

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the )  
License to Conduct Gambling Activities of: ) NO. CR 2011-00068  
)  
Kelly Bang ) **FINDINGS, CONCLUSIONS,**  
Maple Valley, Washington, ) **DECISION, AND FINAL**  
) **ORDER IN DEFAULT**  
Licensee. )

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THE MATTER of the revocation of the license to conduct gambling activities of Kelly Bang having come before the Commission on August 11, 2011, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

**FINDINGS OF FACT**

I.

The Washington State Gambling Commission issued Kelly Bang license number 68-28872, authorizing Card Room Employee activity, formerly at Roxy's Casino and Magic Lanes, both in unincorporated King County.

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

II.

On February 7, 2011, Director Rick Day issued an Order of Summary Suspension to Kelly Bang, by personal service. On April 11, 2011, the Director issued charges to Kelly Bang by certified and regular mail. The Order of Summary Suspension and amended administrative charges notified Kelly Bang that failure to respond would result in the entry of a default order revoking his license.

Kelly Bang did not respond to the Order of Summary Suspension or administrative charges. By not responding, Kelly Bang waived his right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

**SUMMARY:**

On December 17, 2010, Kelly Bang was charged with First Degree Theft. On March 3, 2011, Mr. Bang pled guilty to Second Degree Theft. Mr. Bang took \$10,303 in cash while working as the Financial Manager for a motorcycle dealership. On March 3, 2011, the licensee pled guilty to Second Degree Theft.

## FACTS:

On February 7, 2011, Kelly Bang was served with Findings of Fact, Conclusions of Law and Order of Summary Suspension, which included the following allegations:

- 1) On December 17, 2010, Kelly Bang submitted a Card Room Employee application and disclosed the following criminal history:
  - a) 2008, traffic/speeding ticket, paid fine;
  - b) 2009, speeding, paid fine; and
  - c) "12-2-10 Arrested- No charges suspicion of theft," "Released- no charges filed 12-4-10."
- 2) Commission staff sent Mr. Bang's fingerprint cards to the Washington State Patrol and the FBI for review of his criminal history. Additionally, Commission staff did a background check on Mr. Bang and there was no additional information from what Mr. Bang disclosed on his application. Therefore, based on the information known at the time, on December 21, 2010, Mr. Bang was issued a Card Room Employee license.
- 3) On January 6, 2011, Commission staff received information from the Washington State Patrol and FBI that Mr. Bang was charged with First Degree Theft. As a result, a Commission Special Agent (agent) requested and received court documents on Mr. Bang's pending First Degree Theft charge.
- 4) The Information filed in King County Superior Court on December 17, 2010, charged Mr. Bang with First Degree Theft and alleged:
  - a) Between September 4, 2010, and October 7, 2010, Mr. Bang with intent to deprive another of property, cash payments, did wrongfully obtain such property belonging to Downtown Harley Davidson.
  - b) The thefts were a series of transactions that were part of a criminal episode or common scheme or plan with the value of the property taken exceeding \$5,000.
- 5) The Determination of Probable Cause filed in King County Superior Court on December 17, 2010, states:
  - a) Mr. Bang worked for Downtown Harley Davidson (in Renton) as a Financial Manager for eight months. Mr. Bang would handle the financial part of agreements (deals) that a salesperson would make with customers.
  - b) Mr. Bang was required to immediately electronically document the amount and types of payment received for the deals and place the payment (usually cash or checks) in a safe for the accounting department.
  - c) After Downtown Harley Davidson terminated Mr. Bang, another Financial Manager for the business discovered that on three occasions when Mr. Bang received cash payments from customers he did not document the cash payments or turn in the cash to the accounting department. Additionally, Mr. Bang attempted to cover up a shortage for a \$5,000 cash deal by taking a check from a different customer, who dealt with a different Financial Manager, and applying it to his cash deal.
  - d) The missing cash totaled \$10,303.

- 6) After service of the Summary Suspension, staff became aware of the following facts, and obtained and reviewed court documents from the King County Superior Court:
- a) On March 3, 2011, an Amended Information was filed in King County Superior Court charging Mr. Bang with Second Degree Theft.
  - b) Also on March 3, 2011, a Statement of Defendant Plea of Guilty was filed in King County Superior Court. Mr. Bang pled guilty to Second Degree Theft and stated that while employed as a financial representative, he wrongfully took cash totaling \$10,303 that belonged to Downtown Harley Davidson.
  - c) On March 21, 2011, a Judgment and Sentence Felony was filed in King County Superior Court. Mr. Bang was sentenced to pay \$10,803 in restitution, which includes additional fees assessed by the court. He was sentenced to 15 days confinement in jail with 12 of those days converted to 96 hours of community service, and he cannot have contact with Downtown Harley Davidson for five years. This document also shows that Mr. Bang paid restitution in the amount of \$10,303.

#### **VIOLATIONS:**

##### **RCW 9.46.075 Denying, suspending, or revoking an application, license or permit.**

The Commission may 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 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, wilful 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.
- (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 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 9.46.153(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.

Mr. Bang poses a threat to the effective regulation of gambling, or increases the likelihood of unfair or illegal practices as demonstrated by his Second Degree Theft conviction for taking \$10,303 from Downtown Harley Davidson while working as their Financial Manager.

Mr. Bang pursued economic gain in an occupational manner that creates probable cause to believe that his participation in gambling or related activities would be detrimental to the operation of gambling activities.

Kelly Bang has failed to establish clearly and convincingly that he is qualified to be licensed, as required by RCW 9.46.153(1). As a result, grounds exist to revoke Mr. Bang's license based on RCW 9.46.075(1), (4), (8), and (10) and WAC 230-03-085(1) and (8).

IV.

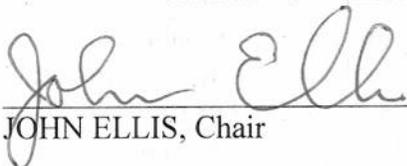
**CONCLUSIONS OF LAW**

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Kelly Bang's license to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

**DECISION AND ORDER**

The Washington State Gambling Commission HEREBY ORDERS: Kelly Bang's Card Room Employee license to conduct gambling activities is REVOKED.

DATED this 11<sup>th</sup> day of August, 2011.

  
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JOHN ELLIS, Chair

  
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MIKE AMOS, Vice Chair

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KEVEN ROJECKI

  
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MICHAEL REICHERT

**NOTICE:** RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

Washington State Gambling Commission

Communications & Legal Division

PO Box 42400

Olympia, Washington 98504-2400

H. Bruce Marvin

Assistant Attorney General

P.O. Box 40100

Olympia, WA 98504-0100

