

Received
MAY 30 2014
Gambling Commission
Comm. & Legal Division

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to)
Conduct Gambling Activities of:) No. CR 2013-02124
)
Anh Tu N. Ho) **SETTLEMENT ORDER**
Olympia, Washington,)
)
Licensee.)
_____)

The Washington State Gambling Commission and the licensee, Anh Tu N. Ho, agree to this Settlement Order to resolve the Order of Summary Suspension pending against the licensee. Gregory J. Rosen, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney, represent the Gambling Commission. Anh Tu N. Ho, licensee, represents himself.

I.

The Washington State Gambling Commission issued Anh Tu N. Ho the following license:

Number 68-12962, authorizing Card Room Employee activity with the Chips and Palace Casinos in Tukwila.

The license expires on June 4, 2014, and was issued subject to Mr. Ho's compliance with state gambling laws and rules.

II.

SUMMARY:

On October 23, 2013, an Information was filed in King County Superior Court charging Mr. Ho with one count of Assault 2nd Degree and one count of Assault 3rd Degree. The charges stem from when Mr. Ho was allegedly at a party and recklessly inflicted substantial bodily harm with criminal negligence to another individual while using a bottle as a weapon.

III.

1) RCW 9.46.075 Denial, suspension, or revocation of certification, 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 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, she or it is qualified in accordance with the provisions of this chapter.

(9) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (4)¹ of this section: PROVIDED, that at the request of an applicant for an original license, the commission may defer decision upon the application during the pendency of such prosecution or appeal.

2) 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.)

(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.

3) 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.

¹ (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.

The certified employee's pending criminal charges demonstrate that the Class III employee poses a threat to the effective regulation of gambling, creates, or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities.

Mr. Ho has been charged with Assault 2nd Degree and Assault 3rd Degree. Both felony charges are pending. Anh Tu N. Ho has failed to establish clearly and convincingly that he is qualified for licensure, as required by RCW 9.46.153(1). As a result, there are grounds to revoke Mr. Ho's license based on RCW 9.46.075(1), (8), and (9) and WAC 230-03-085(1) and (8).

IV.

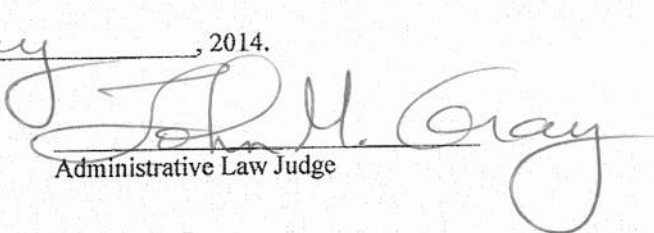
On November 27, 2013, the Director of the Commission summarily suspended Anh Tu N. Ho's license authorizing Card Room Employee activity, and he has not been working since that time. The licensee acknowledges that he received the Order of Summary Suspension issued in this case, and understands the facts and violations contained in it. On December 4, 2013, the licensee requested an administrative hearing in this matter.

On April 24, 2013, the licensee pleaded guilty to two counts of the lesser charge of Malicious Mischief in the Third Degree; these are non-felony convictions that do not disqualify Mr. Ho from holding a license. The licensee subsequently waived his right to an administrative hearing based on the entry of this Settlement Order.

Once all parties have signed this Settlement Order, the licensee's summary suspension shall end and he may then return to work.

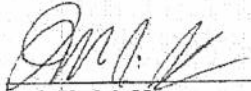
Based on this Settlement Order, it is hereby ordered that the above-entitled matter is dismissed.

DATED this 21 day of May, 2014.


Administrative Law Judge

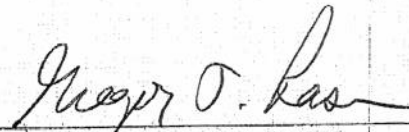
APPROVED FOR ENTRY:

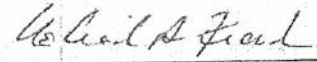
By the signature below, the licensee understands the terms and conditions contained in the settlement order.

 5/15/14

Anh Tu M. Ho (Date)
Licensee

APPROVED AS TO FORM:

_____
Gregory J. Rosen WSBA #15870
Assistant Attorney General,
Representing the Washington State
Gambling Commission

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