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GAMBLING COMMISSION
COMM & LEGAL DEPT

STATE OF WASHINGTON
GAMBLING COMMISSION

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GAMBLING COMMISSION
COMM & LEGAL DEPT

In the Matter of the Revocation of the)
License to Operate Gambling Activities of:)
)
Phuc P. Doan)
Federal Way, Washington,)
)
)
Licensee.)

NO. CR 2010-01421

SETTLEMENT ORDER

GAMBLING COMMISSION
COMM & LEGAL DIVISION

MAR 16 2011

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The Washington State Gambling Commission and the licensee, Phuc P. Doan, agree to this Settlement Order to resolve the administrative charges pending against the licensee. H. Bruce Marvin, Assistant Attorney General, and Arlene Dennistoun, Staff Attorney represents the Gambling Commission. Robert Huff, Attorney, represents the licensee.

I.

The Washington State Gambling Commission issued Phuc P. Doan the following license:

Number: 68-16301, authorizing Card Room Employee activity at Silver Dollar Casino in SeaTac.

The Commission issued this license, which expires on November 19, 2011, subject to the licensee's compliance with state gambling laws and Commission rules.

II.

On January 25, 2011, the Director issued an Order of Summary Suspension, directing the licensee, Phuc P. Doan, to stop working as a card room employee immediately upon service of the Order. The Order also seeks to revoke Mr. Doan's license. On February 1, 2011, Commission staff received the licensee's request for a stay and an administrative hearing.

III.

The following is a summary of the facts and violations contained in the Order of Summary Suspension, which the licensee acknowledges having received and reviewed:

SUMMARY:

The licensee, Phuc P. Doan was convicted on October 29, 2010, of three counts of Violation of the Uniform Controlled Substances Act, Manufacture with Intent to Deliver Marijuana (class C felony) and one count of Money Laundering (class B felony). The licensee failed to report to

Commission staff within 30 days that in May 2010, criminal charges were filed against him. He did not report it until November 2010.

(1) **RCW 9.46.070** provides that the Commission shall have the following powers and duties: The Commission may authorize the Director to temporarily suspend licenses subject to final action by the Commission.

(2) **WAC 230-17-165(2)** provides that the Commission delegates its authority to the Director to summarily suspend any license if the Director determines that a licensee has performed one or more of the actions identified in RCW 9.46.075 as posing a threat to public health, safety, or welfare.

(3) **WAC 230-17-165(3)** The Commission deems the following actions of a licensee constitute an immediate danger to the public safety and welfare:
(The following subsections apply.)

(a) Failing or refusing to comply with the provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW or any rules adopted by the Commission; or

(d)(vii) Being convicted of, or forfeiting of a bond on a charge of, or having pled guilty to any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude.

(h) Making a misrepresentation of, or failure to disclose, a material fact to the Commission.

(4) **RCW 9.46.075 Denial, suspension, or revocation of license, application, 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 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, 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.

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the Commission.

(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.

(5) 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:

(The following subsections 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).

(7) Fails to provide us with any information required under Commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us.

(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.

(6) RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties
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.

(7) WAC 230-06-085(1) provides licensees must report to us in writing within thirty days all criminal actions filed against the licensee.

The licensee, Phuc P. Doan, pled guilty and was convicted on October 29, 2010, of three counts of Violation of the Uniform Controlled Substances Act, Manufacture with Intent to Deliver Marijuana (class C felony), a crime of moral turpitude and one count of Money Laundering (class B felony). The licensee failed to report to Commission staff within 30 days that in May 2010, criminal charges were filed against him, as required by WAC 230-06-085(1).

The licensee's actions constitute an immediate danger to public safety and welfare based on WAC 230-17-165(3) (a), (d), and (h), and are a basis for immediate cessation of Mr. Doan's card room employee activities.

The licensee has also failed to prove by clear and convincing evidence that he is qualified to hold a license, in violation of RCW 9.46.153. Grounds, therefore, exist to revoke Phuc P. Doan's license based on RCW 9.46.075(1), (4), (7), (8), and (10), and WAC 230-03-085(1), (5), (7) and (8)

IV.

The licensee, Phuc P. Doan, requested a stay and an administrative hearing in this matter; however, he has waived his right to both hearings based on this Settlement Order. The licensee, furthermore, agrees to the following sanctions:

- 1) Phuc P. Doan agrees to a surrender of his license.
- 2) In the event Mr. Doan reapplies for a gambling license or certification, 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 him that he will receive a license or certification from the Commission should he reapply.
- 3) Mr. Doan agrees to notify staff in the Communications and Legal Division if he reapplies for a gambling license or certification.
- 4) Mr. Doan shall not work in any licensed gambling activity, whether paid or unpaid, including amusement game or punchboard/pull-tab activity. However, this does not prevent Mr. Doan from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

DATED this 10 day of Mar, 2011.

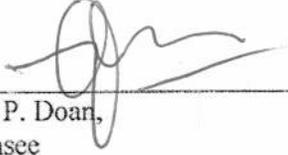


 Administrative Law Judge
Todd Gay

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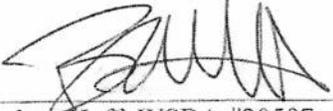
APPROVED FOR ENTRY:

By his signature, the licensee acknowledges reading the Settlement Order, and understands the terms and conditions.



Phuc P. Doan, Licensee

3-2-11
(Date)



Robert Huff, WSBA #20507
Attorney representing the licensee



Arlene K. Dennistoun, WSBA# 28760
Staff Attorney,
Washington State Gambling Commission

APPROVED AS TO FORM:



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