



STATE OF WASHINGTON
GAMBLING COMMISSION

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

September 18, 2018

DUNG D. PHAN
5307 16TH AVE S
SEATTLE WA 98108

RE: ADMINISTRATIVE ACTION; CR 2018-00006

Dear Mr. Phan:

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 24, 2018.

You have the right to move to vacate this Order. If you do so, we must receive your request by the 10th 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**

In the Matter of:

NO. CR 2018-00006

DUNG D. PHAN,
License No. 68-18855

FINAL ORDER OF THE
GAMBLING COMMISSION

Licensee.

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

I. FINDINGS OF FACT

1. The Washington State Gambling Commission issued Licensee Dung D. Phan License number: 68-18855, authorizing Public Card Room Employee activity at Riverside Casino in Tukwila, Washington.

2. This license, which expired on January 19, 2018, was issued subject to the licensee's compliance with state gambling laws and Commission rules at all times after receiving his gambling license.

3. On February 24, 2017, Mr. Phan was charged by the King County Prosecutor's Office with Unlawful Manufacturing of a Controlled Substance (Marijuana), a Class C Felony, in King County Superior Court Case Number 17-1-00817-8.

1 4. Mr. Phan pled guilty and was convicted of Manufacturing a Controlled Substance
2 in King County Superior Court on March 22, 2017.

3 5. Mr. Phan did not timely inform the Gambling Commission of his March 22, 2017
4 conviction until he submitted his December 2017 renewal application.

5 6. Director David Trujillo issued administrative charges on February 1, 2018
6 alleging that Mr. Phan's actions constituted a violation of WAC 230-06-085(1) and (2). Further,
7 that he could not show by clear and convincing evidence that he was qualified for licensure as
8 required by RCW 9.46.153(1), and that his actions warranted revocation of his license pursuant
9 to RCW 9.46.075(1), (4), (7), and (8), and WAC 230-03-085(1), (5), (7) and (9)(a)and (b)
10 (Previously WAC 230-03-085(8)(a) and (b) (2017)).

11 7. Mr. Phan was sent the charges by regular and certified mail on February 1, 2018,
12 to the last address the Gambling Commission had on file. The Commission received a request
13 for hearing on February 14, 2018. A prehearing conference was scheduled for July 24, 2018,
14 and Mr. Phan was sent notice of the prehearing to the last address the Gambling Commission
15 had on file on July 16, 2018.

16 8. Mr. Phan failed to attend the July 24, 2018 prehearing conference, and an order
17 dismissing appeal was issued on July 25, 2018 to Mr. Phan's last address on file.

18 9. To date, the Commission has received no further communication from Mr. Phan.

19 II. CONCLUSIONS OF LAW

20 1. Mr. Dung D. Phan was sent proper notice of the February 1, 2018 charges via
21 first class mail and certified mail on February 1, 2018 pursuant to RCW 34.05.434, RCW
22 34.05.431, and WAC 10-08-130.

23 2. On July 24, 2018, Mr. Phan failed to attend or participate in a hearing or other
24 stage of an adjudicative proceeding under RCW 34.05.440(2).
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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 7th Avenue S.E., Lacey, WA
P.O. Box 42400
Olympia, WA 98504-2400

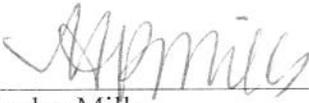
Gregory J. Rosen
Attorney General's Office
1135 Washington St. SE
P.O. Box 40100
Olympia, WA 98504-0100

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:

DUNG D. PHAN
5307 16TH AVE S
SEATTLE, WA 98108

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



Haylee Mills
Staff Attorney

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