

Received

OCT 10 2013

STATE OF WASHINGTON
GAMBLING COMMISSION

Gambling Commission
Comm. & Legal Division

In the Matter of the Suspension or Revocation)
of the License to Conduct Gambling Activities of:)

NO. CR 2013-00295

SETTLEMENT ORDER

Malika D. Oeun)
Tacoma, Washington,)

Licensee.)
_____)

I.

This Settlement Order is entered into between the Washington State Gambling Commission and Malika D. Oeun. Gregory Rosen, Assistant Attorney General, and Melinda Froud, Staff Attorney, represent the Gambling Commission. Mr. Oeun represents himself.

II.

The Washington State Gambling Commission issued license number 68-29737 to Malika D. Oeun, authorizing Card Room Employee activity at Macau Casino in Tukwila.

The license expires on January 30, 2014, and was issued subject to the licensee's compliance with state gambling laws and rules.

III.

David Trujillo, then Interim Director, issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee on May 14, 2013. On May 22, 2013, Commission staff received the licensee's request for a hearing.

IV.

The following is a summary of the facts alleged and the violations charged in the Notice of Administrative Charges:

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,¹ and 14 of his 19 court cases remain open due to outstanding obligations. Mr. Oeun is also the subject of a warrant.

¹ Courts issue a Failure to Appear or a Failure to Remit when a respondent fails to make payment on a court-ordered obligations; both notices have the same meaning.

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.

V.

The licensed employee acknowledges that he has read the Notice of Administrative Charges and understands the facts contained in it.

Malika Oeun has entered into a payment plan with Pierce County District Court, quashed his warrant, and has made a substantial payment towards his fines and fees, demonstrating that he no longer poses a threat to the effective regulation of gaming. The licensed employee waives his right to a hearing, based on the following terms and conditions of this Settlement Order. The parties further agree to the following:

- 1) Malika Oeun agrees that his license is suspended for a period of ten (10) days provided that:
 - a) Three (3) days of the suspension shall not be currently served, but shall be deferred for a period of one year from the date of entry of this Settlement Order, subject to the following: The licensed employee agrees not to violate the terms of this Settlement Order, or any of Washington's gambling statutes or regulations during the one (1) year term. If the licensee violates this Settlement Order or gambling statutes or regulations, and if the violation is the type that warrants the filing of administrative or criminal charges, then the Director may impose the three-day deferred suspension of the current license and any subsequently acquired gambling licenses.
 - b) The parties agree that the Director of the Washington State Gambling Commission, pursuant to this Settlement Order, has discretion to determine whether the card room employee has violated any term of this Settlement Order. In the event the Director determines that a violation has occurred, he may suspend the license issued to the card room employee, and any subsequently acquired licenses, for up to three days, by mailing or delivering a Notice of Order of Administrative Charges to the licensed employee. This suspension shall be in addition to any consequences of the new violation. The licensee shall be afforded the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.
 - c) The licensee shall serve the remaining seven (7) days of this suspension, as follows:
 - The suspension period will begin at 8:00 a.m. on Monday, October 21, 2013, and runs through October 27, 2013.
 - The certified employee may resume gambling activities at 8:00 a.m. on Monday, October 28, 2013.
 - d) During this period of suspension, the licensee shall have no involvement, directly or indirectly, with any gambling activity, including punchboard/pull-tab activity. Mr.

Oeun's suspension does not prevent him from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

2) Mr. Oeun shall continue to make regular monthly payments towards his court-ordered fines and fees, and agrees to make timely payments on any future court-ordered fines and fees. Failure to continue to reduce the amount of his outstanding court-ordered fines and fees may be a disqualifying factor for licensure.

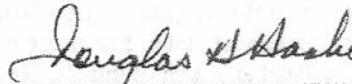
3) The signed Settlement Order must be received by Commission staff by October 11, 2013. Please mail to Commission Headquarters at the following address:

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
Attention: Communications and Legal Division
4565 7th Avenue SE; Third Floor
Lacey, WA 98503

DATED this 10 day of October, 2013.

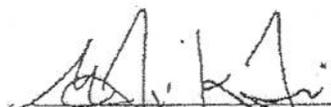


Administrative Law Judge

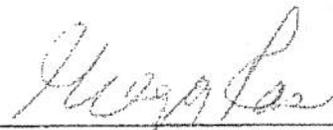
APPROVED FOR ENTRY:

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

APPROVED AS TO FORM:


Malika Oeun
Licensee

10-10-13
(DATE)


Gregory Rosen WSBA #15870
Assistant Attorney General
Representing the Washington State
Gambling Commission


Melinda Froud, WSBA #26792
Staff Attorney, Washington State
Gambling Commission