

STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE GAMBLING COMMISSION

Received
JUL 31 2013
Gambling Commission
Comm. & Legal Division

In the Matter of the Revocation of the
Licenses to Conduct Gambling
Activities of:

TRAM T. NGUYEN
Olympia, Washington
Number 68-06814

Licensee.

OAH Docket No. 2012-GMB-0053
GC Nos. CR 2012-00973
CR 2013-00925

AMENDED DEFAULT ORDER
(Amendments appear in italics)

****AMENDED ONLY AS TO ADDING SECOND CHARGE CR 2013-00925 TO
CAPTION AND CORRECTING ASSISTANT ATTORNEY GENERAL ASSIGNED TO
CASE IN CERTIFICATE OF SERVICE.****

Administrative Law Judge John M. Gray conducted a telephonic status conference on July 10, 2013, at 10:00 AM, in the matter of the revocation of the gambling license of Tram T. Nguyen ("Ms. Nguyen").

Gregory Rosen, Assistant Attorney General, represented the Washington State Gambling Commission (Commission) at the July 10 Status Conference.

Ms. Nguyen failed to appear for the July 10 Status Conference.

The Commission asked that a default order be entered against Ms. Nguyen. The procedural history in this case is as follows:

On October 3, 2012, the Commission mailed to Ms. Nguyen the Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding. Ms. Nguyen filed her Request for an Administrative Hearing with the Commission on October 15, 2012.

On December 21, 2012, the Commission issued an Amended Notice of Administrative Charges. On December 27, 2012, the Commission issued an Amended

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Notice of Hearing and Opportunity for an Adjudicative Proceeding, setting the hearing on the merits for an in-person hearing on Tuesday, February 5, 2013, at the Commission's offices in Lacey, Washington.

On February 5, 2013, the undersigned Administrative Law Judge convened the hearing on the merits. Ms. Nguyen appeared at the hearing on the merits. She asked that the administrative hearing be continued until after a criminal proceeding set to be heard in King County Superior Court on Tuesday, February 12, 2013, at 1 PM. The Commission objected to the continuance. The undersigned Administrative Law Judge continued the hearing on the merits without setting a new date, but called for a status conference to be set after Assistant Attorney General Happold had conferred with Ms. Nguyen's criminal defense attorney.

On February 12, 2013, Assistant Attorney General Happold requested a status conference for the purpose of updating the parties as to the estimated timeline of the criminal proceedings. The status conference was scheduled for March 5, 2013, at 10:00 AM, as a telephonic hearing.

On March 5, 2013, Assistant Attorney General Happold reported that Ms. Nguyen's criminal defense attorney estimated the criminal proceedings would be concluded by the end of June 2013 and suggested scheduling another status conference to be held on July 10, 2013.

On March 15, 2013, the Office of Administrative Hearings issued a Notice of Status Conference to be heard on Wednesday, July 10, 2013, at 10:00 AM as a telephonic hearing.

On June 26, 2013, the Commission issued a Second Amended Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding. The Commission summarized the reasons for its request to revoke Ms. Nguyen's gambling license:

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 (NSH), and the Riverside Casino endured a loss of \$8,000. Ms. Nguyen also plead [sic] guilty to Theft 1st Degree and one count of Unlawful issuance of Checks for the cash advances at the Roman Casino.

As a result of her actions, the Commission alleged that Ms. Nguyen violated RCW 9.46.075(1), (8), (10); RCW 9.46.153(1); and WAC 230-03-085(1) and (8).

As noted above, the undersigned Administrative Law Judge convened the July 10, 2013, Status Conference as scheduled.

RCW 34.05.440(2) provides that a presiding officer may serve upon all parties a default or other dispositive order "if a party fails to attend or participate in a hearing or other stage of an adjudicative proceeding, other than failing to timely request an adjudicative proceeding as set out in subsection (1) of [RCW 34.05.440]." A prehearing conference is an "other stage[s] of an adjudicative proceeding," contemplated as part of the hearing process in RCW 34.05.431, in WAC 230-17-020, and in WAC 10-08-130.

NOW, THEREFORE:

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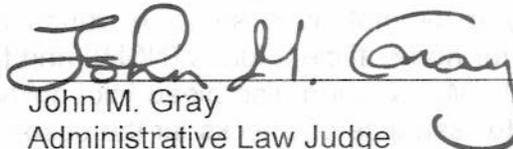
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INITIAL ORDER

IT IS ORDERED THAT the Licensee, Tram T. Nguyen, is in DEFAULT. A request that this order be vacated must be filed within seven days of service of this order, stating the grounds relied upon. RCW 34.05.440(3).

DATED at Tacoma, Washington, this 29 day of July, 2013.


John M. Gray
Administrative Law Judge
Office of Administrative Hearings

Copy mailed to:

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