

**WASHINGTON STATE
OFFICE OF ADMINISTRATIVE HEARINGS**

In the matter of:

Michael Mazeckin,

Appellant.

&

Jason S. Doo,

Appellant.

Docket Nos. 10-2019-GMB-00132 &
10-2019-GMB-00133

**INITIAL ORDER GRANTING
GAMBLING COMMISSION'S MOTION
FOR SUMMARY JUDGMENT**

Agency: Gambling Commission
Program: Washington State Gambling
Commission

Agency Nos. 2019-01489 & 2019-00917

1. ISSUES:

Does a genuine dispute of material fact exist as to:

- 1.1. Whether Appellant Jason S. Doo violated WAC 230-06-035(1) & (2); WAC 230-06-030(1), (2), & (3); WAC 230-15-190(1); WAC 230-15-453(5) & (7); WAC 230-15-425(1)(a)c, (c), & (f); and WAC 230-15-460 as set out in the 'Notice of Administrative Charges' dated September 25, 2019?
- 1.2. If so, whether these violations occurred at Appellant Jason S. Doo's direction or with his knowing acquiescence, in violation of RCW 9.46.185?
- 1.3. Whether Appellant Jason S. Doo can prove by 'clear and convincing evidence' he is qualified for licensure, as required by RCW 9.46.153(1)?
- 1.4. Whether the Commission is authorized to revoke the Appellant Jason S. Doo's Public Card Room Employee Licenses, pursuant to RCW 9.46.075(1),(2),(7), and (8) and WAC 230-03-085(1),(3),(8), and (9)(a)?
- 1.5. Whether Appellant Michael Mazeckin violated WAC 230-06-035(1) & (2); WAC 230-06-030(1), (2), & (3); WAC 230-15-190(1); WAC 230-15-453(5) & (7); WAC 230-15-425(1)(a)c, (c), & (f); and WAC 230-15-460 as set out in the 'Notice of Administrative Charges' dated September 25, 2019?
- 1.6. If so, whether these violations occurred at Appellant Michael Mazeckin's direction or with his knowing acquiescence, in violation of RCW 9.46.185?
- 1.7. Whether Appellant Michael Mazeckin can prove by 'clear and convincing evidence' he is qualified for licensure, as required by RCW 9.46.153(1)?

- 1.8. Whether the Commission is authorized to revoke the Appellant Michael Mazeckin's Public Card Room Employee Licenses, pursuant to RCW 9.46.075(1),(2),(7), and (8) and WAC 230-03-085(1),(3),(8), and (9)(a)?

2. ORDER SUMMARY:

- 2.1. No genuine dispute of material fact exists as to whether Appellants Jason S. Doo and Michael Mazeckin violated WAC 230-06-035(1) & (2); WAC 230-06-030(1), (2), & (3); WAC 230-15-190(1); WAC 230-15-453(5) & (7); WAC 230-15-425(1)(a)c, (c), & (f); and WAC 230-15-460. The Gambling Commission's Motion for Summary Judgment is **GRANTED**.
- 2.2. No genuine dispute of material fact exists as to whether Appellants Jason S. Doo and Michael Mazeckin cannot prove by 'clear and convincing evidence' he is qualified for licensure, as required by RCW 9.46.153(1). The Gambling Commission's Motion for Summary Judgment is **GRANTED**.
- 2.3. No genuine dispute of material fact exists as to whether these violations occurred at Appellants Jason S. Doo's and Michael Mazeckin's direction or with his knowing acquiescence and thus violated RCW 9.46.185. The Gambling Commission's Motion for Summary Judgment is **GRANTED**.
- 2.4. The Gambling Commission is authorized to revoke the Appellant Jason S. Doo's and Michael Mazeckin's Public Card Room Employee Licenses, pursuant to RCW 9.46.075(1),(2),(7), and (8) and WAC 230-03-085(1),(3),(8), and (9)(a). The Gambling Commission's revocation of Jason S. Doo's and Michael Mazeckin's Public Card Room Employee Licenses, is **AFFIRMED**.

3. GAMBLING COMMISSION'S MOTION FOR SUMMARY JUDGMENT:

- 3.1. Hearing Date: Matter decided without oral argument.
- 3.2. Administrative Law Judge: Travis Dupree
- 3.3. Appellants: Jason S. Doo and Michael Mazeckin
- 3.3.1. Representative: Terence Wong, Attorney
- 3.4. Agency: Gambling Commission
- 3.4.1. Representative: Doug Van de Brake, Assistant Attorney General
- 3.5. Documents Considered: The following documents were considered for purposes of the Gambling Commission's Motion for Summary Judgment:

Doc. No.	Document Name	Document Date	No. Pages
1	Notice of Administrative Charges: Michael Mazeckin and Jason Doo	09/25/19	13
2	Request for Stay and Administrative Hearings and Interpreter Form	10/10/19	10
3	Gambling Commission Staff's Motion for Summary Judgment	01/17/20	10
4	Declaration of Special Agent Richard Schulte in Support of Commission's Motion for Summary Judgment, with attached Exhibits 1-7	01/16/20	421
5	Licensees' Response to Commission's Motion for Summary Judgment, with attached Exhibits 1-6	02/28/20	28
6	Washington's State Gambling Reply in Support of Motion for Summary Judgment	03/13/20	11

4. FACTS FOR PURPOSE OF SUMMARY JUDGMENT:

On a motion for summary judgment, the decision maker only considers those facts for which the parties establish "no genuine issue as to any material fact".¹ "Summary judgment is appropriate only where the undisputed facts entitle the moving party to judgment as a matter of law."² Only evidence in the record and inferences from that evidence establish facts. If evidence in the record points to more than one possible finding of fact, then summary judgment may not rest on the moving party's version of that fact.³ Admissions, stipulations, procedural history, and uncontested declarations and affidavits establish facts for summary judgment. So, the record here supports the following facts for the purposes of summary judgment:

Jurisdiction

- 4.1. On September 25, 2019, the Washington State Gambling Commission issued the Notice of Administrative Charges regarding Michael Mazeckin and Jason Doo. The Gambling Commission's Notice of Administrative Charges asserted Michael Mazeckin and Jason Doo were not qualified for licensure and failed to prove qualification for licensure.

¹ WAC 10-08-135. In Superior Court matters, CR 56 governs summary judgment. Where the relevant procedural rules do not conflict with CR 56, it and the cases interpreting it serve as persuasive authority in the management of summary judgment under WAC 10-08-135.

² *Verizon NW, Inc. v. Employment Sec. Dep't*, 164 Wn.2d 909, 916 (2008), citing *Alpine Lakes Prot. Soc'y v. Dep't of Natural Res.*, 102 Wn. App. 1, 14 (1999).

³ *Verizon NW*, 164 Wn.2d 916.

- 4.2. On October 10, 2019, the Appellants contested the Gambling Commission's Notice of Administrative Charges and requested an administrative hearing.

Summary Judgment

- 4.3. On January 17, 2020, the Gambling Commission filed a Motion for Summary Judgment, along with the Declaration of Special Agent Richard Schulte in Support of Commission's Motion for Summary Judgment, with attached Exhibits 1-7.
- 4.4. On February 28, 2020, the Appellants filed a Response to Commission's Motion for Summary Judgment, with attached Exhibits 1-6.
- 4.5. On March 13, 2020, the Gambling Commission filed a Reply in Support of Motion for Summary Judgment.

Facts as a Matter of Law

- 4.6. The Appellant, Michael Mazeckin, is Chief Operations Officer and Appellant Jason Doo is General Manager at the Macau Casino, in Lakewood, Washington ("Macau Casino"). Each Appellant is a licensed Public Card Room Employee at Macau Casino. *Declaration of Richard Schulte: Exhibit 3.*
- 4.7. For at least a few years until May 2019, Macau Casino's owner started a player gift giving program. The criteria for giving gifts was established by the owner. Such criteria included the player's activities, losses, casino profits, and whether the staff liked/disliked the player. Mr. Mazeckin and Mr. Doo carried out the gift giving program. *Id.*
- 4.8. At the direction of Mr. Mazeckin and Mr. Doo, the Macau Casino staff gave gifts to players, particularly if they had lost a lot of money at the casino. In May 2019, approximately \$10,000 was given to these players. On June 21, 2019, June 25, 2019, and July 2, 2019, Mr. Doo gave one player gave cash in the form of gift cards in Macau Casino's player points tracking system. *Id.*
- 4.9. Mr. Doo, with the approval of Mr. Mazeckin, gave players hundreds of thousands of unearned points, which the players could immediately redeem for \$500 in cash. *Id.*
- 4.10. On July 2, 2019, Mr. Doo had \$9,000 that they were going to distribute to players while \$8,000 of that amount was going to players who were on the list of people who had written checks to Macau Casino with insufficient funds. *Id.*
- 4.11. Between June 1, 2019 and June 29, 2019, Mr. Mazeckin and Mr. Doo gave some players match play coupons, cigarettes, or other gifts from a generic Macau Casino player points tracking system account rather than the players' own account. On June 26, 2019, Mr. Doo gave one player seven match play coupons, despite the printing on the coupon "Limit 1 per person, per day". These prizes

and gifts were not made equally available to other players. *Declaration of Schulte: Exhibit 3 and 8.*

- 4.12. Macau Casino's internal controls, including an anti-money laundering program, require maintaining Money Transaction Logs, for any player that has cash-ins and/or buyouts for more than \$3,000. Mr. Mazeckin's and Mr. Doo's responsibility is to ensure that the internal controls are followed and that the money is properly tracked. *Declaration of Schulte: Exhibit 3.*
- 4.13. Records of seven players from June 22, 2019 through June 30, 2019 reflected that \$116,400 of cash-ins and/or buyouts were not reported on Money Transaction Logs. When the logs are compared to the Macau Casino player points tracking system, another \$406,100 in cash-ins and/or buyouts was missing from the records. *Id.*
- 4.14. In the Macau Casino's VIP section, a group of three tables are behind six foot high walls, separate from the rest of the casino. Macau Casino's internal control surveillance designated it a separate gaming pit. In the past, it had been staffed with a floor supervisor but by July 2, 2019, the supervisor had been removed. *Id.*

Gambling Commission Investigation

- 4.15. On May 29, 2019, the Gambling Commission received a complaint from a former employee of the Macau Casino regarding the gift giving program. *Id.*
- 4.16. In July 2019, Gambling Commission Agents Richard Schulte and Robert Raimond conducted an investigation regarding Macau Casino's practice of giving money to gamblers and possible extension of credit. *Id.*
- 4.17. On July 2, 2019, Mr. Mazeckin and Mr. Doo confirmed to Agent Schulte that Macau Casino had a gift giving program and that they personally had given gifts to players. *Id.*

5. CONCLUSIONS OF LAW:

Jurisdiction

- 5.1. The Office of Administrative Hearings (OAH) has jurisdiction over the persons and subject matter of this case under Revised Code of Washington (RCW) 9.46.140(2)&(4), Washington Administrative Code (WAC) 230-17-025 and Chapters 34.05 and 34.12 RCW.

Standards for Summary Judgment

- 5.2. RCW 34.05.437 'Pleadings, briefs, motions, service' allows for the filing of dispositive motions in administrative proceedings, including motions for summary judgment.

- 5.3. WAC 10-08-135 'Summary judgment' provides: A motion for summary judgment may be granted and an order issued if the written record shows that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.

Gambling Commission Rules & Regulations

- 5.4. RCW 9.46.040 authorizes the Gambling Commission to enforce the rules and regulations relating to gambling activities in the State.
- 5.5. WAC 230-06-035 provides that:
- (1) Licensees, employees, or members must not offer or give credit, loans, or gifts to any person playing in an authorized gambling activity or which makes it possible for any person to play in an authorized gambling activity.
 - (2) Gifts are items licensees give to their customers. Licensees must not connect these gifts to gambling activities we regulate unless the gifts are:
 - (a) Gambling promotions; or
 - (b) Transportation services to and from gambling activities; or
 - (c) Free or discounted food, drink, or merchandise which:
 - (i) Costs less than five hundred dollars per individual item; and
 - (ii) Must not be traded back to you for cash; and
 - (iii) Must not give a chance to participate further in an authorized gambling activity.
- 5.6. WAC 230-06-030 provides in part that Licensees may conduct gambling promotions to encourage players to participate in the gambling activity they are licensed to conduct without our review or approval under these restrictions and conditions:
- (1) You must establish rules and restrictions to determine how you will give promotional prizes and items to players; and
 - (2) You must display all rules and restrictions clearly in the gambling area and include them on promotional materials or advertisements; and
 - (3) You must give all players eligible for the promotion an equal opportunity to participate

- 5.7. WAC 230-15-190 provides in part that in preparing card game records:
- (1) Card game licensees must prepare all records in the format we require. Licensees must record the data in ink, on storage media, or in other permanent form.
- 5.8. WAC 230-15-453 provides in part that match play coupons may be offered as gambling promotions with the following restrictions:
- (5) Restrictions on the use of coupons must be disclosed on the coupon.
 - (7) Match play and other similar type coupon promotions such as Lucky Bucks and Free Ace, etc., must be given to all players eligible for the promotion.
- 5.9. WAC 230-15-425 provides in part that for internal controls:
- (1) House-banked card game licensees must:
 - (a) Adopt internal controls in the format we require; and
 - (c) Follow all ICs at all times; and
 - (f) Ensure that card room employees are knowledgeable in all accounting and internal control procedures for their individual functions and ensure that employees follow the ICs.
- 5.10. WAC 230-15-460 requires:
- (1) House-banked card game licensees must have at least one floor supervisor for each gambling area/pit.
 - (2) Gambling area/pit means a self-contained group of card tables, including poker tables, physically separated from other tables. The separation may be due to the layout of the tables or physical barriers, such as walls, chains, or ropes.
 - (3) A card room employee may act as a dealer and a supervisor during the same shift as long as he or she does not sign forms as both the dealer and the supervisor.
- 5.11. RCW 9.46.185 provides that any person who knowingly causes, aids, abets, or conspires with another to cause any person to violate any rule or regulation adopted pursuant to this chapter shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

- 5.12. In the present case, Mr. Mazeckin and Mr. Doo gave cash gifts worth more than \$500 to players. These gifts were not part of any gambling promotion, and thus in violation of WAC 230-06-035(1) & (2). Additionally, Mr. Mazeckin and Mr. Doo awarded prizes to certain players that other players were not eligible to receive, in violation of WAC 230-06-030(1), (2), & (3) and WAC 230-15-453(5) & (7). It was also the responsibility of Mr. Mazeckin and Mr. Doo as Chief Operations Officer and General Manager respectively, to ensure that the casino's internal controls were being followed in properly tracking money, which they failed to do. This violated WAC 230-15-190(1) and WAC 230-15-425(1)(a), (c), & (f). Finally, Mr. Mazeckin and Mr. Doo neglected to have the separate gambling pit area staffed by a supervisor, which violated WAC 230-15-460.
- 5.13. The Appellants' arguments against summary judgment are based mostly on the manner and motivation behind the investigation. The Appellants further argue that they inherited the player reward program when they took over management of Macau Casino in 2018. Finally, the Appellants argue that they were unaware that the VIP room was unstaffed. However, the Appellants' arguments and declarations amount to being unaware that their operation of the Macau Casino was in violation of any rules and regulations. Ultimately, Mr. Mazeckin and Mr. Doo as Chief Operations Officer and General Manager respectively, are responsible for these actions, which occurred at their direction or at minimum with their knowing acquiescence, in violation of RCW 9.46.185.
- 5.14. All facts necessary to resolution of this matter are in the Findings of Fact above. Therefore, the Appellants Jason S. Doo and Michael Mazeckin have raised no genuine dispute of material fact as to whether they violated WAC 230-06-035(1) & (2); WAC 230-06-030(1), (2), & (3); WAC 230-15-190(1); WAC 230-15-453(5) & (7); WAC 230-15-425(1)(a)c, (c), & (f); WAC 230-15-460; and RCW 9.46.185. Therefore, the Gambling Commission Staff's Motion for Summary Judgment is **GRANTED**.

Clear and Convincing Evidence of Licensure

- 5.15. RCW 9.46.153(1) establishes:

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;

- 5.16. In the present case, the Gambling Commission has established Appellants Jason S. Doo and Michael Mazeckin violated WAC 230-06-035(1) &

(2); WAC 230-06-030(1), (2), & (3); WAC 230-15-190(1); WAC 230-15-453(5) & (7); WAC 230-15-425(1)(a)c, (c), & (f); and WAC 230-15-460. As a result, Appellants Jason S. Doo and Michael Mazeckin have failed to prove, by 'clear and convincing evidence', they are qualified for licensure, as required by RCW 9.46.153(1). Therefore, the Gambling Commission's Motion for Summary Judgment is **GRANTED**.

Revoking the Appellant's Gaming License

5.17. RCW 9.46.075 provides, in relevant part, the Gambling Commission may deny a license application, revoke or suspend a license if the applicant or licensee does or has done the following:

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW...;
- (2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the commission;
- (7) Makes a misrepresentation of, or fails to disclose, a material fact to the commission;
- (8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter;...

5.18. WAC 230-03-085 also authorizes the Gambling Commission to deny, suspend or revoke any application, license or permit, for any of the following reasons, in relevant part:

- (1) Committing any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075; or
- (3) Demonstrating willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level; or
- (8) Failing to provide any information required under commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us; or

(9) Posing a threat to the effective regulation of gambling, or creating or increasing the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by:

(a) Prior activities;...

5.19. In the present case, the Gambling Commission has established Appellants Jason S. Doo and Michael Mazeckin violated WAC 230-06-035(1) & (2); WAC 230-06-030(1), (2), & (3); WAC 230-15-190(1); WAC 230-15-453(5) & (7); WAC 230-15-425(1)(a)c, (c), & (f); and WAC 230-15-460. The Appellant also failed to establish, by 'clear and convincing evidence', that he is qualified for licensure. Therefore, the Gambling Commission's Motion for Summary Judgment was granted.

5.20. Based the Gambling Commission's Motion for Summary Judgment being granted, in accordance with 9.46.075(1),(2),(7), and (8) and WAC 230-03-085(1),(3),(8), and (9)(a), the revocation of Jason S. Doo's and Michael Mazeckin's Public Card Room Employee Licenses is **AFFIRMED**.

6. INITIAL ORDER:

IT IS HEREBY ORDERED THAT:

- 6.1. No genuine dispute of material fact exists as to whether Appellants Jason S. Doo and Michael Mazeckin violated WAC 230-06-035(1) & (2); WAC 230-06-030(1), (2), & (3); WAC 230-15-190(1); WAC 230-15-453(5) & (7); WAC 230-15-425(1)(a)c, (c), & (f); and WAC 230-15-460. The Gambling Commission's Motion for Summary Judgment is **GRANTED**.
- 6.2. No genuine dispute of material fact exists as to whether Appellants Jason S. Doo and Michael Mazeckin cannot prove by 'clear and convincing evidence' he is qualified for licensure, as required by RCW 9.46.153(1). The Gambling Commission's Motion for Summary Judgment is **GRANTED**.
- 6.3. No genuine dispute of material fact exists as to whether these violations occurred at Appellants Jason S. Doo's and Michael Mazeckin's direction or with his knowing acquiescence and thus violated RCW 9.46.185. The Gambling Commission's Motion for Summary Judgment is **GRANTED**.
- 6.4. The Gambling Commission is authorized to revoke the Appellant Jason S. Doo's and Michael Mazeckin's Public Card Room Employee Licenses, pursuant to RCW 9.46.075(1),(2),(7), and (8) and WAC 230-03-085(1),(3),(8), and (9)(a). The Gambling Commission's revocation of Jason S. Doo's and Michael Mazeckin's Public Card Room Employee Licenses, is **AFFIRMED**.

SIGNED at Tacoma, Washington on the date of mailing.



Travis Dupree
Administrative Law Judge
Office of Administrative Hearings

CERTIFICATE OF SERVICE IS ATTACHED

PETITION FOR REVIEW

Any party to this proceeding may file a Petition for Review of this Initial Order. The written Petition for Review must be mailed to the Washington State Gambling Commission at:

Washington State Gambling Commission
PO Box 42400
Olympia, WA 98504

The Petition for Review must be received by the Commission within twenty (20) days from the date this Initial Order was mailed to the parties. A copy of the Petition for Review must be sent to all parties of record. The Petition for Review must specify the portions of the Initial Order with which the party disagrees, and must refer to the evidence in the record which supports the party's position. The other party's reply must be received at the address above, and served on all parties of record, within thirty (30) days from the date the petition for review was mailed.

Any party may file a cross appeal. Parties must file cross appeals with the Washington State Gambling Commission within ten days of the date the petition for review was filed with the Washington State Gambling Commission. Copies of the petition or cross appeal must be served on all other parties or their representatives at the time the petition or appeal is filed.

**CERTIFICATE OF SERVICE FOR OAH DOCKET NOS. 10-2019-GMB-00132 &
10-2019-GMB-00133**

I certify that true copies of this document were served from Tacoma, Washington via Consolidated Mail Services upon the following as indicated:

<p>Michael Mazeckin & Jason S. Doo c/o Terence Wong, Attorney 6947 Coal Creek Parkway SE #387 Newcastle, WA 98059 Appellant</p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Terence Wong Law Office of Terence K. Wong, PLLC 6947 Coal Creek Parkway SE # 387 Newcastle, WA 98059 Appellant Representative</p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Doug Van de Brake, AAG Office of the Attorney General MS: 40100 PO Box 40100 Olympia, WA 98504 Agency Representative</p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-mail: Doug.VandeBrake@atg.wa.gov jordan.nimon@atg.wa.gov</p>
<p>Ashlie Laydon Washington State Gambling Commission MS: 42400 PO Box 42400 Olympia, WA 98504 Agency Contact</p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input checked="" type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>

Date: Monday, April 13, 2020

OFFICE OF ADMINISTRATIVE HEARINGS

Hailey Miles

Hailey Miles
Legal Assistant 4