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FEB 15 2013

STATE OF WASHINGTON
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE GAMBLING COMMISSION

GAMBLING COMMISSION
COMM & LEGAL DEPT

In the Matter of the Revocation of the
License to Conduct Gambling Activities
of:

DAN V. NGUYEN
Renton, Washington,

License No. 68-25411.

OAH No. 2012-GMB-0049
GC No. CR 2012-00917

INITIAL ORDER REVOKING
GAMBLING LICENSE

Administrative Law Judge John M. Gray conducted an administrative hearing in this matter on December 19, 2012, at the Gambling Commission Office, 4565 7th Avenue, Lacey, Washington.

Stephanie U. Happold, Assistant Attorney General, appeared and represented the Washington State Gambling Commission ("Commission"). Kevin Maxwell, Special Agent with the Commission appeared as the witness for the Commission.

Dan V. Nguyen ("Mr. Nguyen"), the Licensee, appeared and testified at the December 19, 2012, hearing. Mr. Nguyen had no other witnesses.

On August 23, 2012, the Director of the Commission caused two copies of a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding ("Notice of Administrative Charges") to be issued against Mr. Nguyen, one by regular mail and the other by certified mail. The Director alleged that Mr. Nguyen has failed to appear in court for nine traffic infractions and two criminal driving charges, and has

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failed to pay the fine and fees assessed by the various courts for those infractions and charges in the amount of \$3,531.32.

Mr. Nguyen filed his Request for Administrative Hearing with the Commission on September 7, 2012, fifteen (15) days after service of the Notice of Administrative Charges.

The Commission issued the Notice of Hearing on October 16, 2012, to the Commission Staff and Attorney General's Office, the Office of Administrative Hearings, and to Mr. Nguyen, the latter to his mailing address at 10824 SE 170th Street, #B201, WA 98408.

The Commission offered 25 exhibits, numbered 1 through 25, all of which were admitted without objection. The Commission also offered certified copies of the court records, also admitted without objection.

Mr. Nguyen offered two documents, marked as Licensee's A and B, which were admitted without objection. Licensee's A and B appear to be the same document.

The Administrative Law Judge, having considered the evidence, now enters the following Findings of Fact:

FINDINGS OF FACT

1. Dan V. Nguyen possesses a public card room employee license, no. 68-25411, issued by the Commission. The license is a type 68, class B. The license will expire on July 26, 2013.
2. When Mr. Nguyen applied to renew his license, the Commission assigned the background check to Special Agent Kevin Maxwell.

3. Special Agent Maxwell has worked for the Commission for over 13 years. He currently works in the Criminal History Investigation Unit.

4. Special Agent Maxwell ran a search on Mr. Nguyen using the Judicial Information Service ("JIS"). The JIS is a database of information from Washington State courts that shows, among other things, individuals' criminal and traffic offense histories.

5. Special Agent Maxwell found that Mr. Nguyen had 11 traffic-related offenses or infractions in which Mr. Nguyen failed to appear in court or failed to pay the fines and fees imposed by courts for the offenses or infractions, or both. Mr. Nguyen's history of infractions, failures to appear, and failures to pay spans the period from December 30, 2006, through December 10, 2012. Exhibit 4.

6. On December 30, 2006, Mr. Nguyen was cited for failure to renew an expired registration, cited as a violation of RCW 46.16.010(3)(L). The case was in King County District Court and the docket number was BI0716566. Mr. Nguyen failed to appear. The King County District Court found that Mr. Nguyen committed the offense and imposed a fine of \$153. Mr. Nguyen made one partial payment on March 4, 2010, in the amount of \$91.68. The total amount owed as of the date of this hearing is \$61.32. Exhibits 4, 24, 25.

7. On January 4, 2007, Mr. Nguyen was cited for failure to renew an expired registration, cited as a violation of RCW 46.16.010(3)(O). The case was in King County District Court and the docket number was BI0719820. Mr. Nguyen failed to appear. The King County District Court found that Mr. Nguyen committed the offense and imposed a fine of \$246. Mr. Nguyen has failed to make any payments on this fine. The total amount owed as of the date of this hearing is \$246. Exhibits 4, 22, 23.

8. On March 27, 2009, Mr. Nguyen was cited for multiple violations: defective turn signals and stop lamps, a defective license plate lamp, and moving an unsafe vehicle. The case was in Fife Municipal Court and the docket number was 9Y6091309. Mr. Nguyen failed to appear. The Fife Municipal Court found that Mr. Nguyen committed the offense and imposed fines and fees in the amount of \$573. Mr. Nguyen has failed to make any payments on this fine. The total amount owed as of the date of this hearing is \$573. Exhibits 4, 20, 21.

9. On June 7, 2009, Mr. Nguyen was cited for driving without a valid operator's license and driving while license suspended in the third degree. The case was filed in Renton Municipal Court and the docket number was CR0051771. Mr. Nguyen failed to appear. The court ultimately amended the charge of driving while license suspended in the third degree to driving without a valid operator's license. The court found that Mr. Nguyen committed the offense and imposed fines and fees in the amount of \$552. Interest increased the amount to \$752. Mr. Nguyen made a \$200 payment on the fine on January 27, 2010. The total amount owed as of the date of this hearing is \$552. Exhibits 4, 18, 19.

10. Also on June 7, 2009, Mr. Nguyen was cited for operating a motor vehicle without proof of insurance and failure to obey a traffic control device. The case was filed in Renton Municipal Court and the docket number was IN0117116. Mr. Nguyen failed to appear. The court found that Mr. Nguyen committed the offenses and imposed fines and fees in the amount of \$950. Mr. Nguyen has failed to make any payments on this fine. The total amount owed as of the date of this hearing is \$950. Exhibits 4, 16, 17.

11. On February 17, 2011, Mr. Nguyen was cited for driving 17 miles per hour over the posted speed limit. The case was filed in Pierce County District Court and the docket number was 1Z0064960. Mr. Nguyen failed to appear. The court found that Mr. Nguyen committed the offense and imposed fines and fees in the amount of \$237. Mr. Nguyen has failed to make any payments on this fine. The total amount owed as of the date of this hearing is \$237. Exhibits 4, 14, 15.

12. On June 9, 2011, Mr. Nguyen was cited for driving 1 mile per hour over the posted speed limit. While it is possible to cite a motorist for driving 1 mile per hour over the posted speed limit, the citing officer will sometimes "give the driver a break" by reducing the actual number of miles per hour driven over the posted speed limit to a much lesser number, which is probably what happened here. The case was filed in King County District Court and the docket number was 1Z0387469. Mr. Nguyen failed to appear. The court found that Mr. Nguyen committed the offense and imposed fines and fees in the amount of \$145. Mr. Nguyen has failed to make any payments on this fine. The total amount owed as of the date of this hearing is \$145. Exhibits 4, 12, 13.

13. On July 20, 2011, Mr. Nguyen was cited for driving while his license was suspended third degree and driving without a valid operator's license. The case was filed in Renton Municipal Court and the docket number was 1Z0435658. Mr. Nguyen failed to appear. Driving while license suspended third degree is a criminal offense and the court issued a bench warrant for Mr. Nguyen's arrest. The court reduced the charge of driving while license suspended third degree to driving without a valid operator's license, found that Mr. Nguyen committed the offense, and imposed fines and fees in

unpaid obligations are the basis for the Commission's proposed license revocation. It is not the underlying offenses themselves. If Mr. Nguyen had the same traffic record, but had paid his court-imposed fines and fees, the Commission would not have sought to revoke his gambling license. In other words, not every violation of the Revised Code of Washington results in a license revocation. The Commission has doubts that Mr. Nguyen can be trusted to comply with the statutes in Ch. 9.46 RCW and the gambling rules in Title 230 WAC when Mr. Nguyen will not pay his fines and fees for his traffic offenses and infractions.

14. I conclude that the Commission has proved by a preponderance of the evidence that Mr. Nguyen has violated RCW 9.46.075(1) and (8) and WAC 230-03-085(1), (3), and (8).

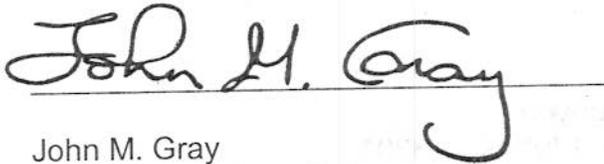
15. Mr. Nguyen has failed to come forward with clear and convincing evidence that he is qualified to continue to hold his gambling license, as required by RCW 9.46.075(8) and RCW 9.46.153(1). He is aware of his duty to pay the fines and fees, as evidenced by his testimony that he needs to become more responsible.

From the foregoing conclusions of law, NOW THEREFORE,

INITIAL ORDER

IT IS ORDERED That Mr. Nguyen's card room employee license, No. 68-25411 is **REVOKED**.

DATED at Olympia, Washington, this 14 day of February, 2013.



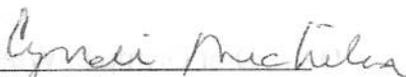
John M. Gray
Administrative Law Judge
Office of Administrative Hearings

NOTICE TO THE PARTIES

Initial orders must be entered in accordance with RCW 34.05.461(3). WAC 230-17-085(1). An initial order becomes the final order unless a party files a petition for review of the initial order as explained in WAC 230-17-090. WAC 230-17-085(2). RCW 34.05.464 governs the review of initial orders. WAC 230-17-090(1). Any party to an adjudicative proceeding may file a petition for review of an initial order. Parties must file the petition for review with us within twenty days of the date of service of the initial order unless otherwise stated. Parties must serve copies of the petition to all other parties or their representatives, at the time the petition for review is filed. WAC 230-17-090(2). Petitions must specify the portions of the initial order the parties disagree with and refer to the evidence in the record on which they rely to support their petition. WAC 230-17-090(3). Any party to an adjudicative proceeding may file a reply to a petition for review of an initial order. Parties must file the reply with us within thirty days of the date of service of the petition and must serve copies of the reply to all other parties or their representatives at the time the reply is filed. WAC 230-17-090(4). Any party may file a cross appeal. Parties must file cross appeals with us within ten days of the date the petition for review was filed with us. WAC 230-17-090(5). Copies of the petition or the cross appeal must be served on all other parties or their representatives at the time the petition or appeal is filed. WAC 230-17-090(6). After we receive the petition or appeal, the commissioners review it at a regularly scheduled commission meeting within one hundred twenty days and make a final order. WAC 230-17-090(7).

Certification of Mailing

I certify that I mailed true and correct copies of the **Initial Order Revoking Gambling License and Alternative Default Order** to the following parties, postage prepaid this 14 day of February, 2013 at Tacoma, Washington.


Cyndi Michelena
Legal Secretary

Dan V. Nguyen
10824 SE 170th St., #B201
Renton, WA 98058
Stephanie U. Happold
Assistant Attorney General
Office of the Attorney General
PO Box 40100
Olympia, WA 98504-0100

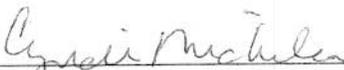
Washington State Gambling Commission
Communications and Legal Department
PO Box 42400
Olympia, WA 98504-2400

Certificate of Service – OAH Docket No. 2012-GMB-0049

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

Dan V. Nguyen 10824 SE 170 th Street, Apt. #B201 Renton WA 98058	<input checked="" type="checkbox"/> First Class US mail, postage prepaid <input type="checkbox"/> Certified mail, return receipt <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> 1st Class, postage prepaid, Certified mail, return receipt
Stephanie U. Happold Assistant Attorney General Office of the Attorney General PO Box 40100 Olympia WA 98504-0100	<input checked="" type="checkbox"/> First Class US mail, postage prepaid <input type="checkbox"/> Certified mail, return receipt <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> 1st Class, postage prepaid, Certified mail, return receipt
Washington State Gambling Commission ATTN: Legal Department PO Box 42400 Olympia WA 98504	<input checked="" type="checkbox"/> First Class US mail, postage prepaid <input type="checkbox"/> Certified mail, return receipt <input type="checkbox"/> Campus Mail <input type="checkbox"/> Facsimile <input type="checkbox"/> 1st Class, postage prepaid, Certified mail, return receipt

Date: February 14, 2013



Cyndi Michelena
Office of Administrative Hearings

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