

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of) No. CR 2009-00494
the License to Conduct Gambling Activities of:)
Sina Nuon,)
Tacoma, Washington,) **NOTICE OF ADMINISTRATIVE**
Licensee.) **CHARGES AND OPPORTUNITY FOR**
) **AN ADJUDICATIVE PROCEEDING**
)

I.

The Washington State Gambling Commission issued Sina Nuon the following license:

Number 68-07348, Authorizing Card Room Employee Activity currently at Happy Days Casino in Lakewood and formerly at Great American Casino in Tukwila.¹

This license expires on July 18, 2010, and was issued subject to the licensee compliance with state gambling laws and regulations.

II.

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

1) On March 20, 2009, at approximately 8:18 a.m., the licensee used an automated teller machine (ATM) at the Great American Casino to withdraw \$60. Because the ATM was improperly loaded by a Great American Casino employee,² the ATM dispensed three \$100 bills instead of three \$20 bills. The licensee did not tell his employer that the ATM dispensed the wrong amount of money.

2) Later on March 20, 2009, at approximately 11:30 am, a customer that used the same ATM went to the cashiers' cage and told the cage cashier that he did not receive the correct amount of money. This customer was the first person to tell a Great American Casino employee that the ATM was dispensing the wrong amount of money. The cage cashier fixed the ATM so that it dispensed to correct amount of money.

3) The General Manager of Great American Casino reviewed surveillance video of the ATM and determined the following:

- The licensee was the first person to use the ATM after it was improperly loaded.
- After the licensee used the ATM, he walked past the cage cashier and went to a Fortune Pai Gow table.
- The licensee then used a \$100 bill to buy chips and played several hands of the game.

¹ In March 2009, the licensee was employed as a Shift Manager at the Great American Casino.

² The money in the ATM is funded through the Great American Casino.

4) Based on the ATM reports, the General Manager determined that the licensee requested to withdraw \$60 from the ATM and received three \$100 bills instead of three \$20 bills.

5) On March 26, 2009, the General Manager questioned the licensee about receiving too much money from the ATM. The licensee told the General Manager that he did not remember how much money he received from the ATM and he thought that any extra cash he received would come out of his bank account. The licensee then paid Great American Casino \$240 for the extra money he received from the ATM.

6) On April 2, 2009, the licensee was fired from the Great American Casino. The termination letter stated, in part: "Not only was the error not reported but you accepted the extra monies and continued to allow the malfunction of the ATM machine to over pay guests, thus causing a short in company funds."

7) On April 16, 2009, the licensee was interviewed by Commission Special Agents (agents). The licensee told the agents that he did not realize that he received extra money until he was questioned by the General Manager on March 26, 2009. The agents asked the licensee why he did not tell anyone that he received extra money. The licensee said that he realized that he received more money from the ATM, but he thought the extra money would be taken out of his bank account.

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; 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.

RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit

The Commission may suspend or revoke any license 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 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.
- (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.

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 licensee, or anyone holding a substantial interest in the 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.

The licensee realized that the ATM gave out the wrong amount of money. However, the licensee neglected to report this to his employer, which resulted in a loss of money to Great American Casino. The licensee's actions constitute fraud or deceit under RCW 9.46.190.

The licensee knew he received more money from the ATM than he requested. The licensee kept the extra money and immediately proceeded to use that money to play Fortune Pai Gow. The licensee pursued economic gain at his employer's expense and his participation in gambling or related activities would be detrimental to the proper operation of gambling or related activity.

Therefore, grounds exist to revoke Sina Nuon's license under RCW 9.46.075(1), (8), and (10), and WAC 230-03-085(1) and (8).

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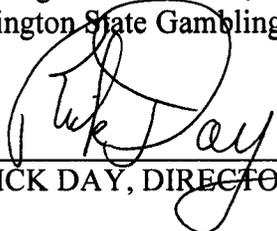
III.

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

The licensee will have the opportunity to have a hearing on the alleged violations. **In order to have a hearing or discuss settlement options**, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice. Based on 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 for Sina Nuon, knows the contents of it, believes it to be true, he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.



RICK DAY, DIRECTOR

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

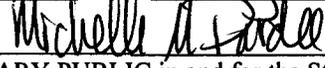
I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding, to their attorney or authorized agent.

Dated at _____ in the State of Washington this 15th day of July, 2009

Communications and Legal Department
Washington State Gambling Commission



SUBSCRIBED AND SWORN TO before me
this 15th day of July, 2009.



NOTARY PUBLIC in and for the State of

Washington residing at Lacey

My commission expires on June 16, 2013

