

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)	
License to Operate Gambling Activities of:)	NO. CR 2010-00607
)	
Ratpaja Phetmixay)	NOTICE OF ADMINISTRATIVE,
Pasco, Washington,)	CHARGES AND OPPORTUNITY,
)	FOR AN ADJUDICATIVE
Licensee.)	PROCEEDING

I.

The Washington State Gambling Commission issued Ratpaja Phetmixay the following license: Number 68-13841, Authorizing Card Room Employee Activity with Cable Bridge Casino in Kennewick.

The Commission issued this license, which expires on May 13, 2011, subject to the licensee's compliance with state gambling laws and Commission rules.

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, WAC Title 230:

SUMMARY:

On June 4, 2009, Ratpaja Phetmixay pled guilty to Third Degree Assault, a felony. This is a crime of physical harm to an individual and stems from an unprovoked fight that resulted in the victim suffering a concussion and extensive bruising.

FACTS:

- 1) In April 2009, Ratpaja Phetmixay renewed his gambling license and disclosed that in October 2008, he was charged with two counts of Assault in the Second Degree.
- 2) In April 2010, Ratpaja Phetmixay renewed his gambling license and disclosed that in May 2009 he was convicted of Fourth Degree Assault.
- 3) A Commission Special Agent reviewed Ratpaja Phetmixay's criminal history and obtained court documents filed in Benton County Superior Court about Mr. Phetmixay's Assault charge and conviction.

4) The information, filed in October 2008, charged Mr. Phetmixay with two counts of Second Degree Assault and states that Mr. Phetmixay intentionally assaulted Jonathan A. and Mark H. by recklessly inflicting substantial bodily harm causing the individuals to each suffer a concussion and extensive bruising.

5) The Motion for Arrest/Detention (Probable Cause) included the following information:

- a) On October 18, 2009, a pregnant woman (Megan H.) was vomiting outside a business. Five men (including Mr. Phetmixay) who did not know Megan H. approached her and harassed her for being sick.
- b) Megan's husband, Mark H., told the men to leave Megan H. alone. The men hit Mark H., threw him to the ground, and kicked him in the head and torso.
- c) Megan H.'s sister tried to stop the men from beating Mark H., but the men grabbed her hair and threw her back.
- d) Jonathan A., who did not know any of the parties, intervened to stop the men from attacking Mark H. The men hit and kicked Jonathan A. until he was unconscious. The men left the scene.
- e) Mark H. and Jonathan A. were taken to the hospital and each was treated for a concussion and extensive bruising.
- f) Police stopped the vehicle the men were in, and the men tried to flee; however, the police caught the men.
- g) The men said they were members of a criminal gang called "Oriental Loco Bloods" and had clothing and tattoos indicating they were members of the gang.
- h) Mark H. and numerous unaffiliated witnesses identified the men involved in the attack.

6) On June 4, 2009, an Amended Information was filed in Benton Superior Court and the charge against Mr. Phetmixay was changed to one count of Third Degree Assault. It states that Mr. Phetmixay "with criminal negligence did cause bodily harm accompanied by substantial pain that extended for a period sufficient to cause considerable suffering hit and kicked Mark H. causing a concussion."

7) On June 4, 2009, Ratpaja Phetmixay pled guilty to Third Degree Assault, a felony. In the Statement of Defendant on Plea of Guilty, Ratpaja Phetmixay stated: "On 10/18/08 in Benton County I & others, through criminal negligence injured another person in a physical confrontation."

8) On July 30, 2009, the Felony Judgment and Sentence was filed in Benton County Superior Court and Ratpaja Phetmixay was found guilty on Third Degree Assault. Mr. Phetmixay was sentenced to 30 days confinement and 12 months of community supervision.

VIOLATIONS:

1) RCW 9.46.075 Denying, suspending, or revoking an application, license or permit.

The Commission may 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;

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

2) WAC 230-03-085 Denying, suspending, or revoking an application, license or permit.

We may 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; or

(2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person.

(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 9.46.153(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.

Ratpaja Phetmixay:

- a) Pled guilty to Third Degree Assault, a felony. This is a crime of physical harm to an individual and stems from an unprovoked fight that resulted in the victim suffering a concussion and extensive bruising.
- b) Has failed to prove by clear and convincing evidence that he is qualified to hold a Card Room Employee license, as required by RCW 9.46.153.
- c) Poses a threat to the effective regulation of gambling as demonstrated by his prior activities and criminal history.

Grounds exist to revoke Ratpaja Phetmixay's Card Room Employee license under RCW 9.46.075(1), (4), and (8), and WAC 230-03-085(1), (2), and (8).

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.

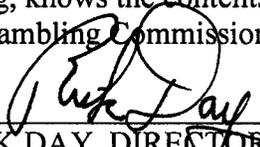
In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing 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, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

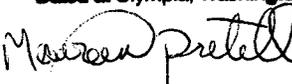
STATE OF WASHINGTON)
) ss
 COUNTY OF THURSTON)



 RICK DAY, DIRECTOR

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 or his or her attorney or authorized agent.

Dated at Olympia, Washington this 10th day of June, 2010

 Communications and Legal Department
 Washington State Gambling Commission

SUBSCRIBED AND SWORN TO before me
 this 9th day of June, 2010.


 NOTARY PUBLIC in and for the State of
 Washington residing at LACEY
 My commission expires on June 16, 2013

