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STATE OF WASHINGTON  
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4/5/12

In the Matter of the Revocation of the )  
Certification to Conduct Gambling Activities of: ) NO. CR 2012-00051  
) )  
Jenny Bich-Hoang Lang ) **SETTLEMENT ORDER**  
Kent, Washington, ) )  
) )  
Licensee. ) )  
\_\_\_\_\_ ) )

This Settlement Order is entered into between the Washington State Gambling Commission and Jenny Bich-Hoang Lang. Stephanie U. Happold, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney, represent the Gambling Commission. The licensee is represented by Dave Malone of Miller Malone & Tellefson.

I.

The Washington State Gambling Commission issued Jenny Bich-Hoang Lang, license number 68-08139, authorizing Card Room Employee activity at Wizards Casino in Burien. This license expires on May 20, 2012, and was issued subject to the licensed employee'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 March 5, 2012. On March 21, 2012, Commission staff received Ms. Lang's request for hearing.

III.

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

- 1) On August 18, 2011, a Gambling Commission Special Agent (agent) reviewed accounting records at the Great American Casino (GAC) in Kent. The agent's review included looking at a Non Sufficient Funds (NSF) check report to verify the licensee had not extended credit by allowing a customer to write a check when they already had an NSF check on file.
- 2) During the agent's review, entries in the NSF check report indicated GAC had extended credit to Jenny Bich-Hoang Lang on May 24, 2011, when it cashed checks #1178 and #1179 for \$3,000 each. The NSF check report indicated that Ms. Lang had previously written check #1155 for \$3,000 on April 28, 2011, and that this check was returned as NSF on May 3, 2011. Check #1155 was re-deposited on May 11, 2011, and was not outstanding as NSF

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when checks #1178 and #1179 were written. GAC corrected their NSF check report to indicate check #1155 had been collected on May 11, 2011.

- 3) On May 27, 2011, checks #1178 and #1179 were also returned as NSF by the bank. According to an e-mail received from GAC's Compliance Officer, Stacey Hess, GAC's General Manager, Shannon McClure, spoke with Ms. Lang on June 1, 2011. Ms. Lang told Ms. McClure she had the money in the bank to cover these checks. Ms. Lang made good on the checks she had written that had been returned as NSF and because Ms. Lang is a licensed Card Room Employee (CRE) and is aware of the rules governing check writing in a casino, Ms. McClure felt that the checks would be honored if they were re-deposited on June 2, 2011.
- 4) GAC waited a few days for the checks to clear, and then accepted six more checks from Ms. Lang totaling \$18,000 on June 6, 2011. On June 9, 2011, checks #1178 and #1179 were returned as NSF again. The six checks were returned as NSF on June 10, 2011.
- 5) On July 15, 2011, Ms. Lang signed an agreement with GAC to pay back the \$24,000 in NSF checks by September 30, 2011. The agreement stated she would pay \$1,000 every two weeks starting July 27, 2011. GAC received a payment on July 27, 2011, but has not received another payment as of the time of these Charges.
- 6) On September 28, 2011, Ms. McClure sent the agent an e-mail with her written statement. On October 4, 2011, the agent went to GAC to have Ms. McClure sign her statement. Ms. McClure stated that after checks #1178 and #1179 were returned as NSF on May 27, 2011, Ms. Lang told her the money was in the account, so Ms. McClure went to the bank and re-deposited them. Ms. McClure stated Ms. Lang has not made any other payments towards the \$23,000.
- 7) Ms. Lang returned to GAC to gamble and begged to write another check for \$4,000, but her requests were denied.
- 8) On October 20, 2011, the agent interviewed Ms. Lang with the assistance of another agent. Ms. Lang signed a Miranda Warning and Waiver form, and the agent informed her that she was free to go at any time. Ms. Lang stated she currently works at Wizards Casino. During the interview, the agent requested Ms. Lang's bank statements from April 2011 to September 2011.
- 9) Ms. Lang willingly provided her bank statements, which reflect the following:
  - On May 24, 2011, Ms. Lang wrote two \$3,000 checks to GAC when she only had approximately \$592 in her checking account.
  - On May 27, 2011, these checks were returned as NSF.
  - On May 31, 2011, Ms. Lang deposited \$30,900 and wrote \$31,000 in checks that same day.
  - On June 1, 2011, Ms. Lang only had \$781.30 in her account when she told Ms. McClure she had enough to cover the two \$3,000 checks she wrote May, 24, 2011.
  - On June 2, 2011, Ms. McClure re-deposited the checks.

- On June 6, 2011, Ms. Lang wrote another \$18,000 in checks to GAC, and her bank statement showed she had approximately \$2,200 in her account.
- On June 9, 2011, the two original checks written on May 24, 2011, and re-deposited June 2, 2011, by Ms. McClure were returned again as NSF.
- On June 10, 2011, the other \$18,000 in bad checks written to GAC June 6, 2011, was returned as NSF.
- On July 27, 2011, Ms. Lang made an initial payment of \$1,000.
- On August 12, 2011, Ms. Lang deposited \$28,500 into her checking account. She did not make any payments to GAC and spent almost all of this money by August 16, 2011.

10) On October 20, 2011, Ms. Lang confessed that she did not have enough money in her bank account to cover the checks when she wrote them. She said she was hoping to win the money she needed by gambling and having her friends pay her back what they owed her.

11) The agent submitted this matter to the King County Prosecutor's office for filing of criminal charges. As of the date of these Administrative Charges, no criminal charges have yet been filed.

#### **VIOLATIONS:**

##### **RCW 9.46.075(1), (8), and (10) Denial, suspension, or revocation of 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:

(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 she is qualified in accordance with the provisions of this chapter;

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain.

##### **WAC 230-03-085(1) and (8), Denying, suspending, or revoking an 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:

(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**

(1) 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.

Ms. Lang wrote a total of \$24,000 in checks to GAC without having sufficient funds in her account to cover the checks. On July 15, 2011, she signed an agreement promising to pay back GAC the total \$24,000 owed by September 30, 2011. Ms. Lang made an initial \$1,000 payment on July 27, 2011, and made no further payments. Ms. Lang also confessed to knowing that she did not have enough money in her checking account to cover the checks to GAC when she wrote them, although she was hoping to win the money she needed by gambling and from payments from her friends.

The licensee has failed to show by clear and convincing evidence that she is qualified for licensure, in violation of RCW 9.46.153(1). Grounds, therefore, exist to revoke Jenny Bich-Hoang Lang's license, pursuant to RCW 9.46.075(1), (8), and (10) and WAC 230-03-085(1) and (8).

IV.

Jenny Bich-Hoang Lang acknowledges that she has read the Notice of Administrative Charges, and understands the facts contained in it. While not admitting to the facts and violations specified above in section III, Ms. Lang agrees that if the Gambling Commission established the alleged facts in the case at issue, there would be sufficient evidence of the violations as stated in the administrative charges.

Because Ms. Lang no longer lives or works in Washington State, she has agreed to surrender her Card Room Employee license as follows:

1) **Jenny Bich-Hoang Lang shall surrender her Card Room Employee license no later than April 13, 2012.** This will result in her license no longer being active and she will not be able to conduct Class III Employee or Card Room Employee activity.

2) In the event Ms. Lang applies for a certification or gambling license, she will be subject to all the Commission's investigative procedures for processing an application for a certification or gambling license. Furthermore, no promises or assurances have been made to Ms. Lang that she will receive a license or certification from the Commission should she apply.

3) Unless licensed, certified, or otherwise approved by the Washington State Gambling Commission, Jenny Bich-Hoang Lang agrees to have no involvement in the ownership, operation, or financing of any activity regulated by the Washington State Gambling Commission. This does not prevent Ms. Lang from working in non-gambling related employment at an establishment engaged in authorized gambling activities.

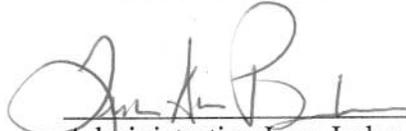
4) **The signed Settlement Order must be received by Commission staff by April 13, 2012,** and mailed to Commission Headquarters at the following address:

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  
Attention: Communications and Legal Division  
4565 7<sup>th</sup> Avenue SE; Fourth Floor  
Lacey, WA 98503

DATED this 23<sup>rd</sup> day of April, 2012.

  
\_\_\_\_\_  
Administrative Law Judge

By her signature, the licensee  
Understands and accepts the terms  
And conditions of this Order

APPROVED FOR ENTRY:

Jenny Bich-Hoang Lang (Date)  
Licensee

David Malone 4/10/12 (Date)  
David Malone, WSBA #23435  
Attorney Representing Jenny Bich-Hoang Lang

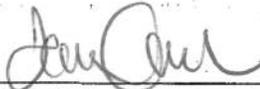
Melinda Froud  
Melinda Froud, WSBA #26792  
Lead Staff Attorney,  
Washington State Gambling Commission

APPROVED AS TO FORM:

Stephanie U. Happold 4/12/12  
Stephanie U. Happold, WSBA# 38112  
Assistant Attorney General  
Representing the Washington State  
Gambling Commission

By her signature, the licensee  
Understands and accepts the terms  
And conditions of this Order

APPROVED FOR ENTRY:

 4/8/12  
\_\_\_\_\_  
Jenny Bich-Hoang Lang (Date)  
Licensee

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephanie U. Happold, WSBA# 38112  
Assistant Attorney General  
Representing the Washington State  
Gambling Commission

\_\_\_\_\_  
David Malone, WSBA #23435 (Date)  
Attorney Representing Jenny Bich-Hoang Lang

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