

STATE OF WASHINGTON
GAMBLING COMMISSION

Received
JUN 04 2015
Gambling Commission
Comm. & Legal Division

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JUN 11 2015
Gambling Commission
Comm. & Legal Division

In the Matter of the Summary Suspension of)
the License to Conduct Gambling Activities of:)
)
Junji Xia)
Seattle, Washington,)
)
Licensee.)
_____)

NO. CR 2014-02028

SETTLEMENT ORDER

The Director of the Washington State Gambling Commission and the licensee, Junji Xia, agree to this Settlement Order to resolve the administrative charges pending against him. Gregory J. Rosen, Assistant Attorney General, and Arlene Dennistoun, Staff Attorney, represent the Gambling Commission. Mr. Xia is represented by attorney, Terrance Wong.

I.

The Washington State Gambling Commission issued Junji Xia license number 68-23564, authorizing Card Room Employee activity, formerly with Macau Casino in Lakewood.

The Commission issued this license, which expired on April 12, 2015, subject to the licensee's compliance with state gambling laws and Commission rules.

II.

On March 5, 2015, Junji Xia was served with a Findings of Fact, Conclusions of Law, and Order of Summary Suspension of License. On March 18, 2014, he requested an Administrative Hearing on his revocation proceedings.

III.

SUMMARY:

On July 27, 2014, while on duty, Shift Manager Junji Xia of the Macau Casino sorted a deck of cards and placed the stacked deck in a card shoe. Mr. Xia played with the stacked deck causing the casino a \$14,653.73 loss.

VIOLATIONS:

1) 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 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;

(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;

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.

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.

On July 27, 2014, Shift Manager, Junji Xia, of the Macau Casino in Lakewood stacked a red shoe of cards while at the supervisor's podium in the gaming pit. Mr. Xia put the stacked shoe of cards into the output side of the shuffle machine on a mini-baccarat table. Mr. Xia later played at this table with the stacked deck of cards to give himself an advantage in the game. As a result, the casino lost approximately \$14,653.73. Mr. Xia's behavior also poses a threat to the effective regulation of gaming, or increases the likelihood of unfair or illegal practices. WAC 230-03-085(8). By defeating the automatic shuffle machine, the licensee has eliminated chance in the dealing of cards making it an unfair game.

By using a stacked deck at a loss to his employer, Mr. Xia pursued economic gain in an occupational manner. As a result, there are grounds to revoke his license based on RCW 9.46.075(1), (8), and (10), and WAC 230-03-085(1) and (8). Junji Xia has failed to establish

clearly and convincingly his qualifications for a license as is his responsibility, in violation of RCW 9.46.153(1).

IV.

Junji Xia acknowledges that he received and read the Findings of Fact, Conclusions of Law, and Order of Summary Suspension of License in this case, and understands the facts and violations alleged in it. While not admitting to the facts and violations specified above in section III, it is the licensee's position 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.

Mr. Xia has waived his right to a hearing based on the terms and conditions of this Settlement Order and further agrees to the following:

- 1) Junji Xia shall surrender his Card Room Employee license, effective April 17, 2015. After that date, he will not be authorized to conduct Card Room Employee activity.
- 2) In the event Junji Xia applies for certification or a gambling license, he will be subject to all the Commission's investigative procedures for processing such application. Furthermore, no promises or assurances have been made to Junji Xia that he will receive a license or certification from the Commission should he apply.
- 3) Junji Xia shall have no involvement whether paid or unpaid, in the ownership, operation, or financing of any activity regulated by the Washington State Gambling Commission. This does not prevent Mr. Xia from working in non-gambling related employment at an establishment engaged in authorized gambling activities.

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4) The signed Settlement Order must be received by Commission staff by April 30, 2015, 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 7th Avenue SE; Fourth Floor
Lacey, WA 98503

DATED this 11 day of June, 2015.



Director

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

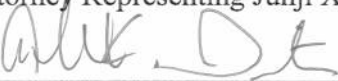
APPROVED FOR ENTRY:


Junji Xia,
Licensee

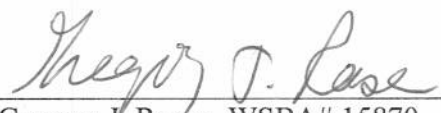
5-27-15
(Date)


Terrence Wong, WSBA #24502
Attorney Representing Junji Xia

5-27-15
(Date)


Arlene Dennistoun, WSBA #28760
Staff Attorney,
Washington State Gambling Commission

APPROVED AS TO FORM:


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