

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension of the License)
to Conduct Gambling Activities of:) No. CR 2011-00302
)
Michael Benson)
Lakewood, Washington)
) **NOTICE OF ADMINISTRATIVE**
) **CHARGES AND OPPORTUNITY FOR**
Licensee) **AN ADJUDICATIVE PROCEEDING**
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I.

The Washington State Gambling Commission issued Michael Benson license number 68-29246, authorizing Card Room Employee activity, formerly at Macau Casino in Lakewood.

This license expires on May 18, 2011, and was issued subject to the licensee's compliance with state gambling laws and regulations.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violation(s) of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

On December 10, 2010, the licensee, while off-duty from working as a security guard at Macau Casino, took three unopened bottles of beer from an open box on the storage cooler in the Macau Casino Lounge after last call, without paying for them. The cost for each beer is \$2.50. The agent observed on surveillance video the licensee take the beer from the box. The licensee admitted to taking the beer after reviewing video from the incident. The licensee said he was "very, very, very intoxicated" during the incident, and had no memory of what happened.

The licensee's actions demonstrate that the licensee poses a threat to the effective regulation of gambling, or create or increase the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities. The licensee has failed to prove he is qualified for licensure as required under RCW 9.46.153. Therefore, grounds exist to suspend Michael Benson's license under 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, 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.

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

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

(The following subsections apply.)

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:

(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 Applicants and licensees Responsibilities and duties

(The following subsections apply.)

(1) 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;

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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 for a 30-day suspension of 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.

Rick Day

RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 28 day of April, 2011.

Michelle M. Pardee

NOTARY PUBLIC in and for the State of
Washington residing at LACEY
My Commission expires on 6/16/2013

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 28 day of April, 2011

Communications and Legal Department
Washington State Gambling Commission

Michelle M. Pardee

