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GAMBLING COMMISSION  
COMM & LEGAL DIVISION

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

In The Matter Of:

OAH Docket No. 2013-GMB-0001  
GMB No. CR 2012-01673

SARA D. LIM  
Milton, Washington

INITIAL ORDER REVOKING  
GAMBLING LICENSE

Class III Certification No.: 69-29005  
CRE License No.: 68-09785

TRANSLATION INTO CAMBODIAN  
If You Need A Cambodian Translation Of This Decision, Call:  
Morales Dimmick at (208) 365-2622

Administrative Law Judge John M. Gray conducted an administrative hearing in this matter on June 19, 2013, at the Gambling Commission Office, 4565 7<sup>th</sup> Avenue, Lacey, Washington.

Chad Standifer, Assistant Attorney General, Attorney General's Office, appeared and represented the Washington State Gambling Commission ("Commission"). Kevin Maxwell, Special Agent, Criminal Investigations Unit, Gambling Commission, Susan Lee, Lead Snoqualmie Gaming Commission Gaming Agent, and Chad Ryan, Snoqualmie Gaming Commission, Gaming Agent, appeared and testified as witnesses for the Commission.

Sara D. Lim ("Ms. Lim") appeared at the June 19 hearing. She represented herself and testified on her own behalf. Ms. Lim had no other witnesses.

All witnesses were sworn.

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Vannara S. Lim appeared as a court certified interpreter in Cambodian and English. Ms. Lim was sworn in as the interpreter in the case without objections from either party.

On December 19, 2012, the Commission summarily suspended Ms. Lim's gambling license. The Commission served Ms. Lim personally with a copy of the Order of Summary Suspension on December 20, 2012. Ms. Lim filed a both an Application for a Stay Hearing and a Request for Administrative Hearing on January 2, 2013.

The Commission scheduled the Stay Hearing for January 9, 2013, and the Stay Hearing was continued by agreement of the parties to January 22, 2013, and then again to February 4, 2013.

ALJ Haake conducted the Stay Hearing on February 4, 2013, and issued an Order Denying Stay on February 7, 2013.

The Commission issued the Notice of Hearing on January 16, 2013, to the Commission Staff, the Attorney General's Office, the Office of Administrative Hearings, and to Ms. Lim, the latter to her mailing address at 2688 Birch Court, Milton, WA 98354. The Notice of Hearing set the hearing on the merits for Wednesday, April 17, 2013, beginning at 9 AM at the Commission's hearing room in Lacey, Washington.

Due to a change in representation of the Commission within the Attorney General's Office and to the requirement for the presence of a Cambodian interpreter, the hearing was rescheduled. The Commission issued a Notice of Re-Scheduled Hearing on April 22, 2013, resetting the hearing on the merits for Wednesday, June 19, 2013, beginning at 9 AM at the Commission's hearing room in Lacey, Washington.

At the hearing, the Commission offered twelve exhibits, numbered 1 through 12, all of which were admitted without objection. Exhibit 6 consists of two DVD-R video disks containing views of Ms. Lim's gambling table from two different perspectives.

Ms. Lim offered no exhibits.

The Administrative Law Judge, having considered the evidence, now enters the following Findings of Fact:

### FINDINGS OF FACT

#### THE LICENSING FEES ISSUE

1. Ms. Lim possesses a public card room employee license, no. 68-09785, issued by the Commission. The license is a type 68. Without more, the license will expire on July 21, 2013. Exhibits 1 and 3. Ms. Lim previously held public card room employee licenses, issued by the Commission, from 1999 through 2009 and in 2010. Exhibit 1, page 6.

2. Ms. Lim held a tribal gambling license issued by the Snoqualmie Gaming Commission on October 15, 2008, through January 4, 2013. Exhibit 1, page 6, and Exhibit 11.

3. Ms. Lim also held a Class III Certification issued by the Commission. Tribal casino employees obtain their gambling license from the tribal gaming authority, and the Commission issues "certifications" to the same employee. The State of Washington co-regulates gambling, with the tribal gaming authorities, at tribal casinos. Testimony of Special Agent Maxwell.

4. The State of Washington and the Snoqualmie Indian Tribe signed the Tribal-State Compact for Class III Gaming, which was in effect at all times pertinent to the events in this case. Exhibit 12.

5. Ms. Lim was employed at the Snoqualmie Casino as a card game dealer. Including her time as a Snoqualmie Casino employee, Ms. Lim has fourteen years of experience as a card dealer. Testimony of Ms. Lim.

6. Ms. Lim is now employed at the Chips Casino or Palace Casino (the record is unclear on this point).

7. One of the games in which Ms. Lim was a dealer at the Snoqualmie Casino was "ultimate Texas hold'em" ("UTH").

8. UTH 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 the five community cards to make their best five-card hand. Exhibit 1, page 6.

9. Ms. Lim has three friends named Hue Nguyen, Chau Duong, and Huyen Nguyen. Exhibit 1, page 7 and Exhibit 5. Ms. Lim has dealt cards as a Snoqualmie Casino employee in UTH games while her three friends participated as players. Ms. Lim has also participated as a player with her three friends in card games at the Muckleshoot Casino. Exhibit 4, page 4.

10. While playing cards with her friends at the Muckleshoot Casino, Ms. Lim "shared" (i.e., showed) her cards with (to) them. Exhibit 4, page 4.

11. The Snoqualmie Casino uses a system of video cameras to record activities on the gambling floor. That video system recorded specifically the events on August 26 and September 5, 2012, at the card table where Ms. Lim worked as a dealer. Agents Lee and Ryan, and Special Agent Maxwell, reviewed these videos. Exhibit 6.

12. Over a four month period, beginning in May 2012, Ms. Lim assisted her three friends in games in which Ms. Lim served as the dealer at the Snoqualmie Casino by intentionally exposing cards to them. Exhibit 1, page 7, Exhibit 4, page 3, and Exhibit 5. Ms. Lim exposed the bottom community card twenty-nine different times and the bottom dealer card seven times to her friends in games played on August 26, 2012. Ms. Lim exposed the bottom community card six times and the bottom dealer card six times to her friends in games played on September 5, 2012. Exhibit 1, page 7, Exhibit 4, page 3, and Exhibit 5.

13. Exposing the bottom cards to players allows those players an increased advantage over the house. Exhibits 1, pp. 6-7 and Exhibit 4, page 4; testimony of Agent Lee.

14. The Snoqualmie Gaming Authority received information on August 31, 2012, that Ms. Lim had exposed cards to three players at a UTH gaming table at the Snoqualmie Casino.

15. Susan Lee is employed as the Lead Gaming Agent by the Snoqualmie Gaming Commission. She has worked in that position for approximately 11 months as of the date of this hearing. She has prior work experience as a shift supervisor at the Snoqualmie Casino for the prior four years. She also worked as a corporal in the Fort

Bend (Texas) Sheriff's Office from 1999 to 2006. She has been trained in game protection. She supervises gaming agents and oversees the Licensing Department. She works to ensure compliance with the Compact. Agent Lee is familiar with the case involving Ms. Lim. Testimony of Susan Lee.

16. Donald "Chad" Ryan has worked for the Snoqualmie Gaming Commission for 1.5 years as of the date of this hearing. He works there as a gaming agent. He has received training in game protection. He has also received specific training in the rules of UTH and how to deal the cards and protect the integrity of that game. He has five years of prior work experience at PJ Pockets Casino in Federal Way, Washington. His current duties include ensuring compliance with the Compact and investigating alleged violations of the Compact. Part of his job duties at the Snoqualmie Casino includes review of surveillance video. Agent Ryan is familiar with the case involving Ms. Lim. Testimony of Chad Ryan.

17. On September 26, 2012, Agent Lee asked Ms. Lim to come to an office for a meeting. Agents Lee and Ryan were present during the meeting with Ms. Lim, as was Diane Dodson. Ms. Dodson was present when Ms. Lim signed her written statement and the Snoqualmie Casino suspended her license.

18. Ms. Lim acknowledged in writing to Agents Lee and Ryan that she (Ms. Lim) had intentionally exposed cards to her three friends, identified by name in Finding of Fact No. 10, and received a portion of her friends' winnings as a reward. Ms. Lim received approximately \$200 up to six times per month for the two years prior to the date of her written statement. Exhibit 5.

19. Ms. Lim wrote and signed the statement at Exhibit 5. Agent Lee saw her write and sign the statement.

20. Neither Agent Lee nor Ryan, nor anyone else, coerced or otherwise threatened Ms. Lim into writing and signing the statement at Exhibit 5.

21. On October 14, 2012, the Snoqualmie Gaming Commission sent a letter to Ms. Lim informing her that the Snoqualmie Gaming Commission planned to revoke her tribal gambling license pursuant to authorities cited in the letter.

22. On November 14, 2012, the Commission received two applications from Ms. Lim. One of the applications was a "Class III Transfer/Add Employer" application to transfer her certification from the Snoqualmie Casino to Chips Casino. Ms. Lim signed this application directly below the "Oath of Applicant." Exhibit 2. The other application was to transfer her card room employee license from the Snoqualmie Casino to the Palace Casino. Ms. Lim signed this application. Exhibit 3.

23. The Class III Transfer/Add Employer form contained this language in the "Oath of Applicant":

I agree to notify the Washington State Gambling Commission should any information required on this application and/or on my Personal/Criminal History Statement change or become inaccurate in any way. I understand that if I fail to make such notifications, it may constitute grounds for denial, suspension or revocation of my license."

24. Ms. Lim did not notify the Commission that the Snoqualmie Casino sought to revoke her tribal gambling license. Exhibit 10.

25. On January 4, 2013, the Snoqualmie Gaming Commission sent a letter to Ms. Lim informing her that the Snoqualmie Gaming Commission had revoked her tribal

gaming license pursuant to provisions of the Tribal-State Compact and Tribal Ordinances. Exhibit 11.

26. Kevin Maxwell is a Special Agent employed by the Commission. At the time of this hearing, he has worked for the Commission for over thirteen years. He has worked in the tribal gaming unit, in the field operations unit, and in the field. In May 2012, he moved to the criminal investigation unit. His essential duty is to make sure that license applicants are qualified to hold the licenses.

27. Special Agent Maxwell viewed the videos in Exhibit 6. He also prepared the Case Report 2012-01673. Exhibit 1. He also prepared the Supplemental Report. Exhibit 9. As with Agent Ryan before him, Special Agent Maxwell concluded that Ms. Lim intentionally showed community cards and deal cards to her three friends to help them to win. He recommended the revocation of Ms. Lim's Class III Certification and CRE license.

#### CONCLUSIONS OF LAW

From the foregoing Findings of Fact, the Administrative Law Judge now enters the following Conclusions of Law:

1. The Commission issued the Order of Summary Suspension on December 19, 2012. The Commission served a copy of the Order of Summary Suspension on Ms. Lim by personal service on December 20, 2012. The Order of Summary Suspension informed her that she must complete and return the Application for hearing to the Commission within twenty days of the date she received the Order of Summary Suspension (which was December 20, 2012). Ms. Lim requested a hearing

on the form provided by the Commission, dated December 31, 2012, which the Commission received on January 2, 2012. The final date for filing a timely request for a hearing was January 9, 2013. WAC 230-17-010(2) requires that the Commission receive the licensee's request for hearing within either twenty-three days after service of the Notice of Administrative Charges by regular mail or twenty days after service of the Notice of Administrative Charges by certified mail. For the purposes of the Commission's practice, the issuance of the Order of Summary Suspension contains substantially the same information regarding alleged violations as, and serves a similar purpose as, a Notice of Administrative Charges. Therefore, Ms. Lim timely filed her request for a hearing on the issues raised in the Order of Summary Suspension.

2. The Office of Administrative Hearings has jurisdiction to hear and initially decide this matter in an adjudicative proceeding. RCW 9.46.140; 34.05.413, 34.12.030(1), and WAC 230-17-025.

3. The Commission bases its proposed revocation of Ms. Lim's gambling license on the provisions of RCW 9.46.075(1), (2),(8), and (10); RCW 9.46.185; RCW 9.46.190(1), (2), and (3); RCW 9.46.153(1); WAC 230-03-085(1) and (8), WAC 230-06-090, and the Tribal-State Compact, V.C.1, 2, and 4.. Conclusions of Law No. 4 through 12 contain the applicable language of these statutes, administrative rules, and Tribal-State Compact.

4. RCW 9.46.075 is the Commission's legislative grant of authority to deny, suspend, or revoke gambling licenses or permits. "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;

(8) fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of [chapter 9.46 RCW];

5. RCW 9.46.153(1) declares that

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[.]

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

7. RCW 9.46.185 provides, "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."

8. RCW 9.46.190(1), (2), and (3) provide:

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

(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.

9. RCW 9.46.1961 provides,

(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.

(2) Cheating in the first degree is a class C felony subject to the penalty set forth in RCW 9A.20.021. In addition to any other penalties imposed by law for a conviction of a violation of this section the court may impose an additional penalty of up to twenty thousand dollars.

10. The Commission also relies on its administrative rules. WAC 230-03-085 states in plain language when the Commission will deny, suspend, or revoke an application, license or permit. "We [referring to the Commission] 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 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[.]

11. WAC 230-06-090 provides:

(1) Licensees must report to us in writing within thirty days all criminal actions filed against the licensee, any manager of the licensed gambling activity, the business organization, or any person holding a substantial interest in the business organization.

(2) We must receive a copy of the final written decision or settlement within thirty days after the case is resolved.

12. The Tribal-State Compact, V.C.1, 2, and 4 provide:

Grounds for Revocation, Suspension or Denial of State Certification. The State Gaming Agency may revoke, suspend or deny a State certification under the provisions of RCW 9.46.075, and rules promulgated thereunder, for any reason or reasons it deems to be in the public interest. In addition, these reasons shall include, but shall not be limited to when an applicant or hold of certification or principal of an entity:

(1) Is determined to be a person who because of prior activities, criminal record, if any, or reputations, habits and associations poses a threat to the effective regulation of gaming or creates or enhances the changes of unfair or illegal practices, methods and activities being used in the conduct of the gaming activities permitted pursuant to this Compact;

(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;

(4) Has had a Tribal or State gaming license revoked or denied during the twelve (12) months prior to the date the Tribe received the application; is currently on probation imposed by any jurisdiction; or 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 any gaming license. For the purpose of reviewing any application for a state certification or for considering the denial, suspension or revocation of any state certification, the State Gaming Agency may consider any prior criminal conduct or current probationary status of the applicant or holder of certification and the provisions of RCW 9.95.240 and of chapter 9.96A RCW shall not apply to such cases.

13. The Commission's authority for issuing licenses to, and suspending or revoking licenses of employees at the Snoqualmie Casino is found in the Tribal-State Compact for Class III Gaming between the Snoqualmie Indian Tribe and the State of Washington ("the Compact").

14. Ms. Lim has an affirmative obligation to come forward with clear and convincing evidence that it is qualified to possess a gambling license. The Commission is legitimately concerned whether Ms. Lim represents a threat to the effective regulation of gambling. RCW 9.46.153(1)

15. Ms. Lim argues, first, that she did not cheat, despite her written statement in Exhibit 5 and her admissions to Agents Lee and Ryan, and, secondly, that no criminal charges were filed against her, so she did not fail to disclose information to the Commission.

16. Despite her protestations about Exhibit 5, I conclude that Ms. Lim cheated at cards by intentionally revealing the bottom community card and the bottom dealer card to her three friends (Finding of Fact No. 10) over a four month period and shared in their winnings. Even though Ms. Lim now denies that she cheated, and that she was coerced into signing the statement at Exhibit 5, her denials lack credibility. First, if she truly had not done the acts that the Casino first accused her of doing, why would she sign the statement in the first place? Second, how could she reasonably believe that she could keep her job if she admitted to cheating at cards while employed as a dealer? Her testimony about coercion directly conflicts with the testimony of Agents Lee and

Ryan. I conclude that Ms. Lim intentionally exposed those cards to her friends to help them to win and to share in their winnings.

17. The Oath of Applicant on Exhibit 2 required her to notify the Commission if any of the information required on the application changed "or became inaccurate in any way." She knew a month earlier that the Snoqualmie Gaming Commission was taking steps to revoke her tribal gaming license that allowed her to work at the Snoqualmie Casino. If the Snoqualmie Gaming Authority revoked her license, she could not work at the Snoqualmie Casino, and that fact would make the information about her employment substantially "inaccurate." Although not a criminal proceeding, that information was certainly relevant to her application to the Commission to transfer her certification and license. She never notified the Commission of the action by the Snoqualmie Gaming Commission.

18. The Commission has proved by a preponderance of the evidence that Ms. Lim violated the statutes, rules, and Tribal-State Compact provisions cited above.

19. Ms. Lim has failed to prove by clear and convincing evidence that she should continue to be licensed by the Commission.

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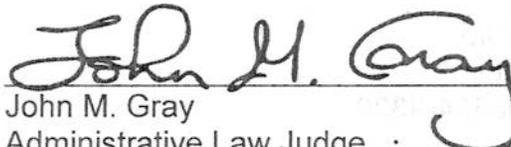
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From the foregoing conclusions of law, NOW THEREFORE,

INITIAL ORDER

IT IS ORDERED That Ms. Lim's Class III Certification No. 69-29005 and CRE License No. 68-09785, are REVOKED.

DATED at Tacoma, Washington, this 1<sup>ST</sup> day of August, 2013.

  
John M. Gray  
Administrative Law Judge  
Office of Administrative Hearings

NOTICE TO THE PARTIES

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). Petitions for review are governed by WAC 230-17-090:

"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 us 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 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 us 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).

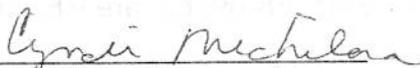
"Any party may file a cross appeal. Parties must file cross appeals with us within ten days of the date the petition for review was filed with us." WAC 230-17-090(5).

"Copies of the petition or the 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 we receive 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).

**Certification of Mailing**

I certify that I mailed true and correct copies of the **Initial Order Revoking Gambling License** to the following parties, postage prepaid this 15<sup>th</sup> day of August 2013 at Lacoma, Washington.

  
Cyndi Michelena  
Legal Secretary

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