

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License) NO. CR 2010-01321
to Conduct Gambling Activities of:)
)
Lily Real) **NOTICE OF ADMINISTRATIVE**
Puyallup, Washington,) **CHARGES AND OPPORTUNITY**
) **FOR AN ADJUDICATIVE**
Licensee.) **PROCEEDING**
_____)

I.

The Washington State Gambling Commission issued Lily Real license number 68-08228, authorizing Card Room Employee activity, formerly at Happy Days Casino in Lakewood. The license, which expires on July 22, 2011, was issued subject to the licensee's compliance with state gambling laws and Commission rules.

II.

David Trujillo, Deputy 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 August 31, 2010, Teresa Bullinger, Controller of Macau Casino, contacted a Commission Special Agent (agent) and told the agent:
 - a) On May 3, 2010, Lily Real, who at the time worked at another card room, wrote three checks totaling \$3,000 at Macau Casino.
 - b) On or about May 12, 2010, Ms. Real had stopped payment on the checks.
 - c) Ms. Real had entered into a payment plan with Macau Casino to repay the \$3,000 and had paid back \$475.
 - d) Ms. Real had stopped making payments to Macau Casino.

Ms. Bullinger gave the agent copies of the checks Ms. Real wrote to Macau Casino, along with the bank's notification of stop payment on Ms. Real's checks.

- 2) On September 22, 2010, the agent spoke to Ms. Real by telephone. The agent asked Ms. Real if she stopped payment on the checks to Macau Casino because she did not have enough money to cover the checks. Ms. Real said that was the reason why she stopped payment on the checks. Ms. Real said that she was losing at the tables, kind of drunk, and "chasing her losses." She stopped making payments to Macau Casino to repay the \$3,000 because she lost her job when the card room she worked for closed.¹ Ms. Real told the agent that she is currently out of work.

¹ The agent determined that Ms. Real's last payment to Macau Casino was on July 28, 2010. However, Ms. Real was not laid off from her job until September 1, 2010.

3) On May 3, 2010, Lily Real wrote three checks totaling \$3,000 at Macau Casino. Ms. Real admitted that after writing those checks, she stopped payment because she did not have enough money to cover the checks. The licensee engaged in an act, practice or course of operation that defrauded Macau Casino, in violation of RCW 9.46.190.

4) Ms. Real's conduct demonstrates that she poses a threat to the effective regulation of gaming and increases the likelihood of illegal practices. Ms. Real has failed to show by clear and convincing evidence that she is qualified for licensure, in violation of RCW 9.46.153(1). Grounds, therefore, exist to revoke Lily Real's license, pursuant to RCW 9.46.075(1) and (8) and WAC 230-03-085(1) and (8).

RCW 9.46.075 Denial, suspension, or revocation of license 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.

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

WAC 230-03-085 Denying, suspending, or revoking an 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.

(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.

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.)

(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(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.

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)

David Trujillo, 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 Deputy Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

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 or his or her attorney or authorized agent.

Dated at Olympia, Washington this 15 day of December, 2010

Mauraan Pretell Communications and Legal Department
Washington State Gambling Commission

David Trujillo

DAVID TRUJILLO, DEPUTY DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 14 day of December, 2010.

Michelle M. Pardee

NOTARY PUBLIC in and for the State of

Washington residing at Lacey

My Commission expires on June 16, 2013



CR 2010-01321