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In the Matter of the Suspension of the License)	
to Conduct Gambling Activities of:)	No. CR 2011-00302
)	
Michael Benson)	
Lakewood, Washington)	SETTLEMENT ORDER
)	
Licensee)	
_____)	

This Settlement Order is entered into between the Washington State Gambling Commission and the licensee, Michael Benson. H. Bruce Marvin, Assistant Attorney General, and Brenda Bono, Staff Attorney, represent the Gambling Commission. Mr. Benson represents himself.

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

II.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee on April 28, 2011. The licensee received the Notice, and on May 20, 2011, Commission staff received Mr. Benson's request, that no hearing be scheduled. Mr. Benson, verbally told a Staff Attorney that he wished to settle this matter.

III.

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

- 1) On February 11, 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.
- 2) The licensee's actions demonstrate that the licensee 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. 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, licensee, permit holder, 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 application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, permit holder, 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.

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IV.

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

1) Michael Benson's license expired on May 18, 2011, and he agrees to not reapply for a license until at least six (6) months after this Settlement Order is signed by the Administrative Law Judge. **The signed Settlement Order and Mr. Benson's license must be received by Commission staff on or before July 6, 2011**, 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

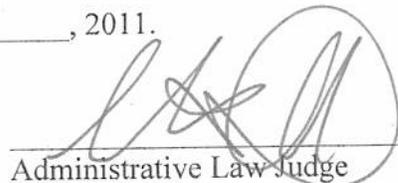
Or delivered (in person or via private courier) to the following address:

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

2) In the future if Mr. Benson 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. Benson that he will receive a certification or license from the Commission should he apply.

3) Mr. Benson 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 for at least six months. However, this does not prevent Mr. Benson from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

DATED this 18th day of July, 2011.


Administrative Law Judge

By his signature, the licensee
understands and accepts the terms
and conditions of this Order

APPROVED FOR ENTRY:

Michael Benson 7/5/11
Michael Benson, (Date)
Licensee

APPROVED AS TO FORM:

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

Brenda Bono #26192 for -
Brenda Bono, WSBA #29956
Staff Attorney,
Washington State Gambling Commission