

Received  
JUL 29 2014

STATE OF WASHINGTON  
GAMBLING COMMISSION

Gambling Commission  
Comm. & Legal Division

In the Matter of the Summary Suspension of the )  
License to Conduct Gambling Activities of: )  
)  
)  
Eric A. O'Neal )  
Edmonds, Washington, )  
)  
)  
Licensee. )

NO. CR 2014-00573

**SETTLEMENT ORDER**

This Settlement Order is entered into between the Washington State Gambling Commission and Eric A. O'Neal. Gregory Rosen, Assistant Attorney General, and Arlene Dennistoun, Staff Attorney, represent the Gambling Commission. The licensee is represented by James F. Walker.

I.

The Washington State Gambling Commission issued Eric A. O'Neal the following license:

Number: 68-17850, authorizing Card Room Employee activity at Wizards Casino, Burien.

The Commission issued this license, which expires on November 1, 2014, subject to the licensee's compliance with state gambling laws and Commission rules.

II.

The Director issued an Order of Summary Suspension to the licensee. The Order of Summary Suspension was personally served to the licensee on April 7, 2014. On April 25, 2014, Commission staff received Mr. O'Neal's request for hearing.

III.

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

**SUMMARY:**

Eric A. O'Neal was charged with felony Theft of Motor Vehicle, Felony Harassment, DUI and Hit and Run, on January 14, 2014, by the King County Prosecuting attorney.

///

///

## **VIOLATIONS:**

### **1) 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 he 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)<sup>1</sup> 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.

### **2) 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.

(2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person;

(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 and (b) Criminal record.

---

<sup>1</sup> 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."

**3) 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 licensee's pending criminal charges include an offense involving a threat of physical harm to an individual. The licensee poses a threat to the effective regulation of gambling based on his prior activities and criminal record, which involves a 1997 conviction for Assault, 4<sup>th</sup> degree. As a result, the licensee has failed to prove by clear and convincing evidence that he is qualified to hold a license, in violation of RCW 9.46.153. Grounds, therefore, exist to revoke Eric A. O'Neal's license based on RCW 9.46.075(1), (8), and (9), and WAC 230-03-085(1), (2), and (8).

IV.

Eric A. O'Neal has waived his right to a hearing based on the terms and conditions of this Settlement Order and further agrees to the following:

- 1) Mr. O'Neal has agreed to surrender his Card Room Employee license. He is not authorized to conduct Card Room Employee activity.
- 2) In the event Mr. O'Neal 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. O'Neal 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, Eric A. O'Neal 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. O'Neal from working in non-gambling related employment at an establishment engaged in authorized gambling activities.

///

///

///

///

///

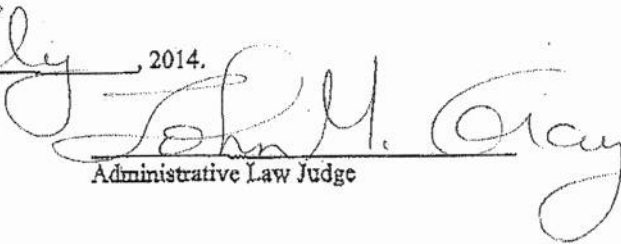
4) The signed Settlement Order must be received by Commission staff by July 29, 2014, and mailed to Commission Headquarters at the following address:

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:

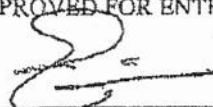
Washington State Gambling Commission  
Attention: Communications and Legal Division  
4565 7<sup>th</sup> Avenue SE; Fourth Floor  
Lacey, WA 98503

DATED this 29 day of July, 2014.

  
Administrative Law Judge

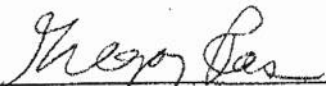
By his signature, the licensee understands and accepts the terms and conditions of this Order

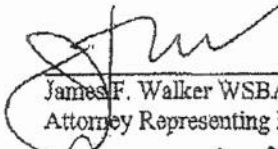
APPROVED FOR ENTRY:


  
Eric O'Neal  
Licensee

7/29/14  
(Date)

APPROVED AS TO FORM:

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

 12871 7/24/14  
James F. Walker WSBA #12871 (Date)  
Attorney Representing Eric O'Neal

  
Arlene Dennistoun, WSBA #28760 (Date)  
Staff Attorney,  
Washington State Gambling Commission

Eric O'Neal  
Settlement Order  
Page 4 of 4

CR 2014-00573