

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Summary Suspension of the)	NO. CR 2012-01673
License/Certification to Operate Gambling)	
Activities of:)	
)	
Sara D. Lim)	FINDINGS OF FACT,
Milton, Washington,)	CONCLUSIONS OF LAW,
)	AND ORDER OF SUMMARY
Licensee and Class III Employee.)	SUSPENSION OF LICENSE

RCW 9.46.070(17) authorizes the Washington State Gambling Commission (Commission) to summarily suspend¹ a license, subject to final action by the Commission. The Director has reviewed this Order of Summary Suspension and has issued it for service.

This order takes effect when served on Sara D. Lim, her representative, or agent. A Commission Special Agent shall seize Sara D. Lim's license/certification² and the licensee/certified employee must immediately stop conducting gambling activities.

FINDINGS OF FACT

I.

Rick Day is Director of the Washington State Gambling Commission and issues this order. Jurisdiction of this proceeding is based on the Snoqualmie Tribal/State Compact, chapter 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and Title 230 WAC.

II.

The Washington State Gambling Commission issued Sara D. Lim certification number 69-29005, authorizing Class III Employee activity and license number 68-09785 authorizing Card Room Employee activity.

The Commission issued this license/certification, which expires on July 21, 2013, subject to the licensee/certified employee's compliance with state gambling laws, Commission rules, and the Snoqualmie Tribal/State Compact.

¹ WAC 230-17-165 defines summary suspension as immediately taking a license or permit from a person or organization which prevents them from operating or conducting gambling activities.

² Class III Certification is issued to employees working at tribal Casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may also hold a commercial Card Room Employee license.

III.

After a thorough review of the report by a Commission Special Agent about the facts in this matter, the Director accepts the report as true and has determined that the summary suspension is necessary.

IV.

SUMMARY:

Sara D. Lim currently holds a Public Card Room Employee license from the Washington State Gambling Commission to work at Chips Casino and Palace Casino in Lakewood. Previously, Ms. Lim worked at the Snoqualmie Casino as a Certified Class III employee from May 2012 to October 2012. Ms. Lim's tribal license was suspended when she confessed that she colluded with players to cheat the casino. The Snoqualmie Tribe is in the process of revoking her license.

FACTS:

- 1) On October 15, 2012, Commission staff received an e-mail from the Snoqualmie Tribal Gaming Agency (STGA) stating that Ms. Lim had admitted to cheating with players when she was dealing Ultimate Texas Hold 'Em³ (UTH) and that the Snoqualmie Gaming Commission (SGC) would be pursuing license revocation. On October 5, 2012, the Snoqualmie Tribal Gaming Agency suspended Ms. Lim's license, pending revocation.
- 2) On November 14, 2012, Ms. Lim submitted Class III Transfer/Add Employer Applications to work for Chips Casino and the Palace Casino in Lakewood. She never disclosed to Commission staff that her tribal license was suspended, pending revocation from the tribe.
- 3) On November 19, 2012, a Washington State Gambling Commission Special Agent (agent) sent an e-mail to SGC's Executive Director, Danielle Davis, requesting their revocation paperwork, incident reports, video, and other evidence or statements they had regarding this incident. On November 21, 2012, the agent called Ms. Davis and told her Ms. Lim had transferred to the card rooms and again requested the above documents.
- 4) The agent reviewed the incident report, which detailed the SGC's investigation of Ms. Lim by SGC Agent Supervisor Diane Dodson, and SGC Agents Susan Lee and Chad Ryan. Ms. Dodson's report indicates the following:

³ Ultimate Texas Hold 'Em is a house banked card game where players play against the dealer and have an optional side bet. Each player and the dealer receive two cards that they combine with five community cards to make their best five-card hand. The game begins with equal bets on the Ante, Blind, and Trips wager. Ante and Blind bets against the house. Trips wager bets their best five card hand is three of a kind or higher. The dealer then deals each player and himself two starting cards face down. The players then have the opportunity to make a play wager of three or four times their ante wager or to check and not make a wager. The dealer then places the first three community cards face up on the layout. The players have another opportunity to make a play wager. The dealer then places two final community cards face up on the layout. The players can only bet up to one times their ante wager or fold.

- On September 3, 2012, Ms. Dodson met up with Table Games Director Linda Smith, and employee Daniel Chown. Mr. Chown informed her that an employee, Hinsyla Kongmanichanh, told him that a guest complained that two dealers flashed their cards to players at UTH. Mr. Chown added that the dealers flashed the bottom card and one community card while dealing UTH. The two dealers were Ms. Lim and Lieng Lynn Khampradith. The three guests involved were Hue T. Nguyen, Chau Duong, and Huyen H. Nguyen. Hue Nguyen and Chau Duong are sisters, and Gue Nguyen and Huyen Nguyen are married.
 - Mr. Chown told Ms. Dodson that the players are paying the dealers outside of the casino. Additionally, Hue Nguyen and Mr. Duong also play at Muckleshoot Casino.
- 5) On September 9, 2012, SGC Agent Chad Ryan reviewed video to determine whether Ms. Lim had exposed cards to Huyen Nguyen, Hue Nguyen, and Chau Duong. Agent Ryan concluded the following:
- On August 26, 2012, Ms. Lim exposed the bottom community card on Ultimate Texas Hold 'Em twenty-nine different times. She also exposed the bottom dealer card seven times.
 - On September 5, 2012, Ms. Lim exposed the bottom community card six times. She also exposed the bottom dealer card six times.
- 6) On September 26, 2012, SGC agents Chad Ryan and Susan Lee interviewed Ms. Lim. Ms. Lim told them that she had worked at Snoqualmie Casino since they opened and has been a Table Games Dealer for fourteen years. She also said that she knew the top UTH players were the "sisters," Hue Nguyen and Chau Duong, as well as Huyen Nguyen. Ms. Lim also confirmed she knew them as friends outside of work.
- 7) Ms. Lee told Ms. Lim that they saw her expose her cards to the above individuals on several occasions and asked her why she had done it. Ms. Lim told Ms. Lee she exposed her card to them because they were her friends and she felt bad when they were losing. Ms. Lim admitted that she started exposing her cards to them regularly beginning in May 2012. Ms. Lee then asked Ms. Lim if she knew what her actions did to the integrity of the game. Ms. Lim told Ms. Lee that it allowed the players an increased advantage over the house. Ms. Lim also told Ms. Lee, when asked, that she let Hue Nguyen, Huyen Nguyen, and Chau Duong see each other's cards when they played. Ms. Lee asked Ms. Lim if she knew this was a violation of the house rules and policy, and she confirmed she did.

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- 8) Ms. Lim filled out a voluntary statement. In her statement, she said she intentionally exposed community cards to her friends for about four months off and on because she felt sorry they were losing. She stated they gamble at the same game and table at Muckleshoot Casino. They ask her to show them her cards and by the end of the game or day, they split the money or chips. Ms. Lim states, "for the past two year [sic] I received about \$200 five to six times a month. That includes my moneys [sic]."
- 9) On December 3, 2012, the agent met with SGC Agent Lee and obtained a memory stick from her that had video for the incidents that occurred on August 26, 2012. The agent asked Ms. Lee if the stick had the video from the September 5, 2012, incident, and she said they did not make copies of the incidents. She confirmed that SGC Agent Ryan had reviewed the incidents and could testify if necessary.
- 10) On December 4, 2012, the agent reviewed the August 26, 2012, video from SGC. The agent confirmed the dealer, identified as being Ms. Lim, tilted the cards in her hand as she removed them from the shuffler and briefly exposed the bottom card to at least the player on spot 6 on numerous occasions. This player was identified in the report as Huyen Nguyen. The video was from an overhead camera, so the agent could not tell how much of the card the player(s) could see. However, the agent did confirm that the cards were tilted/flushed to at least the player on spot 6, and she only appeared to do this when she was dealing the community cards or the dealer's cards. Ms. Lim did not tilt the cards in this manner when dealing the players' cards.

CONCLUSIONS OF LAW

I.

- 1) **RCW 9.46.070** provides that the Commission shall have the following powers and duties: The Commission may authorize the Director to temporarily suspend licenses subject to final action by the Commission.
- 2) **WAC 230-17-165(2)** provides that the Commission delegates its authority to the Director to summarily suspend any license if the Director determines that a licensee has performed one or more of the actions identified in RCW 9.46.075 as posing a threat to public health, safety, or welfare.
- 3) **WAC 230-17-165(3)** The Commission deems the following actions of a licensee constitute an immediate danger to the public safety and welfare:
(The following subsections apply.)
 - (a) Failing or refusing to comply with the provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW or any rules adopted by the Commission;
 - (b) Knowingly causing, aiding, abetting, or conspiring with another to cause any person to violate any of the laws of this state or the rules of the commission; or

(h) Making a misrepresentation of, or failure to disclose, a material fact to the commission; or

(i) Having pursued or 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.

Sara D. Lim confessed to conspiring with players while employed as a dealer to defraud the Snoqualmie Casino by flashing her cards while she dealt at Ultimate Texas Hold 'Em. Her actions constitute an immediate danger to public safety and welfare based on WAC 230-17-165(3) (a), (b), (h) and (i) are a basis for Sara D. Lim to immediately stop conducting gambling activities.

SNOQUALMIE TRIBAL/STATE COMPACT

Section V.C. of the Tribal-State Compact states the SGA may revoke, suspend or deny a State certification for any reason it deems to be in the public interest. These reasons shall include when the holder of certification:

V.C.1. Is determined to be a person who because of prior activities, criminal record, if any, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities used in the conduct of the gaming activities permitted pursuant to this compact.

V.C.2. Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by any provision of a Tribal-State Compact.

V.C.4. has demonstrated a willful disregard or failed to comply with the requirements of any gaming regulatory authority in any jurisdiction, including offenses that could subject the individual or entity to suspension, revocation or forfeiture of a gaming license.

RCW 9.46.075 Denial, suspension, or revocation of certification, 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.

- (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;
- (8) Fails to prove, by clear and convincing evidence, that she 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;

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; and
- (c) Reputation; or
- (d) Habits.

RCW 9.46.1961 Cheating in the first degree.

(1) A person is guilty of cheating in the first degree if he or she engages in cheating and:

- (a) Knowingly causes, aids, abets, or conspires with another to engage in cheating; or
- (b) Holds a license or similar permit issued by the state of Washington to conduct, manage, or act as an employee in an authorized gambling activity.

RCW 9.46.185 Causing person to violate rule or regulation.

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.

RCW 9.46.190 Violations relating to fraud or deceit.

Any person, association, or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

(The following subsections apply.)

- (1) Employ any device, scheme, or artifice to defraud; or
- (2) Make any untrue statement of a material fact, or omit to state a material fact necessary in order to make the statement made not misleading, in the light of the circumstances under which said statement is made; or
- (3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person;

Shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

WAC 230-06-090 Report administrative and civil actions filed.

(1) All licensees must report to us in writing within thirty days all administrative actions filed against them by other gambling regulatory agencies, including those from other countries and Indian tribes.

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. The certified employee's pending criminal charges demonstrate that the Class III employee poses a threat to the effective regulation of gambling, creates, or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities.

While employed as a Card Dealer at the Snoqualmie Casino between May 2012 and October 2012, Ms. Lim conspired with Hue Nguyen, Huyen Nguyen, and Chau Duong to defraud the Snoqualmie Casino by flashing the bottom community and dealer cards while she dealt Ultimate Texas Hold 'Em, in violation of RCW 9.46.1961, RCW 9.46.185, and RCW 9.46.190. She also showed her cards to the above players when she played with them at the Muckleshoot Casino, in violation of game rules and giving them an advantage in the game. Additionally, Ms. Lim failed to report her suspension of her Snoqualmie tribal gaming license to Commission staff, in violation of WAC 230-06-090.

Ms. Lim has failed to establish clearly and convincingly that she is qualified for licensure, as required by RCW 9.46.153(1). As a result, there are grounds to revoke Sara D. Lim's license and certification based on RCW 9.46.075(1), (2), (8), and (10), and WAC 230-03-085(1) and (8).

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II.

The licensee's actions are an immediate danger to public safety and welfare, and the licensee has failed to comply with chapter 9.46 RCW, Commission rules, or Snoqualmie Tribal/State Compact. The immediate suspension of Sara D. Lim's gambling activity is required to protect public safety and welfare.

ORDER

Based on the FINDINGS OF FACT AND CONCLUSIONS OF LAW and the Director's authority under RCW 34.05.422, RCW 9.46.070(17), and WAC 230-17-165, the Director orders that Sara D. Lim's license and certification is summarily suspended, pending a formal hearing by an Administrative Law Judge.

STATEMENT OF RIGHTS

(1) **You may ask for a stay of this Order.** To do so, you must complete and return to the Commission the enclosed Application for Stay Hearing form within fifteen (15) days from the date you receive this Order. If the Commission receives a timely request, we will hold a hearing within seven (7) days as required by WAC 230-17-170(3). The stay hearing will determine if your suspension should continue, or whether the suspension may be modified.

At the stay hearing, you will have to prove by clear and convincing evidence that:

- (a) You will likely win at hearing; and
- (b) If your suspension continues, you will suffer serious injury. Under this section, loss of income from licensed activities is not considered serious injury; and
- (c) Removing the immediate suspension will not hurt others in this case; and
- (d) The threat to the public safety or welfare does not justify continuing the suspension, or that modifying the suspension will adequately protect the public.

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