

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License) NO. CR 2012-00963
to Conduct Gambling Activities of:) NO. CR 2013-00925
)
) **SECOND AMENDED**
) **NOTICE OF ADMINISTRATIVE**
Tram T. Nguyen) **CHARGES AND OPPORTUNITY**
Olympia, Washington,) **FOR AN ADJUDICATIVE**
) **PROCEEDING**
Licensee.) *(Amendments appear in italics*
_____) *and strikeouts)*

I.

The Washington State Gambling Commission issued Tram T. Nguyen the following license:
Number 68-06814, authorizing Card Room Employee activity *formerly* at Roman Casino in
Seattle.

The license, which expires on January 14, 2013~~4~~, was issued subject to the licensee's compliance
with state gambling laws and Commission rules.

II.

~~Riek Day~~ *David Trujillo*, *Interim* Director of the Washington State Gambling Commission,
charges the licensee with the following violations of the Washington State Gambling Act, 9.46
RCW, WAC Title 230.

SUMMARY

Tram T. Nguyen used her TwinStar Credit Union debit card to initiate multiple cash advances at
the Roman Casino totaling \$21,863. She actually received \$9,603 from these transactions. At
the time of her first cash advance, Ms. Nguyen had a balance in her account of \$766.65. *In*
addition, Ms. Nguyen wrote \$14,500 in checks to the Riverside Casino. Before writing the
checks, Ms. Nguyen did not have sufficient funds to cover them. Two checks were returned for
non-sufficient funds (NSF), and the Riverside Casino endured a loss of \$8,000. Ms. Nguyen also
plead guilty to Theft 1st Degree and one count of Unlawful Issuance of Checks for the cash
advances at the Roman Casino.

FACTS

CR 2012-00963

- 1) On July 25, 2012, a Washington State Gambling Commission Special Agent (agent) received
a voicemail message from Kim Thompson, Loss Control Specialist with TwinStar Credit

Union in Lacey. The agent called Ms. Thompson back the same day but received her voicemail.

- 2) On July 26, 2012, the agent received another call from Ms. Thompson. She said that she wanted to report a bank fraud scheme involving two of their banking members. One of their members, Mr. Huynh, had fraudulently conducted multiple cash advances at various casinos in King County. The member did not have funds in his account to support the cash advances. Another member, Ms. Nguyen, who happened to be the wife of Mr. Huynh, also conducted a similar fraud scheme. Ms. Nguyen worked at the Riverside Casino, according to their records. Ms. Thompson said that she wrote reports on both members. She also collected many financial documents related to the member's banking transactions that proved their intent to defraud the bank. The agent requested the reports and financial documents Ms. Thompson prepared and collected. She said that she wanted the case sent to the prosecutor's office for criminal charges and restitution.
- 3) On July 30, 2012, the agent received an e-mail from Ms. Thompson. Ms. Thompson identified the male member as Thoai Huynh (husband). She identified the female member as Tram Nguyen (wife). During the agent's investigation, it was determined that Ms. Tram was a licensed Card Room Employee currently employed by the Roman Casino in Seattle.
- 4) Ms. Thompson wrote a report on Ms. Nguyen stating the following:

“On July 12, 2012, TwinStar Credit Union member, Tram Nguyen, visited the Roman Casino in Seattle, WA. Using her TwinStar Credit Union debit card, Ms. Nguyen initiated multiple cash advances totaling \$9,603. At the time of her first cash advance Ms. Nguyen had a balance in her account of \$766.65. Ms. Nguyen later made several cash deposits to a BECU ATM in the amount of \$12,600. Later that same day Ms. Nguyen returned to the Roman Casino and attempted to initiate an additional \$12,260 in cash advances. At numerous times throughout the day Ms. Nguyen logged into Mobile Banking which allows access to transfer money, view recent transactions, holds, and view the available balance in the account. Ms. Nguyen is listed as wife of our member, Thoai Huynh. Please see separate report on Mr. Huynh. Ms. Nguyen's account with TwinStar Credit Union lists Riverside Casino as her employer.”

- 5) The agent reviewed Ms. Thompson's report and determined that between 12:31 a.m. and 2:00 a.m., Ms. Nguyen initiated six cash advances at the Roman Casino cage for a total of \$9,603. Ms. Nguyen only had \$766.65 in her checking account. At this point, Ms. Nguyen's true account balance was -\$8,836.35 (\$766.65-\$9,603). Each of the transactions noted were done very close to one another, some within two minutes of the next. She continued to request the same amount (\$1,600.50) over and over again so long as she got approvals. She received approvals because each of the short

term holds fell off after 30-60 seconds¹. So, on the banking end her balance continued to remain at \$766.65 until the transactions settled.

- 6) On July 12, 2012, at 11:46 p.m., Ms. Nguyen logged into Mobile Banking. According to Ms. Thompson, within Mobile Banking, members can view recent transactions, any holds placed on funds, and available balances. When Ms. Nguyen logged in, she appeared to be reviewing Mobile Banking to see if any authorization holds were placed on her account. When she determined there were no holds (or that the holds had fallen off) she initiated additional cash advances. Ms. Thompson provided the agent with a report from TwinStar that showed the file maintenance history of Ms. Nguyen's Mobile Banking profile (see AT03). The report shows when Ms. Nguyen assessed Mobile Banking. The report shows that Ms. Nguyen knew how much money she had in her checking account yet continued to purposefully initiate cash advances to defraud the bank.
- 7) The Twinstar report documented the following transactions:
 - July 12, 2012, at 11:40 Ms. Nguyen initiated a \$3,000 cash deposit to a BECU ATM located at 1002 Park Ave N in Renton. This transaction was approved. ATMs do not place holds on cash deposits, so the funds reflected as available in her account.
 - July 12, 2012, at 11:41 Ms. Nguyen initiated a \$3,000 cash deposit to the Park Avenue BECU ATM.
 - July 12, 2012, at 11:42 Ms. Nguyen initiated a \$3,400 cash deposit to the Park Avenue BECU ATM.
 - July 12, 2012, at 11:43 Ms. Nguyen initiated a \$200 cash deposit to the Park Avenue BECU ATM.
 - Ms. Nguyen's four ATM cash deposits in the amount of \$9,600 were approved and were reflected in her checking account balance immediately. Her available balance was \$10,366.65 (766.65+\$9,600).
 - July 12, 2012, at 15:22 Ms. Nguyen logged into Mobile Banking, and would have seen the new larger account balance (\$10,366.65).
 - July 12, 2012, at 15:48 TwinStar Credit Union blocked Ms. Nguyen's debit card for fraudulent use.
 - July 12, 2012, at 20:32 Ms. Nguyen initiated a cash advance at Roman Casino in Seattle in the amount of \$7,469. The card was blocked and this transaction was denied.

¹ When a debit card is swiped, the computer terminal sends information to the bank to freeze the funds; this is an authorization hold. If a hold is not settled within a certain time period, it will drop off. Short-term holds last only 30-60 seconds.

- July 12, 2012, at 20:43 Ms. Nguyen initiated a cash advance at Roman Casino in the amount of \$1,600.50. The card was blocked and this transaction was denied.
 - July 12, 2012, at 20:59 Ms. Nguyen logged into Mobile Banking.
 - July 12, 2012, at 21:09 Ms. Nguyen initiated a cash advance at Roman Casino in the amount of \$1,590. The card was blocked and this transaction was denied.
 - July 12, 2012, at 21:29 Ms. Nguyen initiated a cash advance at Roman Casino in the amount of \$1,600.50. The card was blocked and this transaction was denied.
- 8) According to Ms. Thompson, Ms. Nguyen called TwinStar on July 13, 2012, to inquire why her card was not working. Ms. Thompson said that she told Ms. Nguyen that since she was initiating cash advances well above her available balance, she blocked the card for fraud. According to Ms. Thompson, Ms. Nguyen indicated that she was aware of her available balance at the time of the advances.
- 9) On July 30, 2012, the agent went to the Roman Casino and interviewed Angelita Mirabueno, Cage Manager. The agent asked to explain the cash advance procedures for the Roman Casino. Ms. Mirabueno told the agent the following:
- When players want a cash advance they come to the cage and present their debit card and driver's license to the cage cashier.
 - The cage cashier then matches the driver's license photo to the player and the name on the debit card to the driver's license.
 - The player tells the cage cashier how much money they want and how they want to run the debit card - debit or credit. If the player wants to run it credit they have to sign a receipt. If they want to run it as debit they have to enter a PIN number.
 - The cage cashier types the amount the player wants in a terminal operated by Interstate Merchant Services (IMS) and swipes the player's card. IMS checks with the player's bank for available funds in the account. If funds are available the terminal will print a receipt with an approval code.
 - The player then signs the receipt and is given cash in the amount that was approved by IMS.
 - If the player is denied by IMS, then the player can continue to have the cage cashier run the card through the system. Usually when a player is denied, they will lower the amount they are requesting in hopes of the system approving the transaction. Players can continue to do cash advances.

- There is no limit in how much a player can request in a cash advance. However, she said that the player would only get cash if IMS approved the transaction.
- 10) While at the Roman Casino, the agent obtained all the original cash advance receipts that Ms. Nguyen signed for all of the transactions. The players are charged a 6.7% fee to obtain a cash advance at the Roman Casino. Ms. Nguyen was reimbursed by the Roman Casino for all the fees she paid from the cash advance transactions. The agent also obtained various daily casino records that showed various transactions by Ms. Nguyen.
 - 11) On August 2, 2012, the agent interviewed Gus Routos, Casino Manager, at the Roman Casino. The agent asked Mr. Routos if he remembered Mr. Huynh gambling at the Roman Casino on July 3, 2012, and July 4, 2012. He said that he remembered him. He said he went by the name "Troy." He said Mr. Huynh was a new player to the Roman Casino. He said that around July 3, 2012, may have been his first time at the casino gambling. Mr. Routos said Mr. Huynh was the boyfriend or husband of Ms. Nguyen. He said that Ms. Nguyen was a dealer at the Roman Casino. He said that he recalled both Mr. Huynh and Ms. Nguyen playing mini-baccarat together.
 - 12) The agent obtained a customer history reports that show Ms. Nguyen is an avid gambler and that she and her husband gamble together at the Roman Casino and have gambled at the Macau Casino.
 - 13) During the investigation, the agent reviewed the Transaction Summary that Ms. Thompson provided. The date range on the Transaction Summary was from June 1, 2012, to July 31, 2012. While reviewing the record, the agent noted the following transactions:
 - June 5, 2012, Ms. Nguyen initiated a cash advance in the amount of \$1,560 at the Riverside Casino, which caused her account balance to overdraft to -\$1,035.76.
 - June 11, 2012, Ms. Nguyen conducted a draft withdrawal in the amount of \$1,200 at what appeared to be the Riverside Casino, which caused her account balance to overdraft to -\$1,188.20.
 - June 24, 2012, Ms. Nguyen initiated a cash advance in the amount of \$1,164.99 at the Muckleshoot Casino, which caused her account balance to overdraft to -\$1,104.15.
 - 14) According to Ms. Thompson, Ms. Nguyen has a loan with TwinStar with a current balance of \$5,735.38. According to the Transaction Summary, it appears that NGUYEN received this loan on June 25, 2012, when \$5,000 was deposited into her account.
 - 15) Ms. Nguyen knew she did not have sufficient funds in her checking account, but she attempted to withdraw \$21,863 in cash advances from Roman Casino. She actually received \$9,603. Ms. Nguyen was very methodical in her scheme and constantly checked Mobile Banking to verify her available balance. When she noticed that no holds were placed on funds withdrawn from the Roman Casino, she initiated multiple cash advances.

- 16) The agent referred this case to the King County Prosecutor's Office.
- 17) On November 19, 2012, the agent interviewed Tram Nguyen, which is summarized as follows:
- The agent started off by showing Ms. Nguyen a picture of Thoai Huynh and asked if that was her husband. She said they were still legally married but separated at the moment. She said they "sometimes live together," but they have separate bank accounts.
 - The agent showed Ms. Nguyen six cash advance receipts from the Roman Casino. Each cash advance receipt was for \$1600.50, was dated July 12, 2012, and was signed "T. Nguyen." The agent asked if she initiated the cash advances, signed the receipts and received cash. She said yes. She said she used the cash to gamble at the Roman Casino. Ms. Nguyen said she gambled with her husband on July 4, 2012 and July 12, 2012 at the Roman Casino.
 - Ms. Nguyen said she did not know the exact amount of money she had in the bank before her first cash advance, but she knew she was requesting more funds than she had in the bank. She said she had overdraft protection and that if she withdrew too much money, the transaction would be denied. Kim Thompson with TwinStar Credit Union said Ms. Nguyen had an overdraft limit of \$1,250.
 - Ms. Nguyen said she was drunk. She said she continued to initiate cash advances knowing that her account balance in her checking account was not going down. She said that she gambled with the money she received. After she "sobered up," she realized she "screwed up" and deposited \$9,600 back into her account.
 - After her deposit, she went back to the Roman Casino and attempted a much larger cash advance at \$7,469. She said she did not remember attempting to initiate a \$7,469 cash advance. She said that she remembered going back to the Roman Casino and trying to initiate an additional \$1,600.50 cash advance, but was denied. She called TwinStar Credit Union to ask why her card was not working, and she said the credit union told her they blocked her card from use for fraud.
 - Ms. Nguyen provided a written statement.

CR 2013-00925

18) *In March 2013, a Washington State Gambling Commission Special Agent (agent) conducted a review of the Riverside Casino's gambling records. Jeremy Faoro, Surveillance Manager, told the agent in passing that Tram Nguyen had written a check to the Riverside Casino.*

19) *On March 27, 2013, an agent contacted Kim Nikazy, Accounting Manager at the Riverside Casino, to inquire if the card room had received any checks with NSF from Ms. Nguyen or Thoai Huynh, Ms. Nguyen's husband. Ms. Nikazy informed the agent that Ms. Nguyen wrote a check to*

the Riverside Casino on March 18, 2013, for \$4,000 that came back NSF.

20) On April 2, 2013, Ms. Nikazy informed the agent that Ms. Nguyen had written an additional check to the Riverside Casino on March 22, 2013, for \$4,000 that also came back NSF.

21) Both NSF checks were made out to the Riverside Casino for \$4,000 each. Both checks were from the same account. The account owners, according to the checks, were Thoai V. Nguyen and Tram T. Nguyen. The address recorded on each check was the same address listed on Ms. Nguyen's driver's license.

22) According to the Riverside Casino's internal controls for check acceptance, shift managers must authorize and initial all checks over \$500. Further, for checks over \$2,500 up to \$5,000, the general manager (GM) must be notified and the GM's initials are required to be on the check.

23) On April 1, 2013, the agent interviewed Jerry (J.B.) Bond, Shift Manager at the Riverside Casino, which is summarized as follows:

- Mr. Bond, remembered Ms. Nguyen and "Troy" Huynh coming to the Riverside Casino on March 18, 2013, to gamble. Ms. Nguyen asked him if she could write a \$4,000 check. Mr. Bond he would need to ask David Thompson, General Manager for Riverside, for approval. Mr. Bond said that he called Mr. Thompson and received an "okay." Mr. Bond said that he opened the high limit baccarat room for Ms. Nguyen and Mr. Huynh to play baccarat. He said that they lost all their money.*
- Ms. Nguyen asked if she could write another check. He said "probably no," but he would contact Mr. Thompson to see if he would approve another check. He said that Mr. Thompson never got back to him and Ms. Nguyen never wrote another check that day while he was working.*
- He knew Ms. Nguyen well. He said that she used to work at the Riverside Casino. He heard she had a history at the Riverside Casino for writing bad checks. He fired her in May 2012 for poor attendance.*

On April 30, 2013, the agent followed up with Mr. Bond and obtained a statement from him.

24) On May 1, 2013, the agent interviewed James (Pat) Hosier, Shift Manager at the Riverside Casino, which is summarized as follows:

- Mr. Hosier remembered Ms. Nguyen and Mr. Huynh coming to the Riverside Casino on March 21, 2013,² to gamble. They asked him if they could write a \$4,000 personal check.*

² Mr. Hosier said that he remembered Ms. Nguyen and Mr. Huynh came to the casino on March 21, 2013. However, Mr. Hosier was referring to the "gaming day" not calendar day. Gaming days cross over two calendar days. Ms. Nguyen and Mr. Huynh actually cashed the check at 12:29 a.m. on March 22, 2013, according to the time/date stamp on check #1180.

Mr. Hosier asked Gary Malcolm, Director of Gaming Operations, if it was okay to have the cage cash the check, and Mr. Malcolm approved the \$4,000 check. After Ms. Nguyen and Mr. Huynh received \$4,000 from the cage, they used the money to play baccarat together.

The agent obtained a statement from Mr. Hosier.

25) On May 1, 2013, the agent interviewed Ms. Nikazy, which is summarized as follows:

- She spoke with Ms. Nguyen on March 28, 2013, about the NSF checks she received from the bank. Ms. Nguyen told her she would come in and make a payment and sign a repayment agreement. Ms. Nguyen told her she would come in on March 29, 2013, and Ms. Nguyen later changed the date to April 3, 2013. Ms. Nguyen never came in to make a payment or sign the agreement. Ms. Nguyen never called her again about the NSF checks.
- Ms. Nikazy said that since speaking with Ms. Nguyen, Ms. Nguyen disconnected her phone, and she does not have a way to reach her now. Ms. Nikazy said that Ms. Nguyen still owes the Riverside Casino \$8,000.

The agent obtained a statement from Ms. Nikazy.

26) During the investigation, the agent obtained a Customer History Report from Sonoma³ on Ms. Nguyen. Ms. Nguyen cashed a check at the Riverside Casino on March 18, 2013, at 3:17 p.m. According to the report, Ms. Nguyen played baccarat on March 18, 2013, from about 3:14 p.m. until 5:40 p.m., and her average bet was \$100 per hand.

27) The next check Ms. Nguyen cashed at the Riverside Casino was on March 22, 2013, at 12:29 a.m. According to the report, Ms. Nguyen played baccarat on March 22, 2013, from about 12:18 a.m. until 3:36 a.m., and her average bet ranged from \$100-\$200 per hand.

28) The agent obtained a Customer History Report from Sonoma on Mr. Huynh as well. The agent noted that he gambled on the same dates and times as Ms. Nguyen. Specifically, on March 22, 2013, he bought in for \$3,500 and lost it all.

29) The agent contacted the credit union that the checks were drawn from and requested that they send information on Mr. Huynh's and Ms. Nguyen's account pursuant to RCW 30.22.240. The agent received the following information:

- Membership Application: Mr. Huynh completed the application on July 26, 2006. He signed up for a checking and savings account.
- Deposit Agreement: The record shows that only Mr. Huynh originally signed up for the

³ Sonoma Player Tracking System (Sonoma): Sonoma is a computer based software program used by several card rooms in Washington State to track the play of their customers.

account (individual account.) The agreement was signed and dated on September 13, 2006.

- *Deposit Agreement: The record shows Ms. Nguyen signed on as a joint owner on the account. Both Mr. Huynh and Ms. Nguyen signed and dated the form on April 13, 2007.*

30) *The credit union also sent the agent Mr. Huynh and Ms. Nguyen's February and March 2013 bank statements. The bank statements list Tram Nguyen as a joint owner. According to the February bank statement, the checking account ending balance on February 28, 2013, was \$7.69. The agent noted there was no checking account activity for the entire month of February. The savings account ending balance on February 28, 2013, was \$23.24. The agent noted the following activity in the account:*

- *On February 28, 2013, at 11:58 a.m., Ms. Nguyen wrote a \$4,000 check (#1177) to the Riverside Casino. Ms. Nguyen and Mr. Huynh's account balance at the time she wrote the check was \$7.69. Ms. Nguyen and Mr. Huynh did not have sufficient funds in their bank account to cover the check when it was written.*
- *On March 2, 2013, at 1:42 p.m., Ms. Nguyen and Mr. Huynh made a \$4,000 deposit into their account. This deposit temporarily increased their balance to \$4,007.69 because check #1177 had yet to clear their account. Check #1177 cleared their account on March 6, 2013; and decreased their account balance back to \$7.69.*
- *On March 13, 2013, at 12:46 a.m., Ms. Nguyen wrote a \$2,500 check (#1178) to the Riverside Casino. Ms. Nguyen and Mr. Huynh's account balance at the time she wrote the check was \$7.69. Ms. Nguyen and Mr. Huynh did not have sufficient funds in their bank account to cover the check when it was written.*
- *On March 14, 2013, at 1:51 p.m., Ms. Nguyen and Mr. Huynh made a \$2,600 deposit into their account. This deposit temporarily increased their balance to \$2,607.69 because check #1178 had yet to clear their account.*
- *On March 18, 2013, at 3:17 p.m., Ms. Nguyen wrote a \$4,000 (#1179) check to the Riverside Casino. Ms. Nguyen and Mr. Huynh's account balance at the time she wrote the check was \$12.69. Ms. Nguyen and Mr. Huynh did not have sufficient funds in their bank account to cover the check when it was written. This check was rejected on March 26, 2013, for NSF.*
- *On March 19, 2013, Mr. Huynh deposited a \$405 check.*
- *On March 19, 2013, Ms. Nguyen and Mr. Huynh withdrew \$500 from their checking account. Check #1178 cleared their account. After each of the transactions previously noted, Ms. Nguyen and Mr. Huynh's account balance decreased to \$12.69.*
- *On March 22, 2013, at 12:29 a.m., Ms. Nguyen wrote a \$4,000 check (#1180) to the Riverside Casino. Ms. Nguyen and Mr. Huynh's account balance at the time she wrote*

the check was \$12.69. Ms. Nguyen and Mr. Huynh did not have sufficient funds in their bank account to cover the check when it was written. This check was rejected on March 28, 2013, for NSF.

- *Ms. Nguyen and Mr. Huynh's ending checking account balance on March 31, 2013, was \$28. Ms. Nguyen and Mr. Huynh ending savings account balance on March 31, 2013, was \$2.93.*
- *Between February 28, 2013, and March 22, 2013, Ms. Nguyen wrote \$14,500 in checks to the Riverside Casino. Before writing each of the checks noted above, Ms. Nguyen and Mr. Huynh did not have sufficient funds in their checking or savings account to cover the checks written. Two of the checks total \$8,000 and were rejected for NSF.*

31) On May 8, 2013, the agent interviewed Lee "David" Thompson, Riverside Casino General Manager, which is summarized as follows:

- *Ms. Nguyen approached him on February 28, 2013, and asked if she could write a \$4,000 check. Mr. Thompson approved the check. After Ms. Nguyen cashed the check, he witnessed Ms. Nguyen and Mr. Huynh use the cash to gamble at a baccarat table.*

The agent obtained a statement from Mr. Thompson.

32) According to Mr. Bond, Mr. Hosier, and Mr. Thompson, Ms. Nguyen and Mr. Huynh cashed the checks at the cage and then used the cash to gamble together. Mr. Thompson specifically said that they shared the money from the check and they cashed and used the money to gamble.

33) Ms. Nguyen and Mr. Huynh "floated" the first two checks written. She wrote the checks without the funds to cover the checks, but after gambling at the casino, she re-deposited the cash they received from the checks cashed. Ms. Nguyen and Mr. Huynh made the deposits before the checks cleared their account. The last two checks written were both rejected for NSF. According to Mr. Bond, Ms. Nguyen and Mr. Huynh used the cash they received from check #1179 to gamble. Mr. Bond said that Ms. Nguyen and Mr. Huynh lost all their money. Therefore, Ms. Nguyen and Mr. Huynh had no cash after gambling to re-deposit. According to Mr. Hosier, Ms. Nguyen and Mr. Huynh used the cash they received from check #1180 to gamble.

34) On June 14, 2013, Ms. Nguyen plead guilty to Theft 1st Degree and one count of Unlawful Issuance of Checks.

VIOLATIONS:

1) RCW 9.46.075 Denial, suspension, or revocation of 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:

(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.

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;

(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.

2) WAC 230-03-085 Denying, suspending, or revoking an 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:

(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 (e) Associations.

3) RCW 9.46.153 Applicants and licensees- Responsibilities and duties

(1) 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.

By initiating cash advances without having sufficient funds in her account, the licensee has failed to show by clear and convincing evidence that she is qualified for licensure, in violation of RCW 9.46.153(1). *In addition, between February 28, 2013, and March 22, 2013, Tram T. Nguyen wrote four NSF checks to the Riverside Casino, resulting in a loss of \$8,000 to the card room, demonstrating willful disregard for complying with state laws and administrative rules. Ms. Nguyen plead guilty to Theft in the 1st Degree and one count of Unlawful Issuance of Checks.* Grounds, therefore, exist to revoke Tram T. Nguyen's license, pursuant to RCW 9.46.075(1), (4), (8) and (10) and WAC 230-03-085(1), (3) and (8).

III.

The charges specified in paragraph II above constitute grounds for revocation of the license issued to Tram T. Nguyen to conduct authorized gambling activities under the authority of RCW 9.46.075, WAC 230-03-085.

|||

|||

|||

|||

|||

|||

|||

|||

IV.

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 this document will result in the entry of a default order REVOKING your license.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

~~Riek Day~~ *David Trujillo*, 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 *Interim* Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

David Trujillo

DAVID TRUJILLO, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 26 day of June, 2013.

Michelle F Rancour

NOTARY PUBLIC in and for the State of
Washington residing at Thurston Co
My Commission expires on 10-19-15



STATE OF WASHINGTON)
)
COUNTY OF THURSTON)

I certify I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, property 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 27 day of June, 2013
Tram T. Nguyen