controls the following methods to prevent minors from gambling at its card room:

- All patrons of Macau Casino must be at least 18 years old.
- All security personnel have completed the State Liquor Control Board's PowerPoint presentation on how to properly check identification and have signed an agreement that they understand their responsibilities in this area.
- Macau Casino purchased a \$1,000 ID card scanner to determine whether or not identification presented is authentic.
- A memo was placed throughout the card room reiterating the importance that patrons under the age of 35 have their ID checked at the door, bar, and tables.

The licensee agrees to the following:

1) The licensee agrees that Macau Casino's license is hereby suspended for a period of **five (5) days**, provided that:

a) **Four (4) 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 any of Washington's gambling statutes or regulations during the one (1) year term. If the licensee violates these 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 four-day suspension of the current gambling license(s) and any subsequently acquired gambling licenses.

b) The parties agree that the Director of the Washington State Gambling Commission, pursuant to this agreement, has discretion to determine whether the licensee has violated any term of this agreement. In the event the Director determines that a violation of this section has occurred, he may suspend the license(s) issued to the licensee, and any subsequently acquired licenses, for up to five 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) Pursuant to RCW 9.46.077, the licensee has chosen to vacate the **remaining one (1) day** of this suspension by paying a fine in the amount of **Two Thousand, Nine Hundred Sixty-one Dollars (\$2,961)**, which represents fifty percent of the licensee's net gambling receipts for one day, based on information reported by the licensee in its activity reports. The licensee also agrees to reimburse the Commission for its investigative and administrative costs in the amount of **Two Thousand, Six Hundred Twenty-four Dollars (\$2,624)**, for **total fines and costs of Five Thousand, Five Hundred Eighty-five Dollars (\$5,585)**.

d) **The signed Order and the licensee's payment must be received by Commission staff on or before Friday, November 6, 2009.** The order must be **mailed** to Commission Headquarters at the following address:

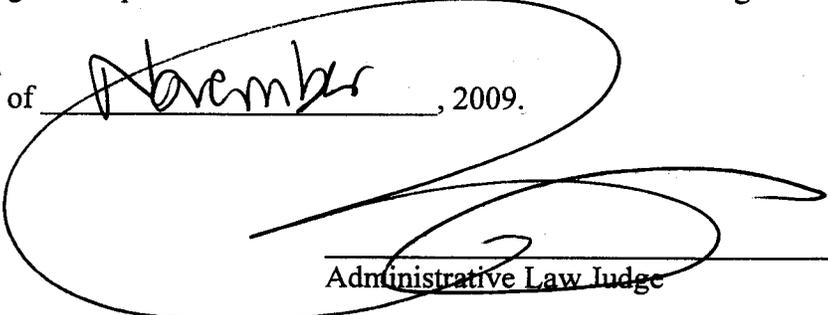
Washington State Gambling Commission  
Attention: Communications and Legal Division  
P.O. Box 42400  
Olympia, WA 98504-2400

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

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

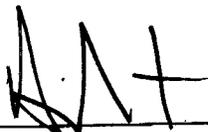
2) If no violations occur within the one (1) year period, and the licensee makes its payment by the date agreed to in this Settlement Order, this matter will be deemed closed. If the licensee fails to timely make its payment, the Director may impose a two (2) day suspension for the late payment. However, serving the suspension does not relieve the licensee of the obligation to pay its fine.

DATED this 20<sup>th</sup> day of November, 2009.

  
\_\_\_\_\_  
Administrative Law Judge

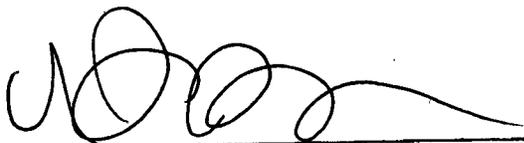
APPROVED FOR ENTRY:

By the signature below, the licensee acknowledges reading this Settlement Order, and understands the terms and conditions Contained in it.



Herbert Lampert \_\_\_\_\_ Date  
Macau Casino

APPROVED AS TO FORM:

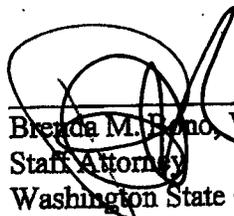


H. Bruce Marvin, WSBA #25152  
Assistant Attorney General,  
Washington State Gambling Commission



Dave Malone, WSBA #23435 \_\_\_\_\_ Date  
Miller, Malone & Tellefson

10/28/2009



Brenda M. Bond, WSBA #29956  
Staff Attorney  
Washington State Gambling Commission