

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the )  
License to Conduct Gambling Activities of: )  
  
Melissa K. Nelson )  
Seattle, Washington, )  
  
Licensee. )

NO. CR 2012-00258

**NOTICE OF ADMINISTRATIVE  
CHARGES AND OPPORTUNITY  
FOR AN ADJUDICATIVE  
PROCEEDING**

I.

The Washington State Gambling Commission issued Melissa K. Nelson the following license:

Number 68-31066, authorizing Card Room Employee activity with Macau Casino in Tukwila.

The license expires on January 29, 2013, and was issued subject to Melissa K. Nelson's compliance with state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges Melissa K. Nelson with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

1) On February 13, 2012, a Washington State Gambling Commission Special Agent (agent) was assigned Melissa K. Nelson's file to determine whether she is still qualified for a license based on her criminal history. Part of the agent's investigation is to review the licensing file. During this review, the agent found that Ms. Nelson's license was issued inadvertently.

2) Ms. Nelson applied for a Card Room Employee license on January 14, 2011. Commission staff who conducted the criminal history check failed to note her disqualifying criminal history. Based on that mistake and no disclosure from Ms. Nelson regarding her criminal history on her application, the license was issued on January 30, 2012.

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3) The agent ran a background check on Ms. Nelson and discovered the following criminal history listed:

- A 2005 Assault 4<sup>th</sup> Degree and Harassment guilty plea
- A 2005 Criminal Trespass 2<sup>nd</sup> Degree guilty plea
- A 2005 Malicious Mischief 3<sup>rd</sup> Degree guilty plea
- A 2004 Assault 4<sup>th</sup> Degree conviction
- A 2004 Criminal Trespass 1<sup>st</sup> Degree guilty plea
- A 2004 Theft 3<sup>rd</sup> Degree guilty plea
- A 2003 Assault 4<sup>th</sup> Degree guilty plea

4) On February 13, 2012, the agent called and spoke to Manisone Douangprachanh at Macau Casino and explained that Ms. Nelson's license was issued inadvertently. Manisone Douangprachanh asked if Ms. Nelson could still work. The agent explained that Ms. Nelson could continue to work throughout the administrative process.

5) The licensee's criminal history and her failure to disclose it establish that she poses a threat to the effective regulation of gaming. The licensee has also failed to establish by clear and convincing evidence the necessary qualifications for licensure under RCW 9.46.153(1).

6) Therefore, under RCW 9.46.075(1), (3), (4), (7) and (8) and WAC 230-03-085(1), (2), and (8), grounds exist to revoke Melissa K. Nelson's license.

#### **VIOLATIONS:**

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

(3) Has obtained a license or permit by fraud, misrepresentation, concealment, or through inadvertence or mistake.

(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.

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the Commission.

(8) Fails to prove, by clear and convincing evidence, that she 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, 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.

(2) Has been convicted 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.

**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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STATE OF WASHINGTON )  
( )  
COUNTY OF THURSTON )

I hereby certify that I have this day served a true and correct copy of the document upon all parties  
named 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.  
Date of Mailing: \_\_\_\_\_ day of \_\_\_\_\_, 2012

Washington State Gambling Commission  
Communications and Legal Department

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

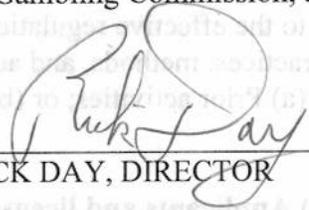
The licensee will have the opportunity to have a hearing on the alleged violations.

**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.

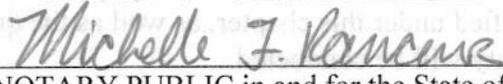
Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your license.

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.

  
RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me  
this 22 day of March, 2012.

  
NOTARY PUBLIC in and for the State of  
Washington residing at Thurston County  
My commission expires on 10-19-15

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 22 day of March, 2012

  
Communications and Legal Department  
Washington State Gambling Commission