

WASHINGTON STATE  
OFFICE OF ADMINISTRATIVE HEARINGS

ATTORNEY GENERAL  
OF WASHINGTON  
JUN 03 2017  
GOVERNMENT COMPLIANCE  
& ENFORCEMENT

In The Matter Of:

Docket No. 07-2016-GMB-00009

GIAP X. NGUYEN,  
Des Moines, Washington  
License No. 68-05491

LICENSEE

**INITIAL ORDER**

Agency: Gambling Commission  
Program: Licensing  
Agency No. CR 2016-00627

**For translation of this document, please call OAH, 1-800-583-8271. Để có bản dịch tài liệu này, xin vui lòng gọi OAH, 1-800-583-8271.**

**1. ISSUES<sup>1</sup>**

- 1.1. Did Mr. Nguyen violate RCW 9.46.075(4) and (8) and WAC 230-03-085(2) when he was found guilty of the charge of assault in the fourth degree-domestic violence in Seattle Municipal Court case number 605425?
- 1.2. Did Mr. Nguyen violate WAC 230-03-085(3) when he pleaded guilty to the charge of violating the no contact order under Seattle Municipal Court Code 12A.06.180A, in Seattle Municipal Court case number 611364?
- 1.3. Did Mr. Nguyen violate WAC 230-03-085(5) by serving a period of probation in Seattle Municipal Court case numbers 605425 and 611364?
- 1.4. Did Mr. Nguyen violate RCW 9.46.075(7), WAC 230-03-085(7), and WAC 230-06-085(2) when he failed to provide written copies to the Commission of the final written decisions in Seattle Municipal Court docket numbers 611364 and 605425 (as modified by his plea of guilty in docket number 611364)?
- 1.5. Has Mr. Nguyen failed to prove, by clear and convincing evidence, the necessary qualifications for licensure under Ch. 9.46 RCW?

<sup>1</sup> The ALJ modified the issues that were stated in the Prehearing Conference Order of September 26, 2016, upon the Assistant Attorney General's motion and Counsel's acquiescence.

## 2. ORDER SUMMARY

- 2.1. Order No. 1: Mr. Nguyen's conviction of the assault charge in case number 605425 proves that Mr. Nguyen violated RCW 9.46.075(4) and (8) and WAC 230-03-085(2).
- 2.2. Order No. 2: Mr. Nguyen's plea of guilty to the charge of violating the no contact order in case number 611364 proves that Mr. Nguyen violated WAC 230-03-085(3).
- 2.3. Order No. 3: The Seattle Municipal Court's sentence of probation until March 21, 2018, shows that Mr. Nguyen is in violation of WAC 230-03-085(5).
- 2.4. Order No. 4: Mr. Nguyen's failure to provide written copies to the Commission of the final decisions in docket numbers 605425 and 611364 proved that he violated RCW 9.46.075(7), WAC 230-03-085(7), and WAC 230-06-085(2).
- 2.5. Order No. 5: Mr. Nguyen has failed to prove by clear and convincing evidence that he has the necessary qualifications for licensure under Ch. 9.46 RCW.

## 3. HEARING

- 3.1. Hearing Date: November 8, 2016.
- 3.2. Administrative Law Judge: John M. Gray
- 3.3. Appellant: Giap X. Nguyen (hereafter, "Mr. Nguyen").
  - 3.3.1. Representative: DC Nguyen Law, LLC, and Diem Chi Nguyen, attorney at law.
  - 3.3.2. Witnesses:
    - 3.3.2.1. Giap X. Nguyen, licensee.
    - 3.3.2.2. Donald Waldron.
    - 3.3.2.3. Jennifer Kim.

- 3.4. Agency: Washington State Gambling Commission (hereafter, "Commission").
- 3.4.1. Representative: Gregory J. Rosen, Assistant Attorney General.
- 3.4.2. Witnesses:
- 3.4.2.1. Mike Lopez, Special Agent, Commission.
- 3.5. Exhibits: The parties stipulated to the admission of Exhibits 1 through 12 and stipulated to facts in the Stipulation to the Facts and Admission of Exhibits, Exhibit 13. The ALJ admitted Exhibits 1 through 13. The claimant offered Exhibits A through D, which were admitted.
- 3.6. Interpreter: David C. Williams served as the court-certified interpreter. His license number is 4717 as issued by the Administrative Office of the Courts. Mr. Nguyen wished to proceed in English only, having interpreter Williams available as a stand-by interpreter. Both parties agreed to this arrangement. The ALJ administered the oath of interpreter to Mr. Williams.
- 3.7. Prehearing Conference Order: This case is governed by the Prehearing Conference Order entered on September 26, 2016, except as modified at the hearing.
- 3.8. Other: All witnesses were sworn before testifying.

#### 4. FINDINGS OF FACT

The ALJ finds the following facts by a preponderance of the evidence:

##### *Jurisdiction*

- 4.1. The Commission issued the Notice of Administrative Charges on June 17, 2016, in which the Commission revoked Mr. Nguyen's public cardroom employee license no. 68-05491.
- 4.2. The Commission served a copy of the Notice of Administrative Charges by United States Postal Service regular and certified mail on June 17, 2016, to Mr. Nguyen at 23222 28<sup>th</sup> Ave. S., Des Moines, WA 98198.

- 4.3. Mr. Nguyen filed his Request for Administrative Hearing, which the Commission received on June 29, 2016.

*Stipulated Facts:*

- 4.4. [Paragraph (1) of the Stipulated Facts, Exhibit 13] On March 27, 2015, Mr. Nguyen was charged with Assault - Domestic Violence under Seattle Municipal Code 12A.06.010(A), in Seattle Municipal Court Case Number 605425, for assaulting his then-girlfriend. See Exhibit 1, Criminal Complaint, Domestic Violence, *City of Seattle v. Giap Xuan Nguyen*, Seattle Municipal Court Case No. 605425; see also Exhibit 2, Seattle Police Department, General Offense Hardcopy, 1313-1 ASSLT-NONAGG-DV, at 7-8.
- 4.5. [Paragraph (2) of the Stipulated Facts, Exhibit 13] On August 12, 2015, a jury found Mr. Nguyen guilty of Assault – Domestic Violence in Case No. 605425. The Municipal Court imposed a 36-month deferred sentence with conditions requiring that Mr. Nguyen not commit any additional criminal violations of law, enter and successfully complete Certified Domestic Violence Treatment, have no contact order with his then-girlfriend, and report to the City of Seattle’s Probation Services which would monitor the above conditions of sentence. See Exhibit 3, Judgment & Sentence Order, *City of Seattle v. Giap Nguyen*, Seattle Municipal Court Case No. 605425.
- 4.6. [Paragraph (3) of the Stipulated Facts, Exhibit 13] On December 4, 2015, Mr. Nguyen was arrested for violation of the no-contact order that had been previously issued by the Municipal Court in Case No. 605425. See Exhibit 4, Seattle Police Department, General Offense Hardcopy, 5016-2 VIOL-DV ORDER, at 5-6.
- 4.7. [Paragraph (4) of the Stipulated Facts, Exhibit 13] On December 5, 2015, Mr. Nguyen was charged with Violation of a Domestic Violence Order under Seattle Municipal Code 12A.06.180(A)-02, in Seattle Municipal Court Case No. 611364. See Exhibit 5, Criminal Complaint, Domestic Violence, *City of Seattle v. Giap Xuan Nguyen*, Seattle Municipal Court Case No. 611364.
- 4.8. [Paragraph (5) of the Stipulated Facts, Exhibit 13] On March 21, 2016, Mr. Nguyen pled guilty to the crime of Violation of a No Contact Order – Domestic Violence, Case No. 611364. See Exhibit 6, Statement of

Defendant on Plea of Guilty, *City of Seattle v. Giap Xuan Nguyen*, Seattle Municipal Court Case No. 611364. In his Statement of Defendant on Plea of Guilty, Mr. Nguyen stated that “[on] or about December 4, 2015, in Seattle, King County, WA, I knowingly made contact with Tuy Nguyen my ex-girlfriend when I knew there to be a Valid NCO from SMC 605425 prohibiting contact.”

- 4.9. [Paragraph (6) of the Stipulated Facts, Exhibit 13] On March 21, 2016, the Municipal Court imposed a sentence in Case No. 611364 that included 364 days in jail with 319 of those days suspended for 24 months, gave Mr. Nguyen credit for three days jail already served and permitted him to serve the remaining 42 days jail time on electronic home monitoring in lieu of actual jail time. See Exhibit 7, Judgment and Sentence Order, *City of Seattle v. Giap Xuan Nguyen*, Seattle Municipal Court Case No. 611364. The court also imposed a \$5,000 fine suspended which was entirely suspended. The court also prohibited Mr. Nguyen from committing any new criminal actions, required that he enter and successfully complete Certified Domestic Violence Treatment, report to City of Seattle’s Probation Services, which would monitor the above conditions of sentence, and that he abide by the No Contact Order as to Tuy Nguyen that was previously imposed in Case No. 605425.
- 4.10. [Paragraph (7) of the Stipulated Facts, Exhibit 13] Based on his conviction for Violation of a No Contact Order in Case No. 611364, Mr. Nguyen’s deferred sentence on his Assault – Domestic Violence conviction in Case No. 605425 was revoked by the Municipal Court on March 21, 2016. Following that revocation, the Municipal Court imposed a 24-month suspended sentence with 364 days in jail, all suspended, as well as a suspended \$5,000 fine. See Exhibit 8, Judgment and Sentence Order, *City of Seattle v. Giap Xuan Nguyen*, Seattle Municipal Court Case No. 605425. The Municipal Court also prohibited Mr. Nguyen from committing any new criminal violations, required that he enter and complete Certified Domestic Violence Treatment; required to report to City of Seattle’s Probation Services, which would monitor his conditions of sentence, and required that he have no contact with Tuy Nguyen.
- 4.11. [Paragraph (8) of the Stipulated Facts, Exhibit 13] Pursuant to his sentences in Municipal Court Case Nos. 605425 and 611364, Mr. Nguyen will be on probation until March 21, 2018. See Exhibits 7 and 8.

- 4.12.[Paragraph (9) of the Stipulated Facts, Exhibit 13] Mr. Nguyen reported his arrest and the fact that the Municipal Court had imposed a 36-month deferred sentence in Case No. 605425 to the Commission. See Exhibit 9, Letter of July 20, 2015 from Mr. Nguyen, and Exhibit 10, Letter of August 17, 2015.
- 4.13.[Paragraph (10) of the Stipulated Facts, Exhibit 13] Mr. Nguyen also reported his arrest for Violation of a No Contact Order in Case No. 611364 to the Commission. See Exhibit 11, Letter of December 7, 2015 from Giap Xuan Nguyen.
- 4.14.[Paragraph (11) of the Stipulated Facts, Exhibit 13] Special Agent Mike Lopez filed a Case Report in Gambling Commission Case No. 2016-00627. See Exhibit 12, Case Report, Giap X. Nguyen, Commission Case No. 2016-00627.

#### *Additional Facts*

- 4.15. Mr. Nguyen first obtained a Washington State gambling license in 1998. He worked for five years at Players and Spectators in Spokane. In 2004, he moved to the west side of the State and in 2004 began work at Great American and at Iron Horse Casinos.
- 4.16. The claimant went to trial on the assault issue in Seattle Municipal Court Docket Number 605425 because he did not believe that he violated the law.
- 4.17. The claimant pled guilty to the charge of violating a no contact order in Seattle Municipal Court Docket Number 611364 because "it was so obvious."
- 4.18. The incident that led to the charge of violating the no contact order began when Mr. Nguyen received a voice mail message from his ex-girlfriend, who was also the victim in the February 2015 assault that resulted in Mr. Nguyen's conviction on that latter charge. She asked Mr. Nguyen to meet him at a laundromat on MLK Blvd. in Seattle. The claimant was still concerned about her. He intentionally went to see her at the laundromat. He did not think to ask a third person to make the visit or to call the police.

- 4.19. In his guilty plea to violating the no contact order, Mr. Nguyen wrote, “on or about December 4, 2015, in Seattle, King County, WA, I knowingly made contact with Tuy Nguyen, my ex-girlfriend when I knew there to be a valid NCO from SMC 605425 prohibiting contact.” Exhibit 6-5.
- 4.20. Mr. Nguyen has complied with all of his court ordered conditions, including court ordered treatment, except with regard to his violation of the no contact order. Exhibit C.
- 4.21. James Kautex, the general manager at Great American Casino in Tukwila (where the claimant is currently employed) does not wish for Mr. Nguyen’s gambling license to be suspended because Mr. Nguyen is a good employee and because Mr. Nguyen has had no disciplinary actions against him during his twelve years of employment there. Exhibit D-1.
- 4.22. Mr. Nguyen is a smart and intelligent dealer while at work. He does not upset his patrons and even explains to them how the game is played.
- 4.23. One of Mr. Nguyen’s co-workers thinks of Mr. Nguyen as a good person, who has worked in the industry for a long time and knows what to do.

## 5. CONCLUSIONS OF LAW

Based upon the facts above, the ALJ makes the following conclusions:

### *Jurisdiction*

- 5.1. 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. The Commission received Mr. Nguyen’s request for an administrative hearing twelve days after the Commission served Mr. Nguyen with the Notice of Administrative Charges. Twenty-three days is the time allowed if service is made by regular United States mail. WAC 230-17-010(2)(a). Twenty days is the time allowed if service is made by certified mail. WAC 230-17-010(2)(b). Mr. Nguyen timely filed his request for an administrative hearing well within the time limits for filing a timely appeal.

### *Statutes, Rules, and Analysis*

5.2. The Commission bases its revocation of Mr. Nguyen's gambling license on the provisions of RCW 9.46.075(1), (4), (7), and (8); RCW 9.46.153(1); WAC 230-03-085(2), (3), (5), (7), and (8)(a) and (b), and WAC 230-06-085(2). See, Commission's Memorandum of Legal Authorities, page 4, and as modified by the Assistant Attorney General at the hearing. Conclusions of Law No. 5.3 through 5.7.1 contain the applicable language of these statutes and administrative rules.

5.3. 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:

5.3.1. (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;

5.3.2. (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;

5.3.3. (7) Makes a misrepresentation of, or fails to disclose, a material fact to the commission;

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

5.4. RCW 9.46.153(1) is a statute containing a separate statement of RCW 9.46.075(8) and that requires applicants to prove their eligibility for a license:

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[.]”

5.5. “Clear and convincing evidence,” as that term is used in RCW 9.46.153(1), 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).

5.6. 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:

5.6.1. (2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. “Physical harm to individuals” includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person; or

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

5.6.3. (5) Is serving a period of probation or community supervision imposed as a sentence for any juvenile, misdemeanor, or felony criminal offense, whether or not the offense is covered under RCW 9.46.075(4); or

5.6.4. (7) Fails to provide us with any information required under commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us; or

5.6.5. (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; or

5.7. The Commission has proved by a preponderance of the evidence that Mr. Nguyen's conviction of assault is a violation of RCW 9.46.075(4) and WAC 230-3-085(2).

5.8. The Commission has proved by a preponderance of the evidence that Mr. Nguyen's conviction of violating the no contact order is a violation of WAC 230-03-085(3).

5.9. The Commission has proved by a preponderance of the evidence that Mr. Nguyen's sentence to a period of probation that will continue until March 21, 2018, is a violation of WAC 230-03-085(5).

5.10. The Commission has proved by a preponderance of the evidence that Mr. Nguyen's failure to send copies of the final written decisions or settlements within thirty days after both his conviction in Docket Number 605425 and his plea of guilty in Docket Number 611364 was a violation of WAC 230-03-085(7) and WAC 230-06-085(2).

5.11. The Commission has proved by a preponderance of the evidence that Mr. Nguyen's conviction and guilty plea in Docket Numbers 605425 and 611364 violate WAC 230-03-085(8)(a) and (b).

5.12. The Commission's evidence, by a preponderance of the evidence, as stated in Conclusions of Law 5.7 through 5.11, also proves that Mr. Nguyen violated RCW 9.46.075(1).

- 5.13. The ALJ concludes that the Commission established a prima facie case showing that the claimant violated RCW 9.46.075((1), (4), (7), and (8) and WAC 230-03-085(2), (3), (5), and (7).
- 5.14. On his part, Mr. Nguyen is well thought of at work. His work history is without blemish until the assault conviction and his violation of the no contact order discussed in this Initial Order. At least one of his patrons thinks highly enough of him to testify to that effect at this hearing. One of his co-workers also thinks highly enough of him to testify at the hearing, speaking of Mr. Nguyen's abilities to work as a dealer and to be a good person. This evidence goes toward proving his qualifications for licensure; however, as the Commission has argued, it did not revoke his gambling license because of his job performance. The Commission revoked his gambling license because of the assault conviction and his violation of the no contact order.
- 5.15. WAC 230-17-137 allows the ALJ to consider a variety of enumerated factors to determine the administrative penalty to be assessed for the violations of the statutes and administrative rules discussed above. Those factors are:

(1) Without in any manner limiting the authority granted to the commission under chapter 9.46 RCW or other applicable law to impose the level and type of discipline it may deem appropriate, at the request of any party, the presiding officer may consider the following factors, along with such others as he or she deems relevant, in determining the administrative penalty to be assessed for the violation of a statute or rule:

(a) The risk posed to the public health, safety, or welfare by the violation;

(b) Whether there are special policy implications relating to the violation, for example, those regarding underage gambling;

(c) Whether, and how, the violations impacted players, for example, failure to pay a player, and player-supported jackpot violations;

(d) Whether the applicant, licensee, or permittee:

(i) Knew, or reasonably should have known, the action complained of was a violation of any law, regulation, or condition of their license;

(ii) Previously received a verbal warning, written warning, notice of infraction, notice of violation and settlement (NOVAS), or administrative charges from the commission for similar violations;

(iii) Made, or attempted to make, a financial gain from the violation;  
(iv) Had an existing compliance program related to the violation; or  
(v) Has subsequently initiated remedial measures to prevent similar violations from reoccurring;

(e) Whether the violations were intentional, willful, or grossly negligent;

(f) Whether requiring the applicant, licensee or permittee to implement a written self-enforcement and compliance program would assist in ensuring future compliance with relevant laws, regulations, and license conditions;

(g) If the violation was caused by an officer or employee of the applicant, licensee, or permittee:

(i) Whether the individual who caused the violation acted within the scope of authority granted to him or her by the applicant, licensee or permittee; or

(ii) Whether the individual violated company policies, procedures, or other standards;

(h) The adequacy of any relevant training programs the applicant, licensee or permittee previously offered or made available to its employees;

(i) Whether and the extent to which the applicant, licensee or permittee cooperated with the commission during the investigation of the violation;

(j) The penalties imposed on other applicants, licensees or permittees for similar violations;

(k) Whether the applicant, licensee, or permittee reasonably relied upon professional advice from an accountant or other recognized professional, which was relevant to the conduct or action resulting in the violation; or

(l) Any other aggravating or mitigating circumstances the presiding officer deems relevant.

(2) A party intending to rely on any aggravating or mitigating factors must raise them at the initial hearing before the presiding officer in order to preserve them for any subsequent hearings before a reviewing officer.

5.16. The ALJ has considered the factors in WAC 230-27-137 and makes the following conclusions.

5.17. The evidence shows that Mr. Nguyen was in some altercation with his girlfriend or ex-girlfriend twice: once on February 17, 2015 and again on December 4, 2015, the latter in violation of a no contact order that had been entered after the February incident. Whatever took place between Mr.

Nguyen and his girlfriend was significant enough that some third party called the police on both occasions.

- 5.18. Mr. Nguyen pleaded not guilty to the assault charge and went to trial. The jury convicted him. The jury was not convinced that he only touched his girlfriend on her shoulder.
- 5.19. For an otherwise law abiding man to be charged with a crime, that is a momentous event in his life. He remembers it. The memory of it brings shame and a strong desire to avoid that pain again. Having gone through that once, one would think that most law abiding people would be very careful not to reoffend. But the claimant did so a second time in less than a year with the same victim, and knowing there was a no contact order in effect against him.
- 5.20. The first offense was a crime against a person. The second offense was the no contact order, where someone called in the violation to the police. The ALJ is convinced that for the call to have been made, the third party making the call must have seen something leading him or her to be concerned about the victim's physical safety.
- 5.21. Although the offenses did not occur in the context of Mr. Nguyen's employment, the Commission is concerned that Mr. Nguyen's willingness to violate criminal laws means that he cannot be trusted to work in a heavily regulated industry like gambling, and revoked his gambling license on that basis. The ALJ shares that concern.
- 5.22. The ALJ is impressed by Mr. Nguyen's letter from Mr. Radaucenanu, Mr. Nguyen's probation counselor. This evidence shows that Mr. Nguyen is moving in the right direction for his future.
- 5.23. The ALJ was also impressed at the hearing by Mr. Nguyen's demeanor. He presented himself as a man with remorse about what he has done.
- 5.24. The ALJ has considered Mr. Nguyen's argument for relief other than affirmation of the revocation of his gambling license. However, if the ALJ were to grant such relief, it would mean reinstatement of his gambling license while Mr. Nguyen is on probation, a situation that will continue until March 21, 2018, and a basis for revocation under WAC 230-03-085(5), even

though WAC 230-03-085 is written using the permissive word “may” when contemplating suspension or revocation.

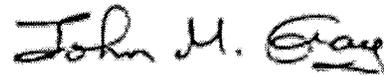
5.25. The ALJ affirms the Commission’s revocation of Mr. Nguyen’s public card room employee license.

6. INITIAL ORDER

IT IS HEREBY ORDERED THAT:

6.1. The Commission’s action is AFFIRMED.

Issued from Tacoma, Washington, on the date of mailing.



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John M. Gray  
Administrative Law Judge  
Office of Administrative Hearings

## APPEAL RIGHTS

Any party to this proceeding may file a Petition for Review of this initial order. The written petition for review must be mailed to the Washington State Gambling Commission at:

Washington State Gambling Commission  
PO Box 42400  
Olympia, WA 98504

The petition for review must be **received** by the Commission within **twenty (20) days** from the date this initial order was mailed to the parties. A copy of the petition for review must be sent to all parties of record. The petition for review must specify the portions of the initial order with which the party disagrees, and must refer to the evidence in the record which supports the party's position. The other party's reply must be **received** at the address above, and served on all parties of record, within **thirty (30) days** from the date the petition for review was mailed.

Any party may file a cross appeal. Parties must file cross appeals with the Washington State Gambling Commission within ten days of the date the petition for review was filed with the Washington State Gambling Commission. Copies of the petition or cross appeal must be served on all other parties or their representatives at the time the petition or appeal is filed.

**CERTIFICATE OF MAILING IS ATTACHED**

**CERTIFICATE OF SERVICE FOR OAH DOCKET NO. 07-2016-GMB-00009**

I certify that true copies of this document were served from Tacoma, Washington via Consolidated Mail Services upon the following as indicated:

<p>Giap X. Nguyen 23222 28<sup>th</sup> Ave S. Des Moines, WA 98198 <b>Appellant</b></p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Diem Chi Nguyen 2003 Maple Valley Highway # 213 Renton, WA 98057 <b>Appellant Representative</b></p>	<p><input checked="" type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>
<p>Gregory Rosen Assistant Attorney General PO Box 40100 MS:40100 Olympia, WA 98504 <b>Agency Representative</b></p>	<p><input type="checkbox"/> First Class Mail <input type="checkbox"/> Certified Mail, Return Receipt <input type="checkbox"/> Hand Delivery via Messenger <input checked="" type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> E-mail</p>

Date: Friday, December 30, 2016

OFFICE OF ADMINISTRATIVE HEARINGS



Melanie Barnhill  
Legal Assistant

ATTORNEY GENERAL  
OF WASHINGTON  
JAN 03 2017  
GOVERNMENT COMPLIANCE  
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