

**STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE WASHINGTON STATE GAMBLING COMMISSION**

In The Matter of the Revocation of the
License to Operate Gambling Activities
of:

HAI NGUYEN
Olympia, Washington
License No.: 68-25584

Licensee

OAH Docket No. 2015-GMB-0001
GMB No. CR 2014-01327

INITIAL ORDER

1. ISSUES

1.1. Did Hai Nguyen violate RCW 9.46.075, such that the Washington State Gambling Commission's ("Gambling Commission") revocation of Mr. Nguyen's license, No. 68-25584, authorizing Card Room Employee Activity, is appropriate?

1.1.1. Is Mr. Nguyen subject to current prosecution or pending charges for any of the offenses under RCW 9.46.075(4)?

1.1.2. Has Mr. Nguyen failed to prove by clear and convincing evidence that he is qualified to hold his license in accordance with chapter 9.46 RCW?

2. ORDER SUMMARY

2.1. Mr. Nguyen violated RCW 9.46.075, such that the Gambling Commission's revocation of his license, No. 68-25584, authorizing Card Room Employee Activity, is appropriate.

2.1.1. Mr. Nguyen is subject to current prosecution or pending charges for an offense under RCW 9.46.075(4).

2.1.2. Mr. Nguyen has failed to prove by clear and convincing evidence that he is qualified to hold his license in accordance with chapter 9.46 RCW.

3. HEARING

- 3.1. Hearing Date: February 10, 2015.
- 3.2. Hearing Location: Gambling Commission, Lacey, Washington.
- 3.3. Administrative Law Judge: Leslie Birnbaum.
- 3.4. Licensee: Mr. Hai Nguyen appeared and represented himself.
- 3.5. Agency: Gambling Commission.
 - 3.5.1. Representative: Gregory J. Rosen, Senior Counsel, Office of the Attorney General.
 - 3.5.2. Witnesses:
 - 3.5.2.1. Tony Hughes, Special Agent, Gambling Commission.
 - 3.5.2.2. Byron Robinson, Surveillance Director, Chips Casino.
 - 3.5.2.3. Melanie Pregler, Former Floor Supervisor, Chips Casino.
 - 3.5.3. Observers:
 - 3.5.3.1. Rick Schulte, Special Agent, Gambling Commission.
 - 3.5.3.2. Aryna Anderson, Assistant Attorney General, Office of the Attorney General.
- 3.6. Exhibits: Exhibits 1 through 15 were admitted.
- 3.7. Close of Record: February 10, 2015.

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4. FINDINGS OF FACT

I find the following facts by a preponderance of the evidence:

Jurisdiction

4.1. On October 29, 2014, the Gambling Commission issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding ("Notice of Charges") to Mr. Nguyen. Mr. Nguyen allegedly assaulted another patron at Chips Casino, and the City of Lakewood filed a Complaint for Assault in the Fourth Degree.¹

4.2. On November 10, 2014, Mr. Nguyen filed a Request for Administrative Hearing and Interpreter. Exhibit 15.

4.3. On January 7, 2015, the Gambling Commission issued an Amended Notice of Administrative Charges [and] Opportunity for an Adjudicative Proceeding ("Amended Notice of Charges") to Mr. Nguyen.

License

4.4. The Gambling Commission issued a Card Room Employee Activity License, No. 68-25584, to Mr. Nguyen. Mr. Nguyen's license expires on August 12, 2015. Exhibit 1, p. 1. The license is subject to Mr. Nguyen's compliance with state gambling laws and Gambling Commission rules. Exhibit 14.

4.5. At the time of the incident on June 29, 2014, Mr. Nguyen was licensed as a card room employee and worked at the Macau Casino in Lakewood. Exhibit 1, p. 4.

4.6. From 2009 - 2014, Mr. Nguyen was not the subject of any administrative cases. Exhibit 1, p. 4.

4.7. Prior to the June 29, 2014, incident, Mr. Nguyen did not have a criminal record. Testimony of Mr. Nguyen.

¹ The Notice of Charges was not submitted as an exhibit. The Gambling Commission submitted the Notice of Charges as part of the Request for Administrative Hearing. Mr. Nguyen timely filed an appeal. Exhibit 15. No additional appeal was filed following the issuance of the Amended Notice of Charges. The Gambling Commission submitted the Amended Notice of Charges, which was issued on January 7, 2015, as an exhibit. Exhibit 14.

Criminal Charges

4.8. On August 14, 2014, the City of Lakewood filed a Complaint, City of Lakewood (Plaintiff) v. Nguyen, Hai (Defendant), No. 14L0869, alleging Mr. Nguyen committed the following offense(s):

Count 1
Assault in the Fourth Degree - RCW 9A.36.041

On or about 7/9/2014, within the corporate boundaries of the City of Lakewood, State of Washington, the above-named Defendant did intentionally assault another person, to-wit: Cosol Kiem, DOB: [redacted]; contrary to Revised Code of Washington 9A.36.041(1).

(Maximum Penalty- Three hundred sixty four (364) days in jail or \$5,000.00 fine, or both, pursuant to RCW 9A.36.041(2) and 9A.20.021(2), plus restitution, assessments and court costs.)

Exhibit 2, pp. 1 - 2.

4.9. On November 18, 2014, the City of Lakewood and Mr. Nguyen entered in a Stipulated Order of Continuance with Conditions ("Stipulated Order"), No. 14L869. Exhibit 3, pp.1 - 4; Exhibit 14. The Stipulated Order stated as follows:

The parties agree that *this case shall be continued for a period of 12 months* from this date, and then placed upon the disposition calendar on the following terms and conditions:

...

Exhibit 3, pp. 1 - 4 [emphasis added].

4.10. The Stipulated Order included waivers and conditions, such as a waiver of speedy trial, a waiver of jury trial, the completion of an anger management course and a no-contact clause pertaining to the victim and Chips Casino. *Id.* According to the agreement, the criminal case is continued for 12 months, and if Mr. Nguyen complies with the terms and conditions in the Stipulated Order, the Assault in the Fourth Degree charge will be dismissed. Exhibit 3, p. 4. The 12-month period began on November 18, 2014, and will end on November 18, 2015.

4.11. In the event that Mr. Nguyen violates the Stipulated Order, the criminal matter will go forward and evidence, including the police reports, will be presented

at the trial. As part of the Stipulated Order, Mr. Nguyen waived his rights to present a case in his defense.² Exhibit 3, pp. 1 - 2.

Investigation

4.12. Special Agent Hughes has been employed by the Gambling Commission for 15 years as a Special Agent and is assigned to Pierce County casinos, card rooms and bingo establishments. Special Agent Hughes' responsibilities include conducting investigations that involve events associated with any gaming activity. Chips Casino is one of the establishments included in Special Agent Hughes' region. Testimony of Special Agent Hughes.

4.13. On July 21, 2014, Special Agent Hughes performed a routine inspection of Chips Casino and learned of the assault that occurred on June 29, 2014, involving Mr. Nguyen. The Gambling Commission conducted an investigation of the incident, including surveillance video observation, reporting document review and witness, victim and staff interviews. At the conclusion of the investigation, Special Agent Hughes wrote a report. Exhibit 1, pp 1 - 7; Testimony of Special Agent Hughes.

4.14. Casinos are required to keep surveillance videos for at least seven days. The videos are often used to verify cheating. Testimony of Special Agent Hughes.

4.15. Chips Casino maintains a video surveillance system that records video only. Mr. Robinson is the surveillance manager with the responsibility of making schedules, and observing, reporting and documenting activity at the casino. Testimony of Mr. Robinson.

4.16. The casino's surveillance system provides a constant recording of casino activities. Mr. Robinson uses surveillance footage to observe casino activities and create incident reports. Surveillance footage is also used as evidence. Testimony of Mr. Robinson. The surveillance system has safeguards that protect against decoding and tampering with the system. *Id.*

4.17. Mr. Robinson viewed the surveillance video from June 29, 2014, and created an incident report about the altercation between three patrons, Mr. Nguyen, age 35; Mr. Minh Nguyen ("Mr. Minh"), age 43; and Cosol Kiem, age 60. Mr. Minh has a

² If the Prosecutor alleges that Mr. Nguyen has violated the Stipulated Order, the court would conduct a hearing to determine whether the violation occurred. Exhibit 3, p. 2.

Card Room Employee Activity License and works at the Macau Casino.³

Mr. Robinson transferred the footage to a disc and provided it to Special Agent Hughes. Testimony of Mr. Robinson.

4.18. Special Agent Hughes viewed the surveillance video from June 29, 2014, and documented his observations as part of the Gambling Commission's investigation. Exhibit 6; Testimony of Special Agent Hughes.

4.19. On June 29, 2014, Melanie Pregler, the Casino Floor Supervisor, observed the attack and intervened. Exhibit 4, p. 5; Testimony of Ms. Pregler. On that night, Ms. Pregler sat at a security podium, approximately 20 to 30 feet away from the exit. Testimony of Ms. Pregler; Testimony of Mr. Robinson.

4.20. On June 29, 2014, Mr. Nguyen and a friend, Mr. Minh, were playing Baccarat, at a gaming table at the Chips Casino. Exhibit 4; Exhibit 10; Exhibit 13; Testimony of Special Agent Hughes; Testimony of Ms. Pregler; Testimony of Mr. Nguyen. Another patron, Mr. Kiem, stood behind Mr. Nguyen and Mr. Minh during the card games. Mr. Nguyen had no knowledge of Mr. Kiem prior to that day. Exhibit 4; Testimony of Mr. Nguyen.

4.21. At the table, Mr. Kiem had an argument with Mr. Nguyen and Mr. Minh. Testimony of Mr. Nguyen. Mr. Kiem, Mr. Nguyen and Mr. Minh understand and speak Vietnamese. Testimony of Mr. Nguyen. Mr. Kiem swore at Mr. Nguyen in Vietnamese and insulted Mr. Nguyen's family. Testimony of Mr. Nguyen. Mr. Nguyen and Mr. Minh were angry at Mr. Kiem. Mr. Minh was agitated and got out of his seat. Exhibit 13; Testimony of Mr. Nguyen. Mr. Nguyen talked to Mr. Minh and calmed him down. Mr. Minh and Mr. Nguyen returned to their seats at the table. Mr. Kiem remained standing behind Mr. Nguyen and Mr. Minh. Mr. Kiem continued arguing and insulting Mr. Nguyen and Mr. Minh. A security guard walked close to their table but did not intervene. Exhibit 13; Testimony of Mr. Nguyen.

4.22. At one point, Mr. Kiem said, "I hope you guy[s] lose this hand. I really want you [to] lose this hand." Mr. Kiem laughed at Mr. Minh and Mr. Nguyen. Exhibit 11, p. 1. Mr. Kiem also swore at Mr. Nguyen and Mr. Minh. Testimony of Mr. Nguyen.

³ Mr. Minh is a licensed game card room employee and works at the Macau Casino. Exhibit 1, p. 4.

4.23. Mr. Nguyen became angry and said to Mr. Kiem, "OK, Let's go." Exhibit 11, p. 2. Mr. Kiem walked to one of the exits of the casino. Mr. Nguyen and Mr. Minh followed him. Exhibit 13. Mr. Nguyen had the choice to remain seated at the table, turn around or walk away. No patron or staff person forced Mr. Nguyen to walk out of the pit area and follow Mr. Kiem. Testimony of Mr. Robertson; Testimony of Ms. Pregler.

4.24. Ms. Pregler sat near the exit and observed the three men when they passed close to the podium. Testimony of Ms. Pregler. Ms. Pregler observed the men from a distance of about 10 feet; there was nothing blocking her view of the activity. Mr. Nguyen followed Mr. Kiem to the exit, past the security podium, on his own accord. Testimony of Ms. Pregler; Testimony of Mr. Nguyen. Mr. Minh followed Mr. Nguyen. Testimony of Mr. Pregler.

4.25. Mr. Kiem, Mr. Nguyen and Mr. Minh did not stop at the security podium and did not ask for help. Mr. Nguyen did not approach a security guard or employee regarding the argument with Mr. Kiem. Testimony of Mr. Nguyen.

4.26. Ms. Pregler overheard the conversation between Mr. Nguyen, Mr. Minh and Mr. Kiem as they walked by. Mr. Minh said, "Come on. Go outside. I kick your fucking ass." Testimony of Ms. Pregler. Mr. Nguyen said, "Come on. Go out. I kick your ass." *Id.* One of the casino staff reported that Mr. Nguyen and Mr. Minh were the "aggressors." Exhibit 1, p. 5.

4.27. Just as the group reached the exit, Mr. Kiem turned around and had one hand in his pocket and one hand in the air. Exhibit 6. Mr. Nguyen decided to fight and intended to kick Mr. Kiem. Testimony of Mr. Nguyen. Mr. Nguyen ran toward Mr. Kiem, jumped in the air and did a "flying kick." Exhibit 13; Testimony of Ms. Pregler. Mr. Nguyen stood close to Mr. Kiem with an outstretched hand, clenched into a fist. *Id.*; Testimony of Mr. Nguyen. At one point, Mr. Nguyen tried to grab Mr. Kiem's neck and Ms. Pregler physically intervened between the two men and "broke it up." Exhibit 7; Testimony of Ms. Pregler. Other Chips Casino staff intervened to stop the fight. Exhibit 1, p. 4; Testimony of Ms. Pregler.

4.28. Mr. Nguyen did not act in self-defense when he kicked Mr. Kiem. Testimony of Mr. Nguyen.

4.29. During the incident, Mr. Minh made threats to kill the floor supervisor and to have him fired. Exhibit 1; p. 4.

4.30. This incident was the third time that Ms. Pregler had intervened and stopped Mr. Minh from fighting.⁴ Exhibit 7, p. 1. Mr. Minh had previously threatened casino staff on several occasions. Exhibit 1, p. 5; Testimony of Ms. Pregler.

4.31. The casino called the police. The police arrived after the incident and spoke to Mr. Kiem, Mr. Minh and Mr. Nguyen. Exhibit 4, pp. 3 - 4.

4.32. On July 3, 2014, Lakewood Police Officer Dennis Harvey wrote an incident report about the assault. Exhibit 4, pp. 1 - 6.

4.33. On July 21, 2014, Special Agent Hughes wrote a case report, which summarized the assault as follows:

On 6/29/14, Hai Nguyen (68-25584) assaulted another patron at CHIPS CASINO. HAI NGUYEN ran towards the other patron, jumped in the air, and kicked him in the stomach area and knocked him to the ground. HAI NGUYEN stood above the patron with his fist cocked and ready to punch. HAI NGUYEN had to be separated from the other patrons by casino staff.

Exhibit 1, p. 4.

4.34. In the case report, Special Agent Hughes noted that the verbal disagreement "turned into a physical altercation" and recommended the issuance of the statement of charges against Mr. Nguyen because he "assaulted another patron at CHIPS CASINO," and violated RCW 9.46.075(1). Exhibit 1, p. 5.

4.35. The Gambling Commission did not pursue any actions against Mr. Minh, who was also a licensee, because he did not physically assault Mr. Kiem. Testimony of Special Agent Hughes.

4.36. On July 22, 2014, Officer Harvey wrote a supplemental report. The officer observed the surveillance video and concluded, "based on my observations of this security footage which clearly shows Hai assaulting Kiem. This report will be forwarded to the prosecutor for consideration of charges." Exhibit 5, p. 4. Mr.

⁴ During this incident, another staff person intervened to restrain Mr. Minh. Exhibit 12.

Nguyen wrote a statement about the assault. The Lakewood Police attached the statement to the supplemental report. *Id.* at 3.

4.37. On October 29, 2014, the Gambling Commission issued a Notice of Charges to Mr. Nguyen. See Footnote 1.

4.38. The Gambling Commission chose the sanction of license revocation based on Mr. Nguyen's assault of a casino patron. Testimony of Special Agent Hughes. Any assault in a casino is disruptive. *Id.*; Testimony of Ms. Pregler.

4.39. On November 10, 2014, Mr. Nguyen filed a timely appeal. Exhibit 15.

4.40. On January 7, 2015, the Gambling Commission filed an Amended Notice of Charges. The amendment included the following language:

On November 18, 2014 the City of Lakewood Municipal Court entered a Stipulated Order of Continuance with Conditions (SOC) in Mr. Nguyen's criminal matter. The SOC continues the action for 12 months. If Mr. Nguyen complies with the terms of the SOC, the Fourth Degree Assault charge will be dismissed. If Mr. Nguyen violates the SOC, the sole evidence presented against him will be in the form of police reports and other materials submitted by the Prosecutor. The judge will review the evidence and determine Mr. Nguyen's guilt or innocence. In the SOC, Mr. Nguyen stipulated to the admissibility and sufficiency of the police reports and other materials related with this case and has given up the right to present facts or raise defenses.

Exhibit 14, p. 2.

5. CONCLUSIONS OF LAW

Based upon the facts above, I make the following conclusions:

Jurisdiction

5.1. I have jurisdiction over the persons and subject matter under RCW 9.46.140, RCW 34.05.413, RCW 34.12.030(1), and WAC 230-17-025.

Authority to Suspend or Revoke License for Pending Criminal Charges

5.2. The Gambling Commission is empowered "to perform all other matters and things necessary to carry out the purposes and provisions of chapter 9.46 RCW." RCW 9.46.070(22).

5.3. The public policy of the state of Washington on gambling is to keep the criminal element out of gambling and to promote the social welfare of the people by limiting the nature and scope of gambling activities and by strict regulation and control.

It is hereby declared to be the policy of the legislature, recognizing the close relationship between professional gambling and organized crime, to restrain all persons from seeking profit from professional gambling activities in this state; to restrain all persons from patronizing such professional gambling activities; to safeguard the public against the evils induced by common gamblers and common gambling houses engaged in professional gambling; and at the same time, both to preserve the freedom of the press and to avoid restricting participation by individuals in activities and social pastimes, which activities and social pastimes are more for amusement rather than for profit, do not maliciously affect the public, and do not breach the peace.

...

All factors incident to the activities authorized in this chapter shall be closely controlled, and the provisions of this chapter shall be liberally construed to achieve such end.

RCW 9.46.010.

5.4. The Gambling Commission requires card room employees to be licensed. WAC 230-03-265. The Gambling Commission issues such licenses. RCW 9.46.070(17).

5.5. RCW 9.46.075 is the Gambling Commission's legislative grant of authority to deny, suspend or revoke gambling licenses or permits. The Gambling Commission based the proposed revocation of Mr. Nguyen's license on the provisions of RCW 9.46.075(1), (4), (8), and (9). The statute states:

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;

...

(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;

...

(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) 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; RCW 9.46.075.

RCW 9.46.075(1), (4), (8), (9) [emphasis added].

5.6. Mr. Nguyen's license is also subject to revocation based on the provisions of WAC 230-03-085(1). The regulation states:

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.

WAC 230-03-085(1).

Pending Charge of Assault in the Fourth Degree

5.7. Because Mr. Nguyen is subject to a current Stipulated Order that is in effect for a 12-month period, from November 18, 2014 through November 18, 2015, his misdemeanor charge of Assault in the Fourth Degree is subject to current prosecution (if the Stipulated Order is violated) and is a pending charge because it has not been dismissed.⁵ The dismissal of the charge is dependent on Mr. Nguyen's full compliance with the Stipulated Order, which will be assessed at the end of the 12-month period. As a result, Mr. Nguyen's charge of Assault in the Fourth Degree is pending and the criminal matter has not been resolved. Therefore, Mr. Nguyen is "subject to current prosecution or pending charges" under RCW 9.46.075(9). Furthermore, the charge of Assault in the Fourth Degree is included as a disqualifying offense in RCW 9.46.075(4) because it involved a "misdemeanor involving any gambling activity or *physical harm to individuals.*" RCW 9.46.075(4) [emphasis added]. Mr. Nguyen's charge constituted a misdemeanor that involved gambling activity because it occurred at the casino and involved a verbal altercation and threats in the presence of casino patrons and staff. Furthermore, the misdemeanor involved a flying kick as well as an attempt to grab the individual's neck, such that casino staff intervened to restrain Mr. Nguyen. As a result, Mr. Nguyen's misdemeanor constituted physical harm to an individual under RCW 9.46.075(4). Thus, Mr. Nguyen is subject to pending charges for a misdemeanor involving gambling activity and one of the offenses under RCW 9.46.075(4).

⁵ During the hearing, Mr. Nguyen provided credible testimony of his intent to remain in compliance and follow through with the Stipulated Order. RCW 9.46.075 offers no exceptions for a licensee who "is subject to current or pending criminal charges." The only exception applies to an applicant for an original license, following a request, and then "the commission may defer decision upon the application during the pendency of such prosecution or appeal." RCW 9.46.075. The Gambling Commission has the express authority to suspend or revoke a card room employee's license in this situation. RCW 9.46.075.

5.8. The Gambling Commission may suspend or revoke a card room employee license “for any reason or reasons it deems to be in the public interest.” RCW 9.46.075. Such reasons include when the licensee “is subject to current prosecution or pending charges . . . for any of the offenses included under subsection (4) of this section [text omitted].” RCW 9.46.075(9); See also WAC 230-17-165(3)(f).

Standard of Clear and Convincing Evidence

5.9. RCW 9.46.153(1) is a statute that contains similar language to RCW 9.46.075(8). It states:

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;

RCW 9.46.153(1).

5.10. “Clear and convincing evidence” is a higher burden of proof than “preponderance of the evidence.” *Hardee v. Department of Social and Health Services*, 172 Wn.2d 1, 6 -18, 256 P.3d 339 (2011).

5.11. RCW 9.46.075 gives the Gambling Commission the specific authority to revoke a license when the licensee “[i]s subject to current prosecution or pending charges.” RCW 9.46.075(9) [emphasis added].

5.12. Mr. Nguyen is subject to pending assault charges as the result of a current Stipulated Order. Accordingly, revoking Mr. Nguyen’s Public Card Room Employee gambling license is in the public interest by keeping the criminal element out of gambling under RCW 9.46.010. Moreover, Mr. Nguyen has failed to prove by clear and convincing evidence that he is qualified to be licensed under chapter 9.46 RCW.

5.13. The Gambling Commission chose to revoke Mr. Nguyen’s license rather than suspend it. The Gambling Commission has broad discretion to regulate all gambling activities, including the revocation of licenses. RCW 9.46.070(22). Furthermore, the

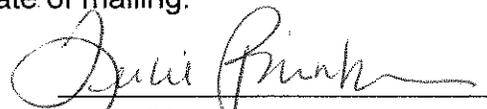
Legislature intended that gambling activities should be closely controlled and the statutes should be liberally construed for those purposes. RCW 9.46.010. In light of the liberal construction of the statutes and the Gambling Commission's broad discretion, there is no basis to disturb the Gambling Commission's proposed sanction of revocation. In this case, a licensee physically assaulted a patron after an argument. The three individuals involved exhibited inappropriate behavior in engaging in the argument and pursuing the matter. All of the men had the opportunity to walk away or seek help. Instead, Mr. Nguyen physically assaulted Mr. Kiem. The Gambling Commission has established a basis sufficient upon which to revoke Mr. Nguyen's gambling license. Thus, Mr. Nguyen's gambling license should be revoked under RCW 9.46.075.

6. INITIAL ORDER

IT IS HEREBY ORDERED THAT:

- 6.1. Mr. Nguyen violated RCW 9.46.075, such that the Gambling Commission's revocation of Mr. Nguyen's license, No. 68-25584, authorizing Card Room Employee Activity, is appropriate.
- 6.2. Mr. Nguyen is subject to current prosecution or pending charges for an offense under RCW 9.46.075(4).
- 6.3. Mr. Nguyen has failed to prove by clear and convincing evidence that he is qualified to hold his license in accordance with chapter 9.46 RCW.

Issued from Tacoma, Washington, on the date of mailing.



Leslie Birnbaum
Administrative Law Judge
Office of Administrative Hearings

APPEAL RIGHTS

Initial orders must be entered in accordance with RCW 34.05.461(3). WAC 230-17-085(1).

An initial order becomes the final order unless a party files a petition for review of the initial order as explained in WAC 230-17-090, WAC 230-17-085(2).

RCW 34.05.464 governs the review of initial orders WAC 230-17-090(1).

Any party to an adjudicative proceeding may file a petition for review of an initial order. Parties must file the petition for review with the Washington State Gambling Commission within twenty days of the date of service of the initial order unless otherwise stated. Parties must serve copies of the petition to all other parties or their representatives at the time the petition for review is filed. WAC 230-17-090(2). Petitions must specify the portions of the initial order to the parties disagree with and refer to the evidence in the record on which they rely to support their petition. WAC 230-17-090(3).

Any party to an adjudicative proceeding may file a reply to a petition for review of an initial order. Parties must file the reply with the Washington State Gambling Commission within thirty days of the date of service of the petition and must serve copies of the reply to all other parties or their representatives at the time the reply is filed. WAC 230-17-090(4).

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. WAC 230-17-090(5).

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. WAC 230-17-090(6).

After the Washington State Gambling Commission receives the petition or appeal, the commissioners review it at a regularly scheduled commission meeting within one hundred twenty days and make a final order. WAC 230-17-090(7).

See also WAC 230-17-030 (Methods of service in adjudicative proceedings) and WAC 230-17-035 (When service of notices, orders and documents is complete).

CERTIFICATE OF MAILING IS ATTACHED

CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 2015-GMB-0001

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

<p>Hai N. Nguyen 1302 San Francisco Avenue Olympia, WA 98506</p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <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>Gregory J. Rosen, AAG PO Box 40100 Olympia, WA 98504</p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <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>David Trujillo, Director WA State Gambling Commission 4565 7th Ave SE Lacey, WA 98503</p>	<p><input checked="" type="checkbox"/> First Class Mail, Postage Prepaid <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>

Date: Tuesday, April 07, 2015

OFFICE OF ADMINISTRATIVE HEARINGS



Julie Wescott
Legal Secretary