

Ms. Yim opened up the second locker from the top of the middle row and appeared to place the money she received from Mr. Dinh into the locker. Mr. Dinh was standing to her right as she placed the money into the locker. She then left the room and Mr. Dinh followed.

- At approximately 7:05:47 a.m., Mr. Dinh returned into the break room. He went directly to the locker where Ms. Yim appeared to place the money. He stood in front of the locker with his hands in his pockets for a few seconds and then turned away, scratched the back of his head, then turned back to open the locker where Ms. Yim had apparently placed the money. Mr. Dinh removed what appeared to be paper money from the same locker Ms. Yim had placed her \$300 in. He closed the door and turned around holding his hand down low.
 - The janitor and a couple of other employees walked through the break room several times, but never stopped or got close the lockers. Ms. Yim returned to the break room at 7:33:59 a.m. She pulled out her purse and started going through it for almost three minutes.
- 3) The agent interviewed Ms. Yim. She told the agent she borrowed \$300 from someone and put it in her purse and that when she returned later the money was gone. She borrowed the money from the licensee, Toan Dinh. She said she was going to pay him back that coming Saturday. The agent asked if Mr. Dinh said anything about changing his mind or changing the terms of the loan and she said he did not. Ms. Yim provided a written statement.
 - 4) The agent interviewed Mr. Dinh. Mr. Dinh told the agent that Ms. Yim came to him and asked if she could borrow some money. Mr. Dinh said she borrowed \$300 and she was to pay it back as soon as she could. Mr. Dinh said he gave her the money when he was off shift around 7:00 a.m., while she was on break and that he gave it to her in the break room. He said that she called him between 7:30 and 8:00 a.m. and told him, "Oh my god, the money is gone." He said that he told her maybe she could have surveillance check the cameras and call him back if they find anything. She called him later and told him she hasn't heard anything. Mr. Dinh provided a written statement.
 - 5) After Mr. Dinh signed the statement the agent confronted him and told him he knew he took the money and asked him why. Mr. Dinh denied taking the money or ever going into her locker.
 - 6) Mark Higgins conducted his own interview with Mr. Dinh and then suspended him pending the results of the investigation.
 - 7) On March 18, 2015, the agent called Ms. Yim back to follow up on what Mr. Dinh had told him during the interview. She told the agent she has never shared a locker with Mr. Dinh and never gave him permission to go into her purse and that only her purse was in the locker. She told the agent that Mr. Dinh called her after he was interviewed and told her he was sent home because he was accused of taking the money. Mr. Dinh mentioned to Ms. Yim that she could pay him back whenever she has the chance.

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 certified employee, 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.

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.

Toan Dinh, the licensee, allegedly took \$300 out of the purse of fellow employee Serey Sheri Yim while it was stored in an unlocked locker in the employee break room. Mr. Dinh had loaned the money to Ms. Yim a few minutes prior, and then took it from her without her knowledge after she stored it in her purse. Mr. Dinh poses a threat to the effective regulation of gambling or increases the likelihood of unfair or illegal practices. Mr. Dinh has failed to establish clearly and convincingly that he is qualified to be licensed, as required by RCW 9.46.153(1). As a result, grounds exist to revoke Toan H. Dinh's license based on RCW 9.46.075(1), and (8), and WAC 230-03-085(1), and (8).

