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APR 10 2009

STATE OF WASHINGTON  
GAMBLING COMMISSION  
COMM & LEGAL DEPT

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GAMBLING/LICENSING

In the Matter of the Revocation of the License )  
to Conduct Gambling Activities of: )  
Richard Mingo, )  
Lynnwood, Washington, )  
Licensee. )  
\_\_\_\_\_ )

NO. CR 2008-01954

SETTLEMENT ORDER

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GAMBLING COMMISSION  
COMM & LEGAL DIVISION

This Settlement Order is entered into between the Washington State Gambling Commission and the licensee, Richard Mingo. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Brenda Bono, Staff Attorney. The licensee represents himself.

I.

The Washington State Gambling Commission issued Richard Mingo license Number 68-13505, authorizing him to work as a Card Room Employee. This license expired on February 21, 2009, and was issued subject to Mr. Mingo's compliance with state gambling laws and regulations.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, Chapter 34.05 RCW, and the Administrative Procedure Act, WAC Title 230.

II.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee, on February 19, 2009. The licensee received the Notice, and on March 5, 2009, Commission staff received Mr. Mingo's request for a hearing.

III.

The following summary of facts and violations were alleged in the Notice of Administrative Charges:

Poker Supervisor Richard "Scott" Mingo failed to clock in at his appointed hour, took \$100 worth of chips to play poker for approximately an hour and a half, and did not pay for his chips until several hours later, doctoring the poker floor swap sheet<sup>1</sup> to cover his behavior.

The licensee violated RCW 9.46.190 and WAC 230-06-035 and is not qualified for a license under RCW 9.46.153(1). Therefore, grounds exist to revoke his license under RCW 9.46.075(1), (8) and (10) and WAC 230-03-085(1) and (8.)

<sup>1</sup> A poker floor swap sheet is a report of the count of the dealer's bank at the end of their shift.

**RCW 9.46.075 Denial, suspension, or revocation of license, 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:

- (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, she or it 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.

**RCW 9.46.190 Violations relating to fraud or deceit.**

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

- (1) Employ any device, scheme, or artifice to defraud; or
- (2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or
- (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.02.021.

**WAC 230-06-035 (1) (3) Extension of Credit**

No licensee, member or employee thereof shall extend credit, make a loan, or grant a gift to any person playing in an authorized activity, or which enables a person to play in an authorized activity; the consideration required to participate in the activity shall be collected in full, by cash, check, or electronic point-of sale bank transfer, prior to participation.

**RCW 9.46.153 Applicants and licensees- Responsibilities and duties-Waiver of liability - Investigation statement as privileged.**

(1) 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.

**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:

(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.

IV.

The charges specified in paragraph IV above constitute grounds for revocation of the card room employee license issued to Richard Mingo to conduct authorized gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

V.

Mr. Mingo requested a hearing in this matter, but has waived his right to a hearing based on the terms and conditions of this Settlement Order and further agrees to the following:

1) Richard Mingo shall surrender his gambling license. **The signed Settlement Order and Mr. Mingo's license must be received by Commission staff on or before April 8, 2009**, 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

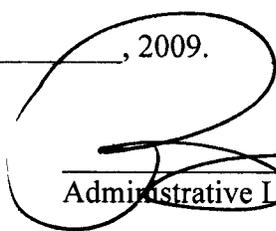
**Or delivered** (in person or via private courier) to the following address:

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

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

3) Mr. Mingo shall have no involvement directly or indirectly, whether paid or unpaid, in the operation, ownership, or financing of any business in Washington State which is applying for, or holds, a gambling license or permit or is involved with any gambling activity, including punchboard/pull-tab activity. However, this does not prevent Mr. Mingo from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

DATED this 29<sup>th</sup> day of April, 2009.

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

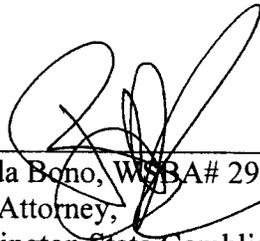
By his signature, the licensee  
Understands and accepts the terms  
And conditions of this Order

APPROVED FOR ENTRY:

 4/5/09  
Richard Mingo Date

APPROVED AS TO FORM:

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

  
Brenda Bono, WSBA# 29956  
Staff Attorney,  
Washington State Gambling Commission