

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
License to Conduct Gambling Activities of:) NO. CR 2013-00194
)
Thuy K. Tran) **FINDINGS, CONCLUSIONS,**
Seattle, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the revocation of the license to conduct gambling activities of Thuy K. Tran having come before the Commission on August 8, 2013, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued Thuy K. Tran license number 68-30872, authorizing card room employee activity.

The Commission issued this license, which expires on November 6, 2013, subject to the card room employee's compliance with state gambling laws and Commission rules.

II.

On May 24, 2013, then-Interim Director David Trujillo issued administrative charges to Thuy K. Tran by certified and regular mail. The administrative charges notified Ms. Tran that failure to respond would result in the entry of a default order revoking her license. Ms. Tran did not respond to the charges and waived her right to a hearing. Pursuant to RCW 34.05.440, this final order is entered in default.

III.

SUMMARY:

On November 24, 2012, Thuy Tran, cardroom employee, stole approximately \$1,000 in black \$100 chips from the cage at Wizards Casino.

FACTS:

1) On January 22, 2013, a Washington State Gambling Commission Special Agent (agent) received an e-mail from Richard Lemieux, General Manager at Wizards Casino in Burien. Mr. Lemieux informed the agent they caught Thuy Tran stealing \$1,000 and that Surveillance Manager Brian Armstrong was conducting a review of surveillance video to gather more information.

2) On January 22, 2013, the agent received an e-mail explaining Ms. Tran stole \$1,000 in black chips out of the cage. Mr. Armstrong attached an incident report as well as two pages of photographs with the incident. According to Mr. Armstrong's incident report, on November 24, 2012, there was an error in the cage paperwork, which should have resulted in an overage of \$1,030. However, the cage balanced and was not over or short. This was discovered on December 2, 2012, and Surveillance was notified. Surveillance video of Ms. Tran's shift was maintained until they could discover what happened. On December 7, 2012, Ms. Tran was questioned by Wizards' staff to see if she remembered anything abnormal about her shift on November 24, 2012. On January 6, 2013, surveillance was notified that the Player Supported Jackpot (PSJ) deposit from December 6, 2012, was over \$1,030.

3) Accounting Manager Florena Adams verified all deposits for December 6, 2012, and advised they were correct. Ms. Adams suspected that Ms. Tran took \$1,030 and tried to put back the money she stole on November 24, 2012, by putting it into one of the deposits after Ms. Adams verified them. Mr. Armstrong advised they did not have any video saved from December 6, 2012, and he conducted further review of Ms. Tran's shift on November 24, 2012.

4) According to the agent's surveillance review, for November 24, 2012, the following events occurred:

- At approximately 16:28 hours, Ms. Tran took a full rack of black \$100 chips from the top cage drawer and put them all in the chip cabinet below;
- At 17:08 hours, Ms. Tran looked around in the chip cabinet and put something into her jacket pocket;
- At 18:58 hours, Ms. Tran again looked in the chip cabinet and took some chips out of the full rack of black \$100 chips that was put there around 16:28 hours. Ms. Tran appeared to put the chips she took out of the rack into her sock;
- At 19:17 hours, Ms. Tran took \$1,000 in black \$100 chips out of the top drawer and put them into the chip cabinet in the same chip rack which housed the prior \$1,000 in black chips taken at 16:28 hours;
- At 19:37 hours, Ms. Tran pulled the black chips out of her sock and left them loose in the chip cabinet;
- At 19:47 hours, Ms. Tran took back the loose black chips and put them into the top cage drawer from which they originally came;
- At 19:58 hours, Ms. Tran took \$1,000 in black \$100 chips from the top cage drawer and put them in the chip cabinet; and

- At 20:01 hours, Ms. Tran took the \$1,000 from the chip cabinet and put them into her sock. Fellow cage cashier Bory Chot entered the cage at 20:00 hours but did not see Ms. Tran put the chips into her sock. Ms. Tran finished her shift without taking the chips out of her sock. It appears Ms. Tran had stolen approximately ten \$100 chips, totaling \$1,000.

5) On February 7, 2013, the agent obtained a written statement from Mr. Armstrong concerning his involvement in this case. The agent also spoke with Ms. Adams about the incident. Ms. Adams tried explaining the initial error in the paperwork on November 24, 2012. Ms. Adams explained that towards the beginning of Ms. Tran's shift and after receiving the due back from the soft count and reconciling the cage, Ms. Tran counted the cage and found that the cage was showing an overage of \$1,030. Ms. Adams later found out that one of the cells in their spreadsheet computer was mistakenly overwritten with an apostrophe symbol, causing the formulas on the spreadsheet to change, resulting in the overall cage count showing an overage of \$1,030.

6) Ms. Adams thought Ms. Tran saw that as an opportunity and decided to remove \$1,030 from the cage during her shift. By removing \$1,030, the cage would reconcile with no overage at the end of her shift. Ms. Adams said they use multiple spreadsheets when reconciling the cage and the error would likely not have been noticed. However, their Daily Balance Sheet reconciled to other accounting records and showed the shortage of \$1,030. Ms. Adams explained the Daily Balance Sheet uses beginning and ending numbers of the cage counts that are independent from the cage record that was modified by Ms. Tran.

7) Relief Accounting Manager Melissa Agan notified Ms. Adams of the shortage. Ms. Adams said Ms. Tran was questioned on December 7, 2012, but Ms. Tran said she did not know why there was a shortage of \$1,030 showing up in the paperwork. Ms. Adams said on January 6, 2013, she discovered the PSJ deposit from the gaming date of December 6, 2012, was over by \$1,030. Ms. Adams said she was certain the deposit was correct and balanced. She told the agent she received notice from the bank that their actual cash deposited was \$1,030 more than what their deposit slip was made out for. Ms. Adams told me that because Ms. Tran was questioned on December 7, 2012, about the shortage in the cage of \$1,030, she believes Ms. Tran came up with \$1,030 in cash after being questioned and put it into the PSJ deposit in attempt to pay back the money she took out of the cage November 24, 2012.

8) Ms. Adams provided a copy of Ms. Tran's Record of Corrective Action and Discrepancy Notes completed by Mr. Lemieux. According to these documents, Ms. Tran would not provide a statement but refuted the claim that she stole \$1,000 from the cage. In addition, Mr. Lemieux noted Cage Manager Mai Nguyen, reviewed the surveillance video with him and agreed Ms. Tran stole the money from the cage.

9) On March 7, 2013, the agent obtained a written statement from Ms. Adams detailing her involvement in the case.

10) On February 19, 2013, the agent spoke with Mr. Armstrong about the date in which Ms. Tran was questioned about the shortage.

11) On March 19, 2013, the agent left several messages on Ms. Tran's voicemail. Ms. Tran did not return any of the agent's phone calls.

12) This case was also referred to the King County Prosecutor's Office.

VIOLATIONS:

1) RCW 9.46.075 Denial, suspension, or revocation of license, 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.

(8) Fails to prove, by clear and convincing evidence, that he, she or it 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 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; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

3) RCW 9.46.190 Violations relating to fraud or deceit.

Any person or 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

(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.

4) RCW 9.46.153 Applicants and licensees — Responsibilities and duties — Waiver of liability — Investigation statement as privileged.

(The following subsection applies.)

(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.

Thuy K. Tran stole approximately \$1,000 in black \$100 chips from the cage at Wizards Casino, in violation of RCW 9.46.190. Ms. Tran has failed to show that she is qualified to hold a license, in violation of RCW 9.46.153. As a result, there are grounds to revoke Thuy K. Tran's license based on RCW 9.46.075(1), (8), and (10), and WAC 230-03-085(1) and (8).

IV.

CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Thuy K. Tran's license to conduct gambling activities under the authority of the RCW 9.46.075, and WAC 230-03-085.

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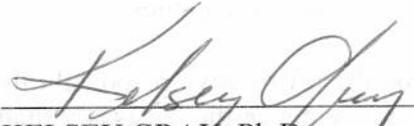
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DECISION AND ORDER

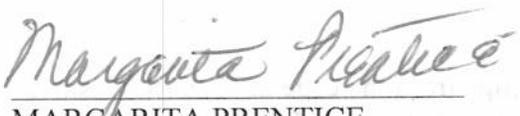
The Washington State Gambling Commission HEREBY ORDERS: Thuy K. Tran's license to conduct gambling activities is REVOKED.

DATED this 8th day of August, 2013.

MIKE AMOS, Chair



KELSEY GRAY, Ph.D.

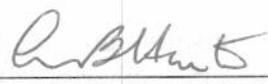


MARGARITA PRENTICE,
Vice Chair



CHRISTOPHER STEARNS

PRESENTED BY:



Amy B. Hunter, WSBA# 23773
Administrator, Communications and Legal Division
Washington State Gambling Commission

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

NOTICE: Petition for Judicial Review

You have the right to appeal this Final Oder to Superior Court, pursuant to the Petition for Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final Order must be filed with the court and also served upon both the Commission and the Office of the Attorney General within thirty (30) days after the date this Final Order is served upon you.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

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