

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License) NO. CR 2014-01327
to Conduct Gambling Activities of:)
)
)
Hai N. Nguyen) **AMENDED NOTICE OF**
Olympia Washington,) **ADMINISTRATIVE CHARGES**
) **OPPORTUNITY FOR**
) **AN ADJUDICATIVE**
) **PROCEEDING**
Licensee.) ***(Amendments are in italics)***

I.

The Washington State Gambling Commission issued Hai N. Nguyen license number 68-25584, authorizing Card Room Employee activity, formerly at Chips Casino in Lakewood and currently with Macau Casino and Hawks Prairie Casino.

The Commission issued this license, which expires on August 12, 2015, subject to the licensee's compliance with state gambling laws and Commission rules.

II.

David Trujillo, Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230.

SUMMARY:

On June 29, 2014, Hai Nguyen allegedly assaulted another patron at Chips Casino and had to be separated from the other patron by casino staff. On August 22, 2014, the City of Lakewood filed a Complaint against Mr. Nguyen for Assault in the Fourth Degree. *On November 18, 2014, a Stipulated Order of Continuance with Conditions was entered in the criminal matter.*

FACTS:

1) On July 1, 2014, a Washington State Gambling Commission Special Agent (agent) was conducting a routine inspection at Chips Casino. During the inspection, the agent learned a fight occurred at Chips Casino on June 29, 2014. The fight involved three patrons: Hai Nguyen, Minh Nguyen, and Kiem Cosol.

2) Based on the initial review of the surveillance coverage, it appeared Hai Nguyen and Minh Nguyen had a verbal disagreement with Mr. Cosol at a baccarat table. Mr. Cosol walked away from the table, around the gaming pit, and towards the south entrance to the cardroom. Hai Nguyen and Minh Nguyen pursued Mr. Cosol, who turned around to face them near the entrance. Hai Nguyen ran towards Mr. Cosol, jumped in the air, and kicked him in the stomach area. Hai

Nguyen then appeared to stand over Mr. Cosol while he was down on the ground. Chips Casino staff separated the men.

3) On July 22, 2014, the agent spoke with Carmine Corrado, floor supervisor. Mr. Corrado believed Hai Nguyen and Minh Nguyen were the aggressors. Mr. Corrado stated he observed Hai Nguyen and Minh Nguyen pursue the older customer, Mr. Cosol, around the pit. Hai Nguyen then assaulted Mr. Cosol.

4) On July 22, 2014, the agent contacted the Lakewood Police Department regarding the assault. The agent was informed that officers interviewed Minh Nguyen and Hai Nguyen regarding the assault at Chips. Hai Nguyen claimed the victim instigated the altercation and he was defending himself. Further, Hai Nguyen claimed in his written statement he did not touch the victim. Minh Nguyen provided the same description and claimed he was trying to separate the two.

5) On August 22, 2014, the City of Lakewood filed a Complaint against Mr. Nguyen for Assault in the Fourth Degree; a pretrial conference is scheduled for November 18, 2014.

6) On November 18, 2014, the City of Lakewood Municipal Court entered a Stipulated Order of Continuance with Conditions (SOC) in Mr. Nguyen's criminal matter. The SOC continues the action for 12 months. If Mr. Nguyen complies with the terms of the SOC, the Fourth Degree Assault charge will be dismissed. If Mr. Nguyen violates the SOC, the sole evidence presented against him will be in the form of police reports and other materials submitted by the Prosecutor. The judge will review the evidence and determine Mr. Nguyen's guilt or innocence. In the SOC, Mr. Nguyen stipulated to the admissibility and sufficiency of the police reports and other materials related with his case and has given up the right to present facts or raise defenses.

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;

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(9) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (4)¹ of this section: PROVIDED that at the request of an applicant for an original license, the commission may defer decision upon the application during the pendency of such prosecution or appeal.

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.

3) RCW 9.46.153(1) Applicants and licensees - responsibilities and duties

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.

On June 29, 2014, Hai Nguyen allegedly assaulted another patron at Chips Casino, and the City of Lakewood has filed charges against him for Assault in the Fourth Degree. *On November 18, 2014, the City of Lakewood Municipal Court entered a Stipulated Order of Continuance With Conditions, continuing the matter for 12 months.* Hai Nguyen has failed to establish clearly and convincingly that he is qualified to be licensed, in violation of RCW 9.46.153(1). As a result, there are grounds to revoke his license based on RCW 9.46.075(1), (8), and (9), and WAC 230-03-085(1), and (8).

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III.

¹ (4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful 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;

