

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the )  
License to Conduct Gambling Activities of: ) NO. CR 2011-00983  
)  
Ha T. Nguyen ) **FINDINGS, CONCLUSIONS,**  
Seattle, Washington, ) **DECISION, AND FINAL**  
) **ORDER IN DEFAULT**  
Licensee. )

THE MATTER of the revocation of the license to conduct gambling activities of Ha T. Nguyen having come before the Commission on January 12, 2012, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

**FINDINGS OF FACT**

I.

Washington State Gambling Commission issued Ha T. Nguyen license number 68-24612, authorizing licensed card room activity, formerly with Wizards Casino. The license expires on May 18, 2012, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

On October 7, 2011, Deputy Director David Trujillo issued administrative charges to Ha T. Nguyen by certified and regular mail. The administrative charges notified Mr. Nguyen that failure to respond would result in the entry of a default order revoking his license.

Ha T. Nguyen did not respond to the charges. By not responding, Mr. Nguyen waived his right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

1) On July 29, 2011, the licensee, while working as a poker floor supervisor, took approximately \$1,000 in chips from the poker podium imprest bank<sup>1</sup> (imprest bank) to play poker without paying for them. The licensee also took approximately \$2,750 in cash from the imprest bank and did the following:

- a) On two difference occasions, he took the money directly to the Progressive Fortune Pai Gow (Pai Gow) table and placed bets.

<sup>1</sup> An imprest bank is where a certain amount of money is retained at all times. Wizards Casino maintains chips and cash totaling \$11,500 in the poker podium. The cash is used to redeem gaming chips when poker players cash out and the chips are sold to players to play poker. There is always an even exchange of cash and chips.

- b) On six different occasions, he placed the money in his pocket and then later used the cash to place bets at the Pai Gow table.
- c) On two occasions, he gave the money to customers at the Pai Gow table to place bets for him.

Throughout his shift, the licensee would also count the money in the imprest bank and occasionally put money from his wallet into the imprest bank.

2) Through his actions, the licensee gave credit, loans, or gifts which made it possible for him and other players to participate in gambling activities, and he failed to collect the price required to participate in the gambling activity in full before he and other players participated in gambling activities, in violation of WAC 230-06-035.

3) Also on July 29, 2011, the licensee asked for and received from Wizards Casino a \$1,500 loan which he put into the imprest bank to reconcile the chips and money he took to play poker and Pai Gow. As a result, at the end of the shift, the imprest bank was at its proper amount and no money was reported as missing from the imprest bank.

4) The licensee's actions were recorded on surveillance video, and he admitted to a Commission Special Agent that he knew his actions were wrong.

5) The licensee's actions demonstrate that he 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.

6) Therefore, grounds exist to suspend Ha (John) Thanh Nguyen's license under RCW 9.46.075(1) and WAC 230-03-085(1) and (8).

**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 subsection applies.)

(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.

**WAC 230-03-085 Denying, suspending, or revoking an application, license or permit**

(The following subsections apply.)

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.

(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.

**WAC 230-06-035 Credit, loans, or gifts prohibited.**

(The following subsections apply.)

(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.

(3) You must collect the price required to participate in the gambling activity in full before allowing someone to participate. Licensees must collect cash, check, gift certificate, gift card, or electronic point-of-sale bank transfer.

IV.

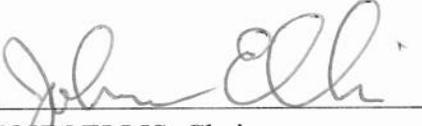
**CONCLUSIONS OF LAW**

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Ha T. Nguyen's license to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

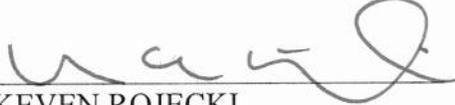
**DECISION AND ORDER**

The Washington State Gambling Commission HEREBY ORDERS: Ha T. Nguyen's Card Room Employee license to conduct gambling activities is REVOKED.

DATED this 12 day of January, 2012.

  
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JOHN ELLIS, Chair

  
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MIKE AMOS, Vice Chair

  
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KEVEN ROJECKI

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MICHAEL REICHERT

**NOTICE:** RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

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Communications & Legal Division  
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