



STATE OF WASHINGTON  
GAMBLING COMMISSION

*"Protect the Public by Ensuring that Gambling is Legal and Honest"*

September 18, 2018

DAVID K. DUONG  
622 NW 97<sup>TH</sup> ST  
SEATTLE WA 98117

**RE: ADMINISTRATIVE ACTION; CR 2017-01131**

Dear Mr. Duong:

Enclosed is an Order of Default entered by the Commission on September 13, 2018, revoking your license/certification to conduct gambling activities. This action occurred because you failed to attend the prehearing conference held on July 19, 2018.

You have the right to move to vacate this Order. If you do so, we must receive your request by the 10<sup>th</sup> day after the Order was mailed. Your motion must include the specific grounds upon which relief is requested and must be submitted to:

Washington State Gambling Commission  
Attention: Legal & Records Division  
P.O. Box 42400  
Olympia, WA 98504-2400

You also have the right to submit a Petition for Judicial Review. If you do this, you must submit it within 30 days of the date the Order was mailed. RCW 34.05.514 explains where you must file this petition and RCW 34.05.546 explains what information your Petition must include.

This is not meant to be a full explanation of all the statutes and regulations you would need to understand to move to vacate or Petition for Judicial Review. Please call me at (800) 345-2529, extension 3475, with any questions.

Sincerely,

Haylee P. Mills, Staff Attorney  
Legal & Records Division

Enclosure

CC: Employer



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**STATE OF WASHINGTON  
GAMBLING COMMISSION**

8 In the Matter of:

NO. CR 2017-01131

9  
10 DAVID K. DUONG,  
License Nos. 68-34384  
11 69-36969

FINAL ORDER OF THE  
GAMBLING COMMISSION

12  
13 Licensee & Class III Employee.

14 This matter having come before the Washington State Gambling Commission  
15 (Commission) on September 13, 2018 and the Commission makes the following Findings of  
16 Fact, Conclusions of Law, and issues its Final Order:

17  
18 **I. FINDINGS OF FACT**

19 1. The Washington State Gambling Commission issued Licensee David K. Duong  
20 License number: 68-34384, authorizing Public Card Room Employee activity at Emerald Downs  
21 Casino in Auburn and Fortune Casino in Tukwila, and License number: 69-36369, authorizing  
22 Class III Employee activity at Snoqualmie Casino in Snoqualmie.

23 2. The license and certification, which expired on March 9, 2018, were issued  
24 subject to the Mr. Duong's compliance with state gambling laws and Commission rules, and the  
25 Snoqualmie Tribal-State Gaming Compact.  
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FINAL ORDER OF THE  
GAMBLING COMMISSION

IN RE: DAVID K. DUONG  
NO. 2017-01131

1           3.       Mr. Duong was employed as a dealer at Snoqualmie Casino, Fortune Casino, and  
2 Emerald Downs Casino until his terminations on November 9, 2017, January 25, 2018, and  
3 February 7, 2018, respectively.

4           4.       On August 14, 2017, Mr. Duong played Mini-Baccarat at Macau Casino in  
5 Tukwila, Washington.

6           5.       On one hand, Mr. Duong placed bets totaling \$1,000.00, and upon losing, threw  
7 his cards in the air toward the dealer.

8           6.       As the dealer and floor supervisor gathered the cards from the floor, Mr. Duong  
9 took the \$1,000.00 he lost from the table.

10          7.       Mr. Duong refused to return the chips when asked to do so by the floor supervisor,  
11 but threw the chips back onto the table after the floor supervisor called the surveillance  
12 department.

13          8.       Mr. Duong then threw a water bottle against a wall, punched an ATM, kicked  
14 over a garbage can, and pushed over a large cigarette disposal unit as he left the casino.

15          9.       In an interview with a Gambling Commission special agent on October 13, 2017,  
16 Mr. Duong admitted to taking the chips and stated that he knew it was wrong.

17          10.       On November 3, 2017, the Snoqualmie Gaming Commission suspended Mr.  
18 Duong's tribal gaming license as a result of the incident at Macau Casino, and entered a final  
19 written decision revoking Mr. Duong's tribal license on January 12, 2018.

20          11.       Mr. Duong did not appeal the revocation.

21          12.       Director David Trujillo issued administrative charges on February 19, 2018  
22 alleging that Mr. Duong's actions constituted a violation of RCW 9.46.1961(1) and (2). Further,  
23 that he could not show by clear and convincing evidence that he was qualified for licensure as  
24 required by RCW 9.46.153(1), and that his actions warranted revocation of his license and  
25 certification pursuant to RCW 9.46.075(1), (2), (8), and (10), and WAC 230-03-085(1), (3), and  
26

1 (8)(a)(See WAC 230-03-085 (2017)), in accordance with the Snoqualmie Tribal-State Gaming  
2 Compact Section V.C. (1) and (2).

3 13. Mr. Duong was sent the charges by regular and certified mail on February 20,  
4 2018, to the last address the Gambling Commission had on file. The Commission received a  
5 request for hearing on March 1, 2018. A prehearing conference was scheduled for July 19, 2018,  
6 and Mr. Duong was sent notice of the prehearing to the last address the Gambling Commission  
7 had on file on July 5, 2018.

8 14. Mr. Duong failed to attend the July 19, 2018 prehearing conference, and an order  
9 dismissing appeal was issued on July 23, 2018 to Mr. Duong's last address on file.

10 15. To date, the Commission has received no further communication from Mr.  
11 Duong.

## 12 II. CONCLUSIONS OF LAW

13 1. Mr. David K. Duong was sent proper notice of the February 19, 2018 charges via  
14 first class mail and certified mail on February 20, 2018 pursuant to RCW 34.05.434, RCW  
15 34.05.431, and WAC 10-08-130.

16 2. On July 19, 2018, Mr. Duong failed to attend or participate in a hearing or other  
17 stage of an adjudicative proceeding under RCW 34.05.440(2).

18 3. The Commission can take final action against Mr. Duong's gambling license and  
19 certification under Case Number CR 2017-01131 pursuant to RCW 9.46.075, RCW  
20 34.05.440(2), RCW 34.05.461, and WAC 230-03-085.

21 4. Mr. Duong's license and certification should be revoked under Case Number CR  
22 2017-01131 pursuant to RCW 9.46.075, RCW 34.05.440(2), RCW 34.05.461, and WAC 230-  
23 03-085, as well as Sections V.C. (1) and (2) of the Snoqualmie Tribal-State Gaming Compact.  
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1 **ORDER**

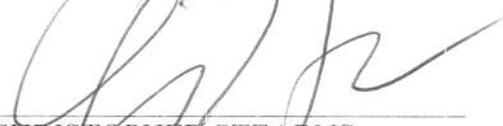
2 This matter having come before the Commission at its September 13, 2018, Commission  
3 meeting, the Commissioners having heard arguments, given the chance to review the  
4 administrative record, and being fully advised in this matter, now therefore:

5 It is hereby **ORDERED** that David K. Duong's gambling license, Number 68-34384,  
6 and Class III certification, Number 69-36969, are **REVOKED**.

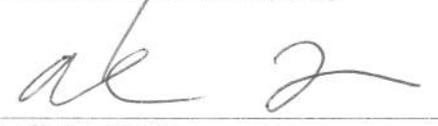
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8 DATED this 13 day of September, 2018.

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12 BUD SIZEMORE, Chair

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12 JULIA PATTERSON, Vice Chair

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14 CHRISTOPHER STEARNS

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14 ED TROYER

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16 ALICIA LEVY

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**NOTICE**

Reconsideration: RCW 34.05.470 and WAC 230-17-140 provide that a party may file a petition for reconsideration of a final order. A petition for reconsideration must be received no later than thirteen (13) days after the date this final order is mailed. Any motion for reconsideration must state the specific grounds supporting the party's request for reconsideration.

Stay of Final Order: Filing for reconsideration does not stay the effectiveness of this Order. WAC 230-17-145 provides that a party may petition the Commission for a stay of a final order. Any petition for a stay should be received by the Commission within thirteen (13) days after the date this final order is mailed.

Judicial Review: RCW 34.05.542 provides that a party may appeal this final order by filing a petition for judicial review within thirty (30) days after service of this order. A petition for judicial review must be filed with the appropriate superior court and served upon both the Commission and the Office of the Attorney General.

Service: This Order was served on you three days after it was deposited in the United States Postal Service regular mail, excluding the date of mailing. WAC 230-17-035.

Any motions or petitions for judicial review should be served on or mailed to:

Washington State Gambling Commission  
Legal and Records Division  
4565 7<sup>th</sup> Avenue S.E., Lacey, WA  
P.O. Box 42400  
Olympia, WA 98504-2400

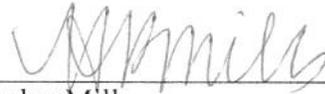
Gregory J. Rosen  
Attorney General's Office  
1135 Washington St. SE  
P.O. Box 40100  
Olympia, WA 98504-0100

**CERTIFICATE OF SERVICE**

I certify that on the date below I served a copy of the foregoing document on all parties and/or their counsel by United States Postal Service regular mail to the following:

DAVID K. DUONG  
622 NW 97<sup>TH</sup> ST  
SEATTLE, WA 98117

EXECUTED this 18 day of September, 2018, at Lacey, Washington.



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Haylee Mills  
Staff Attorney

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