

Received

OCT 08 2013

Gambling Commission  
Comm. & Legal Division

Received

SEP 13 2013

Gambling Commission  
Comm. & Legal Division

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Suspension of the License to )  
Conduct Gambling Activities of: )  
Leng Soeum )  
Seatac, Washington, )  
Licensee/Class III Employee. )  
\_\_\_\_\_ )

NO. CR 2013-00763

SETTLEMENT ORDER

RECEIVED

SEP 25 2013

OAH - Tacoma

I.

This Settlement Order is entered into between the Washington State Gambling Commission and Leng Soeum. Gregory Rosen, Assistant Attorney General, and Melinda Froud, Staff Attorney, represent the Gambling Commission. Leng Soeum, licensee, represents himself.

II.

The Washington State Gambling Commission issued Leng Soeum the following license and certification:<sup>1</sup>

Number 68-15715, authorizing Card Room Employee activity, currently with Riverside Casino in Tukwila and formerly with Macau Casino in Lakewood; and

Number 69-22550, authorizing Class III Employee activity formerly with the Snoqualmie Casino.

The license and certification expire on March 3, 2014, and were issued subject to Mr. Soeum's compliance with state gambling laws and rules.

III.

David Trujillo, Interim Director at the time, issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee/Class III employee on May 21, 2013. On June 7, 2013, Commission staff received the licensee/Class III employee's request for a hearing.

III

III

<sup>1</sup> Class III Certification is issued to employees working at tribal Casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may also hold a commercial Card Room Employee license.

#### IV.

##### **SUMMARY:**

Leng Soeum received a Notice of Violation and Settlement (NOVAS)<sup>2</sup> for under-reporting \$1,512 in tips from March 19, 2012, to April 1, 2012. Mr. Soeum failed to pay the NOVAS.

##### **VIOLATIONS:**

###### **1) Snoqualmie Tribal/State Compact**

Section V.C. of the Tribal-State Compact states the SGA may revoke, suspend or deny a State certification for any reason it deems to be in the public interest. These reasons shall include when the holder of a certification:

V.C.1. Is determined to be a person who because of prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities used in the conduct of the gaming activities permitted pursuant to this compact.

V.C.2. Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal-State Compact.

V.C.4. has demonstrated a willful disregard or failed to comply with the requirements of any gaming regulatory authority in any jurisdiction, including offenses that could subject the individual or entity to suspension, revocation or forfeiture of a gaming license.

###### **2) 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 certified employee, or any person with any interest therein:

(The following subsection applies.)

(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) 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, certified employee, or anyone holding a substantial interest in the applicant's or certified employee's business or organization:

(The following subsections apply.)

---

<sup>2</sup> NOVAS- Notice of Violation and Settlement identifies the violation and gives the licensee the opportunity to pay a fine to settle the matter.

(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.

**4) WAC 230-15-475 Tips from players and patrons to card room employees.**

(1) House-banked card game licensees may allow selected employees to accept tips from players or patrons.

(2) If licensees allow house-banked card game dealers to accept tips, licensees must ensure that tips are controlled so that only authorized employees receive tips, that tips are properly accounted for, and that tips are maintained separately from all other gambling funds.

(3) Cage cashiers may accept tips. They must locate their tip containers outside the cage enclosure. Players or patrons must deposit the tips directly into the container. A shift or floor supervisor, security, or an accounting manager who does not work as a cashier must verify the tips cage cashiers receive.

(4) Employees directly concerned with management, supervision, accounting, security, or surveillance must not ask for, accept, or share any tip originating from players or patrons; however, this restriction does not apply to poker "floor supervisors."

(5) House-banked card game licensees must:

(a) Establish and implement procedures for the accounting of tips received by authorized card room employees.

(b) Fully document the procedures in their internal controls and describe in detail any methods used to allocate tips.

(c) Establish procedures necessary to ensure that the floor supervisor and surveillance observe card room employees accepting tips. Procedures must include an overt display of received tips, for example tapping the table with the tip before placing it in the tip container.

(6) Employees must:

(a) Drop all tips into a locked tip container which prevents the removal of tips except by unlocking the container. Tips may be accumulated on the table, exchanged into higher denomination chips, and then deposited into the tip container. Tip containers must remain under camera coverage of the closed circuit television system at all times; and

(b) Keep all tips received or pool them with tips of all card room employees according to the licensee's internal controls; and

(c) Redeem all tips received under surveillance at the cashier's cage; and

(d) Accurately report all tips to their employer as described in the licensee's internal controls.

(7) Licensees may determine whether employees must retain or pool tips among employees. Employees must redeem all pooled tips under surveillance at the cashier's cage, count room, or a gaming table.

Leng Soeum willfully failed to comply with internal control procedures by not accurately reporting his tips, in violation of WAC 230-15-475, and subsequently received a NOVAS. Mr. Soeum has failed to pay the fine and as a result, there are grounds to suspend Leng Soeum's license and certification based on the Snoqualmie Tribal/State Compact, RCW 9.46.075(1), and WAC 230-03-085(1) and (3).

V.

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

1) Leng Soeum agrees that his license is suspended for a period of twenty (20) days, provided that:

- a) **Ten (10) 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 licensee 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 ten-day deferred suspension of the current gambling 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 licensee 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 licensee, and any subsequently acquired licenses, for up to ten days, by mailing or delivering a Notice of Order of Administrative Charges to the licensee. 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 ten (10) days of this suspension, as follows:**
  - **The suspension period will begin at 8:00 a.m. on September 16, 2013, and runs through September 25, 2013.**
  - **The licensee may resume gambling activities at 8:00 a.m. on September 26, 2013.**
- d) During this period of suspension, the licensee shall not conduct any gambling activities. Mr. Soeum's suspension does not prevent him from working in any non-gambling activity, such as employment in restaurants located in card rooms.

2) Mr. Soeum agrees to accurately report all of his tips as described in his employer's internal controls. Failure to do so will likely result in the revocation of Mr. Soeum's license.

|||

|||

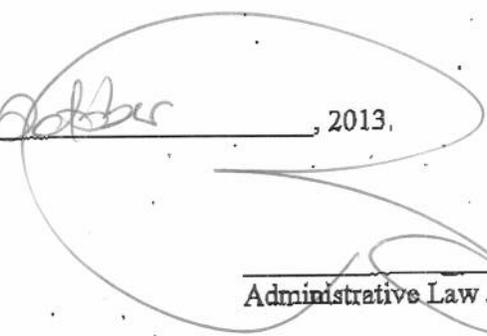
3) The signed Settlement Order must be received by Commission staff by September 9, 2013. Please mail to Commission Headquarters at the following address:

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:

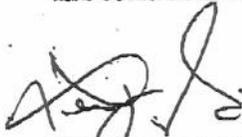
Washington State Gambling Commission  
Attention: Communications and Legal Division  
4565 7<sup>th</sup> Avenue SE; Third Floor  
Lacey, WA 98503

DATED this 3<sup>rd</sup> 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.

  
\_\_\_\_\_  
Leng Soeum, (DATE) 9/12/13  
Licensee/Class III employee

APPROVED AS TO FORM:

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

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