

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation)
of the License to Conduct Gambling Activities of:)
)
)
Dan V. Nguyen)
Renton, Washington,)
)
Licensee.)
_____)

NO. CR 2012-00917

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY
FOR AN ADJUDICATIVE
PROCEEDING**

I.

The Washington State Gambling Commission issued Dan V. Nguyen license number 68-25411, authorizing Card Room Employee activity at Royal Casino in Everett. The license expires on July 26, 2013, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- 1) On July 25, 2012, a Gambling Commission Special Agent (agent) was assigned to Mr. Nguyen's case to investigate whether he continued to qualify for a license while having a total of \$3,531.32 court-ordered fines and fees in collections due to nonpayment. Commission staff became aware of these fines and fees during a routine annual criminal history check.
- 2) In a post-licensing investigation, the agent determined that Dan V. Nguyen first applied for and was granted a license in 2007.
- 3) As part of the agent's investigation, he conducted a criminal history background check and determined that Mr. Nguyen has eleven Failures to Appear on his record as a result of failing to pay his fines and fees.
- 4) The following is a breakdown of Mr. Nguyen's criminal history listed from the date of violation, the charge, and the dollar amount owed in collections:
 - 01/10/2012 – Operate Motor Vehicle without Insurance, \$602;
 - 09/06/2011 – Speeding 10 MPH over limit, \$165;
 - 06/09/2011 – Speeding 1 MPH over limit, \$145;
 - 02/17/2011 – Speeding 17 MPH over limit, \$237;
 - 06/07/2009 – Operating Motor Vehicle w/o Insurance & Fail to Obey Traffic Control- 2 counts, \$950;

- 06/07/2009 – No Valid Operator’s License, \$552;
- 03/27/2009 – Defective Turn Signals/Stop Lamp, Defective License Plate Lamp, Move Unsafe Vehicle, \$573;
- 01/04/2007 – Failure to Renew Expired Registration, \$246; and
- 12/30/2006 – Failure to Renew Expired Registration, \$61.32.

The following violations are court ordered fines and fees Mr. Nguyen has not paid, which have not yet been sent to collections:

- 01/10/2012 – DWLS 3rd Degree, \$100; and
- 07/20/2011 – DWLS 3rd Degree, \$100.

5) On July 9, 2012, the agent sent a letter to Mr. Nguyen and his employer notifying them of the court debt that he has accumulated. The letter notified them that based on his “pattern of criminal history, to include failure to comply with court ordered fines, fees, and obligations and the dollar amount of the fines and fees in collections, we feel that he may pose a threat to the effective regulation of gaming and enhances the chance of unfair or illegal practices, methods or activities of the gaming activity due to the financial pressure facing him.” The letter also stated that, “we are concerned that since he failed to comply with the judge’s rulings, he may not comply with internal control requirements or adhere to the direction of the Washington State Gambling Commission” and that the agent was going to recommend the revocation of his gambling license.

VIOLATIONS:

RCW 9.46.075 Denying, suspending, or revoking an application, license 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.

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

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, licensee, or anyone holding a substantial interest in the applicant's or licensee'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.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

(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

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.

Mr. Nguyen has failed to prove by clear and convincing evidence the necessary qualifications for licensure, in violation of RCW 9.46.153. Therefore, under RCW 9.46.075(1) and (8) and WAC 230-03-085(1), (3), and (8), grounds exist to suspend or revoke Dan V. Nguyen's license.

|||

|||

|||

|||

|||

|||



STATE OF WASHINGTON)
COUNTY OF THURSTON)
I hereby certify that I have reviewed a copy of the document upon all pages
to record in the proceeding by mailing a copy thereof, properly addressed
with postage prepaid, by regular and certified mail to each party to the
proceeding, or to her attorney or authorized agent.
Date at _____ day of _____, 2012
Washington State Gambling Commission
Communications and Legal Department

III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your license.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

Rick Day

RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 22 day of August, 2012.

Maureen Pretell

NOTARY PUBLIC in and for the State of
Washington residing at Thurston County
My commission expires on December 2, 2015



STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 23 day of August, 2012

Maureen Pretell

Communications and Legal Department
Washington State Gambling Commission