

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation)
of the License to Conduct Gambling Activities of:)
)
)
Malika D. Oeun)
Tacoma, Washington,)
)
Licensee.)
_____)

NO. CR 2013-00295

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

I.

The Washington State Gambling Commission issued license number 68-29737 to Malika D. Oeun, authorizing Card Room Employee activity at Macau Casino in Tukwila. Mr. Oeun has been licensed since January 14, 2010. He renewed recently on January 31, 2013. The license expires on January 30, 2014, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

David Trujillo, Interim 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:

SUMMARY:

Malika D. Oeun owes \$4,024 in court-ordered fines and fees associated with his criminal history. He has 13 Failure to Appear (FTA's) on his record, and 14 of his 19 court cases remain open due to outstanding obligations. Mr. Oeun is also the subject of a warrant.

FACTS:

- 1) On January 29, 2013, a Gambling Commission Special Agent (agent) was assigned to Malika D. Oeun's case to investigate whether he continues to qualify for a license while being the subject of a warrant and while having a large dollar amount of court-ordered fines and fees associated with his criminal history in collections due to nonpayment. Commission staff became aware of these fines and fees during a routine annual criminal history check.
- 2) As part of the agent's investigation, she reviewed Mr. Oeun's gambling license file. Mr. Oeun first applied for a license to work at the Macau Casino in Lakewood in 2010 and maintained his license on and off at Macau Casino in Lakewood and Macau Casino in Tukwila.
- 3) The agent conducted a criminal history background check and determined that Mr. Oeun has 13 Failures to Appear on his record in connection with his unpaid fines and fees.

4) The following is a breakdown of Mr. Oeun's history, with the date of violation, charge, and dollar amount owed, if any:

- 11/09/2012 – DWLS 3rd Degree with active warrant;
- 11/09/2012 – Speeding 12 MPH Over and Operate Motor Vehicle without Insurance (No Insurance);
- 05/28/2012 – No Valid Operator's License (NVOL);
- 05/28/2012 – Speeding 5 MPH Over with \$145 in collections;
- 10/01/2011 – No Insurance and Prohibited U Turn with \$726 in collections;
- 10/01/2011 – No Driver's License on Person with \$176 in collections;
- 07/18/2011 – NVOL with \$175 in collections;
- 07/18/2011 – Fail to Wear Safety Belt and No Insurance with \$726 in collections;
- 12/13/2010 – Speeding 5 MPH Over with \$145 in collections;
- 10/30/2010 – No Insurance with \$602 in collections;
- 04/26/2010 – Car Pool Violation;
- 08/08/2009 – NVOL with \$250 in collections;
- 08/08/2009 – Speeding 16 MPH Over with \$227 in collections;
- 06/26/2009 – False Statement to Public Servant;
- 06/26/2009 – No Insurance with \$602 in collections;
- 06/26/2009 – NVOL with \$250 in collections;
- 03/25/2009 – Fail to Renew Expired Tabs;
- 02/28/2009 – Speeding 10 MPH Over; and
- 11/04/2008 – Speeding 19 MPH Over.

5) On January 29, 2013, the agent sent a letter to Mr. Oeun and his employer notifying them of the court debt that he has accumulated. The letter notified them that, based on his "pattern of criminal history, to include failure to comply with court ordered fines, fees, and obligations and the dollar amount of the fines and fees in collections, we feel that he may pose a threat to the effective regulation of gaming and enhances the chance of unfair or illegal practices, methods or activities of the gaming activity due to the financial pressure facing him." The letter also stated that "we are concerned that since he failed to comply with the judge's rulings, he may not comply with internal control requirements or adhere to the direction of the Washington State Gambling Commission," and that the agent was going to recommend revocation of his gambling license.

6) Mr. Oeun made two \$50 payments towards his court-ordered fines and fees on February 10, 2010, and has made no other payments. As of March 19, 2013, Mr. Oeun has not responded to the letter.

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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.

(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

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.

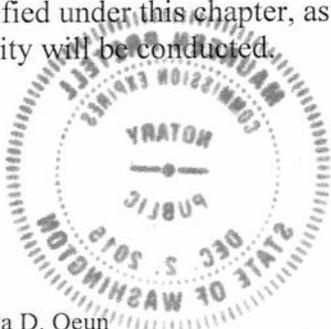
(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

(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

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. Oeun has failed to make his court-ordered payments, resulting in 13 Failures to Appear. He is also the subject of a warrant, and has failed to prove by clear and convincing evidence the necessary qualifications for licensure, in violation of RCW 9.46.153. Therefore, under RCW 9.46.075(1) and (8) and WAC 230-03-085(1), (3), and (8), grounds exist to suspend or revoke Mr. Oeun's license.

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)

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

David Trujillo
DAVID TRUJILLO, INTERIM DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 29 day of March, 2013.

Maureen Pretell
NOTARY PUBLIC in and for the State of
Washington residing at Thurston County

My commission expires on December 2, 2015

STATE OF WASHINGTON)
)
COUNTY OF THURSTON)

I certify I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, property 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 1 day of April, 2013
Maureen Pretell

