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GAMBLING COMMISSION
COMM & LEGAL DEPT

STATE OF WASHINGTON
GAMBLING COMMISSION

GAMBLING COMMISSION
COMM & LEGAL DIVISION

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|--|---|-------------------------|
| In the Matter of the Revocation of the License |) | |
| to Conduct Gambling Activities of: |) | NO. CR 2009-00494 |
| |) | |
| Sina Nuon, |) | SETTLEMENT ORDER |
| Tacoma, Washington, |) | |
| |) | |
| Licensee. |) | |
| _____ |) | |

This Settlement Order is entered into between the Washington State Gambling Commission and the licensee, Sina Nuon. The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Staff Attorney. The licensee represents himself.

I.

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

Number 68-07348, Authorizing Card Room Employee Activity 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.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee on July 15, 2009. The licensee received the Notice, and on August 5, 2009, Commission staff received Mr. Nuon's request for a hearing.

III.

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

- 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) 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

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.

American Casino. The licensee's actions constitute fraud or deceit under RCW 9.46.190.

3) 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.

4) 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).

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.

IV.

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

V.

Sina Nuon requested a hearing in this matter, but has waived his right to a hearing based on the terms and conditions of this Settlement Order. While not admitting to the facts and violations specified above in section III, Sina Nuon agrees that if the Gambling Commission established the alleged facts in the case at issue, there would be sufficient evidence of the violations as stated in the administrative charges. The licensee further agrees to the following:

- 1) **Sina Nuon shall surrender his card room employee license on or before September 9, 2009.** Additionally, Mr. Nuon is not currently working as a card room employee.
- 2) **Sina Nuon shall not hold or re-apply for a gambling license before September 9, 2010.** In the event that Mr. Nuon does reapply after September 9, 2010, he shall be required to establish, by clear and convincing evidence, that he is qualified to hold a gambling license.
- 3) In the event Mr. Nuon applies for a gambling license, he will be subject to all the Commission's investigative procedures for processing an application for a gambling license. Nothing herein shall prevent the Commission from denying Mr. Nuon's application for a license at that time based on facts that may not be currently known by Commission legal staff. Furthermore, no promises or assurances have been made to Mr. Nuon that he will receive a license from the Commission should he apply.
- 4) Mr. Nuon 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.

5) However, this does not prevent Mr. Nuon from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

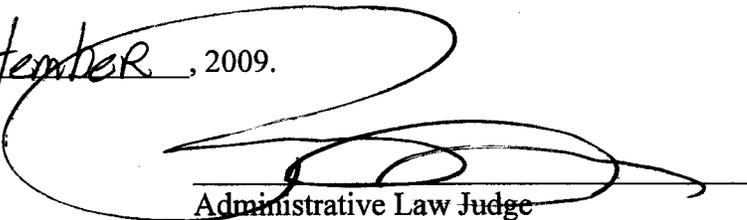
6) **The signed Settlement Order must be received by Commission staff on or before September 9, 2009, and mailed to Commission Headquarters at the following address:**

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 7th Avenue SE; Fourth Floor
Attention: Communications and Legal Division Lacey, WA 98503

DATED this ^{23rd (14)} ~~8th~~ day of September, 2009.



Administrative Law Judge

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

APPROVED FOR ENTRY:

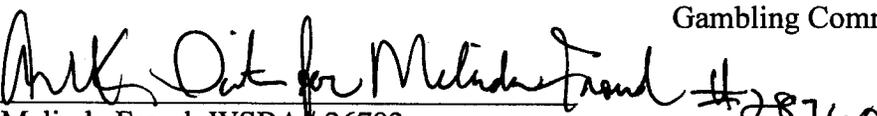


Sina Nuon (Date) 9.6.09

APPROVED AS TO FORM:



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



Melinda Froud, WSBA# 26792
Staff Attorney,
Washington State Gambling Commission