

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the )  
Certification to Conduct Gambling Activities of: ) NO. CR 2009-01844  
)  
Chantha C. Khuy, ) **FINDINGS, CONCLUSIONS,**  
Auburn, Washington, ) **DECISION, AND FINAL**  
) **ORDER IN DEFAULT**  
Class III Employee. )

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THE MATTER of the revocation of the certification to conduct gambling activities of Chantha C. Khuy having come before the Commission on April 9<sup>th</sup>, 2010, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

**FINDINGS OF FACT**

I.

The Washington State Gambling Commission issued Chantha C. Khuy the following certification<sup>1</sup>:

Number: 69-24069, Authorizing Class III Employee Activity, formerly with the Muckleshoot Tribe.

The certification, which expires on October 17, 2010, was issued subject to the Class III employee's compliance with the Muckleshoot Indian Tribal-State Compact, state gambling laws and Commission rules.

II.

On February 5, 2010, Director Rick Day issued an Order of Summary Suspension to the certified employee, by personal service. The administrative charges notified Mr. Khuy that failure to respond would result in the entry of a default order revoking his certification. Mr. Khuy did not respond to the charges.

By not responding, Chantha C. Khuy waived his right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

**SUMMARY:**

The Class III employee, Chantha C. Khuy, was charged with 1<sup>st</sup> Degree Rendering Criminal assistance, a felony. Mr. Khuy was the driver of a vehicle where another individual in the same vehicle shot and killed an individual in a yard.

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<sup>1</sup> Class III Certification is issued to employees working at tribal Casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may convert their certification to a CRE license.

Mr. Khuy has failed to prove by clear and convincing evidence that he continues to qualify for certification. These felony charges involve physical harm to an individual and moral turpitude. Mr. Khuy poses an immediate danger to public safety and welfare.

**FACTS:**

- 1) Chantha C. Khuy's tribal gaming license is suspended by the Muckleshoot Indian Tribe's Casino.
- 2) On December 15, 2009, a Gambling Commission Special Agent (agent) was assigned Mr. Khuy's file after Commission staff became aware of pending felony charge for 1<sup>st</sup> Degree Rendering Criminal Assistance, a Class A Felony, in a routine criminal check. This charge is currently pending in King County Superior Court.
- 3) On December 22, 2009, the agent obtained a copy of the Information and Probable Cause from King County Superior Court for Mr. Khuy's pending case.
- 4) The Information charges Mr. Khuy with 1<sup>st</sup> Degree Criminal Assistance. It alleges that on or about December 4, 2009, Mr. Khuy committed "a crime of the same or similar character as another crime charged herein, which crimes were so closely connected in respect to time, place, and occasion that it would be difficult to separate proof of one charge from proof of the other as committed as follows:...Khuy..on or about December 4, 2009, with intent to prevent, hinder, or delay the apprehension or prosecution of Soretha Diep, did render criminal assistance to Soretha Diep, a person who he knew committed a Class A felony by providing such person with transportation."
- 5) The Certification for Determination of Probable Cause included the following information:
  - a) At 1:16 a.m., Renton police (police) were dispatched to a fight involving a gun at a Renton address.
  - b) While in route, dispatch relayed that shots were fired, one person appeared to be shot and was lying in the driveway of the residence and a vehicle was leaving the scene.
  - c) When police arrived, they found Joel Ortega with a gunshot wound to his lower back. Mr. Ortega died of the gunshot wound later in the day.
  - d) During the police investigation, it was determined that Chantha Khuy drove three individuals to a residence in Renton, so one of the individuals could speak to his estranged wife. Jordan Allen, Sorentha Diep and Sokha Youn were also in the car.
  - e) Once at the house, Mr. Allen started fighting with his cousin, Joshua Allen.
  - f) The fight progressed, and moved to the front yard. Mr. Joshua Allen, Mr. Jordan Allen, Mr. Diep, Mr. Khuy, as well as Mr. Ortega, and Mr. Anthony Stanfield, who also lived at the Renton residence, were involved in the fight.
  - g) Once in the front yard, Mr. Diep pulled a black pistol and pointed it at Mr. Stanfield's head, and proceeded to strike Mr. Stanfield with the pistol, causing a contusion to his face below his left eye.

- h) Mr. Diep then retreated back to Mr. Khuy's car, with Mr. Khuy driving when they started to leave.
  - i) Mr. Khuy drove his car eastward, and then came back westbound in front of the house.
  - j) As Mr. Khuy drove by the house, he slowed down and Mr. Deip began firing his pistol towards the people in the yard.
  - k) Mr. Ortega was shot.
- 6) An officer in the area spotted the vehicle that had been reported leaving the scene. Police arrested Mr. Khuy, Mr. Deip and Mr. Youn, who were in the vehicle.
- 7) Police obtained a search warrant for Mr. Khuy's car. The search revealed a black Ruger .45-caliber automatic pistol hidden under the front section of the center console on the passenger side, as well as a magazine loaded with 7.45 cal cartridges hidden under the front section of the center console on the driver's side. Police also found small plastic bags and scales commonly used in the packaging and selling of illegal drugs in the trunk of the car.

#### IV.

#### **VIOLATIONS:**

- 1) RCW 9.46.075(1) provides that the Commission may revoke any license or permit for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein any person with any interest therein: 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.
- 2) WAC 230-03-085 provides that the Commission 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 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.
- 3) RCW 9.46.075 (9) provides that the Commission may revoke any license or permit for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein any person with any interest therein: Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under section (4) of this section, including any crime, whether felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude.

4) RCW 9.46.075(8) provides that the Commission may revoke any license or permit when a licensee or permittee fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

5) RCW 9.46.153(1) provides that it shall be the affirmative responsibility of each licensee and permittee to establish by clear and convincing evidence the necessary qualifications to hold a license or permit.

Class III employee, Chantha C. Khuy has been charged with 1<sup>st</sup> Degree Felony Rendering Criminal Assistance, resulting in the death of Joel Ortega. Mr. Khuy poses a threat to the effective regulation of gaming as demonstrated by his conduct, and he has failed to prove that he is qualified to hold a license or permit, in violation of RCW 9.46.153. Grounds, therefore exist to revoke Chantha C. Khuy's certification based on RCW 9.46.075(1), (8) and (9), and WAC 230-03-085(1) and (8).

V.

**CONCLUSIONS OF LAW**

The circumstances specified in the Findings of Facts in section IV above constitute grounds for the revocation of Chantha C. Khuy's certification to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

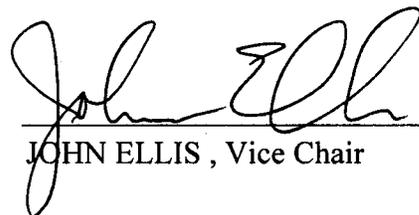
**DECISION AND ORDER**

The Washington State Gambling Commission HEREBY ORDERS: Chantha C. Khuy's Class III certification to conduct gambling activities is REVOKED.

DATED this 9<sup>th</sup> day of April, 2010.



KEVEN ROJECKI, Chair



JOHN ELLIS, Vice Chair



MIKE AMOS

MICHAEL REICHERT

**NOTICE:** RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

Motions must be mailed to:  
Washington State Gambling Commission  
Communications & Legal Division  
PO Box 42400  
Olympia, Washington 98504-2400

Or delivered in person or via private courier:  
Washington State Gambling Commission  
Communications and Legal Division  
4565 7<sup>th</sup> Avenue SE  
Lacey, Washington 98503