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Gambling Commission
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STATE OF WASHINGTON
GAMBLING COMMISSION

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Gambling Commission
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In the Matter of the Summary Suspension of the)
Certification and License to Conduct Gambling)
Activities of:)
)
Nicholas L. Lang)
Arlington, Washington,)
)
Licensee/Class III Employee.)
_____)

NO. CR 2013-01142

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SETTLEMENT ORDER

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This Settlement Order is entered into between the Washington State Gambling Commission and Nicholas L. Lang. Gregory Rosen, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney, represent the Gambling Commission. The licensee is represented by Christopher Black.

I.

The Washington State Gambling Commission issued Nicholas Lang the following license and certification:

Number 68-19955, authorizing Card Room Employee activity with The Hideaway, Shoreline; and

Number 69-32730, authorizing Class III Employee activity, formerly with the Stillaguamish Casino.

The license and certification expire on October 5, 2013, and were issued subject to Mr. Lang's compliance with the Stillaguamish Tribal/State Compact and state gambling laws and rules.

II.

The Director issued an Order of Summary Suspension to the licensee/certified employee. The Order of Summary Suspension was personally served to the licensee/certified employee on July 9, 2013. On July 19, 2013, Commission staff received Mr. Lang's request for hearing.

III.

The following summary of facts and violations were alleged in the Order of Summary Suspension:

Nicholas L. Lang had his Stillaguamish Tribal license revoked by the Stillaguamish Tribal Gaming Commission (SGC) after an internal investigation found Mr. Lang had a customer sign for a promotional prize she did not receive and then took the money for himself. Mr. Lang

transferred to The Hideaway Restaurant as a card room employee after his tribal license was revoked.

VIOLATIONS:

1) Stillaguamish Tribal/State Compact

Section V.C. of the Tribal-State Compact states the State Gaming Agency may revoke, suspend or deny a State certification for any reason it deems to be in the public interest. These reasons shall include when the holder of certification:

V.C.1. is determined to be a person who because of prior activities, criminal record, if any, or reputation, habits and associations poses a threat to the effective regulation of gaming or creates or enhances the chances of unfair or illegal practices, methods and activities used in the conduct of the gaming activities permitted pursuant to this compact.

V.C.2 has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal-State Compact.

V.C.4. has demonstrated a willful disregard for compliance with gaming regulatory authority in any jurisdiction, including offenses that could subject the individual or entity to suspension, revocation or forfeiture of a gaming license.

2) 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 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.

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.

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
- (e) Associations.

4) RCW 9.46.170 False or misleading entries or statements, refusal to produce records.

Whoever, in any application for a license or in any book or record required to be maintained by the commission or in any report required to be submitted to the commission, shall make any false or misleading statement, or make any false or misleading entry or wilfully fail to maintain or make any entry required to be maintained or made, or who wilfully refuses to produce for inspection by the commission, or its designee, any book, record, or document required to be maintained or made by federal or state law, shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

5) RCW 9.46.190 Violations relating to fraud or deceit.

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

(The following subsections apply.)

(1) Employ any device, scheme, or artifice to defraud;

(3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

6) 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.

7) WAC 230-06-090 Report administrative and civil actions filed.

(The following subsection applies.)

(1) All licensees must report to us in writing within thirty days all administrative actions filed against them by other gambling regulatory agencies, including those from other countries and Indian tribes.

While employed at the Stillaguamish Angel of the Winds Casino, Mr. Lang allegedly stole at least \$200 from the casino by having a player sign for a high hand promotion. However, Mr. Lang took the cash for himself in violation of RCW 9.46.190, which resulted in the revocation of his tribal license. Mr. Lang failed to report the revocation action filed against him on May 16, 2013, in violation of RCW 9.46.170, and WAC 230-06-090. Mr. Lang has failed to establish by clear and convincing evidence that he is qualified, as required by RCW 9.46.153(1). As a result, there are grounds to revoke Nicholas Lang's license and certification based on the Stillaguamish Tribal/State Compact, RCW 9.46.075(1), (8), and (10), and WAC 230-03-085(1) and (8).

IV.

Nicholas Lang acknowledges that he has read the Order of Summary Suspension, and understands the facts contained in it. While not admitting to the facts and violations specified above in Section III, Mr. Lang agrees that if the Gambling Commission established the alleged facts in the case at issue, there would be sufficient evidence of the violations as stated in the Order of Summary Suspension.

1) Mr. Lang has agreed to surrender his Card Room Employee license and Class III Employee certification. He is not authorized to conduct Class III Employee or Card Room Employee activity.

2) In the event Mr. Lang applies for certification or a gambling license, he will be subject to all the Commission's investigative procedures for processing such application. Furthermore, no promises or assurances have been made to Mr. Lang that he will receive a license or certification from the Commission should he apply.

3) Unless licensed, certified, or otherwise approved by the Washington State Gambling Commission, Nicholas Lang agrees to have no involvement in the ownership, operation, or financing of any activity regulated by the Washington State Gambling Commission. This does not prevent Mr. Lang from working in non-gambling related employment at an establishment engaged in authorized gambling activities.


4) The signed Settlement Order must be received by Commission staff by October 1, 2013, and 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 22nd day of October, 2013.



Administrative Law Judge

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

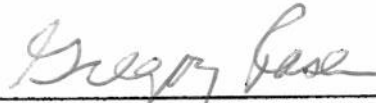
APPROVED FOR ENTRY:




Nicholas Lang
Licensee

9/25/13
(Date)

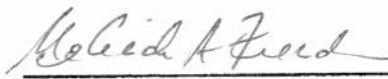
APPROVED AS TO FORM:



Gregory Rosen, WSBA# 15870
Assistant Attorney General
Representing the Washington State
Gambling Commission

Christopher Black, WSBA #31744 (Date)
Attorney Representing Nicholas Lang

10/1/13
(Date)



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