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GAMBLING COMMISSION
COMM & LEGAL DIVISION

STATE OF WASHINGTON
GAMBLING COMMISSION

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GAMBLING COMMISSION
COMM & LEGAL DEPT

In the Matter of the Revocation of the license to)
 Conduct Gambling Activities of:) NO. CR 2010-00053
)
 Gregory Mykland) **SETTLEMENT ORDER**
 Tacoma, Washington,)
)
 Licensee.)
 _____)

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 MAY 14 2010
 HEADQUARTERS OFFICE OF
 ADMINISTRATIVE HEARINGS

This Settlement Order is entered into between the Washington State Gambling Commission and the licensee, Gregory Mykland.

H. Bruce Marvin, Assistant Attorney General, and Brenda Bono, Staff Attorney, represents the Gambling Commission. Mr. Mykland represents himself.

I.

The Washington State Gambling Commission issued Gregory Mykland the following license: 22-00832, authorizing Gambling Distributor Representative activity, formerly at Gasperetti's Distributing.

The license expires on July 19, 2010, and was issued subject to the licensee's compliance with state gambling laws and rules.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230, and the Yakama Nation Tribal-State Compact.

II.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the Licensee, on April 1, 2010. The Licensee received the Notice, and on April 20, 2010, Commission staff received Mr. Mykland's request that no hearing be scheduled.

III.

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

On multiple occasions between September and December, 2009, the licensee, a distributor representative, sold pull-tabs to customers for cash, and kept the money for his own use. In addition, the licensee used a company gas charge card to purchase gasoline for his personal vehicle. An inventory reflected a shortage of over six-thousand dollars attributed to the licensee's behavior.

Mr. Mykland stole over six thousand dollars from Gasparetti's Distributing between September 2009 and December, 2009. Mr. Mykland defrauded his employer, in violation of RCW 9.46.190 and has failed to prove that he is qualified to hold a gambling license, in violation of RCW 9.46.153.

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

VIOLATIONS:

RCW 9.46.075 Suspending or revoking a license or permit states:

The Commission may 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.

(8) Has failed to prove by clear and convincing evidence qualifications for licensure.

(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 Suspending or revoking a license or permit states:

We may suspend or revoke any license or permit, when the licensee or anyone holding a substantial interest in the applicant's or licensee's business or organization:
(The following subsection applies.)

(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:

RCW 9.46.190 Violations relating to fraud or deceit states:

Any person, 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

(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 9.46.153 Applicants, licensees-Responsibilities, and duties-Waiver of liability-investigation statement as privileged (1) states:

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.

IV.

Mr. Mykland has waived his right to a hearing based on the terms and conditions of this Settlement Order and further agrees to the following:

1) Gregory Mykland shall surrender his gambling license. **The signed Settlement Order and Mr. Mykland's license must be received by Commission staff on or before May 10, 2010,** 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:

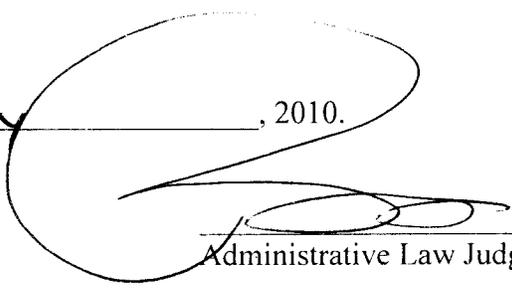
Washington State Gambling Commission
4565 7th Avenue SE; Fourth Floor
Attention: Communications and Legal Division Lacey, WA 98503

2) In the event Mr. Mykland applies for a certification or gambling license, 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 Mr. Mykland that he will receive a certification or license from the Commission should he apply.

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

FB RB 5/6/10

DATED this 4 day of MAY, 2010.

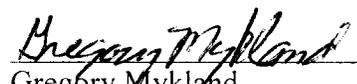


Administrative Law Judge

By his signature, the Licensee
Understands and accepts the terms
And conditions of this Order

APPROVED FOR ENTRY:

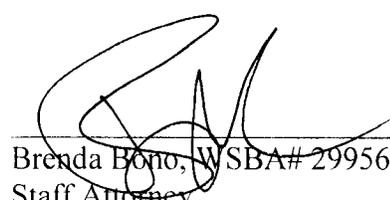
APPROVED AS TO FORM:



Gregory Mykland (Date) 5-6-2010



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



Brenda Bono, WSBA# 29956
Staff Attorney,
Washington State Gambling Commission