

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to)
Conduct Gambling Activities of:)
Melissa Holven,)
Spokane, Washington,)
Licensee.)
_____)

NO. CR 2009-00174

**NOTICE OF ADMINISTRATIVE
CHARGES AN OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

I.

The Washington State Gambling Commission issued Melissa Holven, license Number 68-20052, Authorizing Card Room Employee, at Ringo's Little Vegas in Spokane. The license expires on August 21, 2009, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violations(s) of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

Ms. Holven was first issued a license by the Commission in 2001. She has maintained her license since then. On August 11, 2008, the file was assigned to a Special Agent (agent) for a qualifications review. Information received in the course of the investigation showed that Ms. Holven was the subject of a warrant out of Spokane County District Court stemming from two counts of Delivery of a Controlled Substance.

On August 11, 2008, the agent sent letters to Ms. Holven and her employer requesting that the warrant be quashed by September 4, 2008. The warrant was quashed, and the case continued in its normal pre-trial course until January 6, 2009, when Ms. Holven plead guilty to felony conspiracy to deliver a controlled substance (ecstasy), a crime of moral turpitude. She was sentenced to one day of confinement with credit for time served, and 12 months of community supervision and drug treatment.

The licensee has failed to provide to staff any supplemental materials since the conviction, which show that she is qualified for licensure. Therefore, the licensee violated RCW 9.46.075, RCW9.46.153, and WAC 230-03-085, and grounds exist to revoke her license.

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RCW 9.46.075(1), (4), and (8) Denying, suspending, or revoking an application, license 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 subsection(s) 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;

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, 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;

(8) Fails to prove, by clear and convincing evidence, that she is qualified in accordance with the provisions of this chapter;

WAC 230-03-085(1) and (5), Denying, suspending, or revoking an application, license or permit, state:

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:

The following subsection(s) apply:

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075;

(5) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4);

RCW 9.46.153(1) provides:

The following subsection(s) apply:

(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;

III.

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

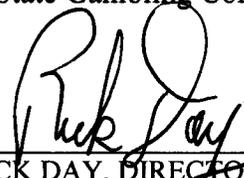
You have an opportunity to have a hearing on the alleged violations.

To have a hearing, you must fully complete the enclosed REQUEST FOR HEARING and return it to the Gambling Commission within 23 days from the date this notice was mailed to you.

Under RCW 34.05.440, FAILURE TO RETURN THIS DOCUMENT WILL RESULT IN THE ENTRY OF A DEFAULT ORDER REVOKING YOUR LICENSE.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed this Notice.



RICK DAY, DIRECTOR

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

SUBSCRIBED AND SWORN TO before me this
3rd day of March, 2009.

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.



NOTARY PUBLIC in and for the State of
Washington residing at Lacey

Dated at Olympia, Washington this 5th day of March, 2009

Communications and Legal Department
Washington State Gambling Commission

