



**WASHINGTON STATE
GAMBLING COMMISSION PUBLIC
MEETING - September 2018**

THE DAVENPORT GRAND
333 W. Spokane Falls BLVD.
Spokane, WA 99201

COMMISSIONERS



Bud Sizemore
Chair



Julia Patterson
Vice Chair



Ed Troyer

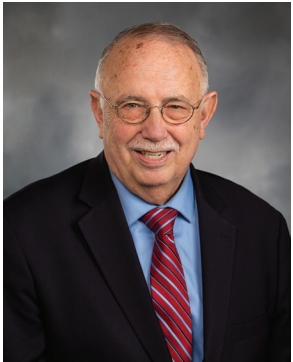


Chris Stearns



Alicia Levy

EX OFFICIOS



Senator
Steve Conway



Senator
Lynda Wilson



Representative
David Sawyer



Representative
Brandon Vick

STAFF



David Trujillo
Director



Amy Hunter
Deputy Director





**STATE OF WASHINGTON
GAMBLING COMMISSION**

“Protect the Public by Ensuring that Gambling is Legal and Honest”

**Davenport Grand
333 W Spokane Falls Blvd
September 13, 2018
Commission Meeting Agenda - Day One**

Please note, agenda times are estimates only. Items may be taken out of sequence at the discretion of the Chair.

PUBLIC MEETING ADMINISTRATIVE PROCEDURE ACT PROCEEDINGS	
1:00 PM	Call to Order Welcome and Introductions <i>Julia Patterson, Vice Chair</i> <ul style="list-style-type: none"> • <i>Moment of Silence</i> Consent Agenda (Action) <ul style="list-style-type: none"> • August 9, 2018 Commission Meeting • New Licenses and Class III Employees Class III Employees/Snoqualmie & Cowlitz Tribes (Action) Director’s Report <i>David Trujillo, Director</i>
Tab 1	
Tab 2	Defaults <i>Brian Considine, Legal and Legislative Manager</i> <ul style="list-style-type: none"> • David K. Duong, CR 2017-01131, Public Card Room Licensee & Class III Certification Revocation (Action) • Dung D. Phan, CR 2018-00006, Public Card Room Licensee Revocation (Action) • Bank Tavern, CR 2018-00201, Punchboard/Pull-Tab Applicant Denial (Action) • Quinton D. Jordan, CR 2018-00539, Public Card Room Licensee Revocation (Action)
Tab 3	NRA Foundation Raffle Prize Request for License Year 2018 (Action) NRA Foundation Raffle Prize Request for License Year 2019 (Action) <i>Tina Griffin, Assistant Director</i>
RULE UP FOR DISCUSSION AND POSSIBLE FILING	
Tab 4	Petition for Rule Change Soft Count (Action) <i>Tina Griffin, Assistant Director</i>
PUBLIC MEETING	
Tab 5	Spokane Youth Sports Qualification and Program Review <i>Bill McGregor, Special Agent Supervisor</i>
Tab 6	Administrative Case Presentation <i>Jim Nicks, Agent in Charge Regulation Unit</i> <i>Tyson Wilson, Special Agent Licensing Unit</i>
Tab 7	Criminal Case Presentation <i>Jim Nicks, Agent in Charge Regulation Unit</i> <i>Bryce Mack, Special Agent Supervisor Criminal Enforcement Unit</i>
	Meeting Adjourn Public meeting will reconvene tomorrow at 10:00 am

Upon advance request, the Commission will pursue reasonable accommodations to enable persons with disabilities to attend Commission meetings. Questions or comments pertaining to the agenda and requests for special accommodations should be directed to Julie Anderson, Executive Assistant at (360) 486-3453 or TDD (360) 486-3637. Questions or comments pertaining to rule changes should be directed to the Rules Coordinator (360) 486-3473.

Please silence your cell phones for the public meeting



STATE OF WASHINGTON
GAMBLING COMMISSION

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

Davenport Grand
333 W Spokane Falls Blvd
September 14, 2018
Commission Meeting Agenda - Day Two

PUBLIC MEETING ADMINISTRATIVE PROCEDURE ACT PROCEEDINGS	
8:00 AM	Executive Session - Closed to the Public (8:00 AM-10:00 AM) Discuss Pending Investigations, Tribal Negotiations, and Litigation The public meeting will reconvene at approximately 10:00 AM
10:00 AM	Welcome <i>Bud Sizemore, Chair</i>
Tab 8	Petition for Review Dung N. Huynh (Action) Petition for Review Yen H. Trinh (Action) <i>Justin Jensen, Attorney for Petitioners</i> <i>Greg Rosen, Assistant Attorney General</i>
Tab 9	Agency Request Legislation <i>Brian Considine, Legal and Legislative Manager</i>
	Other Business/General Discussion/Public Comments
12:00 PM	Meeting Adjourn

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STATE OF WASHINGTON
GAMBLING COMMISSION

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

August Gambling Commission Meeting Minutes

Holiday Inn Express and Suites
4525 Convention Place, Pasco, WA 99301

Public Meeting
August 9, 2018

Commissioners Present:

Bud Sizemore, Chair
Julia Patterson, Vice Chair
Chris Stearns
Ed Troyer

Ex Officio Members Present:

Senator Steve Conway

Staff Present:

David Trujillo, Executive Director; Amy Hunter, Deputy Director; Tina Griffin, Assistant Director; Brian Considine, Legal and Legislative Manager; Julie Lies, Tribal Liaison; Julie Anderson, Executive Assistant; Heather Songer, Public Information Officer and Matt Kernutt, Assistant Attorney General.

Public Meeting Call to Order

Chair Bud Sizemore called the Gambling Commission meeting to order at 9:30 a.m. and welcomed everyone to the Holiday Inn Express and Suites in Pasco, Washington. He mentioned that Commissioner Levy would not be joining the meeting.

He asked for a moment of silence to recognize law enforcement officers across the country that were lost in the line of duty since we last met.

There were 32 people in attendance.

Tab 1

Consent Agenda:

Commissioner Patterson moved to approve the consent agenda as presented by staff.

Commissioner Stearns seconded the Motion.

The Motion passed. 4:0

Commissioner Patterson moved to approve the Snoqualmie Tribe and Cowlitz Tribe of Indians Class III Gaming Employees Certifications as presented.

Commissioner Troyer seconded the Motion.

The Motion passed. 3:0

Commissioner Stearns abstained.

Director Trujillo shared a short PowerPoint and recapped the Strategic Planning process. He stated that as part of the process of preparing for the plan, the Commission conducted a Strengths, Weaknesses, Opportunities, and Threats analysis (SWOT). A SWOT analysis is an

organized list of the Commission's greatest strengths, weaknesses, opportunities, and threats. He reminded everyone that the Commissioners met with agency leadership in April at the public meeting to formulate goals for the Commission to accomplish over the course of the next five years. To accomplish these goals, the Commissioners defined a number of objectives with a series of tactics to implement these objectives. Director Trujillo said that an implementation timeline will be brought before the Commissioners if the Strategic Plan is approved. The Strategic Plan will be available on our website soon. **Chair Sizemore** agreed with the assessment of the Strategic Plan that was presented and asked for a motion. **Commissioner Patterson** thanked staff for their hard work. She said she appreciates how clear and relational the goals are. She reiterated the goals for the record:

- Goal 1: Increase the Commission's role in helping people who are suffering from gambling disorders
- Goal 2: Strengthen legislative relationships
- Goal 3: Staff continuity and succession planning
- Goal 4: Strengthen stakeholder relationships

Commissioner Stearns mentioned that this was the second Strategic Plan that he has worked on and he said that this plan seems to be more clear and concise. He thanked the staff as well.

Commissioner Patterson moved to approve the 2018-2022 WSGC Strategic Plan as presented by staff.

Commissioner Stearns seconded the motion.

The motion passed 4:0

Tab 2

Columbia Center Rotary Qualification and Program Review

Special Agent Mark Richart presented the materials for this tab. SA Richart stated that the Columbia Center Rotary has 111 active members, four officers, and six board members. They held 48 club meetings and 15 board meetings during the fiscal year. Columbia Center Rotary has a class H bingo license, which allowed up to \$3 million in gross receipts, and a Punchboard/Pull-Tab class I license, which allowed up to \$800,000 in gross receipts. During the year, they generated a combined \$3.3 million in gross gambling receipts. Rotary International is an organization of service clubs located all over the world. There are more than 35,000 clubs, in more than 200 countries, and over 1.2 million members worldwide. The Columbia Center Rotary contributed \$264,300 to various local community and international projects and scholarships during the year. The review of the Columbia Center Rotary takes several steps to ensure that they are functioning in accordance with their bylaws, and continue to meet the definition of a charitable, or nonprofit organization under RCW. Based on the review, the Gambling Commission determined Columbia Center Rotary was in compliance with WAC and RCW. SA Richart introduced Rotarian Mike Rader. Mr. Rader introduced the Rotarians present in the audience. **General Manager, Wayne Verts** of Bingo Boulevard also addressed the Commissioners. He spoke about being in business since 1992. He has witnessed a 10% increase in costs associated with Bingo and pull-tab products. **Senator Conway** mentioned his concerns over the Bingo operations diminishing. He said he would be happy to discuss this topic further

with Mr. Verts. **Commissioner Stearns** asked about the demographics of the age group among Bingo players. **Mr. Verts** said there was a healthy group of elderly people that play Bingo on a regular basis during the day, and then on Fridays and Saturdays the ages vary. **Commissioner Patterson** asked if Mr. Verts noticed any signs of problem gambling or addiction with some of the regular clientele. **Mr. Verts** answered by saying, “Occasionally you do see folks that may be spending a little bit too much”. **Commissioner Troyer** stated that he is a big advocate of the nonprofit businesses.

Tab 3

Default

Legal and Legislative Manager, Brian Considine presented the default materials.

Khoa D. Tran, CR 2018-00665, Public Card Room License Revocation.

Chair Sizemore asked if Mr. Khoa D. Tran was in the audience. He was not. **Commissioner Patterson** asked about the process of charging individuals with crimes that cause them to lose their license. Mr. Considine explained that in some cases it takes longer to get a case through the prosecutor’s office because of their caseload.

Commissioner Patterson moved to revoke the Public Card Room License for Mr. Khoa D. Tran.

Commissioner Stearns seconded the Motion.

The Motion passed. 4:0

Tab 4

Petition for Declaratory Order- Big Fish

Legal and Legislative Manager Brian Considine presented the materials for this tab. Mr. Considine gave a brief overview of materials provided and of what the Commissioners heard at the July Commission meeting. **Chair Sizemore** asked for the following three things to be brought back to the Commissioners for the August meeting:

- Information related to a “thing of value” and what it means under Washington State Law;
- What constitutes a “necessary party” in our law and rule that states an “agency may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party;” and
- Any other factors a party believes the Commission should consider while it is under consideration.

Mr. Considine announced that at the end of this review, the Commissioners will have the option to:

- Issue an order to continue your review until the September Commission meeting or a later meeting date; or
- Declare Big Fish Games, Inc.’s online games as not gambling; or
- Declare Big Fish Games, Inc.’s games as gambling; or
- Decline to issue an order.

Mr. Considine welcomed opposing counsel to the table. **Ms. Emily Henn from Covington & Burling LLP**, represented the petitioner, Big Fish Games at the August Commission meeting and addressed the Commissioners. Ms. Henn thanked Mr. Considine and the Commissioners and

gave a summary of the petition. She mentioned that a letter was submitted regarding the “necessary party” issue and she was prepared to answer any questions the Commissioners had. Ms. Henn stated that whatever interest Ms. Kater may have in the legal arguments regarding the definition of gambling, that Ms. Kater does not qualify as a “necessary party” within the meaning of the regulations or the code. Ms. Henn said that because if so, the ruling that she is urging and the interpretation of necessary party that she is urging would mean that anybody with an interest in the meaning of state law could prevent the Gambling Commission from carrying out its responsibility that the legislature has given to interpret and enforce the Washington Gambling Act.

Senator Conway indicated that it would be helpful to have an understanding of what other states are doing regarding this matter. Mr. Considine offered to provide him that information.

Commissioner Troyer stated that the Commissioners have a lot more to be concerned with regarding this case than on how we move forward with recommendations to the legislature.

Alexander Tievsky, counsel for Cheryl Kater, addressed the commission. He thanked the Commission for hearing his comments. Mr. Tievsky briefly went through the case on “necessary party” and then addressed questions from the Commissioners. **Chair Sizemore** asked for final public comment before the Commissioners go into closed session. **Mr. Considine** reiterated to the Commissioners their options under the Administrative Procedure Act and agency rule, including that a decision did not need to be made today.

Public Comment

No public comment

Chair Sizemore announced that the Commissioners would be in closed session now and will return in 15-20 minutes.

Chair Sizemore announced that the Commissioners were back from closed session on the matter of the Big Fish Petition for the declaratory order; the Commissioners agreed to hold this matter over until the October commission meeting for further consideration and decision. The comments submitted so far require serious thought and consideration to deal with complex issues of statutory interpretation. For these reasons good cause exists to extend the statutory limits set forth in RCW 34.05.240. The Commissioners signed an order to that effect, and will not be having any further oral arguments on the matter. Any additional information added for consideration will need to be submitted to Brian Considine by September 30th, 5:00 pm Pacific Standard Time.

Executive Session

Chair Sizemore announced that the Commissioners would be going into Executive Session where they will discuss pending investigations, tribal negotiations and litigation. They are due to reconvene at 1:45 pm.

Amended July Minutes

Commissioner Stearns said that on Page 6 the second paragraph, he would like it to read:

After the discussion, the majority of the remaining commissioners agreed to not file agency request legislation for the 2019 legislative session. Commissioner Stearns stated his continued preference for a problem gambling study. Commissioners Patterson and Levy were not at the meeting during the agency request legislation discussion so Mr. Considine agreed to speak with them regarding the six topics to see if they wished to move any of them forward during the 2019

legislative session. **Chair Sizemore** asked if the Commissioners agreed with the change and they did; no formal vote was given.

Tab 5

2019-2021 Biennium Budget Presentation

Director Trujillo introduced Budget Specialist Cam Dightman and announced Mr. Dightman will be retiring from the Gambling Commission. Mr. Dightman has served 53 years in state government service. Congratulations, Cam.

Mr. Dightman presented the PowerPoint presentation for the 2019-2021 Biennium Budget. The Commission didn't have any comment. There was a standing ovation as Mr. Dightman concluded his final presentation.

Commissioner Patterson moved to approve the 19-21 Biennium Budget as presented by staff.

Commissioner Stearns seconded the motion.

The motion passed 4:0

Tab 6

Sports Gambling Presentation

Legal and Legislative Manager Brian Considine presented on sports gambling, with focus on the following:

- 1) Pertinent terms,
- 2) History and mechanics of a sports gambling operation, and
- 3) Regulatory and policy considerations likely to be raised by the state legislature in order to authorize a partial or full spectrum of sports gambling activities.

Commissioner Stearns asked if one of the reasons states are entering into regulated sports betting is to curtail the black market. Mr. Considine stated he was correct. **Commissioner Patterson** asked for clarification of a point spread. **Commissioner Stearns** asked when the legislature authorized mobile betting for those wagering on horse races. Mr. Considine will follow up on this. Commissioner Patterson also asked if there have been any problems with internet wagering on the Horse Racing Commission's side. Mr. Considine said he is not aware of any. **Chair Sizemore** asked what a mobile page looks like. Mr. Considine elaborated on how mobile phones are being used for sports gambling. Chair Sizemore also expressed concerns over how profitable sports gambling really is. Mr. Considine discussed how it related to casino gaming.

Senator Conway explained the need for taking an informational approach with the legislature and also reminded staff of the need to include the tribes in further discussions. Mr. Considine is happy to provide information to the legislature on sports gambling and will continue to reach out to the tribes and other external stakeholders.

Public Comment

Mr. Mena, Chief Operating Officer for Washington Gold Casinos, said he thinks commercial operators are wanting to see this possible product. He sees this as a great opportunity because it is a stimulant that would enhance food and beverage profits.

Ms. Chiechi, Executive Director for Recreational Gaming Association, explained that the National Council on Problem Gambling will be conducting a survey of 2000 people who

participate in sports betting as part of their Safer Sports Betting Initiative. They are asking that the results be incorporated into the discussion surrounding sports gambling.

Senator Hasegawa asked what the term “land-based bets” means. Mr. Considine responded that it means land-based, brick-and-mortar casinos in Washington and clarified that internet sites would need to be tied to a licensed brick-and-mortar casino in Washington.

Tab 7

Agency Request Legislation

Legal and Legislative Manager Brian Considine presented draft language for agency request legislation. He explained that **Commissioner Patterson and Commissioner Levy** supported moving forward with agency request legislation to implement a problem gambling self-exclusion program. Commissioner Stearns went on the record in support as well. **Senator Conway** expressed the need to get stakeholder input. Mr. Considine explained how staff would accomplish that.

Public Comment

Ms. Chiechi, Executive Director for Recreational Gaming Association, suggested that self-exclusion could be mandated statewide if and only when local nearby tribes are implementing it and expressed concerns that this legislation may be a detriment to the industry because it wouldn't address lottery ticket or pull-tab purchasers. She also reported that the Evergreen Council on Problem Gambling will be hosting a conference on October 3, 2018, at Squaxin Island Little Creek Casino in Shelton, Washington.

Other Business/General Discussion/Public Comment

Chair Sizemore reminded the audience that the next Commission Meeting will be held at the Davenport Grand in Spokane, Washington.

Public Comment

There was no public comment.

The Commission meeting adjourned at 4:30 pm.



COMMISSION APPROVAL LIST
(Class III Gaming Employees)

September 2018

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SNOQUALMIE CLASS III GAMING EMPLOYEES.....	1

PAGES: **1**

Based upon the licensing investigations, staff recommends approving all new Class III employees listed on pages 1.

PERSON'S NAME

CERTIFICATION NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEES

COWLITZ INDIAN TRIBE

CALLIER, JORDAN L
69-45108

DOIRON, SPRING W
69-45137

HORNE, GERALDINE M
69-41971

LOTT, MARIE L
69-45153

MCDEVITT, ALEJANDRA
69-45200

MCPMAHON, GABRIEL R
69-45111

MCVICKER, ASHLEY M
69-45138

NGUYEN, JOHNNY H
69-45243

RUIZ, JULIAN
69-45109

SCHEIDT, MICHAEL T
69-45214

SISE, MOMODOU L
69-45107

SOUTHERN, TRE'VON J
69-45139

STRAWN, DOUGLAS A
69-45110

VAN ORMER, DANA S
69-45136

VICTORIANO, EMELYN M
69-41978

WILSON, SETH N
69-45213

WINSTANLEY, SARA M
69-45201

SNOQUALMIE TRIBE

CHEN, TONGHAN
69-45224

MADURA, VICTOR K
69-45176

PENG, HONGHUA
69-45155

WILCOX, ELLIOT G
69-45154

ORGANIZATION NAME

LICENSE NUMBER

PREMISES LOCATION

NEW APPLICATIONS

BINGO

BPOE 00823 00-00053 01-00851	A	11605 SE MCGILLIVRAY BLVD VANCOUVER WA 98683
WOMEN OF THE MOOSE 00843 00-19734 01-02765		108 SYDNEY NORTH BEND WA 98045-1416

RAFFLE

BAINBRIDGE ISLAND HISTORICAL SOCIETY 00-21860 02-08942		215 ERICKSEN AVE NE BAINBRIDGE ISLAND WA 98110
BELLEVUE CHRISTIAN SCHOOL 00-24149 02-20917		1601 98TH AVE NE CLYDE HILL WA 98004
COMBAT VETERANS MOTORCYCLE ASSOC/CHAP 11-4 00-22948 02-09278		6812 BAILEY ST SE LACEY WA 98514
EL CENTRO DE LA RAZA 00-22043 02-20915		2524 16TH AVE S SEATTLE WA 98144
FAMILY EDUCATION & SUPPORT SERVICES 00-24237 02-20916		8000 FREEDOM LANE NE LACEY WA 98516
GOLDENDALE MASONIC LODGE 00-24181 02-20883		8010 W 21ST AVE KENNEWICK WA 99338
HUMANE SOCIETY & SPCA/VANCOUVER 00-16559 02-02767		1100 NE 192ND AVE VANCOUVER WA 98660
MORTON ASSOCIATED STUDENT BODY 00-24196 02-20892		152 WESTLAKE AVE MORTON WA 98356
VIKING CREW OF SELAH 00-24230 02-20913		801 N 1ST ST SELAH WA 98942
WASHINGTON STATE HORSE PARK 00-24234 02-20914		468 292ND AVE NE FALL CITY WA 98024

AMUSEMENT GAMES NONPROFIT

BELLEVUE CHRISTIAN SCHOOL 00-24149 03-20739		1601 98TH AVE NE CLYDE HILL WA 98004
--	--	---

ORGANIZATION NAME

LICENSE NUMBER

PREMISES LOCATION

NEW APPLICATIONS

PUNCHBOARD/PULL-TAB COMMERCIAL STIMULANT

GREEN CITY SALOON

00-24231 05-21558

18221 E APPLEWAY AVE

SPOKANE VALLEY WA 99216

STORMIN NORMANS SHIPFACED SALOON

00-24205 05-21551 A

12303 E TRENT

SPOKANE VALLEY WA 99212

COMBINATION LICENSE

GREATER MAPLE VALLEY COMMUNITY CENTER

00-04823 08-00302

22010 SE 248TH ST

MAPLE VALLEY WA 98038

COMMERCIAL AMUSEMENT GAMES OPERATOR

MIDWAY CINEMA EXTREME FUN CENTER

00-24226 53-21528

181 NE HAMPE WAY

CHEHALIS WA 98532

SKAGIT SKATE

00-24164 53-21518

390 CEDAR STREET

BURLINGTON WA 98233

PERSON'S NAME
LICENSE NUMBER

EMPLOYER'S NAME
PREMISES LOCATION

NEW APPLICATIONS

DISTRIBUTOR REPRESENTATIVE

NGUYEN AN, VU N
22-01269

NRT TECHNOLOGIES INC
LAS VEGAS NV 89118

MANUFACTURER REPRESENTATIVE

ALI, RAOUF
23-02750

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

BAILEY, RYAN A
23-02770

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

BAKER HALILI, MARY ANN
23-02773

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

BEAMAN, BO W
23-02755

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

BURGETT, PRISCILLA A
23-02775

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

CAPULONG, CESAR A JR
23-02776

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

CHAVARRIA, CLAUDIA
23-02748

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

CORNWALL, THOMAS B
23-02742

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

CORSO, MARK D
23-02270

GAMING PARTNERS INTERNATIONAL
LAS VEGAS NV 89032

DABRIEL, RANDY S
23-02768

IGT
LAS VEGAS NV 89113

DANCER, JONATHAN L
23-02757

VGT
FRANKLIN TN 37067

DAVIS, WESLEY G
23-02771

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

EVANS, NORMA L
23-02772

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

GAMEZ, MARIA C
23-02777

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

PERSON'S NAME
LICENSE NUMBEREMPLOYER'S NAME
PREMISES LOCATION**NEW APPLICATIONS****MANUFACTURER REPRESENTATIVE**GRAHAM, MATTHEW W
23-02779IGT
LAS VEGAS NV 89113HANKS, MARK S JR
23-02745ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119HELMAN, RACHEL E
23-02754ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119HERRERA, KYLE C
23-02746EVERI PAYMENTS INC
LAS VEGAS NV 89113-2175IRLANDEZ, NORMAN R
23-02744ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119JONES, NICHOLAS R
23-02765VGT
FRANKLIN TN 37067LEDEZMA, JOSE M
23-02741ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119LUCERO, EDGARD R
23-02753ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119MARAZITA, FRANK A JR
23-02761IGT
LAS VEGAS NV 89113MCALISTER, BRIAN M
23-02738ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119MCCUTCHAN, CAMERON E
23-02747ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119MERLINI, KERI L
23-02751ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119MINDEN, JEFFERY S
23-02774ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119MONTGOMERY, STEVEN J
23-02740ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119PEARSON, JEREMY M
23-02743ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119PIRELLO, BUDDY W
23-02767ARIES TECHNOLOGY LLC
GROVE OK 74344-6251

PERSON'S NAME
LICENSE NUMBER

EMPLOYER'S NAME
PREMISES LOCATION

NEW APPLICATIONS

MANUFACTURER REPRESENTATIVE

PITTS, JESSAMY A
23-02760

VGT
FRANKLIN TN 37067

POTTER, RICHARD E JR
23-02756

VGT
FRANKLIN TN 37067

RABB-PYE, EVETTE S
23-02778

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

REDETZKE, MARTIN R
23-02762

VGT
FRANKLIN TN 37067

ROGERS, CLAIR F
23-00618

DITRONICS FINANCIAL SERVICES
LAS VEGAS NV 89113

ROSAS, SIMON R
23-02758

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

SCHAIBLE, JEFFREY J
23-01287

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

SCHERILLO, ROBERT E
23-02752

BALLY TECHNOLOGIES
LAS VEGAS NV 89119

TAGUE, MARSHALL J
23-02769

BALLY TECHNOLOGIES
LAS VEGAS NV 89119

TEJEDOR, JULIAN L
23-02739

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

TYSON, DAVID M
23-01153

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

VIZITIU, ANATOLY
23-02766

VGT
FRANKLIN TN 37067

WHITEFIELD, JON M
23-01141

VGT
FRANKLIN TN 37067

WINTERROWD, ACE B
23-02759

VGT
FRANKLIN TN 37067

WYKOFF, MATHEW A
23-02749

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

ZIMMERMAN, DUSTIN J
23-01447

ARISTOCRAT TECHNOLOGIES INC
LAS VEGAS NV 89119

PERSON'S NAME
LICENSE NUMBER

EMPLOYER'S NAME
PREMISES LOCATION

NEW APPLICATIONS

NON-PROFIT GAMBLING MANAGER

HOLTEN, AMBER D
61-04678

BPOE 01482
KELSO WA 98626

MC CARTY, WILLIAM E
61-04186

LOOM 00504
GRAND COULEE WA 99133

PARSONS, NICOLE M
61-04675

AMVETS 00001
TACOMA WA 98409

CARD ROOM EMPLOYEE

ACOSTA, OLIVER J
68-05499

B

CRAZY MOOSE CASINO/PASCO
PASCO WA 99301

AVER, JUSTIN A
68-34915

B

PALACE CASINO LAKEWOOD
LAKEWOOD WA 98499-8434

BALDWIN, ANGELICA C
68-34916

B

GREAT AMERICAN CASINO/LAKEWOC
LAKEWOOD WA 98499

BAQUIRING, MA CHARISSE
68-34928

B

FREDDIE'S CLUB
RENTON WA 98055

BLAKESLEE, CARSON J
68-34936

B

THE PALACE
LA CENTER WA 98629

BOROUEZ, EZRA R
68-34196

B

CHIPS CASINO/LAKEWOOD
LAKEWOOD WA 98499

BRAMEL, ADAM M
68-34940

B

WILD GOOSE CASINO
ELLENSBURG WA 98926

BUNDALIAN, CHRISTOPHER A
68-34934

B

ALL STAR CASINO
SILVERDALE WA 98383

CHAN, THAN
68-05599

B

PALACE CASINO LAKEWOOD
LAKEWOOD WA 98499-8434

CHEN, PEIYI
68-31848

B

ROMAN CASINO
SEATTLE WA 98178

CHEN, XIAOYU
68-34930

B

GREAT AMERICAN CASINO/DES MOIN
DES MOINES WA 98198

CODER, SHERI L
68-34913

B

RC'S AT VALLEY LANES
SUNNYSIDE WA 98944

PERSON'S NAME
LICENSE NUMBER

EMPLOYER'S NAME
PREMISES LOCATION

NEW APPLICATIONS

CARD ROOM EMPLOYEE

CORNELL, JOSHUA A 68-05291	B	CARIBBEAN CARDROOM KIRKLAND WA 98034
DELONG, SHARON L 68-34938	B	LANCER LANES/REST AND CASINO CLARKSTON WA 99403-2219
DO, TAM T 68-34926	B	RIVERSIDE CASINO TUKWILA WA 98168
DRAKE, ROBERT M 68-29578	B	PALACE CASINO LAKEWOOD LAKEWOOD WA 98499-8434
EISENMAN, TERRY L JR 68-29567	B	HAWKS PRAIRIE CASINO LACEY WA 98516
FITZHUGH, JODY A 68-16263	B	NOB HILL CASINO YAKIMA WA 98902
GRANDA, ANGEL R 68-21260	B	GREAT AMERICAN CASINO/EVERETT EVERETT WA 98204
HENG, BORAMY 68-19990	B	RIVERSIDE CASINO TUKWILA WA 98168
HUNTLEY, TIMOTHY R 68-31948	B	LILAC LANES & CASINO SPOKANE WA 99208-7393
KAIN, GEORGE V 68-04611	B	NOB HILL CASINO YAKIMA WA 98902
KEOPASEUTH, VILASACK V 68-34922	B	PALACE CASINO LAKEWOOD LAKEWOOD WA 98499-8434
KOWALSKI, JOYCE E 68-34933	B	ALL STAR CASINO SILVERDALE WA 98383
LAY, PHALLY 68-05110	B	HAWKS PRAIRIE CASINO LACEY WA 98516
LE, TRAN H 68-21919	B	RIVERSIDE CASINO TUKWILA WA 98168
LEE, TALIAH M 68-34917	B	SILVER DOLLAR CASINO/RENTON RENTON WA 98057
LI, SHUMIN 68-34925	B	RIVERSIDE CASINO TUKWILA WA 98168

PERSON'S NAME
LICENSE NUMBER

EMPLOYER'S NAME
PREMISES LOCATION

NEW APPLICATIONS

CARD ROOM EMPLOYEE

LUNDSTEN, CHRISTIAN K 68-25908	B	THE HIDEAWAY SHORELINE WA 98133-6524
MENA, ROBERT R 68-34929	B	GREAT AMERICAN CASINO/EVERETT EVERETT WA 98204
NAVARRO MARTINEZ, DIANA J 68-34939	B	MACAU CASINO TUKWILA WA 98188-2437
NEGRON, RICHARD J JR 68-34920	B	SILVER DOLLAR CASINO/MILL CREEK BOTHELL WA 98012
NGUYEN, NICK H 68-06622	B	LUCKY 21 CASINO WOODLAND WA 98674
ORME, KEVIN R 68-18436	B	SILVER DOLLAR CASINO/MILL CREEK BOTHELL WA 98012
PANG, YU S 68-34914	B	ROYAL CASINO EVERETT WA 98204
PASLEY, CORY J 68-34932	B	GREAT AMERICAN CASINO/EVERETT EVERETT WA 98204
POWRIE, ROBERT R 68-17624	B	MACAU CASINO LAKEWOOD WA 98499
SCHIRLLS, NICOLAS R 68-34918	B	BUZZ INN STEAKHOUSE/EAST WENAT EAST WENATCHEE WA 98802
TERAO, BRYCE C 68-32600	B	CLUB HOLLYWOOD CASINO SHORELINE WA 98133
THONGOULAY, TOM 68-06023	B	PALACE CASINO LAKEWOOD LAKEWOOD WA 98499-8434
TRINH, MARRY 68-29633	B	ROMAN CASINO SEATTLE WA 98178
WARREN, CHARLES F JR 68-34927	B	HAWKS PRAIRIE CASINO LACEY WA 98516
WARREN, CHRISTOPHER W 68-34935	B	BLACK PEARL RESTAURANT & CARD SPOKANE VALLEY WA 99206-471
WHITE, MAELENE R 68-25597	B	NOB HILL CASINO YAKIMA WA 98902

PERSON'S NAME
LICENSE NUMBER

EMPLOYER'S NAME
PREMISES LOCATION

NEW APPLICATIONS

CARD ROOM EMPLOYEE

WHITMYRE, HARRISON N
68-34931

B

SLO PITCH PUB & EATERY
BELLINGHAM WA 98225

WILLIAMS-STRONG, ANTONIO L
68-34921

B

SILVER DOLLAR CASINO/MILL CREEK
BOTHELL WA 98012

WU, WEINA
68-34924

B

RIVERSIDE CASINO
TUKWILA WA 98168

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

CHEHALIS CONFEDERATED TRIBES

BEALL, KRISTINA L
69-34707

BENBOW, ERIKA C
69-45262

COUNTS, ICEALA M
69-45274

HALLIDAY, DONALD O
69-45205

HILLIG, HANNAH K
69-45159

HUETT, KAREN D
69-45268

KACHO, LYNDA R
69-45212

KELLY, ANDREW J
69-45206

NAUCK, KYLE J
69-37491

SCOTT, ANDREW W
69-45164

ZETZ, MELISSA R
69-45207

COLVILLE CONFEDERATED TRIBES

CHAMBERLAIN, CHRISTOPHER L
69-45266

KEMPKE, BYANT M
69-45258

MACCLAIN, ADE T
69-45209

ORTUNO, REBECCA L
69-45204

PALMER, RANDI L
69-45265

KALISPEL TRIBE

ADAMS, CARMEN L
69-32263

ANDERSON, JANET D
69-42899

ARRANTS, DAWN M
69-21134

GOODWIN, STEVEN M
69-45151

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

KALISPEL TRIBE

LEMMON, SARAH J
69-45163

SALINAS, WILLIAM A
69-45148

SIMONSON, MELINDA S
69-22183

SMITH, COREY T
69-45165

THULEAN, AMBER N
69-45168

LUMMI NATION

FOLSOM, DYLAN E
69-42345

KAWASAKI, NANET A
69-45146

MARTINEZ, REUBEN J
69-38503

MORRIS, JOHN K
69-45269

VOLLE, HEATHER A
69-45271

MUCKLESHOOT INDIAN TRIBE

HOBBI, TYLAR H
69-45276

MALKO, VICKI L
69-45264

TEANGJIT, THAPAKORN
69-45126

NISQUALLY INDIAN TRIBE

BAIN, NATASCHA
69-45149

BUELL, BRITTANY D
69-45238

CHELOSSI, SHANNON L
69-45150

CHEN, XUEOIN
69-45147

FATUESI, MATHEW S
69-45196

GARZA, RAUL
69-45188

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

NISQUALLY INDIAN TRIBE

JACKSON, CLESTER R JR
69-45199

LEITKA, MARETTA L
69-45193

STERRETT, ANTHONY E
69-45195

WELLS, DEAN M
69-16725

WOLF, SUSAN
69-45197

PORT GAMBLE S'KLALLAM TRIBE

ANTIG, JENNIFER K
69-45246

BAJROVSKI, EROL
69-45247

BERRY, MEAGHAN R
69-45248

BRYSZ, KRISTINA D
69-45245

BUCSIT, CHRISTOPHER J
69-45256

FABER, BILLI-LEE K
69-45249

GOLDEN, KHODY A
69-45254

KELLY, ERIC J
69-45250

MEYER, MELISSA L
69-45255

PENA, JERALDINE C
69-45253

PUYALLUP TRIBE OF INDIANS

ANTHONY, CHERYL D
69-45232

BELSKY, EDWARD M
69-45252

BILL, ELEIHA D
69-45184

BLOSL, AWESTIN L
69-45240

BONGAT, ENRICO A
69-45275

CHAPMAN, DEXTER T
69-45218

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

PUYALLUP TRIBE OF INDIANS

CLOYD, DAVID L
69-45128

COLBY, KEVIN W
69-45280

CRAIG, WILLIE J II
69-32210

DEBRUYN, MICHAEL J
69-45135

HILARIO, MELINDA P
69-45179

HOLLEY, JOCELYN M
69-45131

JUAREZ, OLIVIA C
69-45192

LE, HAU P
69-45219

LEILUA, VICTORIA L
69-45221

MANGRUM, ROBERT C II
69-45222

MARKLEY, ASHLEI H
69-45277

MONTOYA-WEEDON, SEBASTIAN S
69-45130

NICHOLS, BREANN N
69-45134

QUINN, CAMERON J
69-45223

RAMOS, MARIA C
69-45132

RODARTE, RAOUEL M
69-27030

SAMOL, ANGELY R
69-39570

SANTOS, REYNA Y
69-45129

SEAR, KAVIE K
69-45156

STOKES, BRANDI G
69-45157

TOWNE, BARBARA S
69-45133

WALLACE, TATIYANA R
69-45167

WHITE PORTER, DIONNA P
69-45178

YOK, SANNAROUTH
69-45220

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

PUYALLUP TRIBE OF INDIANS

YOUNG, BRIAN N
69-45239

QUINAULT NATION

STREETER, SHAYLEE L
69-45216

SPOKANE TRIBE

EDGEMON, DARYN J
69-45121

KAPIKO, VAUGHN K
69-45145

MCDONALD, GERALDINE L
69-24050

MILLER, EDNA S
69-45227

SQUAXIN ISLAND TRIBE

AITORO, NICHOLAS A
69-07477

BARON, JON R
69-45217

BRATTON, RYAN S
69-45182

DAY, NGOZI C
69-45140

GASPAR GASPAR, MATEO
69-45187

KITTINGER, JEFFREY G
69-45186

STJOHN, CHRISTOPHER A
69-45181

TRAN, VINH PHU D
69-45177

WARREN, DANIELLE A
69-45185

STILLAGUAMISH TRIBE

BUCHANAN, RICKY A
69-45144

GENG, XIAOHAN
69-45143

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

STILLAGUAMISH TRIBE

GROSE, JOHN W JR
69-45242

JOHNSON, PATRICIA C
69-45171

MARTINEZ, RICHARD C
69-45183

MURPHY, KRISTOPHER M
69-45236

PANDURO, FABIAN E
69-45172

PATTAVINA, ELISABETH C
69-45173

PHILLIPS, IVAN N JR
69-45237

REIF, LILY M
69-45142

WITTE, JUSTIN D
69-45241

SUQUAMISH TRIBE

ALLEN, ELSIE V
69-45261

BRENENSTAHL, BRANDON D
69-45260

BRINK, JESSICA L
69-45170

EDWARDS, PATRICIA E
69-45190

MORGAN, VICTOR R
69-45234

MORRISON, MADISON J
69-19673

NASH, HALEY S
69-45259

PAULUS, NASTASSJA N
69-45189

RICHEY, DANI M
69-45235

THAPA, SHANTANU
69-45152

SWINOMISH INDIAN TRIBAL COMMUNITY

CASAREZ, EDUARDO
69-45105

CAYOU, BENJAMIN A
69-45194

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

SWINOMISH INDIAN TRIBAL COMMUNITY

KRETCHMAN, KEITH A II
69-45191

LEDGERWOOD, LARRY J
69-45161

MIESLE, CHRISTIAN N
69-45104

THE TULALIP TRIBES

CARPENTER, SAUSHA S
69-29434

ELLWOOD, KYLER S
69-45124

ENICK, MADISEN K
69-39971

GINN, DAVID A
69-45120

HAMILTON, DONOVAN R
69-45162

HENDERSON, PAULINE D
69-36747

HO, HAI H
69-45226

HORNE, MICHAEL A
69-45203

JONES, EMILY A
69-45174

KARP, ZACHARY P
69-45101

NELSON, TANYA M
69-45175

PETRULLO, CHARLES G
69-26680

PRASAD, RADNESH
69-45141

STUDINARZ, EDWARD J
69-45202

UPPER SKAGIT INDIAN TRIBE

BAKER, JANET L
69-18961

COBB, TIMOTHY J JR
69-45125

GARCIA CESAREO, LUCIA
69-45211

HAMM, CATHRYN E
69-45180

PERSON'S NAME

CERTIFICATION / ELIGIBILITY NUMBER

NEW APPLICATIONS

CLASS III GAMING EMPLOYEE

UPPER SKAGIT INDIAN TRIBE

INGRAM, AYL A S
69-45263

KNIGHT, KAYLEE A
69-45127

MAURER, AARON B
69-26946

PUENTE IBARRA, BERENICE
69-45208

SCHANER, BRENT W
69-45169

THOMPSON, JOEL M
69-45233

YAKAMA NATION

BAYS, ELIZABETH E
69-31235

DEGRAAF, HENRY E
69-45229

GEORGE, LILLIAN E
69-33435

GONZALES, ANDREW L
69-45231

HERNANDEZ, FERMIN JR
69-20113

HICKS, AARON L
69-45225

HUNT, SOPHIA F
69-45158

JIM, SIMEON J
69-44745

OLNEY, REYANN K
69-45228

PETERS, JOZ M
69-45257

TURNEY, STEPHEN R
69-31832



HOUSE-BANKED PUBLIC CARD ROOM REPORT

Current House- Banked Locations Operating					46
	City	Commission Approval Date	License Expiration Date	Org #	License #
ACES CASINO ENTERTAINMENT	SPOKANE	Mar 13, 2014	Dec 31, 2018	00-23112	67-00325
ALL STAR CASINO	SILVERDALE	Jan 14, 1999	Jun 30, 2019	00-18357	67-00058
BLACK PEARL RESTAURANT & CARD ROOM	SPOKANE VALLEY	Jan 10, 2013	Sep 30, 2018	00-22440	67-00321
BUZZ INN STEAKHOUSE/EAST WENATCHEE	EAST WENATCHEE	Oct 10, 2002	Dec 31, 2018	00-11170	67-00183
CARIBBEAN CARDROOM	KIRKLAND	Aug 13, 2009	Mar 31, 2019	00-21882	67-00285
CASINO CARIBBEAN	YAKIMA	Mar 14, 2002	Dec 31, 2018	00-17603	67-00093
CASINO CARIBBEAN	KIRKLAND	Nov 15, 2005	Sep 30, 2018	00-20427	67-00238
CHIPS CASINO/LAKEWOOD	LAKEWOOD	Apr 8, 1999	Dec 31, 2018	00-17414	67-00020
CLUB HOLLYWOOD CASINO	SHORELINE	Sep 9, 2010	Jun 30, 2019	00-22132	67-00303
COYOTE BOB'S CASINO	KENNEWICK	Jul 10, 2009	Mar 31, 2019	00-21848	67-00282
CRAZY MOOSE CASINO II/MOUNTLAKE TERRACE	MOUNTLAKE TERRACE	Jul 10, 2009	Mar 31, 2019	00-21849	67-00283
CRAZY MOOSE CASINO/PASCO	PASCO	Jul 10, 2009	Mar 31, 2019	00-21847	67-00281
EMERALD DOWNS	AUBURN	May 11, 2017	Mar 31, 2019	00-23814	67-00335
FORTUNE CASINO	TUKWILA	Oct 8, 2015	Jun 30, 2019	00-23465	67-00329
FREDDIE'S CLUB	RENTON	Jan 8, 2015	Sep 30, 2018	00-23339	67-00327
GOLDIE'S SHORELINE CASINO	SHORELINE	May 13, 1999	Dec 31, 2018	00-17610	67-00016
GREAT AMERICAN CASINO/DES MOINES	DES MOINES	Jul 13, 2017	Mar 31, 2019	00-23795	67-00334
GREAT AMERICAN CASINO/EVERETT	EVERETT	Nov 12, 1998	Dec 31, 2018	00-19513	67-00194
GREAT AMERICAN CASINO/LAKEWOOD	LAKEWOOD	Aug 14, 2003	Jun 30, 2019	00-19258	67-00184
GREAT AMERICAN CASINO/TUKWILA	TUKWILA	Jan 15, 1998	Sep 30, 2018	00-12554	67-00012
HAWKS PRAIRIE CASINO	LACEY	Jul 12, 2001	Jun 30, 2019	00-17579	67-00091
IRON HORSE CASINO	AUBURN	Jan 9, 2003	Dec 31, 2018	00-19477	67-00192

JL

Current House- Banked Locations Operating

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	City	Commission Approval Date	License Expiration Date	Org #	License #
JOKER'S CASINO SPORTS BAR & FIESTA CD RM	RICHLAND	Nov 12, 1998	Dec 31, 2018	00-15224	67-00006
LANCER LANES/REST AND CASINO	CLARKSTON	Nov 13, 2008	Sep 30, 2018	00-21681	67-00276
LAST FRONTIER	LA CENTER	Feb 11, 1999	Sep 30, 2018	00-11339	67-00055
LILAC LANES & CASINO	SPOKANE	Jul 12, 2007	Jun 30, 2019	00-21305	67-00267
LUCKY 21 CASINO	WOODLAND	Oct 8, 2013	Jun 30, 2019	00-22918	67-00322
MACAU CASINO	LAKEWOOD	Jul 12, 2007	Mar 31, 2019	00-20428	67-00239
MACAU CASINO	TUKWILA	Jan 12, 2012	Sep 30, 2018	00-22573	67-00319
NOB HILL CASINO	YAKIMA	Sep 12, 2001	Dec 31, 2018	00-13069	67-00173
PALACE CASINO LAKEWOOD	LAKEWOOD	Jan 14, 1999	Dec 31, 2018	00-16542	67-00028
PAPAS CASINO RESTAURANT & LOUNGE	MOSES LAKE	Aug 13, 1998	Jun 30, 2019	00-02788	67-00004
RC'S AT VALLEY LANES	SUNNYSIDE	Nov 16, 2017	Mar 31, 2019	00-16220	67-00336
RIVERSIDE CASINO	TUKWILA	Aug 14, 2003	Jun 30, 2019	00-19369	67-00187
ROMAN CASINO	SEATTLE	Feb 10, 2000	Mar 31, 2019	00-17613	67-00057
ROXY'S BAR & GRILL	SEATTLE	Nov 18, 2004	Jun 30, 2019	00-20113	67-00231
ROYAL CASINO	EVERETT	Sep 9, 2010	Jun 30, 2019	00-22130	67-00301
SILVER DOLLAR CASINO/MILL CREEK	BOTHELL	Sep 9, 2010	Jun 30, 2019	00-22131	67-00302
SILVER DOLLAR CASINO/RENTON	RENTON	Sep 9, 2010	Jun 30, 2019	00-22134	67-00305
SILVER DOLLAR CASINO/SEATAC	SEATAC	Sep 9, 2010	Jun 30, 2019	00-22128	67-00299
SLO PITCH PUB & EATERY	BELLINGHAM	Aug 12, 1999	Jun 30, 2019	00-16759	67-00038
THE GETAWAY CASINO	WALLA WALLA	Mar 11, 2016	Jun 30, 2019	00-23485	67-00332
THE PALACE	LA CENTER	Apr 9, 1998	Jun 30, 2019	00-16903	67-00010
WILD GOOSE CASINO	ELLENSBURG	Apr 8, 2004	Dec 31, 2018	00-20009	67-00212
WIZARDS CASINO	BURIEN	Feb 11, 2010	Dec 31, 2018	00-21998	67-00287
ZEPOZ	PULLMAN	Nov 13, 2008	Mar 31, 2019	00-18777	67-00209

Licensed, But Not Operating						1
	City	Commission Approval Date	License Expiration Date	Org #	License #	
CLEARWATER SALOON & CASINO	EAST WENATCHEE	Apr 9, 2015	Dec 31, 2018	00-23386	67-00328	

Applications Pending						1
	City	Commission Approval Date	License Expiration Date	Org #	License #	
REGINA'S ON THE WATER	LONGVIEW			00-23997	67-00337	



STATE OF WASHINGTON
GAMBLING COMMISSION

“Protect the Public by Ensuring that Gambling is Legal and Honest”

September 1, 2018

TO: COMMISSIONERS:
Bud Sizemore, Chair
Julia Patterson, Vice Chair
Christopher Stearns
Ed Troyer
Alicia Levy

FROM: Haylee P. Mills, Staff Attorney
Legal and Records Division

SUBJECT: David K. Duong, CR 2017-01131
Final Order – September 13, 2018 Commission Meeting

Mr. David K. Duong had a gambling license authorizing Public Card Room Employee activity at Emerald Downs Casino in Auburn and Fortune Casino in Tukwila, Washington, and Class III Certification Number 69-36969, authorizing Class III Employee activity at Snoqualmie Casino in Snoqualmie, Washington. His license and certification expired on March 9, 2018.

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

On August 14, 2017, Mr. Duong played Mini-Baccarat at Macau Casino in Tukwila, Washington. On one hand, Mr. Duong placed bets totaling \$1,000.00, and upon losing the hand, threw his cards in the air toward the dealer. While the dealer and floor supervisor gathered the cards from the floor, Mr. Duong took the \$1,000.00 bet he lost, from the table. When asked to return the chips by the floor supervisor, Mr. Duong refused, but threw the chips back onto the table after the floor supervisor called the surveillance department. Mr. Duong then threw a water bottle against a wall, punched an ATM, kicked over a garbage can, and pushed over a large cigarette disposal unit as he left the casino. In an interview conducted by a Gambling Commission special agent, Mr. Duong admitted to taking the chips and indicated he knew it was wrong.

On November 3, 2017, the Snoqualmie Gambling Commission suspended Mr. Duong’s tribal gaming license as a result of the above incident, and entered a final written decision revoking Mr. Duong’s tribal license on January 12, 2018. Mr. Duong did not appeal the revocation.

Director Trujillo issued a Notice of Administrative Charges on February 19, 2018, that was sent to Mr. Duong by regular and certified mail to the last address on file with the Gambling

Default Hearing – David K. Duong

September 13, 2018

Page 2

Commission on February 20, 2018. The Commission received a request for hearing on March 1, 2018, and a prehearing conference was scheduled for July 19, 2018. Mr. Duong was sent notice of the prehearing conference on July 5, 2018. Mr. Duong failed to appear at the prehearing conference and a dismissal order was issued on July 23, 2018. No further communication from Mr. Duong has been received by the Commission as of the date of this memo.

Mr. Duong's failure to attend or participate in a hearing or other stage of an adjudicative proceeding is a waiver of Mr. Duong's right to a hearing in Case No. CR 2017-01131. You may take final action against his gambling license and certification. Based on his conduct, Mr. Duong cannot show by clear and convincing evidence that he is qualified to keep his gambling license and certification. Therefore, staff recommends that the Commission sign the proposed final order and revoke David K. Duong's Public Card Room Employee License, Number 68-34384 and Class III Certification, Number 69-36969.



STATE OF WASHINGTON
GAMBLING COMMISSION

“Protect the Public by Ensuring that Gambling is Legal and Honest”

September 1, 2018

TO: COMMISSIONERS:
Bud Sizemore, Chair
Julia Patterson, Vice Chair
Christopher Stearns
Ed Troyer
Alicia Levy

FROM: Haylee P. Mills, Staff Attorney
Legal and Records Division

SUBJECT: Dung D. Phan, CR 2018-00006
Final Order – September 13, 2018 Commission Meeting

Mr. Dung D. Phan had a gambling license authorizing Public Card Room Employee activity at Riverside Casino in Tukwila, Washington. His license expired on January 19, 2018.

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. Mr. Phan pled guilty and was convicted of Manufacturing a Controlled Substance in King County Superior Court on March 22, 2017. Mr. Phan did not timely inform the Gambling Commission of his March 22, 2017 conviction until he submitted his December 2017 renewal application.

Director Trujillo issued a Notice of Administrative Charges on February 1, 2018, that was sent to Mr. Phan by regular and certified mail to the last address the Gambling Commission had on file on February 1, 2018. The Commission received a request for hearing on February 14, 2018, and a prehearing conference was scheduled for July 24, 2018. Mr. Phan was sent notice of the prehearing conference on July 16, 2018 to the last address on file. Mr. Phan was also notified of the July 24, 2018 prehearing conference in a Prehearing Conference Order sent to him on May 14, 2018, to the last address on file. Mr. Phan failed to appear at the prehearing conference, and an order dismissing appeal was issued on July 25, 2018. No further communication from Mr. Phan has been received by the Commission as of the date of this memo.

Mr. Phan’s failure to attend or participate in a hearing or other stage of an adjudicative proceeding is a waiver of Mr. Phan’s right to a hearing in Case No. CR 2018-00006. You may take final action against his gambling license. Based on his conduct, Mr. Phan cannot show by clear and convincing evidence that he is qualified to keep his gambling license. Therefore, staff recommends that the Commission sign the proposed final order and revoke Dung D. Phan’s Public Card Room

Default Hearing – Dung D. Phan
September 13, 2018
Page 2

Employee License, Number 68-18855.



STATE OF WASHINGTON
GAMBLING COMMISSION

“Protect the Public by Ensuring that Gambling is Legal and Honest”

September 1, 2018

TO: COMMISSIONERS:
Bud Sizemore, Chair
Julia Patterson, Vice Chair
Christopher Stearns
Ed Troyer
Alicia Levy

FROM: Haylee P. Mills, Staff Attorney
Legal and Records Division

**SUBJECT: Bank Tavern, CR 2018-00201
Final Order – September 13, 2018 Commission Meeting**

Bank Tavern submitted a Punchboard/Pull-Tab Class “I” License application on October 18, 2017.

Bank Tavern was previously licensed for Punchboard/Pull-Tab activity between 1996 and 2015, through the owner, Billie Casey. On August 11, 2015, Ms. Casey passed away and Bank Tavern’s gambling license became void. On September 9, 2015, the Gambling Commission received a renewal application for Bank Tavern. Contrary to the Gambling Commission-requirement that the highest ranking member sign the application, only the manager signed, and the death of Billie Casey was not reported to the Gambling Commission.

Gambling Commission staff were finally notified of Ms. Casey’s death, and on May 31, 2016, staff notified Bank Tavern that it needed to submit a transfer application. On September 27, 2016, instead of submitting a transfer application, Bank Tavern submitted a renewal application; contrary to the Gambling Commission requirement that the highest ranking member sign the application, again only the manager signed. Though the 2016 renewal application should have been denied, the license was renewed by mistake, and subsequently lapsed on September 30, 2017. Gambling Commission staff confirmed, however, that Bank Tavern continued to operate Punchboard/Pull-tab activity until October 2, 2017. Bank Tavern earned approximately \$283,173.00 from unlicensed punchboard/pull-tab activities from August, 2015 to October 2, 2017.

Director Trujillo issued a Notice of Administrative Charges on July 17, 2018, that was sent to Bank Tavern by regular and certified mail to the last address the Gambling Commission had on file on July 17, 2018. The certified mail was returned on August 15, 2018 as “Return to Sender, Unclaimed, Unable to Forward.” The regular mail was not returned. As of the date of this memo, the Commission has not received a response from Bank Tavern.

Default Hearing – Bank Tavern

September 13, 2018

Page 2

Bank Tavern's failure to respond to the charges or request a hearing is a waiver of Bank Tavern's right to a hearing in Case No. CR 2018-00201. You may take final action against Bank Tavern's gambling license application. Based on its conduct, Bank Tavern cannot show by clear and convincing evidence that it is qualified for a gambling license. Therefore, staff recommends that the Commission sign the proposed final order and deny Bank Tavern's Punchboard/Pull-Tab Class "T" License application.



STATE OF WASHINGTON
GAMBLING COMMISSION

“Protect the Public by Ensuring that Gambling is Legal and Honest”

September 1, 2018

TO: COMMISSIONERS:
Bud Sizemore, Chair
Julia Patterson, Vice Chair
Christopher Stearns
Ed Troyer
Alicia Levy

FROM: Haylee P. Mills, Staff Attorney
Legal and Records Division

SUBJECT: Quinton D. Jordan, CR 2018-00539
Final Order – September 13, 2018 Commission Meeting

Mr. Quinton D. Jordan had a gambling license authorizing Public Card Room Employee activity at Roxy’s Bar and Grill in Seattle, Washington. His license expires on January 27, 2019.

Mr. Jordan was first licensed by the Gambling Commission in January 2018. Mr. Jordan’s gambling license application required him to disclose all possible criminal history, but Mr. Jordan did not disclose his criminal history on his application. The application includes a statement before the signature line indicating “I declare under penalty of perjury, under the laws of the state of Washington, that all information provided in this application is true and complete to the best of my knowledge. I understand that untruthful, misleading, or incomplete answers whether through misrepresentation, concealment, inadvertence, or mistake, are cause for denial of an initial application or revocation of any gambling license...” Mr. Jordan did not disclose his convictions for felony possession of a controlled substance in King County Superior Court Case Number 05-1-10851-3 in 2006, and resisting arrest in King County District Court Number 211189945 in 2011.

Director Trujillo issued a Notice of Administrative Charges on April 30, 2018, that was sent to Mr. Jordan by regular and certified mail to the last address the Gambling Commission had on file on May 1, 2018. The Commission received a request for hearing on May 18, 2018, and a prehearing conference was scheduled for August 1, 2018. Mr. Jordan was sent notice of the prehearing conference on July 13, 2018 to his last address on file. Mr. Jordan failed to appear at the prehearing conference, and a dismissal order was issued on August 2, 2018. No further communication from Mr. Jordan has been received by the Commission as of the date of this memo.

Mr. Jordan’s failure to attend or participate in a hearing or other stage of an adjudicative proceeding is a waiver of Mr. Jordan’s right to a hearing in Case No. CR 2018-00539. You may take final action against his gambling license. Based on his conduct, Mr. Jordan cannot show by

Default Hearing – Quinton D. Jordan

September 13, 2018

Page 2

clear and convincing evidence that he is qualified to keep his gambling license. Therefore, staff recommends that the Commission sign the proposed final order and revoke Quinton D. Jordan's Public Card Room Employee License, Number 68-34672.



STATE OF WASHINGTON
GAMBLING COMMISSION

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

August 22, 2018

TO: **COMMISSIONERS:**
Bud Sizemore, Chair
Julia Patterson, Vice Chair
Christopher Stearns
Ed Troyer
Alicia Levy

FROM: Tina Griffin, Assistant Director of the Licensing, Regulation, and Enforcement Division

SUBJECT: **NRA Foundation Inc.'s Request to Offer Raffle Prizes that Exceed \$300,000 During the License Year Ending September 30, 2018**

Background:

Our rules require licensees to get your approval prior to offering raffle prizes that exceed \$300,000 in a license year, WAC 230-11-067.

To seek that approval, the licensee must submit a raffle plan that includes:

- (a) The organization's goals for conducting raffles; and
- (b) A brief overview of the licensee's mission and vision including the type of programs supported by the licensee and clients served; and
- (c) Plans for selling raffle tickets; and
- (d) Brief overview of prizes awarded; and
- (e) Estimated gross gambling receipts, expenses, and net income for the raffles; and
- (f) Any other information that we request or any information the licensee wishes to submit.

Request for Your Approval:

On July 26, 2018, the NRA Foundation, Inc. submitted a letter seeking your approval to offer raffle prizes over \$300,000 for their license year ending September 30, 2018. Their letter includes their raffle plan. The NRA also provided information on how they have used their gambling proceeds for their stated purpose within Washington.

Staff recommends you approve the NRA Foundation, Inc. to offer raffle prizes in excess of \$300,000 for the remainder of their license year ending September 30, 2018.

Attachments



July 26, 2018

Washington State Gambling Commission
4565 7th Avenue SE
Lacey, WA 98503

RE: NRA Foundation Inc/State Fund Committee (00-22598) request for additional prizes

Dear Sir/Madam:

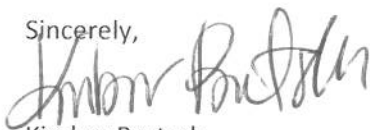
Please accept this letter as The NRA Foundation's request to exceed the \$300,000.00 prize limits pursuant to WAC 230-11-067(3). Each year the NRA Foundation's goal is to maximize funds raised through dinners, auctions, and raffles in order to continue to support the Foundation's charitable and educational mission. The Foundation is a 501(c)(3) public charity and is apolitical. It does not engage in political or lobbying activities. Instead, funds raised by the Foundation are used to make grants to support qualified groups and activities such as competitive shooting teams, youth firearm safety and educational programs, hunter education, range development and improvement, women's training seminars, law enforcement, Boy and Girl Scouts, 4-H, and wildlife conservation efforts among many others.

Committees will continue to sell raffle tickets face to face and at banquets pursuant to the Washington Gambling Commission's rules and regulations. Raffle prizes will include a wide variety of firearms as well as a variety of outdoor and other related merchandise. Prizes will include both donated and purchased merchandise. The Foundation expects estimated gross gambling receipts of \$880,000.00, estimated prize costs of \$400,000.00, and an estimated net of \$480,000.00.

Thank you very much for your consideration in approving this requested increase. Allowing the Foundation to increase the prize amounts will also increase grants to qualified groups and activities in the State of Washington.

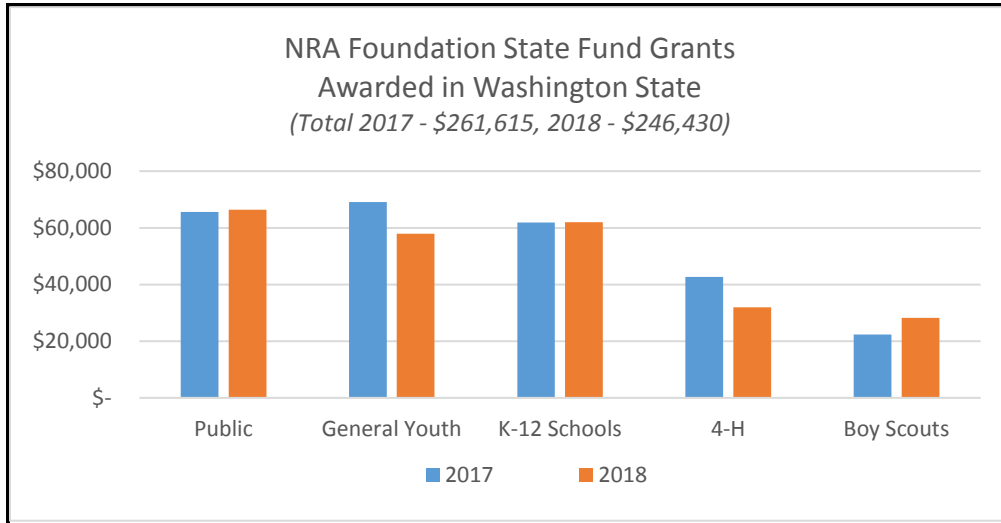
Should you need anything additional or have any questions, please do not hesitate to contact me at (703) 267-1349 or by email kbratsch@nrahq.org.

Sincerely,

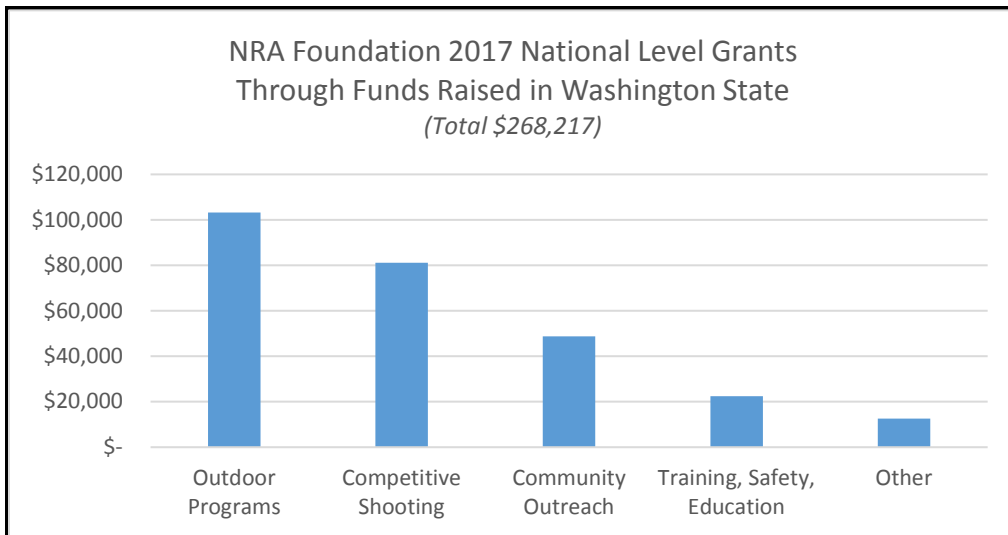


Kimber Bratsch
Compliance Manager

The NRA Foundation has awarded over \$4 million in grants directly to local Washington State area programs since inception in 1990, through its State Fund Grant program. Funds raised at events held in Washington State also provide funding for national level grants. The charts below provide grant details for the two most recent years. (Notes: 2018 State Fund is YTD 7/31; the distribution of national level grants is completed at year-end and is not yet available for 2018.)



Public – includes a broad spectrum of programs that promote firearms safety and education with access to the public at large
General Youth – includes programs that promote firearms safety and education designed specifically for youth, including Young Marines, marksmanship teams, FFA, YHEC and others
K-12 Schools – includes JROTC, scholastic clays and other team programs held through K-12 public and private school systems, teaching safety, responsibility and discipline



Outdoor Programs – includes a broad spectrum of outdoor programs that promote firearms safety and education with access to the public at large
Competitive Shooting – includes tactical police competitions, disabled shooting tournaments, collegiate competitions and other competitive shooting programs
Community Outreach – includes Eddie Eagle GunSafe® program, Refuse To Be A Victim®, National Firearms Museum, media outreach programs, law enforcement awards and scholarships
Training, Safety, Education – includes law enforcement and general training programs



STATE OF WASHINGTON
GAMBLING COMMISSION

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

August 22, 2018

TO: COMMISSIONERS:
Bud Sizemore, Chair
Julia Patterson, Vice Chair
Christopher Stearns
Ed Troyer
Alicia Levy

FROM: Tina Griffin, Assistant Director of the Licensing, Regulation, and Enforcement Division

SUBJECT: NRA Foundation Inc.'s Request to Offer Raffle Prizes that Exceed \$300,000 During the License Year Ending September 30, 2019

Background:

Our rules require licensees to get your approval prior to offering raffle prizes that exceed \$300,000 in a license year, WAC 230-11-067.

To seek that approval, the licensee must submit a raffle plan that includes:

- (a) The organization's goals for conducting raffles; and
- (b) A brief overview of the licensee's mission and vision including the type of programs supported by the licensee and clients served; and
- (c) Plans for selling raffle tickets; and
- (d) Brief overview of prizes awarded; and
- (e) Estimated gross gambling receipts, expenses, and net income for the raffles; and
- (f) Any other information that we request or any information the licensee wishes to submit.

Request for Your Approval:

On August 16, 2018, the NRA Foundation, Inc. submitted a letter seeking your approval to offer raffle prizes over \$300,000 for their license year ending September 30, 2019. Their letter includes their raffle plan and how they have used their gambling proceeds for their stated purpose within Washington.

Staff recommends you approve the NRA Foundation, Inc. to offer raffle prizes in excess of \$300,000 for their license year beginning October 1, 2018 and ending September 30, 2019.

Attachments





August 16, 2018

Washington State Gambling Commission
4565 7th Avenue SE
Lacey, WA 98503

RE: NRA Foundation Inc/State Fund Committee (00-22598) request for additional prizes for license year 10/1/2018 – 9/30/2019

Dear Sir/Madam:

Please accept this letter as The NRA Foundation's request to exceed the \$300,000.00 prize limits pursuant to WAC 230-11-067(3) for the license year October 1, 2018 through September 30, 2019. Each year the NRA Foundation's goal is to maximize funds raised through dinners, auctions, and raffles in order to continue to support the Foundation's charitable and educational mission. The Foundation is a 501(c)(3) public charity and is apolitical. It does not engage in political or lobbying activities. Instead, funds raised by the Foundation are used to make grants to support qualified groups and activities such as competitive shooting teams, youth firearm safety and educational programs, hunter education, range development and improvement, women's training seminars, law enforcement, Boy and Girl Scouts, 4-H, and wildlife conservation efforts among many others.

Committees will continue to sell raffle tickets face to face and at banquets pursuant to the Washington Gambling Commission's rules and regulations. Raffle prizes will include a wide variety of firearms as well as a variety of outdoor and other related merchandise. Prizes will include both donated and purchased merchandise. The Foundation expects estimated gross gambling receipts for the 2018-2019 licensing year of \$1,000,000.00, estimated prize costs of \$500,000.00, and an estimated net of \$500,000.00. The estimation reflects extra raffle events that have moved from the current licensing year to the 2018-2019 licensing year.

Thank you very much for your consideration in approving this requested increase. Allowing the Foundation to increase the prize amounts will also increase grants to qualified groups and activities in the State of Washington.

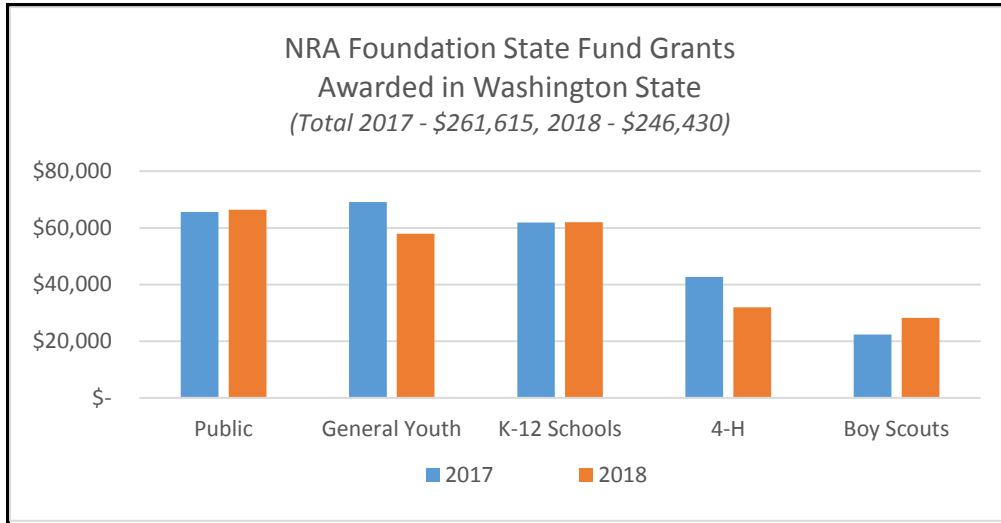
Should you need anything additional or have any questions, please do not hesitate to contact me at (703) 267-1349 or by email kbratsch@nrahq.org.

Sincerely,

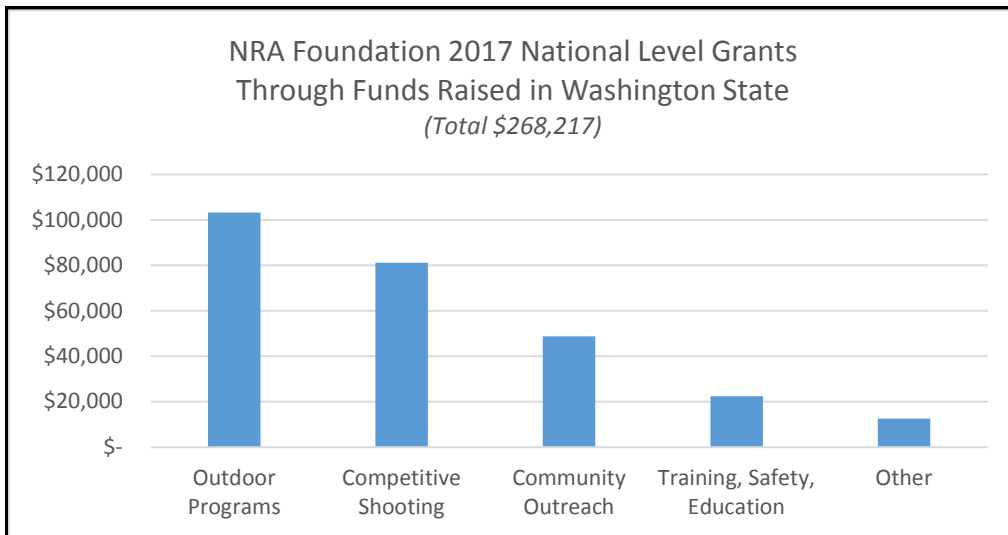
A handwritten signature in black ink that reads "Kimber Bratsch". The signature is written in a cursive, flowing style.

Kimber Bratsch
Compliance Manager

The NRA Foundation has awarded over \$4 million in grants directly to local Washington State area programs since inception in 1990, through its State Fund Grant program. Funds raised at events held in Washington State also provide funding for national level grants. The charts below provide grant details for the two most recent years. (Notes: 2018 State Fund is YTD 7/31; the distribution of national level grants is completed at year-end and is not yet available for 2018.)



- Public** – includes a broad spectrum of programs that promote firearms safety and education with access to the public at large
- General Youth** – includes programs that promote firearms safety and education designed specifically for youth, including Young Marines, marksmanship teams, FFA, YHEC and others
- K-12 Schools** – includes JROTC, scholastic clays and other team programs held through K-12 public and private school systems, teaching safety, responsibility and discipline



- Outdoor Programs** – includes a broad spectrum of outdoor programs that promote firearms safety and education with access to the public at large
- Competitive Shooting** – includes tactical police competitions, disabled shooting tournaments, collegiate competitions and other competitive shooting programs
- Community Outreach** – includes Eddie Eagle GunSafe® program, Refuse To Be A Victim®, National Firearms Museum, media outreach programs, law enforcement awards and scholarships
- Training, Safety, Education** – includes law enforcement and general training programs



Petition for Rule Change to
WAC 230-15-610 Preparing to conduct a count
WAC 230-15-615 Conducting the count

September 2018 – Discussion and Possible Filing
April 2018 – Soft Count Demonstration
March 2018 – Request to Initiate Rule-Making

Tab 4: SEPTEMBER 2018 Commission Meeting Agenda. 9.46.070	Statutory Authority
Who Proposed the Rule Change?	
Stacy Hess, Great American Gambling Corporation, Tukwila, WA.	
Background	
<p>Ms. Hess requested a rule change to allow a card room to have two people, instead of the currently required three people, conduct a soft count if the licensee uses an automated bill counter.</p> <p>The Commission accepted the petition at the March 15, 2018 public meeting. A demonstration of how an automated bill counter is used during soft count occurred at the April 12, 2018 public meeting.</p>	
Rule Changes and Licensees Impacted	
<p>Currently all 46 house-banked card rooms must use a three member soft count team. With the proposed rules, soft count requirements would be based on the card room’s gross gambling receipts in their previous license year.</p> <p>We looked at the soft count team requirements in ten states. Six states require a three-member soft count team; the other four allowed two member teams. The rule changes for discussion and possible filing this month align with the soft count requirements of other states and our tribal facilities while still meeting the petitioner’s needs.</p> <p>On August 3, 2018, we sent a summary of the rule changes and the proposed rule language to the house-banked card room licensees (HBCR).</p> <p>Attachments:</p> <ul style="list-style-type: none"> • August 3, 2018 email to HBCR licensees with a summary of the rule changes and proposed rule language. • Email from Phil Ziegler, Manager, Emerald Downs. 	

Summary of proposed rule changes:

Card Room Gross Gambling Receipts in the Previous Fiscal Year	Rule Changes	Requirements for Currency Counter Used with a Two Person Count Team	Changes to the Count Process if a Currency Counter is Used with a Two Person Count Team	Number of HBCRs Based on 2016 Fiscal Year Reporting Information
Less than \$5 million	<ul style="list-style-type: none"> • Two person team allowed with approval. • The approval process for a two person count team. • A surveillance employee must observe the entire count process. 			27
Between \$5 million and \$15 million	<ul style="list-style-type: none"> • Two person count team allowed, with approval, if a currency counter is used as outlined in the rule. • The approval process for a two person count team. • A surveillance employee must observe the entire count process as it occurs. • New requirements for currency counters used with a two person count team. • Changes to the count process if a currency counter is used with a two person count team. 	<ul style="list-style-type: none"> • Must automatically provide two separate counts of the funds at different stages in the count process. • Display the total bill count and dollar amount on a screen that will be recorded by surveillance during the count. 	<ul style="list-style-type: none"> • Prior to each count, the accuracy of the currency counter must be verified. • Able to combine currency from a drop box to be counted by currency counter. • A surveillance employee must record in the surveillance log the currency verification amount prior to the count, the total bill and dollar count of each drop box and the combined dollar count of all drop boxes as the count is occurring. 	21
More than \$15 million	<ul style="list-style-type: none"> • A surveillance employee must observe the entire count process as it occurs. 			1
New HBCR	<ul style="list-style-type: none"> • Must have a three person count team until the licensee submits financial statements to us indicating their card room gross gambling receipts in their previous license year. 			

Stakeholder Feedback
Phil Ziegler from Emerald Downs sent an email in support.
Staff Recommendation
Staff recommends filing for further discussion.

Amended

WAC 230-15-610

Preparing to conduct a count.

(1) House-banked card game licensees must assign licensed employees to conduct the count. ~~The count team must be made up of three or more licensed employees.~~ The count team must not include anyone who works in the surveillance department or whose duties included preparing, approving, or reviewing records used in the ~~ea~~ specific count process. Count team requirements are based on the licensee's card room gross gambling receipts in their previous fiscal year:

<u>Card Room Gross Gambling Receipts</u>	<u>Minimum Count Team Requirements</u>
<u>Less than \$5 million</u>	<u>Two person count team</u>
<u>\$5 million to \$15 million</u>	<u>Three person count team or two person count team if a currency counter is used as outlined in this chapter.</u>
<u>More than \$15 million</u>	<u>Three person count team</u>
<u>A new house-banked card room whose financial statements have not yet been submitted to us</u>	<u>Three person count team</u>

(2) Prior to using a two person count team, the licensee must receive approval from the director or their designee. The approval will be based on the licensee:

(a) Meeting the card room gross gambling receipts requirements in their previous fiscal year; and

(b) Having internal controls in place to prevent both under-reporting and misappropriation of funds; and

(c) Having demonstrated following their internal controls to prevent both under-reporting and misappropriation of funds based on their administrative history; and

(d) Having a currency counter, which complies with commission rules, and internal controls for the use of the currency counter. This applies for those licensees with card room gross gambling receipts of \$5 million to \$15 million.

(3) Licensees must accurately count and record the contents of drop boxes to ensure the proper accountability of all gambling chips, coin, and currency. The count must be done at least once each gambling day.

(4) If a cage cashier completes the opener, closer, fills, and credits portions of the master game report, the cashier sends the original master game report to the count team for completion. The cage cashier must immediately send a copy directly to the accounting department.

(5) A count team member must notify the surveillance room observer that the count is about to begin. The surveillance employee must then observe the count as it occurs and make a video and audio recording of the entire count process.

(65) Before opening drop boxes, the count team must lock the door to the count room. Licensees must permit no person to enter or leave the count room, except for a normal work break or an emergency, until the count team has completed the entire counting, recording, and verification process for the contents of drop boxes.

[Statutory Authority: RCW [9.46.070](#). WSR 07-09-033 (Order 608), § 230-15-610, filed 4/10/07, effective 1/1/08.]

Amended

WAC 230-15-615 Conducting the count.

(1) All house-banked card room licensees must have a three person count team except as set forth in subsection (2). The three person count team must conduct the count as follows:

(a) The contents of drop boxes must not be combined before the count team separately counts and records the contents of each box; and

(b) As each drop box is placed on the count table, a count team member must announce the game, table number, and shift, if applicable, loudly enough to be heard by all persons present and to be recorded by the audio recording equipment; and

(c) A count team member must empty the contents onto the count table; and

(d) Immediately after the contents are emptied onto the count table, a count team member must display the inside of the drop box to the closed circuit television camera, and show it to at least one other count team member to confirm that all contents of the drop box have been removed. A count team member must then lock the drop box and place it in the drop box storage area; and

(e) Count team member(s) must separate the contents of each drop box into separate stacks on the count table by denominations of coin, chips, and currency and by type of form, record, or document; and

(f) At least two count team members must count, either manually or mechanically, each denomination of coin, chips, and currency separately and independently. Count team members must place individual bills and coins of the same denomination on the count table in full view of the closed circuit television cameras, and at least one other count team member must observe and confirm the accuracy of the count orally or in writing; and

(g) As the contents of each drop box are counted, a member of the count team must record the total amount of coin, chips, and currency counted (the drop) on the master games report; and

(h) If a cage cashier has recorded the opener, closer, fill slips, and credit slips on the master game report before the count, a count team member must compare the series numbers and totals recorded on the master game report to the fill slips, credit slips, and table inventory slips removed from the drop boxes, confirm the accuracy of the totals, and must record, by game and shift, the totals we require on the master game report. Otherwise, the count team must complete all required information on the master game report; and

(i) The accounting department may complete the win/loss portions of the master game report independently from the count team if this is properly documented in the approved internal controls.

(2) House-banked card room licensees may use a two person count team if their card game gross gambling receipts in their previous fiscal year were:

(a) Less than \$5 million; or

(b) Between \$5 million and \$15 million and as part of the count process they use a currency counter that meets the following requirements:

(i) Automatically provides two separate counts of the funds at different stages in the count process. If the separate counts are not in agreement during the count process and the discrepancy cannot be resolved immediately, the count must be suspended until a third count team member is

present to manually complete the count as set forth in subsection (1) until the currency counter is fixed; and

(ii) Displays the total bill count and total dollar amount for each drop box on a screen, which must be recorded by surveillance.

(3) The two person count team must conduct the count as follows:

(a) Immediately prior to the count, the count team must verify the accuracy of the currency counter with previously counted currency for each denomination actually counted by the currency counter to ensure the counter is functioning properly. The test results must be recorded on the table games count documentation and signed by the two count team members performing the test; and

(b) The currency counter's display showing the total bill count and total dollar amount of each drop box must be recorded by surveillance during the count; and

(c) The contents of drop boxes must not be combined before the count team separately counts and records the contents of each box; and

(d) As each drop box is placed on the count table, a count team member must announce the game, table number, and shift, if applicable, loudly enough to be heard by all persons present and be recorded by the audio recording equipment; and

(e) A count team member must empty the contents onto the count table; and

(f) Immediately after the contents are emptied onto the count table, a count team member must display the inside of the drop box to the closed circuit television camera, and show it to the other count team member to confirm that all contents of the drop box have been removed. A count team member must then lock the drop box and place it in the drop box storage area; and

(g) Count team member(s) must combine all currency into one stack and separate the contents of each drop box into separate stacks on the count table by denomination of coin and chips, by type of form, record, or document; and

(h) Count team members must place all of the currency from a drop box into the currency counter which will perform an aggregate count by denomination of all of the currency collected from the drop box; and

(i) One count team member must count each denomination of coin and chips separately and independently. Count team members must place coins of the same denomination on the count table in full view of the closed circuit television cameras, and the other count team member must observe and confirm the accuracy of the count orally or in writing; and

(j) As the contents of each drop box are counted, a member of the count team must record the total amount of coin, chips, and currency counted (the drop) on the master games report; and

(k) As the count is occurring, a surveillance employee must record in the surveillance log the currency counter accuracy information in (3)(a) above, currency verification amount, total bill and dollar count of each drop box and the announcement by the count team of the combined dollar count of all drop boxes; and

(l) If a cage cashier has recorded the opener, closer, fill slips, and credit slips on the master game report before the count, a count team member must compare the series numbers and totals recorded on the master game report to the fill slips, credit slips, and table inventory slips removed from the drop boxes, confirm the accuracy of the totals, and must record, by game and shift, the totals we require on the master game report. Otherwise, the count team must complete all required information on the master game report; and

(m) The accounting department may complete the win/loss portions of the master game report independently from the count team if this is properly documented in the approved internal controls.

[Statutory Authority: RCW3. WSR 07-09-033 (Order 608), § 230-15-615, filed 4/10/07, effective 1/1/08.]

Griffin, Tina (GMB)

From: DONOTREPLY (GMB)
Sent: Friday, August 3, 2018 3:25 PM
To: Griffin, Tina (GMB)
Subject: Gambling Commission seeks comments on petition for rule change
Attachments: Rules.pdf



August 3, 2018

Dear Licensee,

We are seeking your feedback on a petition for rule change to the soft count procedures. Earlier this year, we received a petition for rule change to allow a house-banked card room to have two people, instead of three, conduct the count if the licensee used an automated bill counter. On March 15, 2018, the Commissioners agreed to initiate rule-making.

The proposed rules are attached. The count requirements under the proposed rules would be based on the house-banked card room's gross gambling receipts in their previous license year. A summary of the proposed rule changes are as follows:

Card Room Gross Gambling Receipts in the Previous Fiscal Year	Rule Changes	Requirements for the Currency Counter Used with a Two Person Count Team	Changes to the Count Process if a Currency Counter is Used with a Two Person Count Team	Number of HBCRs Based on 2016 Fiscal Year Reporting Information
Less than \$5 million	<ul style="list-style-type: none">• Two person count team allowed with approval.• The approval process for a two person count team.• A surveillance employee must observe the entire count process as it occurs.			27

Between \$5 million and \$15 million	<ul style="list-style-type: none"> • Two person count team allowed, with approval, if a currency counter is used as outlined in the rule. • The approval process for a two person count team. • A surveillance employee must observe the entire count process as it occurs. • New requirements for currency counters used with a two person count team. • Changes to the count process if a currency counter is used with a two person count team. 	<ul style="list-style-type: none"> • Must automatically provide two separate counts of the funds at different stages in the count process. • Display the total bill count and total dollar amount for each drop box on a screen that must be recorded by surveillance. 	<ul style="list-style-type: none"> • Prior to each count, the accuracy of the currency counter must be verified. • Able to combine currency from a drop box to be counted by currency counter. • A surveillance employee must record in the surveillance log the currency verification amount prior to the count, the total bill and dollar count of each drop box and the combined dollar count of all drop boxes as the count is occurring. 	21
More than \$15 million	<ul style="list-style-type: none"> • A surveillance employee must observe the entire count process as it occurs. 			1
New HBCR	<ul style="list-style-type: none"> • Must have a three member count team until the licensee submits financial statements to us indicating their card room gross gambling receipts in their previous license year. 			

Your feedback is important to us. To submit your comments or questions, please send an email to Tina.Griffin@wsgc.wa.gov or give me a call at 360-486-3546.

We anticipate presenting these rule changes at the September Commission meeting for discussion and possible filing. Meeting information will be posted on our [public meetings webpage](#) about a week prior to the meeting.

Sincerely,

Tina Griffin

Assistant Director

Washington State Gambling Commission



From: Phil Ziegler [mailto:PhilZ@emeralddowns.com]
Sent: Friday, August 3, 2018 3:47 PM
To: Griffin, Tina (GMB) <tina.griffin@wsgc.wa.gov>
Subject: Re: Gambling Commission seeks comments on petition for rule change

Tina,

We are in favor of these changes. Thanks.

Phil Ziegler



**Washington State Gambling Commission
Qualification and Program Review
Spokane Youth Sports Association**

**Part I
Licensing/Organization Information**

For Fiscal Year Ended
December 31, 2016

Name/Address
Spokane Youth Sports Association
1221 N Howard St
Spokane, WA 99201

MEMBERSHIP AND MANAGEMENT

16 Active Voting Members in 2016 consisting of:
3 Officers and 13 Board Member Trustees
12 Board meetings were conducted during 2016
Board member and Officer elections were held on March 22, 2016

ACTIVE LICENSES ISSUED BY GAMBLING COMMISSION

Description/Class	Exp. Date	License Number(s)
Bingo (previously Class I)	6/30/2019	01-02267
Punchboard/Pull Tab (previously Class H)	6/30/2019	05-04753

Organizational Purpose and Structure

Statement of Purpose

Spokane Youth Sports Association is an organization that provides sports activities for all youth where everyone plays, develops skills, is taught good sportsmanship, and learns the value of being a team player. The organization serves youth participants in the Spokane area.

The stated purpose of the organization is to implant in the Youth of Greater Spokane area ideals of good sportsmanship, honesty, loyalty, courage and reverence so they may be finer, stronger, and happier young people who will grow up to be good, clean, healthy adults. This objective is to be reached by providing supervised competitive athletic games. The league officials shall bear in mind at all times that the attainment of the exceptional athletic skill or winning of games is secondary and that the molding of future citizens is the prime importance. Furthermore, all of the participants shall play one-half of every game in which he or she is playing under the SYSA organization, except as otherwise designated by the Executive Committee. All activities shall be fun and enjoyable for all the youths participating.

Charitable/Nonprofit Services

During 2016 Spokane Youth Sports Association expended over \$807,000 for program services and served 6,387 youth participants in the sports programs. The sporting events included: soccer, football, track, cross country, basketball, sports camps and rugby. The organization provides "scholarships" to cover the cost to participate in the youth sporting programs for under privileged youth.

The Spokane Youth Sports Association is advancing the project to build a sports complex on a twenty acre parcel of land donated to the organization. The project is expected to cost approximately six million dollars. The organization is actively fundraising for this venture.

The Spokane Youth Sports Association moved the bingo hall and the organization offices to a new location. This was an unexpected project as the previous building was sold. The combining facilities used some funding, however has ended up being beneficial and efficient.

**Part II
Staff Findings**

During our review of the Spokane Youth Sports Association, numerous steps were taken to ensure they are a bona fide nonprofit organization functioning in accordance with their Bylaws and continue to meet the definition of a charitable or nonprofit organization under the RCW. This was done in part by reviewing: board meeting minutes, program services, financial statements, internal controls, payroll for reasonable wages, the use of funds and assets, and contracts for reasonableness. We verified their program exists and is being supported and they made significant progress towards their stated purpose.

Based on our review we determined Spokane Youth Sports Association was in compliance with all WACs and RCWs during their fiscal year ending December 31, 2016 and is suitable for continued licensure.

Prepared By

JoAnne Chambers, Special Agent
Regulation Unit

Signature

Jo Anne Chambers

Date

8/16/18

The logo for SYSA (Spokane Youth Sports) features the letters 'SYSA' in a large, bold, sans-serif font. The top half of the letters is a light green color, and the bottom half is a dark blue color. Below the letters, the words 'SPOKANE YOUTH SPORTS' are written in a smaller, dark blue, sans-serif font.

SYSA

SPOKANE YOUTH SPORTS

ESTABLISHED 1966

*"TO PROVIDE SPORTS ACTIVITIES FOR ALL YOUTH WHERE EVERYONE PLAYS,
DEVELOPS SKILLS, IS TAUGHT GOOD SPORTSMANSHIP, AND LEARNS THE VALUE
OF BEING A TEAM PLAYER."*

SYSA Sports

- ▶ Soccer
- ▶ Flag Football
- ▶ Basketball
- ▶ Baseball (SIYB)
- ▶ Softball (SIYB)
- ▶ Cross Country
- ▶ Track and Field
- ▶ Rugby



2016 Enrollments

- ▶ Soccer: 4326
- ▶ Flag Football: 1132
- ▶ Basketball: 164
- ▶ Baseball: 3335
- ▶ Softball: 394
- ▶ Rugby: 57
- ▶ Track/Cross Country: 445
- ▶ Sports Camps: 263

Financial Assistance

SYSA sports activities are intended for all children of the Greater Spokane Area. We strive to keep costs down and to engage the greater community in coming along side us to assist with financial needs. We are thankful you may benefit from these efforts.

2016 FINANCIAL ASSISTANCE

- ▶ 293 Kids
- ▶ \$17,858
- ▶ Qualify ~ Must provide Free or Reduced School Lunch letter or tax return to meet required income levels



ANDREW RYPIEN FIELD



U DISTRICT INDOOR
SPORTS CENTER



THE WAREHOUSE

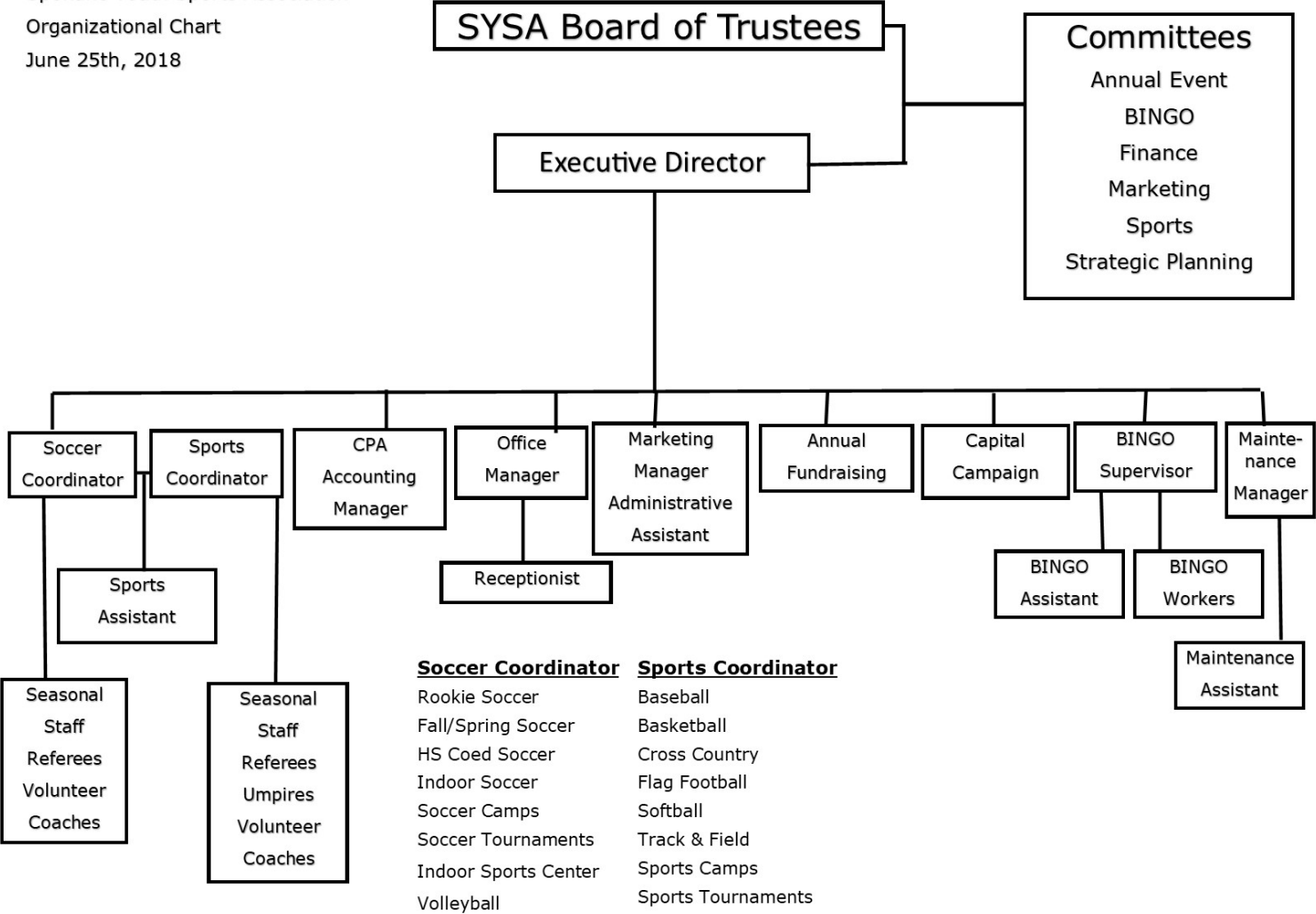
SYSA FACILITIES

WE ALSO USE:

SPOKANE CITY AND COUNTY
PARKS

SCHOOL DISTRICT FIELDS

Spokane Youth Sports Association
 Organizational Chart
 June 25th, 2018



SYSA 50 Year Anniversary



June 11, 2016

Dorian

Partners

SPOKANE INDIANS
YOUTH BASEBALL & SOFTBALL



Sponsors

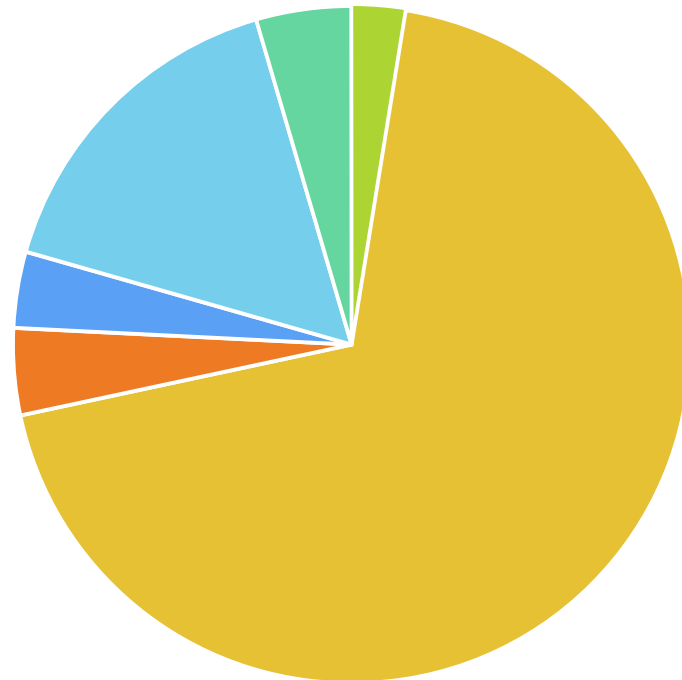
- ▶ SYSA BINGO
- ▶ Annual Event
- ▶ Sponsorships
- ▶ Donations
- ▶ Grants



2016 Revenue Snapshot

2016 Revenue

- Rental Income
- Registration Fees
- Donations/Grants
- Sponsorship
- Fundraisers
- BINGO Income





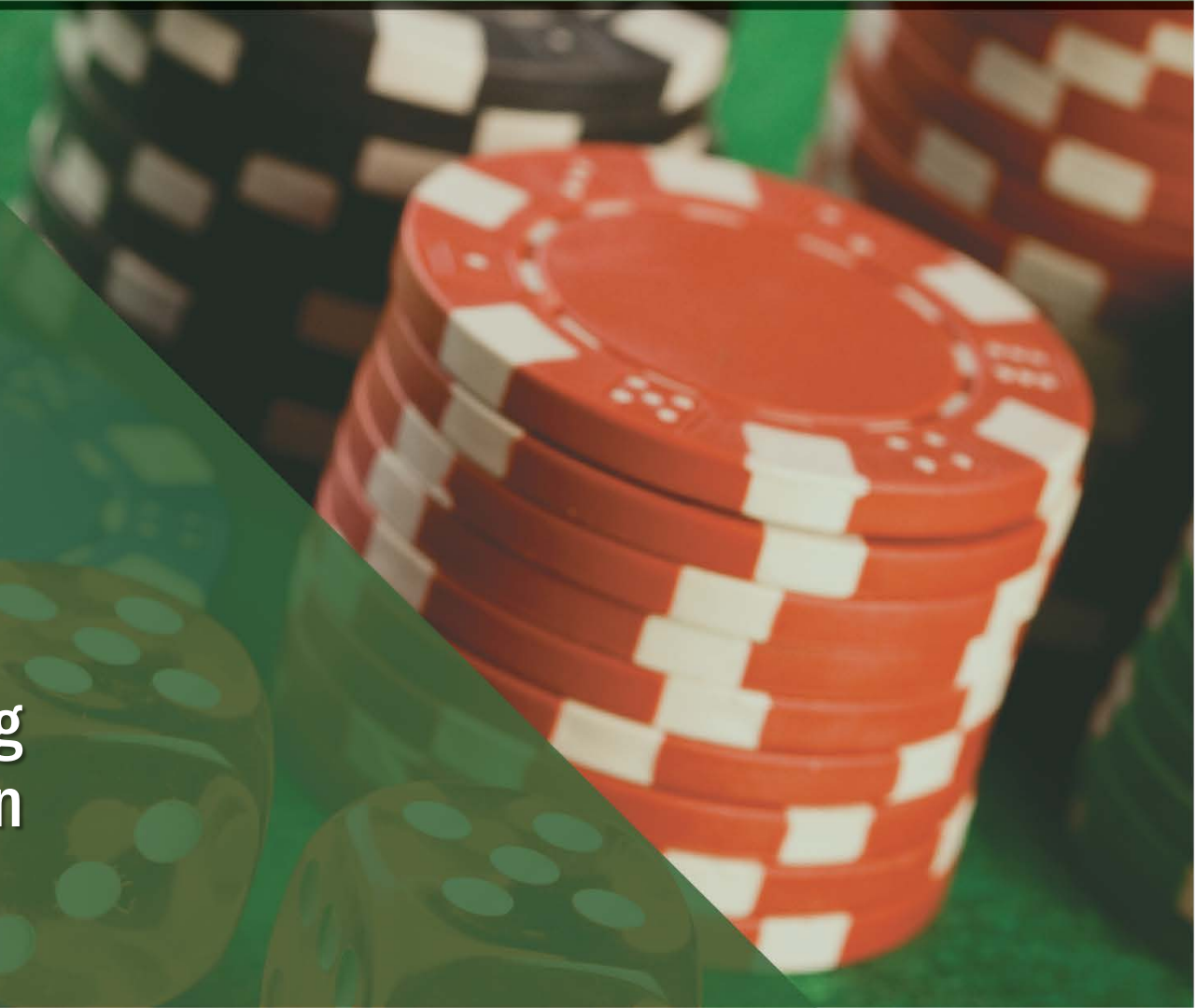
Have Fun!!



Administrative Case Update

September 13, 2018

Special Agent Tyson Wilson, Licensing
Agent in Charge Jim Nicks, Regulation



Our Mission

***“Protect the public by ensuring that
gambling is
legal and honest”***

Licensing Unit

Licensing Agents



3 agents (one two-year temporary)

44 combined years at WSGC

3 are Certified Fraud Examiners

Licensing Mission Statement

“Protect the public by keeping the criminal element out of licensed gambling activities.”

2017-18 Administrative Cases

Report Types:

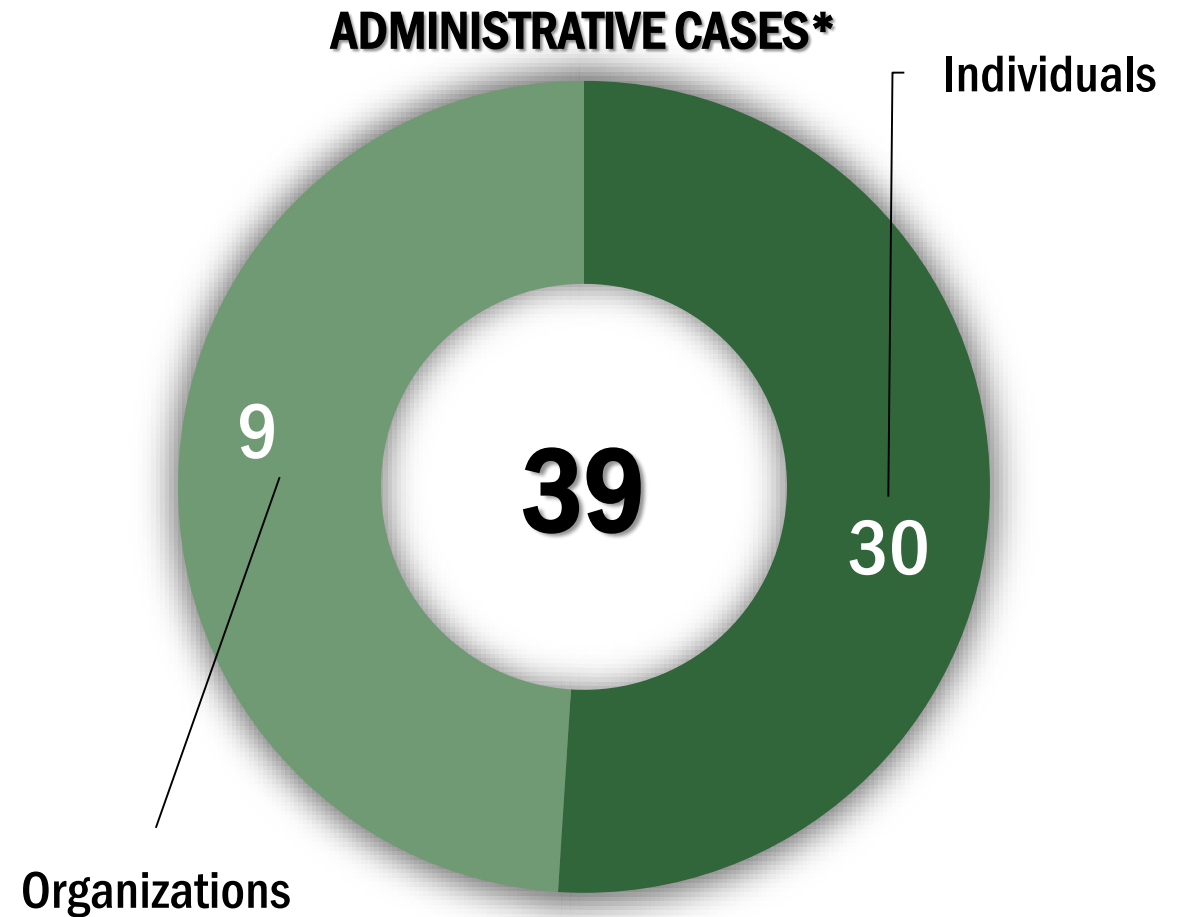
Verbal warnings (5)

Warning Letters (1)

Charges issued (16)

Conditional reports (17)

67 apps withdrawn based on criminal history investigations



*Q3 2017 - Q2 2018

Common Cases: Individuals

Criminal history

Tribal revocation

Previous administrative history

Active warrants

Failure to disclose criminal history

Revocation and Denial Cases

REVOCATIONS

Stealing patron's player points

Soliciting sex for money (work)

Crediting friends with free play

Federal sex trafficking charges

DENIALS

Previously stole poker chips

Common Cases: Organizations

Failure to report capital contributions/loans

Violations related to annual financial statements (HBCR)

Failure to notify WSGC (in writing) of changes within 30 days

Licensee does not have the required business licenses

Applicant does not meet the definition of a nonprofit

Failure to pay gambling taxes

Operating without a license

Change(s) of ownership not reported

Denial Case: Organization

Facts: Punchboard/Pull-tab app submitted on Dec. 21

Application stated that 100% sale closed on Nov. 30

WAC: license void at time of sale if change is >50%

Decision: Applicant operated w/o valid license 11/30 - 12/21

Result: 20-day suspension, paid \$2,700 fine and \$2,328 for investigative costs, 10 days vacated, license issued

Revocation Case: Organization

Facts: Poker room was licensed, but closed & not operating

City had a moratorium on new cardrooms

Had one card game per year to stay operating

Decision: Did not have the business license required by WAC

Result: License revoked as part of settlement agreement

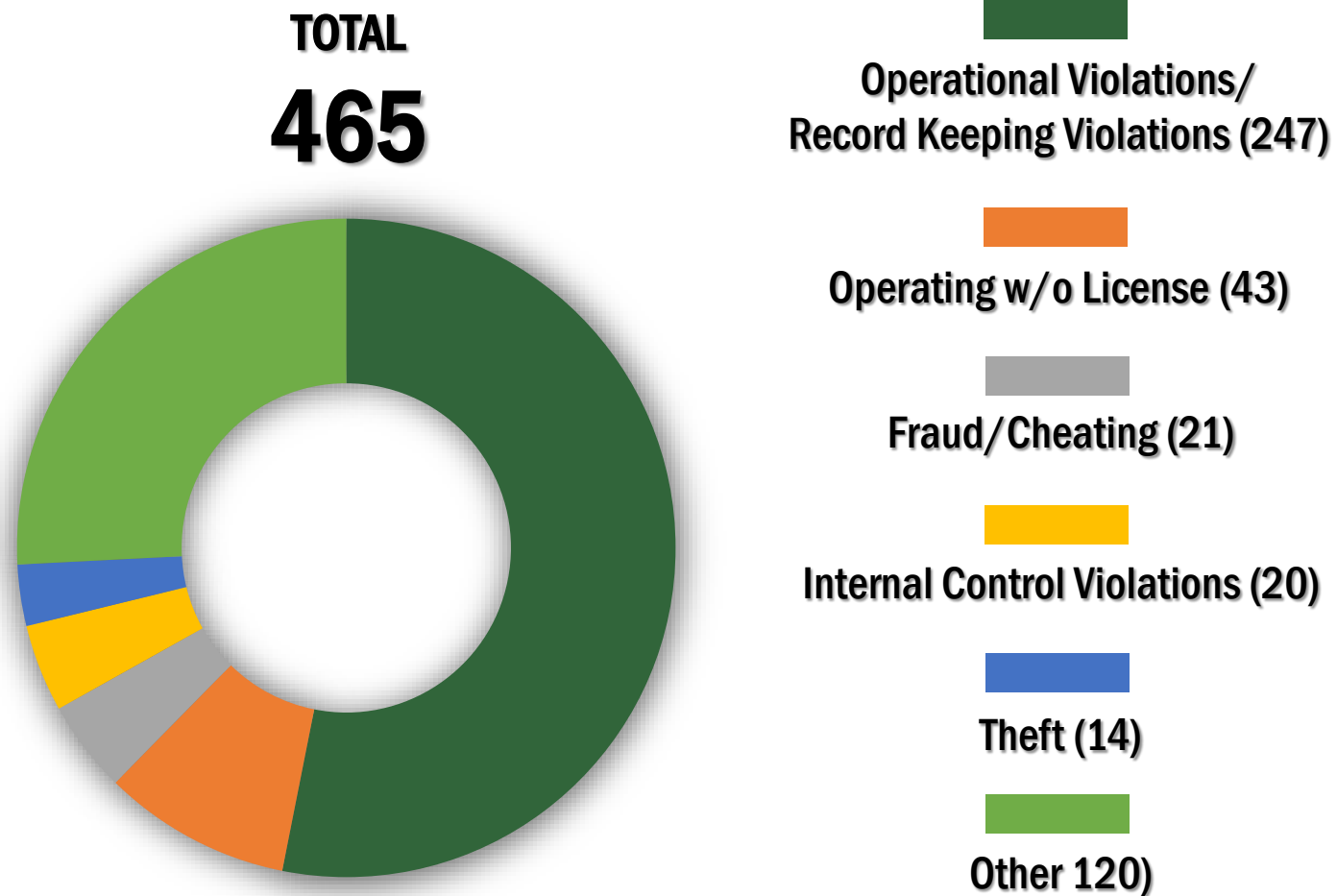
Regulation Unit

Regulation Unit



- 24 Agents**
- 375 Years Combined Service**
- 10 Certified Fraud Examiners**
- 3 Certified Public Accountants**
- 6 Graduate Degrees**
- 7 U.S. Military Veterans**

2017 Administrative Cases



Progressive Enforcement

Unfounded

Information Only

Verbal Warning / NOI

Written Warning

NOVAS (Fine)

Statement of Charges

Summary Suspension

Administrative Cases

Notice of Violation and Settlement (NOVAS):

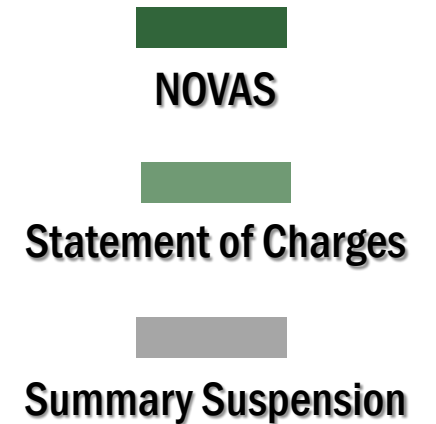
- Failure to delete prize from pull-tab flare
- Allowing a minor to gamble
- Failure to accurately report tips
- Late activity reports

Statement of Charges: Theft, cheating, internal control violations

Summary Suspension: Theft, cheating, assault

TOTAL DISPOSITIONS

65



**Additional 23
Open Cases**

Example of a NOVAS Violation

- Licensee required members to buy tickets
- Comingled raffle funds with other funds
- Failed to provide raffle rules; maintain a ticket distribution log
- Failed to maintain monthly records
- \$500 NOVAS issued



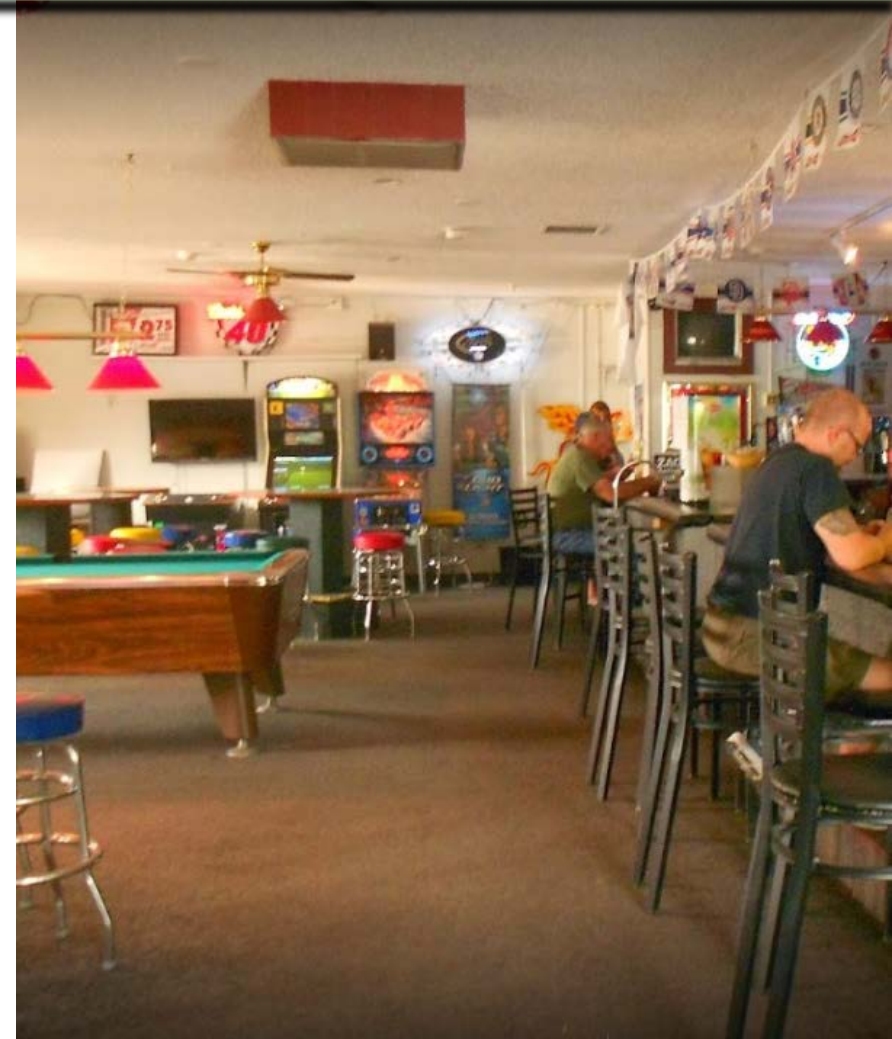
Statement of Charges & Settlement

SA conducted an inspection in the Spokane Valley and discovered an illegal Super Bowl raffle and an undisclosed ownership change

The raffle was immediately stopped and all money was returned

Licensee stopped operating pull-tabs pending the outcome of the investigation & issuance of license

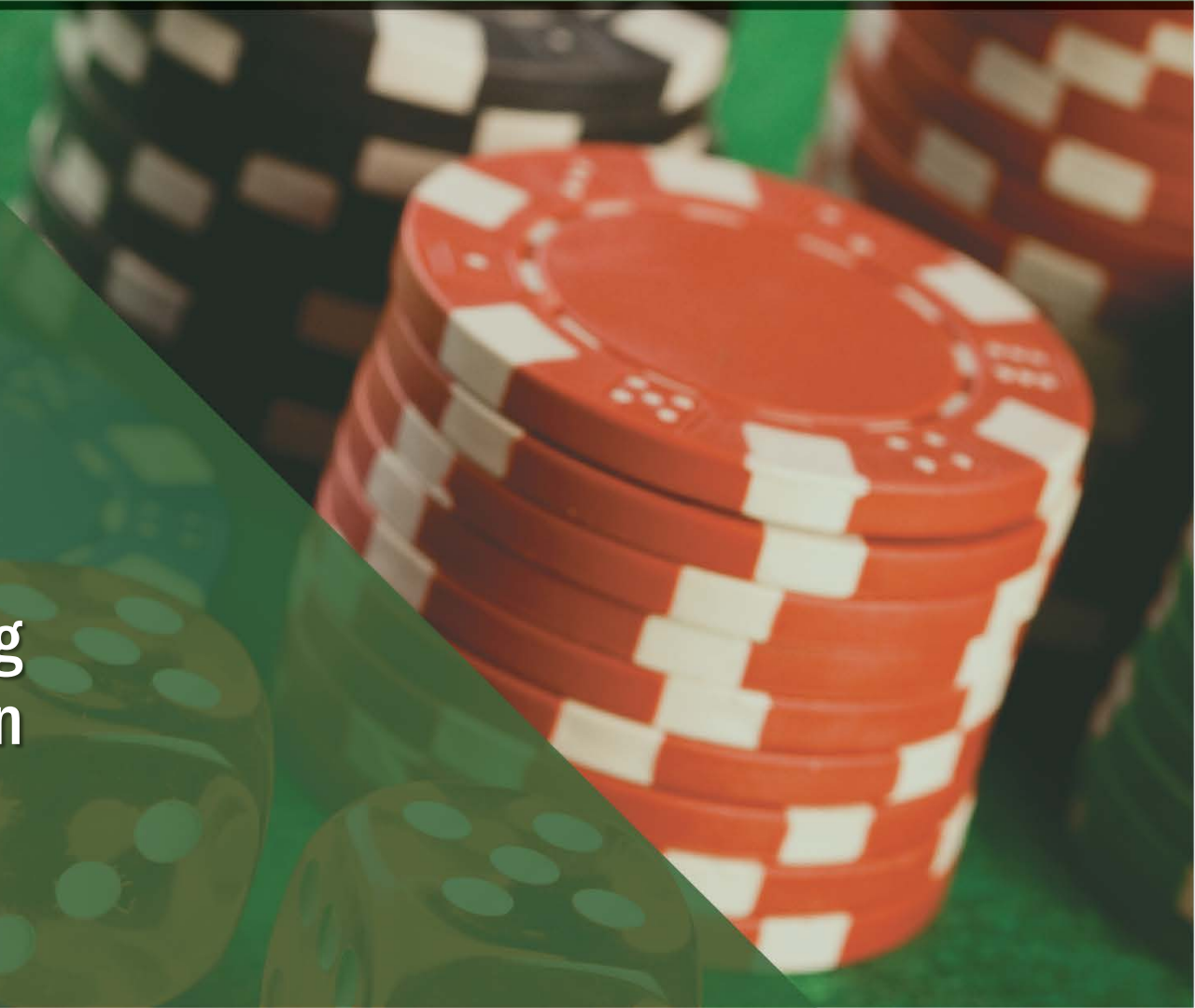
\$24,662 Settlement & 15 day license suspension





Questions?

Special Agent Tyson Wilson, Licensing
Agent in Charge Jim Nicks, Regulation





Criminal Case Update

September 13, 2018

Agent in Charge Jim Nicks, Regulation

Special Agent Supervisor Bryce Mack, Criminal
Enforcement



Our Mission

***“Protect the public by ensuring that
gambling is
legal and honest”***

Regulation Unit

Regulation Unit



- 24 Agents**
- 375 Years Combined Service**
- 10 Certified Fraud Examiners**
- 3 Certified Public Accountants**
- 6 Graduate Degrees**
- 7 U.S. Military Veterans**

Regulation Unit Duties

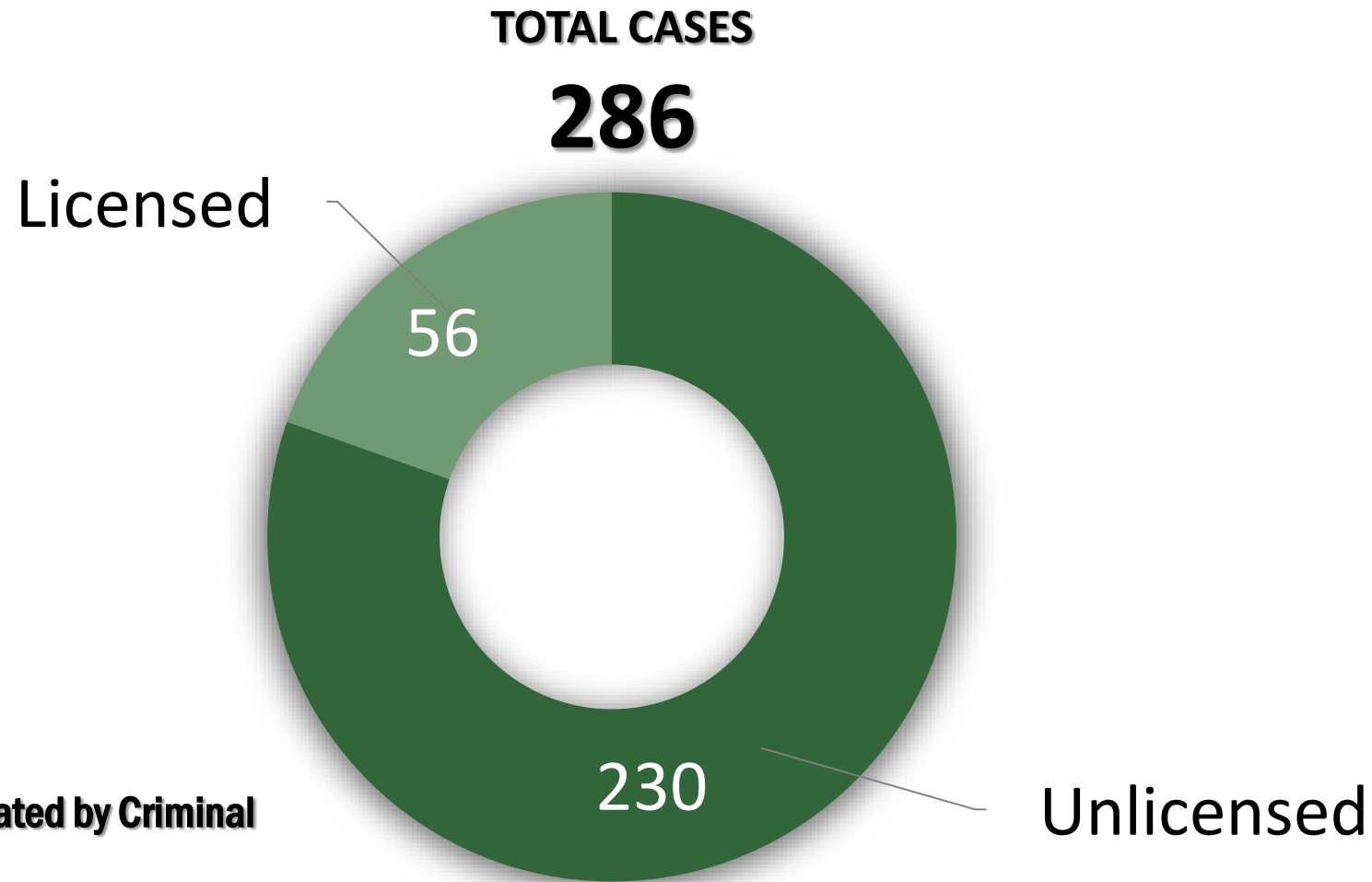
Regulate licensed gambling; provide technical assistance to gambling operations while working with numerous licensee groups and law enforcement

Enforce state gambling laws and rules for: licensed card games, bingo, amusement games, pull-tabs, punchboards, raffles, fundraising events

Investigate theft, fraud, Internet gambling, cheating, embezzlement, money laundering & loansharking, unlicensed gambling, cases with gambling nexus



2017 Criminal Investigations

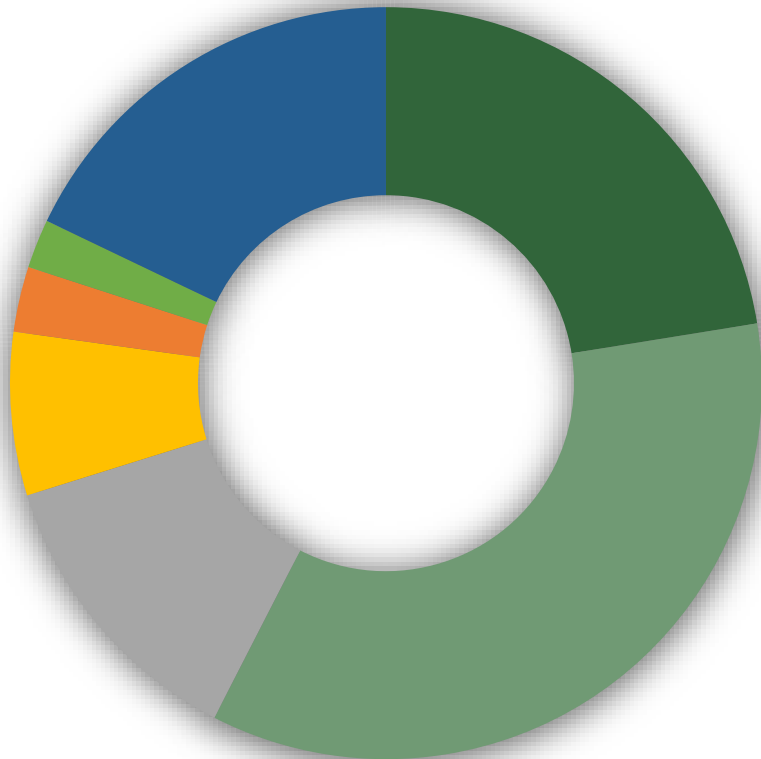


Does not include cases investigated by Criminal Enforcement Unit

2017 Criminal Investigations

TOTAL CASES

286



Cheating (64)

Theft (100)

Operating w/o License (36)

Fraud/Forgery/Counterfeiting (20)

Money Laundering/Structuring (8)

Illegal Gambling Devices/Gambling (6)

Other (51)

Tips Lead to Fugitive's Arrest



Employee Steals \$18,880 in Chips

Within 15 days, card room employee stole **\$18,800+** in chips

Charged with 1st degree theft

Violations relating to fraud & deceit

Gambling license revoked

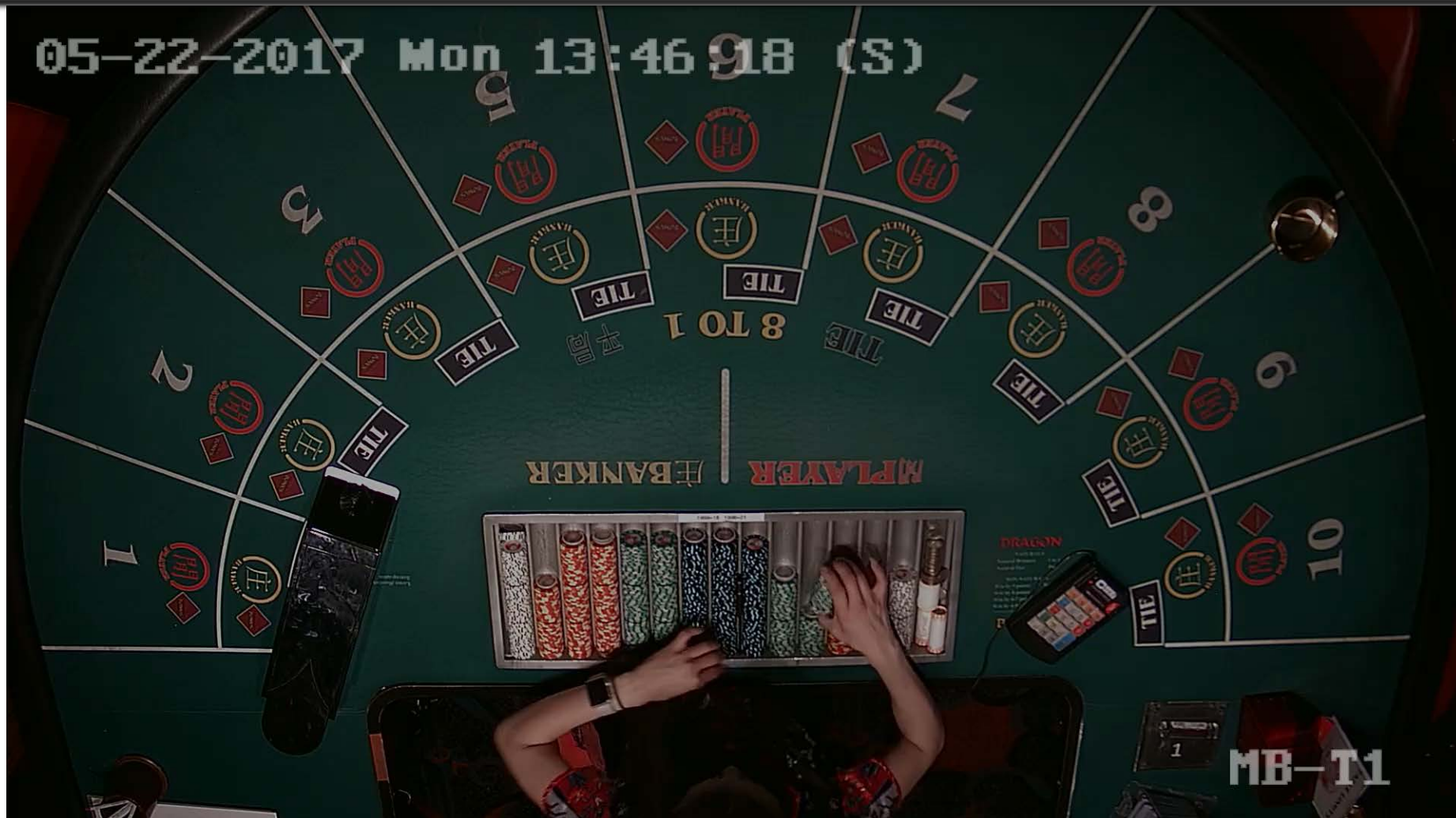
BEFORE



AFTER



Employee Steals \$18,880 in Chips



Employee Steals \$18,880 in Chips



Criminal Enforcement Unit

Criminal Enforcement Unit



9 months – 30+ years with agency

Avg. 15 years law enforcement experience

- 1 Agent in Charge**
- 2 Special Agent Supervisors**
- 10 Special Agents**
- 1 Forensic Accountant**
- 2 Intel Analysts**

CEU Duties

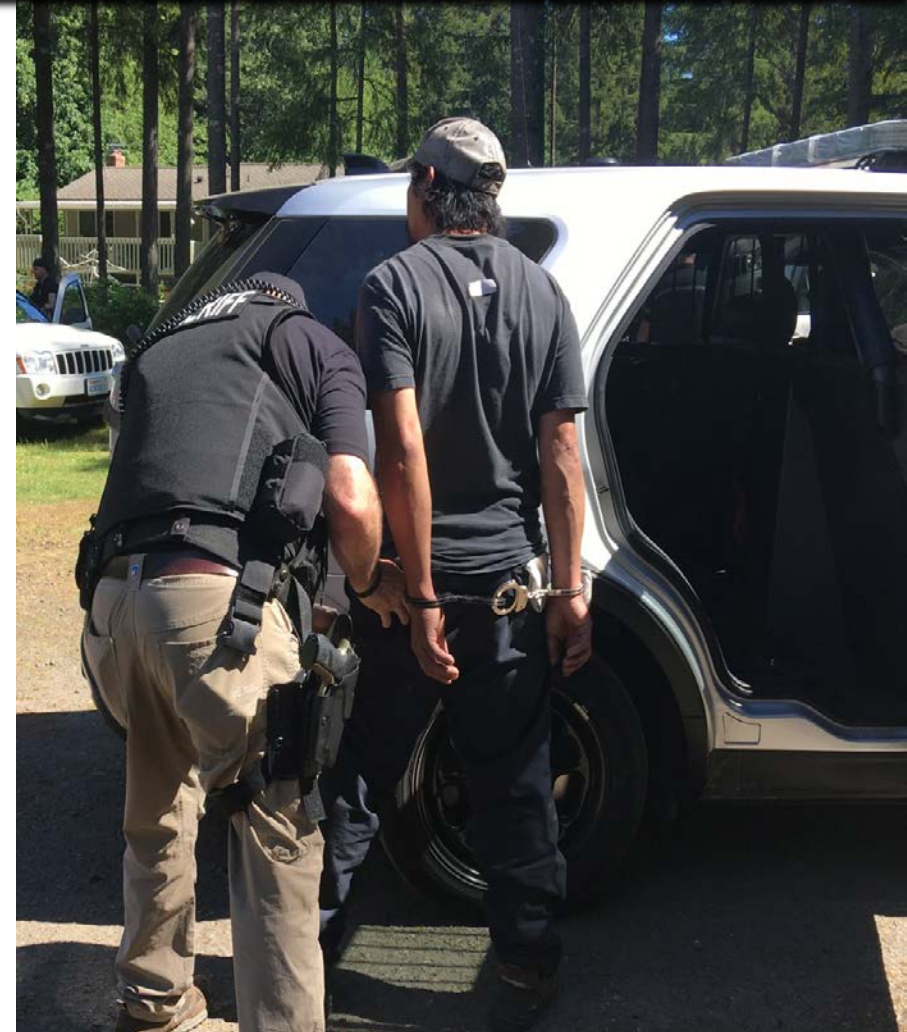
Undercover operations

Investigate illegal gambling cases & cases with a connection to gambling

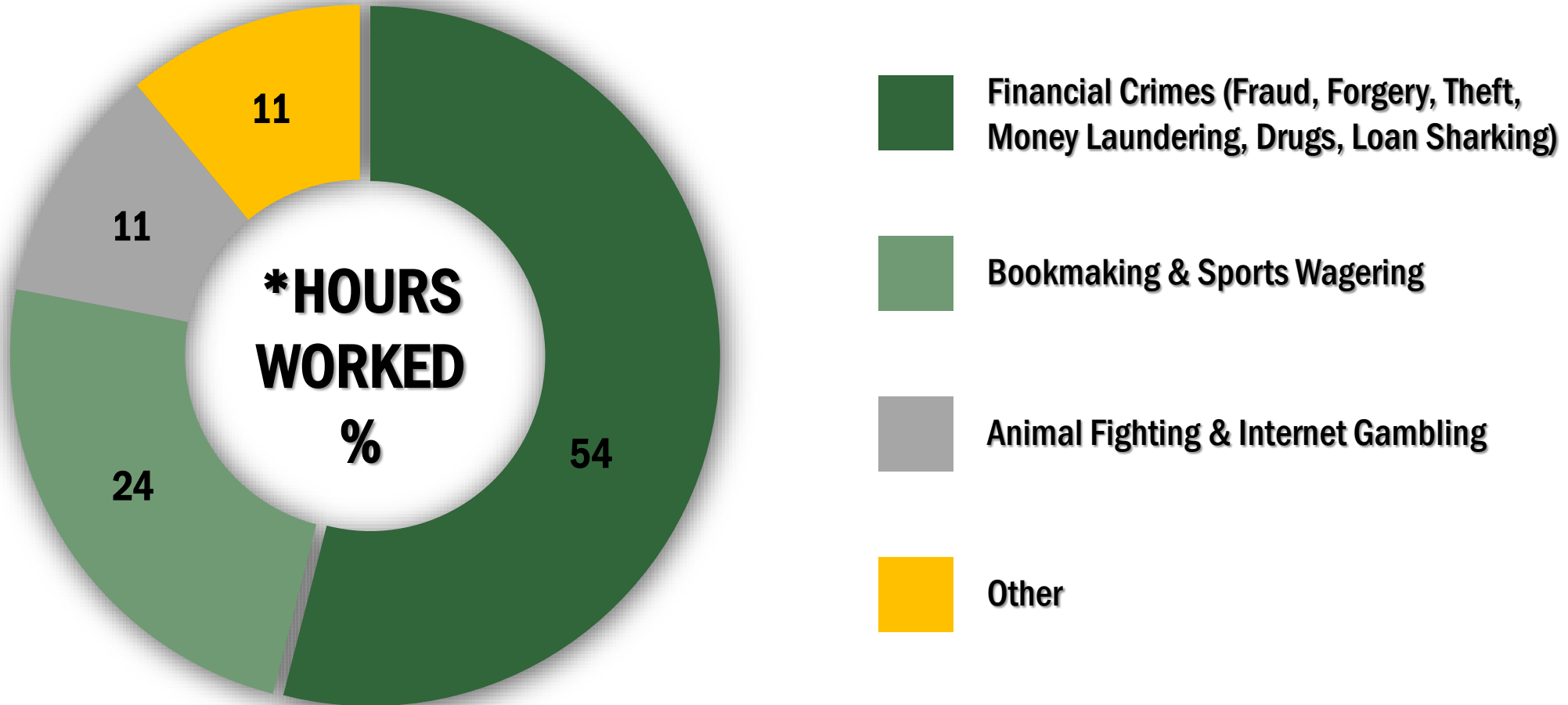
Long-term investigations

Partner with local, state, federal, tribal law enforcement

Members of federal & state task forces



2017 Criminal Investigations



***Q4 2017 - Q3 2018**

Arrest of ID Theft Suspect

June: SA sent BOLO to casinos regarding a suspect who was using fake credit cards to get cash

Sept. 5: Casino in Mountlake Terrace informed SA that the suspect was there

Suspect arrested by WSGC and MLTPD



Arrest of ID Theft Suspect

Lynnwood PD K-9 hit on suspect's car-- it was impounded and a search warrant was served: narcotics and evidence of ID theft found

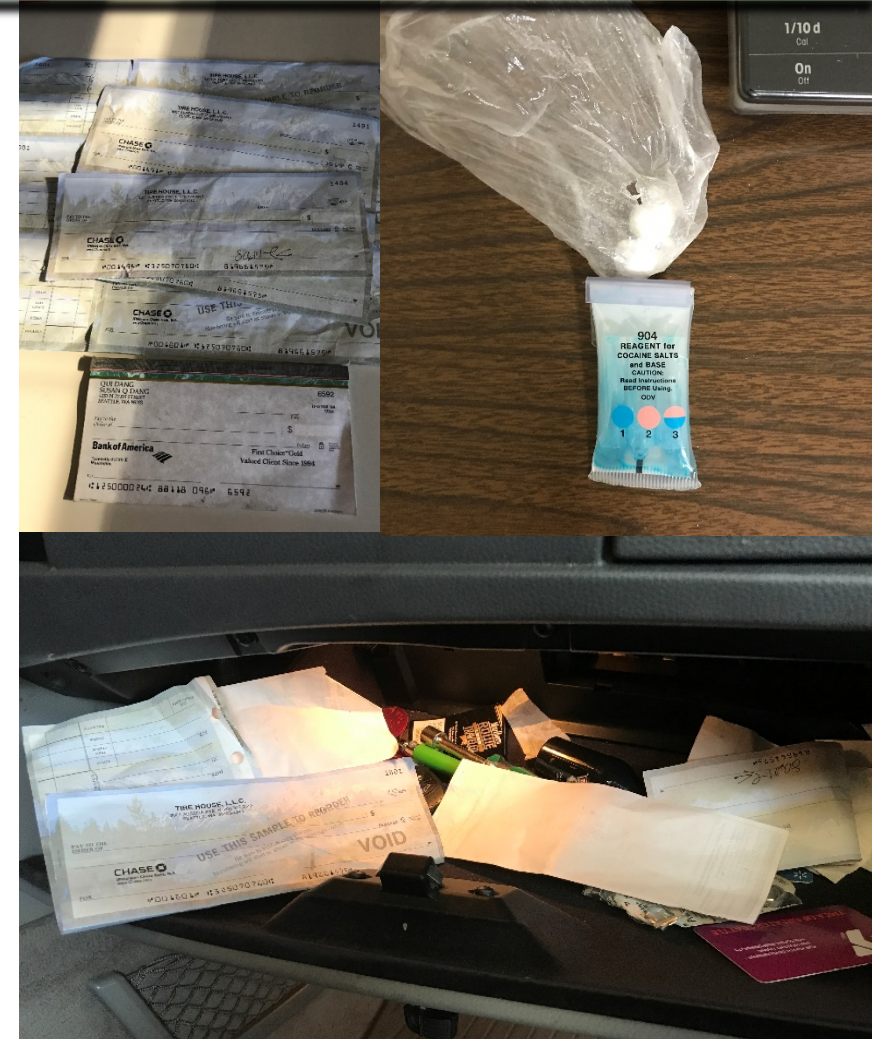


Arrest of ID Theft Suspect

After release from jail, suspect committed fraud & ID theft at a tribal casino

SA's contacted suspect; had him come into WSGC office to recover his belongings from prior arrest

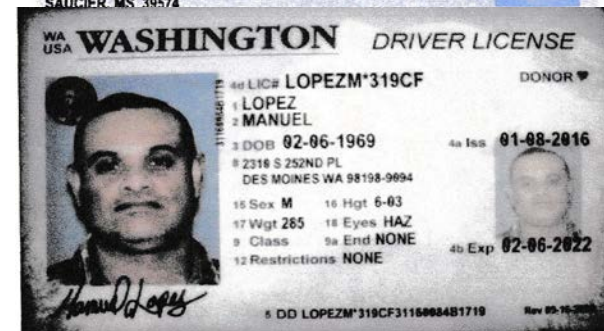
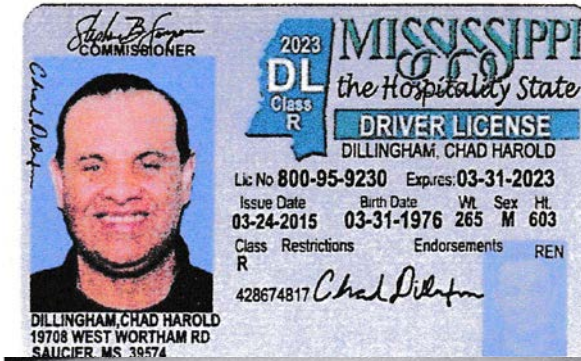
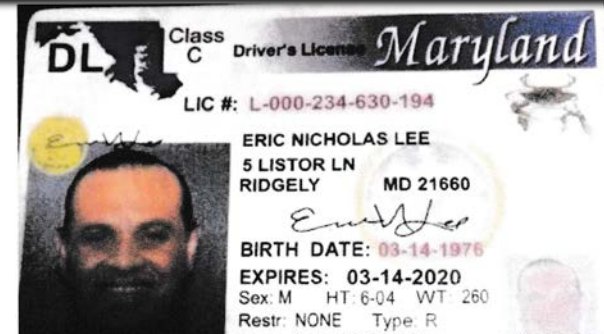
Suspect was subsequently arrested on the new charges



Agents Bust ID Theft Ring

Suspect & associates created ID's to open credit accounts in victims' names; withdrew cash at various WA casinos.

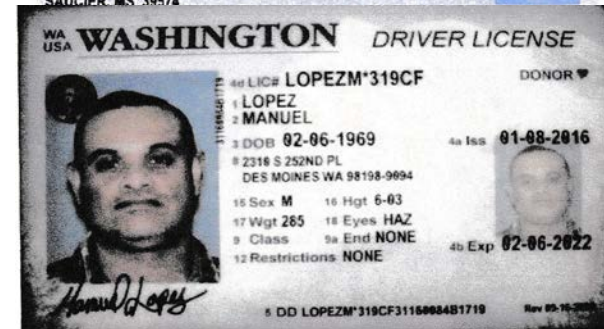
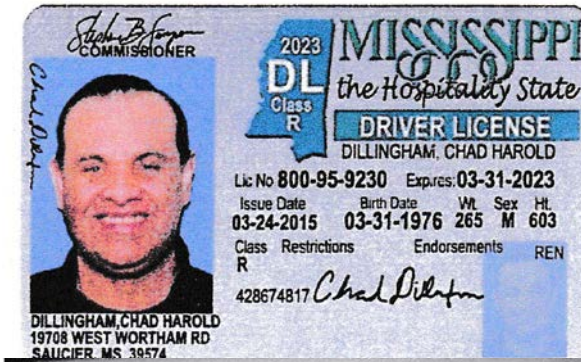
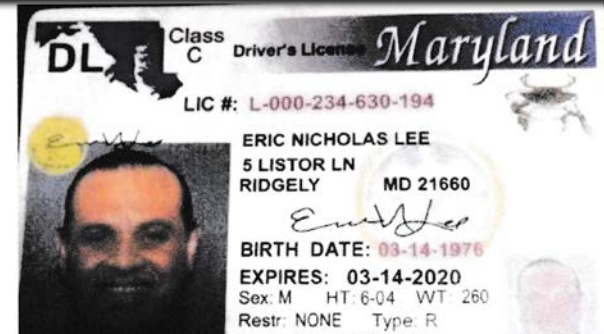
SA worked w/ Auburn PD, Puget Sound Auto Theft Task Force, Tribal Police & Tribal Regulators to bring a global case against the suspect and 2 associates



Agents Bust ID Theft Ring

Suspect arrested by a local PD after unsuccessfully trying to use a fake credit card at a tribal casino.

At suspect's arraignment, SA addressed the court and bail was set at \$150,000. Suspect asked for a reduction and it was denied.



Financial Exploitation of Elderly

Caregivers/family members stealing from vulnerable adults to support gambling habits

Strong working relationship with Adult Protective Services (APS)

APS referring cases to WSGC



Financial Exploitation of Elderly

Anonymous APS referral: Vulnerable adult's Seattle home was sold; suspect used proceeds to buy a home in Hoquiam

Bank records revealed that the suspect had stolen \$1,000's in cash and used it to gamble at casinos



Financial Exploitation of Elderly

Suspect sold classic car collection to help pay for the home in Hoquiam

Suspect admitted to gambling habit and using victim's money to gamble



Impersonating a Federal Agent

Lake Stevens man arrested for using fake FBI credentials to rob a money-transmitting business in Seattle

Seattle PD requested WSGC assistance because the suspect frequented the a tribal casino



Impersonating a Federal Agent

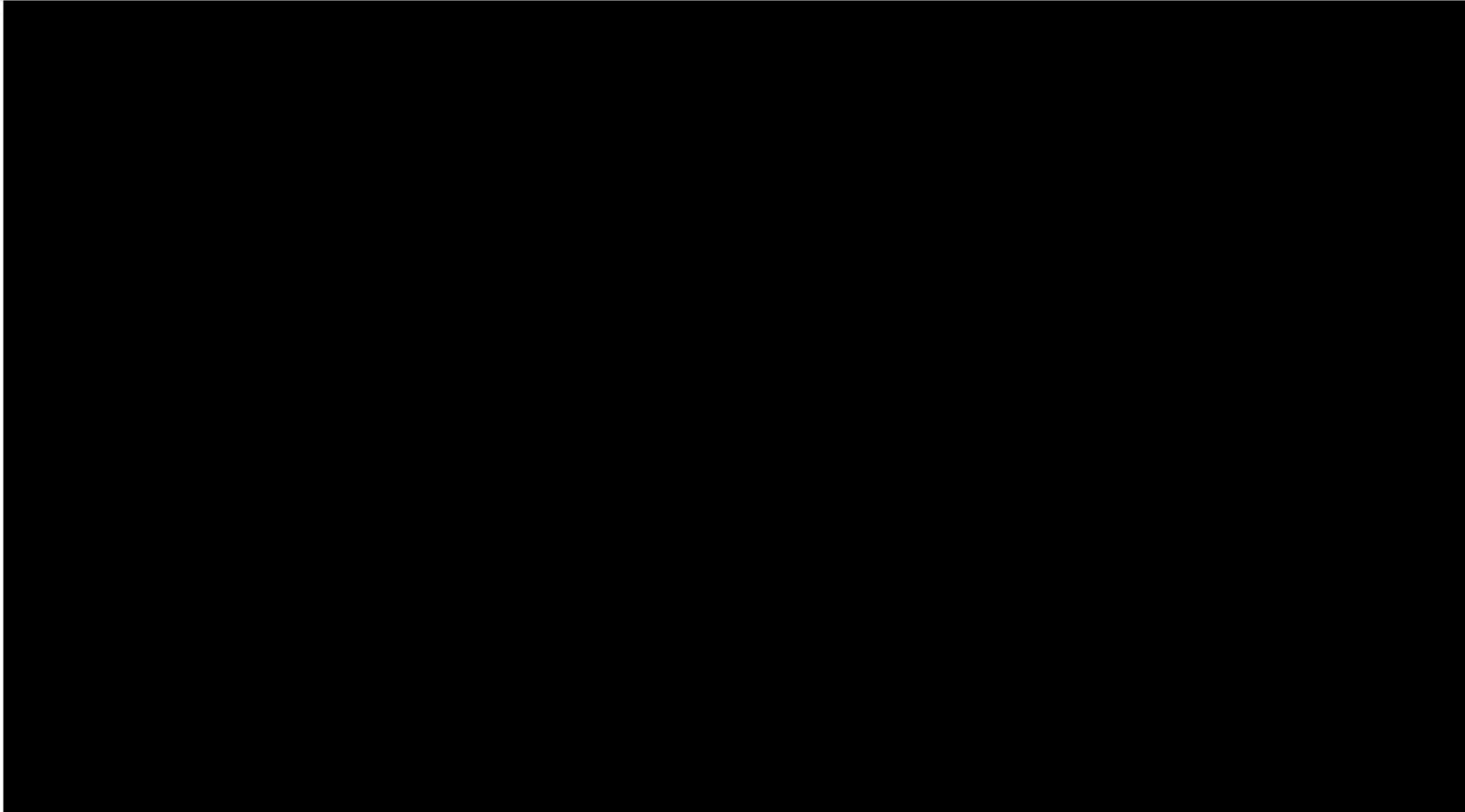
WSGC agents and Tribal Regulators determined that the suspect had gross gambling winnings of \$17k in 2015, \$151k in 2016 and \$659k in 2017

Winnings had a correlation with the crime spree and could support a Money Laundering charge

Information forwarded to AUSA



Cockfighting in Port Orchard



Recording: ON(00:55:12/16:02:25) PATRIOT(E:)

WSP SMOKEY 4
HAZE 47°28'19.61" N 122°38'16.95" W
OFF SPD 91 KTS HDG 147 °T
ALT 4519 FT

46°T
N E

06/02/18
13:56:26



1747 SE EDMONDS ST PORT ORCHARD WA 98367

LRF L
LP C

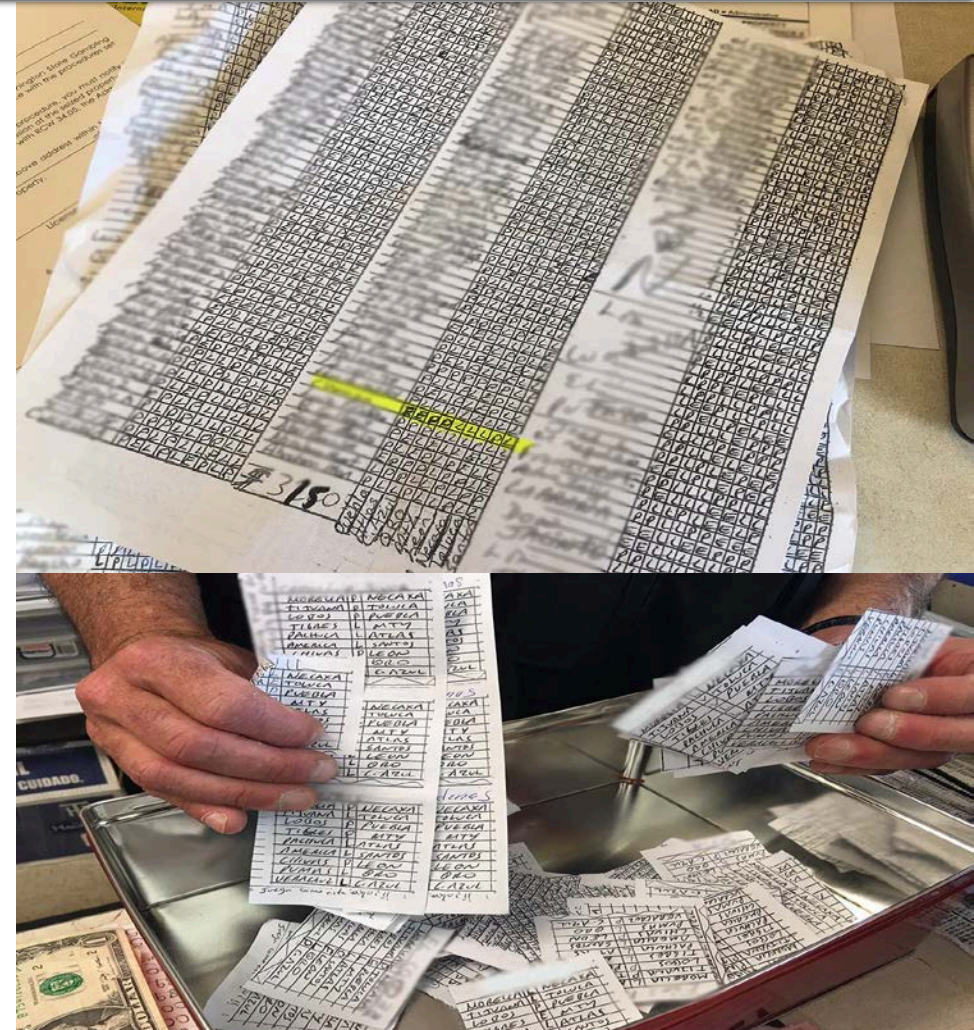
Soccer Betting in Wenatchee

Complaints of illegal soccer betting at multiple businesses in Wenatchee area

5 businesses accepting and/or facilitating bets on Mexican soccer league

200 - 700 bets placed each week.

Ringleader kept 28-30% of wagered money (\$1,200 to \$2,000 per week)



Soccer Betting in Wenatchee

**WSGC & local LE served search warrants
at 5 businesses & 3 residences**

5 arrested & booked into jail



Loan Sharking in Tukwila





Questions?

Agent in Charge Jim Nicks, Regulation
Special Agent Supervisor Bryce Mack, Criminal
Enforcement





**STATE OF WASHINGTON
GAMBLING COMMISSION**

“Protect the Public by Ensuring that Gambling is Legal and Honest”

August 27, 2018

TO: COMMISSIONERS:
Bud Sizemore, Chair
Julia Patterson, Vice Chair
Christopher Stearns
Ed Troyer
Alicia Levy

FROM: Haylee P. Mills, Staff Attorney
Legal and Records Division

**SUBJECT: Yen H. Trinh – CR 2016-01284, CR 2016-01569
Dung N. Huynh – CR 2016-01285, CR 2016-01570
Petition for Review Materials – September 14, 2018 Commission Meeting**

The above-referenced licensees have companion cases and they both filed Petitions for Review of an Administrative Law Judge’s Initial Order upholding the revocation of the licensees’ card room employee license. Enclosed in your Commission Meeting packet are the Petitions for Review filed by the Licensees’ attorney, Mr. Justin Jensen, and the Response to Petition for Review filed by assistant attorney general Greg Rosen. For reference, the complete case record, including audio records and transcripts of the administrative hearings, was previously provided to you via USB thumb drives.

ORIGINAL

RECEIVED
JUN 29 2018
WSGC/LICENSING

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**STATE OF WASHINGTON
ON BEHALF OF THE WASHINGTON STATE GAMBLING COMMISSION**

In the Matter of the Summary Suspension
of the License to Operate Gambling
Activities of:

OAH No. 06-2017-GMB-00023
GMB No. CR 2016-01285, 2016-01570

DUNG N. HUYNH
License No. 68-21679

RESPONSE TO PETITION FOR
REVIEW

Licensee(s).

The Washington State Gambling Commission Staff (Commission Staff), by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and GREGORY J. ROSEN, Senior Counsel, respectfully present this Response to Petition for Review.

I. FACTS

In May and June 2016, Gambling Commission Licensees Yen Trinh (Trinh) and Dung Huynh (Huynh) along with Thachly Heng (Heng), a non-Licensee, engaged in a scheme that defrauded Macau Casino in Tukwila and Freddie's Casino in Renton out of thousands of dollars. Trinh was involved in at least 40 cheating incidents. Huynh was involved in at least 30 cheating incidents. *See* Exhibit 1, Case Report, Case # 2016-01285, at 5. Trinh and Huynh are married.

At the administrative hearing, there were many separate but related pieces of inculpatory evidence presented regarding Heng, Trinh and Huynh's cheating. The Initial

1 Order's Findings of Fact noted the following, in pertinent part, as to the cheating scheme at
2 Macau Casino:

3 4.10 Means also noted that certain dealers, later determined to be exposing
4 cards, received significantly higher tips than normal. Means determined
5 the high tips were likely the result of players winning more often, resulting
6 in more frequent tipping of their card dealers. *Testimony of Means.*

7 4.11 Means had observed Huynh and Trinh, both card dealers at the casino
8 since 2011, repeatedly call in sick to work, but show up to play mini-
9 baccarat with Heng and several other people who were suspected of
10 cheating. *Testimony of Means.*

11 4.12 Means observed card dealer Chandara Loeur (hereinafter 'Loeur')
12 intentionally expose cards, by lifting the edge of each card as she dealt
13 them, while Huynh, Trinh and Heng were playing at the table. She did not
14 expose cards when the three were not playing. *Testimony of Means.*

15 4.13 Means observed Huynh, Trinh, Heng, and several other players follow
16 Louer (sic) as she moved from one table to another, during her regular
17 card dealing rotation. *Testimony of Means.*

18 4.14 When later confronted by Means and the Gambling Commission, Loeur
19 admitted to intentionally exposing cards to players, as part of a
20 cheating scheme. Her card dealer license was subsequently revoked.
21 *Testimony of Lohse and Ex. 5.*

22 4.15 Means reviewed additional video footage of Huynh, Trinh, and Heng
23 playing mini-baccarat. He noticed the three, along with several other
24 people, follow another card dealer, Teresa Li, from table to table. Lee
25 appeared to be inadvertently exposing cards to players when dealing.
26 *Testimony of Means.*

4.16 The lifting up of any portion of a 'face down' card from off of the table as
it is being dealt is considered 'bad dealing', since it exposes the card
values to players sitting at the table. *Testimony of Means.*

4.17 Means, a professional card counter and experienced mini-baccarat card
dealer, in reviewing video footage, observed Huynh, Trinh, Heng, and
several other players 'bet late', meaning they would place their bets after
the cards had been dealt and exposed cards had been shown. *Testimony of
Means.*

4.18 In mini-baccarat, it is not uncommon for players to place the same, or
similar, bets. However, in reviewing video footage, Means observed
Huynh and Trinh almost always followed the betting pattern of the player
(Heng) at 'third base' or 'seat 9', who could directly observe the
'exposed' cards as they were being dealt from the shoe (card deck).
Testimony of Means.

1 4.19 Means recalled in June 2016, Trinh and Heng came into the casino
2 together and asked to speak to Means. Trinh and Heng requested Means to
3 tell the floor supervisors not to stand near the mini-baccarat tables while
4 they were playing since it was 'unlucky'. Trinh and Heng then left the
5 casino together. Means believes Trinh and Heng's request was to prevent
6 casino personnel from observing the cheating by the group of players.
7 *Testimony of Means.*

8 4.20 Mean (sic) noted that prior to 2016, Huynh usually didn't bet, but rather
9 watched his spouse, Yen Trinh, gamble. However, in 2016, Huynh began
10 aggressively betting and playing as much as his spouse. The amount of
11 Trinh's wagers increased significantly in 2016 as well. *Testimony of*
12 *Means.*

13 Initial Order at 3-4.

14 The Initial Order's Finding of Fact noted the following, in pertinent part, as to the
15 cheating scheme at Freddie's Casino:

16 4.21 Around the same time in June 2016, James Hosier ('Hosier'), General
17 Manager of Freddie's Casino, contacted Washington State Gambling
18 Commission Special Agent Keith Wittmer ('Wittmer') regarding possible
19 cheating at the casino. *Testimony of James Hosier (hereinafter 'Testimony*
20 *of Hosier') and Testimony of Keith Wittmer (hereinafter 'Testimony of*
21 *Wittmer') and Ex. 8.*

22 4.22 Hosier identified Dung Huynh, Yen Trinh, and Thachly Heng as involved
23 in possible cheating at mini-baccarat. *Testimony of Hosier and Ex. 8.*

24 4.23 During the period when cheating was suspected of going on, the casino
25 lost over \$35,000 in a three-day period, on May 1st, May 2nd and May 6th,
26 2016. While card dealer tips jumped from \$200 per hour to \$600, which
usually doesn't change unless players are winning. Both the loss to the
casino and the spike in tips at the mini-baccarat gaming tables were
'highly irregular' and raised an immediate suspicion of cheating by
Hosier, who had been a card dealer since 1980. *Testimony of Hosier and*
Ex. 8.

4.24 Hosier also observed on video any time there was a 'natural nine'
dealt (best possible outcome), after the cards had been exposed, Huynh,
Trinh, and Heng bet 'big' or the maximum bet allowed at the table.
Testimony of Hosier and Ex. 8.

4.25 Hosier reviewed video footage of mini-baccarat and observed 'significant
action' only after the cards had been dealt. This 'significant action'
included late bets and maximum bets by the players, when exposed cards
were likely dealt. *Testimony of Hosier and Ex. 8.*

4.26 Hosier provided eight days of video footage to Special Agent Wittmer of
the Washington State Gambling Commission. The eight days included
when Hosier believed Huynh, Trinh, Heng, among others, were engaged
in cheating at the casino. *Testimony of Hosier and Ex. 8 & 10.*

- 1 4.27 Hosier observed one dealer, Hongyan Chen, unintentionally exposing
2 cards while Huynh, Trinh, and Heng were playing at her mini-baccarat
3 table. *Testimony of Hosier and Exs. 8 & 10.*
- 4 4.28 Hosier observed Huynh, Trinh, and Heng follow the card dealers,
5 including Chen, who were exposing cards at their various tables, rather
6 than staying at the same table. The activity of following a dealer was
7 'highly irregular'. *Testimony of Hosier.*
- 8 4.29 Hosier was familiar with Huynh, Trinh, and Heng, since Huynh and
9 Trinh were both dealers at the Macau Casino. The three had never been
10 'big players'. However, during the period of possible cheating, the three
11 players were playing more frequently and winning significantly more
12 than they had ever won before. *Testimony of Hosier.*
- 13 4.30 Hosier observed Heng always sat at the 'third base'/'seat 9' position,
14 while Huynh and Trinh sat across the table from him, in seats 2 and 3.
15 Huynh and Trinh always followed Heng's late wagers and *never* went
16 against his bets. *Testimony of Hosier and Ex. 8 & 10.*
- 17 4.31 Hosier noted the players at the table, including Huynh and Trinh, took turns
18 placing an early bet to ensure the cards were dealt 'face down', to allow
19 Heng to view the exposed cards and then place his bet. Huynh and Trinh
20 would then follow Heng's bet. To Hosier, the taking of turns by players at
21 the table to place an early bet to ensure the cards were dealt 'face down',
22 showed a conspiracy among the players. *Testimony of Hosier.*
- 23 4.32 Hosier, a card dealer since 1980, had never seen everyone betting the
24 same, including changing bets or taking bets back, based on the late bets of
25 another player. Such a betting pattern was 'incredibly suspicious'.
26 *Testimony of Hosier.*
- 4.33 After reviewing footage of the alleged cheating by Huynh, Trinh, Heng,
and several others, based on his three decades as a card dealer, Hosier had
'no doubt' all of the players were involved in the cheating scheme.
Testimony of Hosier.
- 4.34 Washington State Gambling Commission Special Agent Keith Wittmer also
reviewed the video footage from Freddie's Casino, provided by Hoiser.
Wittmer was certain cards were being exposed and dealers, such as Huynh
and Trinh, who were also experienced card dealers, would see it and take
advantage of it. *Testimony of Wittmer and Exs. 8, 9, & 10.*
- 4.35 In May and June 2016, during the period in question, both the Macau
Casino and Freddie's Casino, both allowed players to place 'late bets',
meaning players could place bets after the cards had been dealt. However,
casinos in the State of Washington no longer allow 'late bets' due to the
prevalence of cheating. *Testimonies of Means and Hoiser.*

Initial Order at 4-6.

After all of the evidence was considered in its totality by the Administrative Law Judge
(ALJ), he entered the following Conclusion of Law:

1 5.9 At the hearing, the Appellant argued there is no direct evidence of
2 cheating, that any evidence is purely circumstantial in nature. While the
3 undersigned administrative law judge concedes no direct evidence, such as
4 an admission or direct observation of cheating by the Appellant, **the totality
5 of the evidence provides little doubt the Appellant cheated and
6 engaged in a cheating conspiracy in May and June of 2016.** This
7 'totality of evidence' includes: (1) The Appellant, along with his spouse
8 and several other individuals, were under investigation for cheating by
9 two, separate casinos at the same time; (2) The Appellant's win rate of
10 over 70%, in a game in which the odds are less than 50/50, raises a high
11 suspicion of cheating. Essentially, the Appellant, along with several
12 others, were winning nearly three out of every four hands dealt, in a game
13 that most people only win half of the time, at best; (3) The Gambling
14 Commission Board Staff witnesses, experienced in card dealing and
15 observing cheating, had 'no doubt' that cheating was going by means of
16 seeing 'exposed' or 'flashed' cards; (4) The Appellant admitted to seeing
17 cards being 'flashed', but said he 'didn't know what it meant', despite
18 having 12 years of experience in card dealing. The undersigned
19 administrative law judge finds the Appellant's testimony not credible
20 that he 'didn't know what it meant', or took advantage of that
21 knowledge; (5) Finally, the Appellant's win rate went well beyond
22 mere luck or a hot streak, since he won over 70% of the time he sat down
23 at a mini-baccarat table.

13 5.10 **The undersigned administrative law judge is convinced and left with
14 little to no doubt, the Appellant was aware of cards being flashed and
15 took advantage of the scheme for his economic benefit of winning over
16 70% any time he placed a bet at mini-baccarat.** Based on these facts,
17 the Appellant cheated, as defined by RCW 9.46.196. Therefore, the
18 Appellant, in May and June of 2016, violated RCW 9.46.190.

16 5.11 The Appellant contends he had no knowledge of any conspiracy to cheat
17 going on while he was gambling at mini-baccarat. The undersigned
18 administrative law judge disagrees. The Appellant testified he rarely
19 gambled. Rather, he usually just watched his spouse, Yen Trinh,
20 gamble or else he slept at the table. However, based on the video
21 evidence, he not only played, but aggressive matched the wagering by
22 his spouse, when the cheating was going on. Further, he also placed
23 early wagers, in concert with the other players, to ensure the cards were
24 dealt 'face down', in order to allow the exposing of cards to occur. The
25 taking turns by the players, including the Appellant, demonstrates the
26 players were working as a group to conduct the cheating scheme. Finally,
Thachly Heng and the Appellant's spouse, Yen Trinh, requested Macau Casino security staff to not stand so close to the mini-baccarat table, while they were 'gambling'. The undersigned administrative law judge is skeptical the Appellant knew nothing about his spouse and fellow player, Heng, going to security with the request, which was just a guise to allow the cheating scheme to continue.

25 5.12 Based on these facts, the undersigned administrative law judge is
26 convinced the Appellant worked with his spouse and several other
players to cheat at mini-baccarat thereby defrauding two casinos in

1 May and June 2016. As a result, the Appellant engaged in a ‘criminal
2 conspiracy’, consistent with RCW 9A.28.040.

3 Initial Order, *In re Dung N. Nuynh*, at 14-15 (emphasis added).

4 II. ISSUE

5 Should the Commission affirm the Initial Order and revoke Dung Hunyh’s Card Room
6 Employee license?

7 III. ARGUMENT

8 B. Huynh’s Attempts to Discredit the Initial Order’s Credibility Determinations 9 Lack Merit

10 In response to the plethora of evidence that proved by a preponderance that Trinh and
11 Huyng both engaged in cheating, Huynh’s petition for review challenges several credibility
12 determinations in the ALJ’s Initial Order. His challenges are meritless. When considered as a
13 whole, the individual inculpatory facts form a discernible pattern of cheating at two different
14 casinos.

15 For example, Huynh references the Initial Order that found as fact that “[w]hen later
16 confronted by Means and the Gambling Commission, [card dealer Chandara] Loeur admitted
17 to intentionally exposing cards to players, as part of a cheating scheme.” Huynh argues,
18 however, that “he¹ [Loeur] did not admit to any contact with Dung Huynh (or Yen Trinh), and
19 said nothing to suggest Dung Huynh was aware of the scheme, participated in the scheme, or
20 benefited from the scheme.” *See* Initial Order at 3, ¶ 4.12 - 4.14, and Petition for Review at 3.

21 Huynh self-servingly minimizes Loeur’s comments to Means. Trinh and Huynh were
22 both very experienced card dealers; each had been a licensed card dealer in the State of
23 Washington since 2005. Initial Order at 9-10, ¶ 4.59 and 4.68. That experience should be
24 fully taken into account when considering the evidence. The ALJ found as fact that Means
25 observed card dealer Chandara Loeur intentionally expose cards, by lifting the edge of each

26 ¹ Chandara Loeur is a female.

1 card as she dealt them, while Huynh, Trinh and Heng were playing at the table. **She did not**
2 **expose cards when the three were not playing.** (Emphasis added.) The ALJ found as fact
3 that Means observed Huynh, Trinh, Heng, and several other players follow Loeur as she
4 moved from one table to another during her regular card dealing rotation. The ALJ also
5 found as fact that when later confronted by Means and the Gambling Commission, Loeur
6 admitted to intentionally exposing cards to players, as part of a cheating scheme. Her card
7 dealer license was subsequently revoked. *See Initial Order* at 3, ¶ 4.12 - 4.14. The ALJ also found
8 as fact that Heng, Trinh, and Huynh followed two other card dealers who were exposing cards
9 to different gaming tables. *Initial Order* at 4-5, at ¶ 4.15 and 4.28.

10 Huynh's Petition further notes the Initial Order's Finding of Fact that in "mini-baccarat,
11 it is not uncommon for players to place the same, or similar bets," and Greg Means' testimony
12 "that Huynh and Trinh almost always followed the betting pattern of the player (Heng)"
13 Petition at 3, ¶ 4.3. Here, Huynh massively minimizes the significance with which he and
14 Trinh bet in identical, unerring lockstep with Heng. As the Initial Order found, "Huynh and
15 Trinh, as well as other players, **never bet opposite Heng, when he placed a late bet after**
16 **seeing the exposed cards.**" *Initial Order* at 8, ¶ 4.52 (emphasis added). The Initial Order also
17 found that "[o]nly after cards were exposed and Heng bet, did Huynh and Trinh follow Heng's
18 lead in betting." *Initial Order* at 8, ¶ 4.53. Placing the same or similar bets is one thing; Huynh
19 and Trinh never varying from Heng's bets at two different casinos, after Heng, Trinh and
20 Huynh followed three different dealers who were exposing cards from gaming table to gaming
21 table in their rotations, and after Trinh provided casino chips to Heng so he could gamble or
22 else wager on Trinh's behalf, is highly suspicious. *See Initial Order* at 8, ¶ 4.49 and 4.51, and
23 *Initial Order* at 3, at ¶ 4.12- 4.14.

24 Agent Lohse comprehensively documented the cheating incidents. The cheating
25 incidents could only occur when card values were exposed and then taken advantage of.
26 Switching bets, Trinh and Huynh betting the same outcome as Heng's bets 100% of the time,

1 with the same cheating scheme employed at two different casinos, Trinh and Huynh only
2 betting when cards were flashed to Heng, all serve to demonstrate the nature of their cheating
3 scheme with Heng. Further, Huynh also omits mentioning the ALJ's Finding of Fact that card
4 dealers routinely move tables every half hour, and that

5 "…Huynh, Trinh and Heng routinely follow the card dealer, often Teresa Lee,
6 who was intentionally exposing cards to the 'third base/'seat 9 position, and
7 Hongyen Chen, who was unintentionally flashing cards."

8 Initial Order at 8, ¶ 4.51.

9 The ALJ also found as fact that Means observed card dealer Chandara Loeur
10 intentionally expose cards, by lifting the edge of each card as she dealt them, while Huynh,
11 Trinh and Heng were playing at the table, and that Loeur did not expose cards when the three
12 were not playing. The ALJ also found as fact that Means observed Huynh, Trinh, Heng, and
13 several other players follow Loeur as she moved from one table to another, during her
14 regular card dealing rotation. Initial Order at 3, ¶ 4.13. The ALJ also found as fact that when
15 later confronted by Means and the Gambling Commission, Loeur admitted to intentionally
16 exposing cards to players, as part of a cheating scheme, and that Loeur's card dealer
17 license was subsequently revoked. Initial Order at 3, ¶ 4.14. The fact that Heng, Trinh and
18 Huynh followed three different dealers who were exposing cards to different gaming tables –
19 Loeur, Li and Chen - speaks volumes about their intent to cheat and the steps they took to
20 engage in cheating.

21 Huynh's Petition references the Initial Order's Finding of Fact that "Means recalled in
22 June 2016, Trinh and Heng came into the casino together and asked to speak to Means. Trinh
23 and Heng requested Means to tell the floor supervisors not to stand near the mini-baccarat
24 tables while they were playing since it was 'unlucky.' Trinh and Heng then left the casino
25 together. Means believes Trinh and Heng's request was to prevent casino personnel from
26 observing the cheating by the group of players. Initial Order at 4, ¶4.19. Despite Trinh's
testimony that she approached Means at Heng's request as a "casino patron" and that she

1 “merely facilitated the request as an employee who knew Mr. Means,” and that Trinh “was
2 simply bringing the concerns of Heng, a player, to Means, the manager.” Trinh’s Petition
3 at 4 and 7. Trinh’s explanations are not credible. (Emphasis added.) Trinh was gambling on
4 the same tables as Heng; Trinh and Huynh had a vested interest in supervisors not watching the
5 tables if they were engaging in the cheating scheme with Heng. In light of the evidence of
6 cheating, including but not limited to an abundance of surveillance video, Trinh’s assertion that
7 she “merely facilitated the request as an employee who knew Mr. Means” utterly lacks merit.
8 Petition at 4.

9 Huynh also contends that “her testimony that he never spoke with Mr. Heng outside the
10 casino remains uncontested...” Petition at 4. At the hearing, surveillance video at Freddie’s
11 Casino showed both Trinh and Huynh gambling at the same table together on several different
12 days. It strains credulity to contend that it was mere coincidence that Heng, Trinh and Huynh
13 just happened to show up and gamble at the same table at the same time at Macau Casino and
14 Freddie’s Casino. A reasonable inference is that the parties communicated at some juncture in
15 some fashion, although such communication was unnecessary to carry out the scheme.

16 Moreover, it was not necessary that Huynh “like” Heng or have a relationship with him
17 to cheat. He and Trinh bet in an identical fashion as Heng, who saw the exposed cards from his
18 seat position at seat 9. As experienced dealers Trinh and Huynh could see cards being exposed
19 to Heng’s seat location. The ALJ found as fact that Heng and Trinh and Huynh followed three
20 different dealers who were exposing cards to different gaming tables. It is important to view
21 the totality and overall pattern of the evidence in its entirety, and not in individual silos,
22 although several of those silos are individually damning.

23 Further, Huynh’s attempt to characterize his failure to disclose his tip income in 2013
24 as nothing more than a “simple oversight” is not credible. The ALJ recognized that Huynh’s
25 failure to disclose was an act of dishonesty. Initial Order at 11, ¶ 4.80. While there were
26 multiple dealers who failed to accurately report their tips, Huynh’s failure to disclose his tip

1 income in 2013 was not an oversight. Dealers take locked tip boxes to the cashier's cage
2 where their tips are counted right in front of them; the cage cashier tells them how much their
3 tips were and then gives them an equivalent amount of cash (chips for cash transaction). It was
4 not an oversight by Huynh; it was possibly tax evasion. Trinh made the identical claim – that
5 her failure to report his tip income in 2013 “was a simple oversight.” Trinh’s Petition at 4-5.
6 Huynh’s assertion that it was a simple oversight and that he had a good faith belief he was in
7 compliance is the identical explanation that Trinh provided to her failure to report her 2013 tip
8 income - and is equally not credible. Further, the fact that other Macau dealers also failed to
9 disclose their tip income does not diminish Huynh’s failure to disclose tip income as an act of
10 dishonesty. Initial Order at 11, ¶ 4.80.

11 Huynh’s Petition also quotes the Initial Order when the ALJ stated that he was
12 “skeptical a licensed card dealer with over 12 years’ experience, could recognize the exposing
13 of cards but remain unclear what it meant.” Initial Order at 11, ¶ 4.80. The ALJ’s skepticism is
14 well-founded, given Huynh is an experienced card dealer, and is a valid basis to doubt Huynh’s
15 credibility. Huynh’s Petition suggests that he was not aware of the cards’ exposure giving rise
16 to any specific cheating activity. Petition at 6, ¶ 4.7. It is not credible for a licensed card dealer
17 not to be aware that the lifting of dealt cards would not give rise to a specific cheating activity.
18 Despite Huynh’s assertion that it is not “clear from the record that Mr. Huynh saw more than
19 occasional ‘bad dealing’ where cards were exposed,” the record of his betting in unerring
20 lockstep with Heng refutes Huynh’s latter assertion. Petition at 6, ¶ 4.7. The surveillance video,
21 Agents’ Lohse and Wittmer’s testimony, coupled with Pat Hosier’s testimony, the evidence of
22 Heng, Trinh and Huynh following three different dealers who exposed cards to other gaming
23 tables, revealed Trinh and Huynh’s cheating scheme with Heng. Thus, Huynh’s contention that
24 the video “does not reveal any evidence that Huynh was aware of, a participant in, or
25 benefiting from any cheating scheme of any kind” is self-servingly myopic in terms of the
26 overall evidence presented against Trinh and Huynh. Petition at 6, ¶ 4.8. As noted earlier, the

1 evidence of cheating was captured through different types of evidence. Considered as a whole,
2 the ALJ properly concluded that he had “little to no doubt” that Huynh was aware of cards
3 being flashed and took advantage of the scheme for his economic benefit of winning over 70%
4 any time he placed a bet at mini-baccarat.” Initial Order at 15, ¶ 5.10.

5 Huynh’s Petition also asserts the surveillance video does not reveal any evidence that
6 Huynh was aware of, a participant in, or benefited from any cheating scheme of any kind.
7 Petition at 6, ¶ 4.8. This assertion is self-servingly myopic and incorrect. The extensive
8 surveillance video showed Huynh playing mini-baccarat alongside Yen Trinh, his wife, and
9 Heng. The video also showed, however, that Huynh and Trinh never bet opposite of Heng
10 when he placed a late bet after seeing the exposed cards Initial Order at 8, ¶ 4.52. The bets
11 made by Heng, Trinh and Huynh themselves show that they had knowledge, as Trinh and
12 Huynh bet in the identical manner as Heng 100% of the time, changed their opening bets if
13 Heng bet differently than their opening bets, and so on. *See* Initial Order at 8, ¶ 4.47 and 4.52.
14 The Initial Order found as fact that Heng, Huynh and Trinh routinely followed three different
15 card dealers who exposed cards from gaming table to gaming table. Initial Order at 8, ¶ 4.51,
16 and Initial Order at 3, ¶ 4.12 – 4.15 and 4.28. The video showed Trinh on one occasion
17 providing casino chips to Heng so he could gamble or else wager on her behalf. Initial Order
18 at 8, ¶ 4.50. The record demonstrates that this cheating scheme occurred at two different
19 casinos – and yet but for the dates of the cheating occurring, Huynh’s Petition is silent as to the
20 cheating that occurred at Freddie’s Casino. Petition of Huynh at 2. Huynh’s Petition states in
21 pertinent part that “[h]e is only accused of cheating at Macau between June 4, 2016 and June
22 20, 2016.” Petition at 3. Huynh was found by the ALJ to have also cheated at Freddie’s
23 Casino between May 1, 2016 and May 6, 2016. Initial Order at 1 and 15, ¶ 5.12.

24 In addition, Huynh concedes that Heng was cheating: “Appellants strenuously argue
25 that here they are simply victims of ‘mere luck’ or at most playing unwittingly at a table **with**
26 **Thachly Heng, who was cheating.**” (Emphasis added.) Petition at 8, ¶ 4.11. Given that

1 Huynh was aware Heng was cheating, that Heng, Huynh and Trinh routinely followed dealers
2 who were exposing cards from gaming table to table, that their bets exactly matched Heng's
3 bets in two different casinos during the dates of violation after the cards were exposed to Heng
4 and Heng made late bets, and that Trinh was seen on one occasion providing casino chips to
5 Heng, Huynh and Trinh were not "victims" of "mere luck" but rather participated in the
6 cheating scheme and financially benefited from it.

7 Trinh's Petition contended she mirrored Heng's bets without any special awareness of
8 his spot at the table. Agent Lohse's hearing testimony addressed this. Trinh and Huynh
9 looked to Heng after cards were flashed to see how he would bet. Heng would always wait
10 until cards were flashed to him before he would bet. Trinh and Huynh always copied Heng's
11 bets. *See* Initial Order at 8, ¶ 4.52. If Heng bet opposite of Trinh and Huynh (if they placed a
12 bet before Heng), they sometimes removed their bet or changed it to Heng's bet. The same
13 scheme occurred at two different casinos, which magnifies the conspiracy and intent of the
14 cheating scheme.

15 Trinh's Petition contends when Trinh approached Greg Means with Heng to ask about
16 having security step back from the tables, she was "simply bringing the concerns of Heng, a
17 player, to Means, the manager." Trinh's Petition at 7. Huynh's Petition stated that when Trinh
18 approached Greg Means with Heng to ask about having security step back from the tables, "she
19 was merely helping him with a seemingly mundane request." Petition at 7, ¶ 4.9. Neither
20 Trinh nor Huynh's explanation is credible. Trinh and Heng would want less attention on the
21 table so the cheating scheme could not be identified and could occur, as they would be more
22 inclined to cheat without people watching them directly. Trinh's explanation that she was just
23 expressing Heng's wishes to not have the floor supervisors stand near the mini-baccarat tables
24 while they were playing because it was "unlucky" is not credible in light of all the evidence of
25 cheating.

1 **B. The Gambling Commission’s Investigation was Comprehensive and Accurately**
2 **Demonstrated Huynh’s Cheating**

3 Huynh’s Petition argues that the Commission’s investigation into Trinh and Huynh’s
4 cheating scheme was selective and misleading. This argument is utterly baseless.

5 Despite Huynh’s self-serving contention that the Commission’s investigation into Trinh
6 and Huynh’s cheating scheme was selective and misleading, there was no “cherry-picking”
7 during Agent Lohse’s investigation. Agent Lohse and Agent Keith Wittmer reviewed
8 numerous hands involving all three persons gambling – Heng, Trinh and Huynh. During the
9 hearing, Agent Lohse showed several examples of all three persons gambling when no cards
10 were flashed and none of the three made a bet.

11 Huynh’s argument that the hands analyzed by the Commission agents as being “not
12 representative” of Huynh’s overall gambling pattern is puzzling. For example, assume that a
13 player honestly played 1,000 hands without cheating, and then on the player’s 1,001st hand, he
14 cheats. Commission Special Agents will appropriately analyze all aspects of a cheating
15 incident. At a hearing, Commission Staff will admit into evidence surveillance video of the
16 hand that involved cheating. The act of cheating is therefore the logical focus of an Agent’s
17 investigation. In contrast, the honestly played hands are not relevant, except as they serve to
18 demonstrate the cheating scheme.

19 In light of the totality of evidence presented at the hearing, Trinh’s Petition’s contention
20 that the Commission’s evidence at hearing “**produced nothing** showing that Dung Huynh or
21 Yen Trinh individually or together took any substantial steps to aid in that cheating or
22 benefited from it in any way” is utterly meritless, if not frivolous. *See also* the Initial Order’s
23 Findings of Fact in both cases. The totality of the evidence presented to the ALJ at the hearing
24 proved the cheating scheme that Heng, Trinh and Huynh engaged in – at two different casinos
25 – by a preponderance of the evidence. This Commission should affirm the Initial Order in all
26 respects.

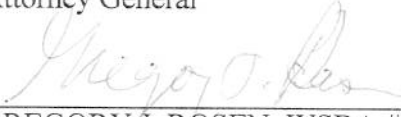
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IV. CONCLUSION

Based on the totality of evidence, Gambling Commission Staff requests that the Commission affirm the Initial Order and revoke Dung Huynh's Public Card Room Employee license.

DATED this 31 day of June, 2018.

ROBERT W. FERGUSON
Attorney General


GREGORY J. ROSEN, WSBA #15870
Senior Counsel
Attorney for Washington State
Gambling Commission Staff

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PROOF OF SERVICE

I certify that I served a true and correct copy of this document on all parties or their counsel of record on the date below as follows:

Friday, June 29, 2018
WSGC

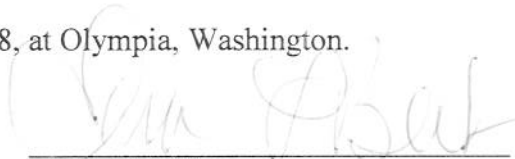
- Via hand delivery by Assistant Attorney General Gregory J. Rosen to the Commission on Friday
- courtesy copy via facsimile:
- courtesy copy via electronic mail:
- ABC/Legal Messenger

Monday, July 2, 2018
JUSTIN JENSEN
TRAN LAW GROUP, PS
787 MAYNARD AVE S
SEATTLE, WA 98104

- U.S. mail via state Consolidated Mail Service (with proper postage affixed)
- courtesy copy via facsimile: (***)
- courtesy copy via electronic mail:
Justin.jensen@tranlaw.firm (6/29/18)
- ABC/Legal Messenger

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 29th day of June, 2018, at Olympia, Washington.



 TINA BERT
 Legal Assistant

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4
5 **STATE OF WASHINGTON**
ON BEHALF OF THE WASHINGTON STATE GAMBLING COMMISSION

6 In the Matter of the Summary Suspension
7 of the License to Operate Gambling
8 Activities of:

OAH No. 06-2017-GMB-00023
GMB No. CR 2016-01285, 2016-01570

8 DUNG N. HUYNH
9 License No. 68-21679

DECLARATION OF SERVICE

Licensee(s).

10
11 I certify that I served a true and correct copy of the Response to Petition for Review on
12 all parties or their counsel of record on the date below as follows:


13 **On Friday, June 29, 2018**

14 WASHINGTON STATE
15 GAMBLING COMMISSION
16 4565 – 7TH AVENUE S.E.
17 LACEY, WA 98503

- Via hand delivery by Assistant Attorney
General Gregory J. Rosen to the
Commission on Friday, 6/29/18
 courtesy copy via electronic mail:

18 **On Monday, July 2, 2018**

18 JUSTIN R. JENSEN
19 TRAN LAW GROUP, PS
20 787 MAYNARD AVE S
21 SEATTLE, WA 98104-2987

- U.S. mail via state Consolidated Mail
Service (with proper postage affixed) on
7/2/18 by Tina Bert, Legal Assistant
 courtesy copy via electronic mail: 
Jensen@JustinRJensen.com (emailed on
6/29/18) by Marlena Mulkins, Legal
Assistant

22 I declare under penalty of perjury under the laws of the state of Washington that the
23 foregoing is true and correct.

24 DATED this 2nd day of July, 2018, at Olympia, Washington.

25 
26 MARLENA MULKINS, Legal Assistant

ORIGINAL

RECEIVED
JUN 29 2018
WSGC/LICENSING

STATE OF WASHINGTON
ON BEHALF OF THE WASHINGTON STATE GAMBLING COMMISSION

In the Matter of the Summary Suspension
of the License to Operate Gambling
Activities of:

OAH No. 06-2017-GMB-00024

GMB No. CR2016-01284, 2016-01569

YEN H. TRINH
License No. 68-21156

RESPONSE TO PETITION FOR
REVIEW

Licensee(s).

The Washington State Gambling Commission Staff (Commission Staff), by and through its attorneys, ROBERT W. FERGUSON, Attorney General, and GREGORY J. ROSEN, Senior Counsel, respectfully present this Response to Petition for Review.

I. FACTS

In May and June 2016, Commission Licensees Yen Trinh (Trinh) and Dung Huynh (Huynh), along with Thachly Heng (Heng), a non-Licensee, engaged in a scheme that defrauded Macau Casino in Tukwila and Freddie's Casino in Renton out of thousands of dollars. Trinh was involved in at least 40 cheating incidents. Huynh was involved in at least 30 cheating incidents. Trinh and Huynh are licensed card room employees (CRE) and are married. See Exhibit 1, Case Report, Case # 2016-01285, at 5.

At the administrative hearing, there were many separate but related pieces of inculpatory evidence presented regarding Heng, Trinh and Huynh's cheating. The Initial

1 Order's Findings of Fact noted the following, in pertinent part, as to the cheating scheme at
2 Macau Casino:

3 4.10 Means also noted that certain dealers, later determined to be exposing
4 cards, received significantly higher tips than normal. Means determined
5 the high tips were likely the result of players winning more often, resulting
6 in more frequent tipping of their card dealers. *Testimony of Means.*

7 4.11 Means had observed Huynh and Trinh, both card dealers at the casino
8 since 2011, repeatedly call in sick to work, but show up to play mini-
9 baccarat with Heng and several other people who were suspected of
10 cheating. *Testimony of Means.*

11 4.12 Means observed card dealer Chandara Loeur (hereinafter 'Loeur')
12 intentionally expose cards, by lifting the edge of each card as she dealt
13 them, while Huynh, Trinh and Heng were playing at the table. She did not
14 expose cards when the three were not playing. *Testimony of Means.*

15 4.13 Means observed Huynh, Trinh, Heng, and several other players follow
16 Loeur as she moved from one table to another, during her regular card
17 dealing rotation. *Testimony of Means.*

18 4.14 When later confronted by Means and the Gambling Commission, Loeur
19 admitted to intentionally exposing cards to players, as part of a
20 cheating scheme. Her card dealer license was subsequently revoked.
21 *Testimony of Lohse and Ex. 5.*

22 4.15 Means reviewed additional video footage of Huynh, Trinh, and Heng
23 playing mini-baccarat. He noticed the three, along with several other
24 people, follow another card dealer, Teresa Li, from table to table. Lee
25 appeared to be inadvertently exposing cards to players when dealing.
26 *Testimony of Means.*

4.16 The lifting up of any portion of a 'face down' card from off of the table as
it is being dealt is considered 'bad dealing', since it exposes the card values
to players sitting at the table. *Testimony of Means.*

4.17 Means, a professional card counter and experienced mini-baccarat card
dealer, in reviewing video footage, observed Huynh, Trinh, Heng, and
several other players 'bet late', meaning they would place their bets after
the cards had been dealt and exposed cards had been shown. *Testimony of
Means.*

4.18 In mini-baccarat, it is not uncommon for players to place the same, or
similar, bets. However, in reviewing video footage, Means observed
Huynh and Trinh almost always followed the betting pattern of the player
(Heng) at 'third base' or 'seat 9', who could directly observe the 'exposed'
cards as they were being dealt from the shoe (card deck). *Testimony of
Means.*

1 4.19 Means recalled in June 2016, Trinh and Heng came into the casino
2 together and asked to speak to Means. Trinh and Heng requested Means to
3 tell the floor supervisors not to stand near the mini-baccarat tables while
4 they were playing since it was 'unlucky'. Trinh and Heng then left the casino
5 together. Means believes Trinh and Heng's request was to prevent casino
6 personnel from observing the cheating by the group of players. *Testimony*
7 *of Means.*

8 4.20 Mean (sic) noted that prior to 2016, Huynh usually didn't bet, but rather
9 watched his spouse, Yen Trinh, gamble. However, in 2016, Huynh began
10 aggressively betting and playing as much as his spouse. The amount of
11 Trinh's wagers increased significantly in 2016 as well. *Testimony of*
12 *Means.*

13 Initial Order at 3-4.

14 The Initial Order's Finding of Fact noted the following, in pertinent part, as to the cheating
15 scheme at Freddie's Casino:

16 4.21 Around the same time in June 2016, James Hosier ('Hosier'), General
17 Manager of Freddie's Casino, contacted Washington State Gambling
18 Commission Special Agent Keith Wittmer ('Wittmer') regarding possible
19 cheating at the casino. *Testimony of James Hosier (hereinafter 'Testimony*
20 *of Hosier') and Testimony of Keith Wittmer (hereinafter 'Testimony of*
21 *Wittmer') and Ex. 8.*

22 4.22 Hosier identified Dung Huynh, Yen Trinh, and Thachly Heng as involved
23 in possible cheating at mini-baccarat. *Testimony of Hosier and Ex. 8.*

24 4.23 During the period when cheating was suspected of going on, the casino
25 lost over \$35,000 in a three-day period, on May 1st, May 2nd and May 6th,
26 2016. While card dealer tips jumped from \$200 per hour to \$600, which
usually doesn't change unless players are winning. Both the loss to the
casino and the spike in tips at the mini-baccarat gaming tables were
'highly irregular' and raised an immediate suspicion of cheating by Hoiser,
who had been a card dealer since 1980. *Testimony of Hosier and Ex. 8.*

4.24 Hosier also observed on video any time there was a 'natural nine'
dealt (best possible outcome), after the cards had been exposed, Huynh,
Trinh, and Heng bet 'big' or the maximum bet allowed at the table.
Testimony of Hosier and Ex. 8.

4.25 Hosier reviewed video footage of mini-baccarat and observed 'significant
action' only after the cards had been dealt. This 'significant action'
included late bets and maximum bets by the players, when exposed
cards were likely dealt. *Testimony of Hosier and Ex. 8.*

4.26 Hosier provided eight days of video footage to Special Agent
Wittmer of the Washington State Gambling Commission. The eight days
included when Hosier believed Huynh, Trinh, Heng, among others, were
engaged in cheating at the casino. *Testimony of Hosier and Ex. 8 & 10.*

- 1 4.27 Hosier observed one dealer, Hongyan Chen, unintentionally exposing
2 cards while Huynh, Trinh, and Heng were playing at her mini-baccarat
3 table. *Testimony of Hosier and Exs. 8 & 10.*
- 4 4.28 Hosier observed Huynh, Trinh, and Heng follow the card dealers,
5 including Chen, who were exposing cards at their various tables, rather
6 than staying at the same table. The activity of following a dealer was
7 'highly irregular'. *Testimony of Hosier.*
- 8 4.29 Hosier was familiar with Huynh, Trinh, and Heng, since Huynh and
9 Trinh were both dealers at the Macau Casino. The three had never been
10 'big players'. However, during the period of possible cheating, the three
11 players were playing more frequently and winning significantly more
12 than they had ever won before. *Testimony of Hosier.*
- 13 4.30 Hosier observed Heng always sat at the 'third base'/'seat 9' position,
14 while Huynh and Trinh sat across the table from him, in seats 2 and 3.
15 Huynh and Trinh always followed Heng's late wagers and *never* went
16 against his bets. *Testimony of Hosier and Ex. 8 & 10.*
- 17 4.31 Hosier noted the players at the table, including Huynh and Trinh, took turns
18 placing an early bet to ensure the cards were dealt 'face down', to allow
19 Heng to view the exposed cards and then place his bet. Huynh and Trinh
20 would then follow Heng's bet. To Hosier, the taking of turns by players at
21 the table to place an early bet to ensure the cards were dealt 'face down',
22 showed a conspiracy among the players. *Testimony of Hosier.*
- 23 4.32 Hosier, a card dealer since 1980, had never seen everyone betting the
24 same, including changing bets or taking bets back, based on the late bets of
25 another player. Such a betting pattern was 'incredibly suspicious'.
26 *Testimony of Hosier.*
- 4.33 After reviewing footage of the alleged cheating by Huynh, Trinh, Heng,
and several others, based on his three decades as a card dealer, Hosier had
'no doubt' all of the players were involved in the cheating scheme.
Testimony of Hosier.
- 4.34 Washington State Gambling Commission Special Agent Keith Wittmer also
reviewed the video footage from Freddie's Casino, provided by Hoiser.
Wittmer was certain cards were being exposed and dealers, such as Huynh
and Trinh, who were also experienced card dealers, would see it and take
advantage of it. *Testimony of Wittmer and Exs. 8, 9, & 10.*
- 4.35 In May and June 2016, during the period in question, both the Macau
Casino and Freddie's Casino, both allowed players to place 'late bets',
meaning players could place bets after the cards had been dealt. However,
casinos in the State of Washington no longer allow 'late bets' due to the
prevalence of cheating. *Testimonies of Means and Hoiser.*

Initial Order at 4-6.

After all of the evidence was considered in its totality by the Administrative Law Judge,
he entered the following Conclusion of Law:

1 5.9 At the hearing, the Appellant argued there is no direct evidence of
2 cheating, that any evidence is purely circumstantial in nature. While
3 the undersigned administrative law judge concedes no direct evidence,
4 such as an admission or direct observation of cheating by the Appellant,
5 **the totality of the evidence provides little doubt the Appellant**
6 **cheated and engaged in a cheating conspiracy in May and June of**
7 **2016.** This 'totality of evidence' includes: (1) The Appellant, along
8 with her spouse and several other individuals, were under investigation
9 for cheating by two, separate casinos at the same time; (2) The
10 Appellant's win rate of over 70%, in a game in which the odds are less
11 than 50/50, raises a high suspicion of cheating. Essentially, the
12 Appellant, along with several others, were winning nearly three out of
13 every four hands dealt, in a game that most people only win half of the
14 time, at best; (3) The Gambling Commission Board Staff witnesses,
15 experienced in card dealing and observing cheating, had 'no doubt' that
16 cheating was going by means of seeing 'exposed' or 'flashed' cards; (4)
17 The Appellant having 12 years of experience in card dealing likely saw
18 cards being exposed/flashed and took advantage of it; (5) The Appellant
19 can be seen handing casino chips under the table to another (sic) player to
20 bet on her behalf, after pulling her wager since it was (sic) opposite the bet
21 made by Heng, who had seen the outcome (sic) of the hand. This act of
22 intentionally concealing the transfer of chips is highly suspicious of
23 anything other than cheating; (6) Further, (sic) the Appellant and Heng went
24 (sic) into the Macau Casino in order to ask staff to not stand so close while
25 they were playing, under the guise of 'bad luck. However, asking (sic) staff
26 to stand (sic) back in order to allow the cheating to continue without
detection is a more plausible reason for the request; (7) The Appellant's
win rate went well beyond mere luck or a hot streak, since she won over
70% of the time she sat down at a mini-baccarat table; and (8) Finally, the
Appellant admitted to a gambling (sic) addiction, thereby establishing a
motive for cheating in order to pay off her debts.

17 5.10 **The undersigned administrative law judge is convinced and left with**
18 **little to no doubt, the Appellant was aware of cards being flashed and**
19 **took advantage of the scheme for her economic benefit of winning**
20 **over 70% any time she placed a bet at mini-baccarat.** Based on these
21 facts, the Appellant cheated, as defined by RCW 9.46.196. Therefore, the
22 Appellant, in May and June of 2016, violated RCW 9.46.190.

20 5.11 The Appellant contends she had no knowledge of any conspiracy to cheat
21 going on while he was gambling at mini-baccarat. The undersigned
22 administrative law judge disagrees. As previously established, the
23 Appellant, along with Heng, went into the Macau Casino together to ask
24 casino staff to stand away while they gambled as it was 'bad luck'.
25 However, the two, working together, demonstrate a conspired plan to
26 continue to cheat without detection. Further, she also placed early wagers,
in concert with the other players, to ensure the cards were dealt 'face down',
in order to allow the exposing of cards to occur. The taking turns by the
players, including the Appellant, demonstrates the players were working
as a group to conduct the cheating scheme.

1 5.12 Based on these facts, the undersigned administrative law judge is
2 convinced the Appellant worked with her spouse, Huynh, and several
3 other players to cheat at mini-baccarat thereby defrauding two casinos in
4 May and June, 2016. As a result, the Appellant engaged in a ‘criminal
5 conspiracy’, consistent with RCW 9A.28.040.

6 Initial Order, *In re Yen Trinh*, at 14-15 (emphasis added).

7 II. ISSUE

8 Should the Commission affirm the Initial Order and Revoke Yen Trinh’s Public Card
9 Room Employee License?

10 III. ARGUMENT

11 A. **Trinh’s Attempts to Discredit the Initial Order’s Credibility Determinations are 12 Meritless**

13 In response to the plethora of evidence that proved by a preponderance that Trinh and
14 Huynh engaged in cheating at two different casinos, Trinh’s Petition For Review (Petition)
15 attempts to challenge the credibility determinations made in the ALJ’s Initial Order. Her
16 attempts to do are meritless.

17 For example, Trinh references the Initial Order that found as fact that “[w]hen later
18 confronted by Means and the Gambling Commission, [card dealer Chandara] Loeur admitted
19 to intentionally exposing cards to players, as part of a cheating scheme.” Trinh argues,
20 however, that Loeur did not admit to any contact Trinh or Huynh, and said nothing to suggest
21 Trinh was aware of, participated in or benefited from the scheme. *See* Initial Order at 3, ¶
22 4.14, and Petition at 3.

23 Trinh self-servingly minimizes Loeur’s comments to Means. The ALJ found as fact
24 that Means observed card dealer Chandara Loeur intentionally expose cards, by lifting the edge
25 of each card as she dealt them, while Huynh, Trinh and Heng were playing at the table. **She
26 did not expose cards when the three were not playing.** (Emphasis added.) The ALJ found
as fact that Means observed Huynh, Trinh, Heng, and several other players follow Loeur as
she moved from one table to another, during her regular card dealing rotation. The ALJ

1 also found as fact that when later confronted by Means and the Gambling Commission,
2 Loeur admitted to intentionally exposing cards to players, as part of a cheating scheme.
3 Her card dealer license was subsequently revoked. Initial Order at 3, ¶ 4.12 - 4.14. The ALJ also
4 found as fact that Heng, Trinh, and Huynh followed two other card dealers who were exposing
5 cards to different gaming tables. Initial Order at 4-5, at ¶ 4.15 and 4.28.

6 Trinh and Huynh were both very experienced card dealers; each had been a licensed
7 card dealer in the State of Washington since 2005. Initial Order at 9-10, ¶ 4.59 and 4.68. That
8 experience should be fully taken into account when considering the evidence. As experienced
9 dealers Trinh and Huynh could see cards being exposed to Heng's seat location. The ALJ
10 found as fact that Heng and Trinh and Huynh followed three different dealers who were
11 exposing cards to different gaming tables. It is important to view the totality of the evidence in
12 its entirety, and not in individual silos, although several of those silos are individually
13 damning.

14 Trinh's Petition notes the Initial Order's Finding of Fact that in "mini-baccarat, it is not
15 uncommon for players to place the same, or similar bets," and Greg Means' testimony "that
16 Huynh and Trinh almost always followed the betting pattern of the player (Heng)..." Petition
17 at 3, ¶ 4.3. Here, Huynh hugely minimizes the identical nature with which he and Trinh bet in
18 concert with Heng. As the Initial Order found, "Huynh and Trinh, as well as other players,
19 **never bet opposite Heng, when he placed a late bet after seeing the exposed cards.**" Initial
20 Order at 8, ¶ 4.52 (emphasis added). The Initial Order also found that "[o]nly after cards were
21 exposed and Heng bet, did Huynh and Trinh follow Heng's lead in betting." Initial Order at 8,
22 ¶ 4.53. Placing the same or similar bets is one thing; Huynh and Trinh never varying from the
23 bets of Heng at two different casinos, after Heng, Trinh and Huynh followed dealers who were
24 exposing cards, and after Trinh provided casino chips to Heng so he could gamble or else
25 wager on Trinh's behalf, is highly suspicious. *See* Initial Order at 8, ¶ 4.49 and 4.51. Further,
26

1 Trinh also appears to omit mentioning the ALJ's Finding of Fact that card dealers routinely
2 moves tables every half hour, and that

3 "...Huynh, Trinh and Heng routinely follow the card dealer, often Teresa Lee,
4 who was intentionally exposing cards to the 'third base/'seat 9 position, and
Hongyen Chen, who was unintentionally flashing cards."

5 Initial Order at 8, ¶ 4.51.

6 The ALJ also found as fact that Means observed card dealer Chandara Loeur
7 intentionally expose cards, by lifting the edge of each card as she dealt them, while Huynh,
8 Trinh and Heng were playing at the table, and that Loeur did not expose cards when the three
9 were not playing. The ALJ also found as fact that Means observed Huynh, Trinh, Heng, and
10 several other players follow Loeur as she moved from one table to another, during her
11 regular card dealing rotation. Initial Order at 3, ¶ 4.13. The ALJ also found as fact that when
12 later confronted by Means and the Gambling Commission, Loeur admitted to intentionally
13 exposing cards to players, as part of a cheating scheme, and that Loeur's card dealer
14 license was subsequently revoked. Initial Order at 3, ¶ 4.14. The fact that Heng, Trinh and
15 Huynh followed three different dealers who were exposing cards to different gaming tables –
16 Loeur, Lee and Chen - speaks volumes about their intent to cheat and the steps they took to
17 engage in cheating.

18 Trinh's Petition references the Initial Order's Finding that "Means recalled in June
19 2016, Trinh and Heng came into the casino together and asked to speak to Means. Trinh and
20 Heng requested Means to tell the floor supervisors not to stand near the mini-baccarat tables
21 while they were playing since it was 'unlucky.' Trinh and Heng then left the casino together.
22 Means believes Trinh and Heng's request was to prevent casino personnel from observing the
23 cheating by the group of players. Initial Order at 4, ¶4.19; Petition at 4. Despite Trinh's
24 testimony that she approached Means at Heng's request as a "casino patron," Trinh was
25 gambling on the same tables as Heng and she and Huynh had a vested interest in supervisors
26 not watching the tables if she was engaging in the cheating scheme with Huynh and Heng. In

1 | light of the various pieces of evidence of cheating, Trinh's assertion that she "merely
2 | facilitated the request as an employee who knew Mr. Means" and "was simply bringing the
3 | concerns of Heng, a player, to Means, the manager" is not credible. Petition at 4 and 7.

4 | In related fashion, Trinh contends that "her testimony that she never spoke with Mr.
5 | Heng outside the casino remains uncontested..." Petition at 4. At the hearing, surveillance
6 | video at Freddie's Casino showed both Trinh and Huynh gambling at the same table together
7 | on several different days. It strains credulity to contend that it was mere coincidence that
8 | Heng, Trinh and Huynh just happened to show up and gamble at the same table at the same
9 | time at Macau Casino and Freddie's Casino. A reasonable inference is that the parties
10 | communicated at some juncture in some fashion, although such communication was
11 | unnecessary to carry out the scheme.

12 | Further, Trinh's attempt to characterize Trinh's failure to disclose her tip income in
13 | 2013 as nothing more than a "simple oversight" strains credulity. Petition at 4-5. Trinh's
14 | attempt fails. While there were multiple dealers who failed to accurately report their tips,
15 | Trinh's failure to disclose her tip income in 2013 was not an oversight. Dealers take locked tip
16 | boxes to the cashiers cage where their tips are counted right in front of them, the cage cashier
17 | tells them how much their tips were and then gives them an equivalent amount of cash (chips
18 | for cash transaction). It was not an oversight by Trinh; it was possibly tax evasion. Huynh
19 | made the identical claim – that his failure to report his tip income in 2013 "was a simple
20 | oversight." Huynh's Petition at 5. Huynh's assertion that it was a simple oversight and that he
21 | had a good faith belief he was in compliance is the identical explanation that Trinh provided to
22 | her failure to report her 2013 tip income - and equally not credible. Further, the fact that other
23 | Macau dealers also failed to disclose their tip income does not diminish Huynh's failure to
24 | disclose tip income as an act of dishonesty. Initial Order at 11, ¶ 4.80.

25 | Trinh's Petition also quotes the Initial Order when the Order stated "it is hard to believe
26 | that Trinh, a card dealer with over 14 years of experienced (sic), was not aware of a card dealer

1 lifting and exposing cards.” Initial Order at 11; Petition at 5, ¶ 4.7. Trinh concedes that when
2 the video footage is slowed to a fraction of actual play speed and a Commission agent is
3 pointing out every slight lift of a of a card from the table, the dealer can be seen exposing
4 cards. *Id.* Trinh complains, however, that she did not have benefit of testimony and playback,
5 nor was she investigating potential cheating. Trinh asserts that while the exposed cards may be
6 apparent on review, it is entirely plausible that they did not appear obvious to a player at the
7 table without the benefit of hindsight and video analysis.

8 Trinh’s assertions are meritless. First, as the Initial Order noted, Trinh has been a
9 licensed card dealer in Washington since 2005; she did not need video analysis to observe that
10 cards were being lifted. Second, it was unnecessary to slow down video or zoom in on the
11 cards to see that cards were being lifted off the table and flashed – the lifting of the cards was
12 clear and apparent. Heng, Trinh, and Huynh were sitting within two feet of the actual deal,
13 live. Trinh and Huynh are both experienced dealers that knew correct dealing procedures
14 versus incorrect procedures. During the hearing, the ALJ watched surveillance video on a
15 viewing screen that was approximately 10-15 feet away. It was necessary at the hearing to
16 stop and slow down the surveillance video to show the scheme to the ALJ.

17 Moreover, the bets made by Heng, Trinh and Huynh themselves show that they had
18 knowledge, as Trinh and Huynh bet in the identical manner as Heng 100% of the time,
19 changed their opening bets if Heng bet differently than their opening bets, and so on. *See*
20 Initial Order at 8, ¶ 4.47 and 4.52.

21 In addition, Trinh appears to concede that Heng was cheating: “Appellants strenuously
22 argue that here they are simply victims of ‘mere luck’ or **at most** playing unwittingly at a table
23 with **Thachly Heng, who was cheating.**” (Emphasis added.) Huynh’s Petition at 8, ¶ 4.11.
24 First, Trinh and Huynh ascribing possible alternative explanations for their gambling success –
25 “mere luck” or “at most playing unwittingly at a table with Thachly Heng, who was cheating –
26 is quite curious. (Emphasis added.) Second, Trinh and Huynh’s attempt to blame their

1 successful gambling on “mere luck” is meritless, as the ALJ recognized: “[t]he Appellant’s win
2 rate went well beyond mere luck or a hot streak since she won over 70% of the time she sat
3 down at a mini-baccarat table...” Initial Order at 15, ¶ 5.9. Third, if Trinh and Huynh knew
4 Heng was cheating, then their participation in mini-baccarat games with Heng was not
5 unwitting. And if Trinh and Huynh knew Heng was cheating, Trinh’s putative explanation for
6 approaching Greg Means to tell supervisors not to stand too close to the gaming tables - that
7 she “merely facilitated the request as an employee who knew Mr. Means” and “was simply
8 bringing the concerns of Heng, a player, to Means, the manager” – are clearly not credible.
9 Given that Heng, Huynh and Trinh followed three different dealers who exposed cards from
10 gaming table to gaming table, that their bets exactly matched Heng’s bets in two different
11 casinos during the dates of violation after the cards were exposed to Heng and Heng made his
12 late bets, and that Trinh was seen on one occasion providing casino chips to Heng, Huynh and
13 Trinh were not “victims” of “mere luck” but rather participated in the cheating scheme and
14 financially benefited from it. The attempt to explain away Trinh and Huynh’s successful
15 betting in unerring lockstep with Heng as “mere luck” or “playing unwittingly at a table with
16 Thachly Heng, who was cheating” is meritless.

17 The evidence of cheating was captured through different types of evidence. Considered
18 as a whole, the ALJ properly concluded that he had “little to no doubt” that Huynh was aware
19 of cards being flashed and took advantage of the scheme for his economic benefit of winning
20 over 70% any time he placed a bet at mini-baccarat.” Initial Order at 15, ¶ 5.10.

21 Trinh’s Petition also contends she mirrored Heng’s bets without any special awareness
22 of his spot at the table. Agent Lohse’s hearing testimony addressed this. Trinh and Huynh
23 looked to Heng after cards were flashed to see how he would bet. Heng would always wait
24 until cards were flashed to him before he would bet. Trinh and Huynh always copied Heng’s
25 bets. If Heng bet opposite of them (if they placed a bet before Heng), they sometimes removed
26

1 | their bet or changed it to Heng's bet. The same scheme occurred at two different casinos,
2 | which magnifies the conspiracy and intent of the cheating scheme.

3 | Trinh's Petition references the Initial Order when the ALJ discussed Trinh and Heng
4 | coming into the casino to ask Means to tell supervisors not to stand too close to the mini-
5 | baccarat tables when they were playing since it was bad luck. Initial Order at 11, ¶ 4.80. Trinh
6 | testified that she approached Means at Heng's request as a "casino patron" and that she
7 | **"merely facilitated the request as an employee who knew Mr. Means,"** and that Trinh **"was**
8 | **simply bringing the concerns of Heng, a player, to Means, the manager."** (Emphasis
9 | added.) Petition at 4 and 7. Trinh's explanations are not credible. Trinh was gambling on the
10 | same tables as Heng; Trinh and Huynh had a vested interest in supervisors not watching the
11 | tables if they were engaging in the cheating scheme with Heng. In light of the evidence of
12 | cheating, including but not limited to an abundance of surveillance video, Trinh's putative
13 | explanations for approaching Means on Heng's behalf "merely facilitated the request as an
14 | employee who knew Mr. Means" utterly lacks merit. Trinh's explanation is not credible.
15 | Trinh and Heng would want less attention on the table so the cheating scheme could not be
16 | identified and so that the cheating scheme could actually take place, as they would be more
17 | inclined to cheat without people watching them directly. Trinh's explanation that she was just
18 | expressing Heng's wishes to not have the floor supervisors stand near the mini-baccarat tables
19 | while they were playing because it was "unlucky" is not credible in light of the all the evidence
20 | of cheating. Heng's "concerns" about the supervisors standing too close to the gaming table
21 | because it was "bad luck" makes no sense.

22 | Trinh's Petition also asserts that Trinh sharing chips with Heng does not support a
23 | credibility finding in any particular direction. Petition at 7, ¶4.10. This assertion also lacks
24 | merit. It is the sharing of the chips **in the context of the cheating incidents occurring that is**
25 | **significant.** Trinh attempts to distance herself and Huynh from Heng as if they do not know
26 | each other. Yet, Trinh and Heng sharing chips makes clear that they parties know each other.

1 It is not credible for Trinh to share chips with Heng, but has never spoken with him outside a
2 casino. It is not credible that one would share casino chips with strangers.

3 Trinh’s Petition contends that Trinh admitting that she has a gambling addiction speaks
4 to her truthfulness. Petition at 7-8, ¶ 4.11. Admitting to a gambling addiction, however, does
5 not establish that Trinh is truthful. On the contrary, a gambling addict who is over \$100,000 in
6 debt, as Trinh testified she was due to her excessive gambling, is a motivation for engaging in
7 illegal activity to obtain money to fuel the addiction and pay back the persons she owes. As the
8 Initial Order correctly noted, “Trinh acknowledged she has a gambling addiction and often
9 owed people money because of her addiction, which adds greater motivation to win and earn
10 money in order to pay off her debts.” Initial Order at 11, ¶ 4.80. Trinh had the means, motive
11 and opportunity to cheat, and did so.

12 Moreover, Trinh’s Petition states that “Trinh’s open admission of her addiction speaks
13 to her truthfulness, not any lack thereof. **She further clarified that she has given up
14 gambling entirely.**” Petition at 8 (emphasis added). Despite Trinh’s clarification that “she
15 has given up gambling entirely,” supplemental evidence clearly demonstrates that after the
16 hearing concluded, Trinh continued to gamble and play mini-baccarat.

17 Supplemental Exhibit 1, Customer History for Yen Trinh, reflects that Trinh gambled
18 after the hearing at the Wizards Casino, on February 8, 9, 16, 25, 26, March 19, 20 and April 3
19 and 17. The same exhibit shows that Trinh played mini-baccarat at the Wizards Casino on
20 February 8, 9, 16, 26, March 20, and April 3 and 17. *See* Supplemental Exhibit 1 at 1.
21 Because Trinh’s clarification that she has given up gambling entirely was false, the ALJ’s
22 finding that he “does not find Trinh’s testimony credible” is further buttressed by this
23 evidence. *See* Initial Order at 11.

1 **B. The Gambling Commission’s Investigation was Comprehensive and Accurately**
2 **Demonstrated Trinh’s Cheating**

3 Trinh’s Petition argues that the Commission’s investigation into Trinh and Huynh’s
4 cheating scheme was selective and misleading. Trinh appears to argue she and Huynh had
5 played thousands of hands over the years and lost hundreds of thousands of dollars to the
6 casino, so the hands that involved cheating are not representative of the entirety of their
7 gambling activities. This argument is meritless.

8 Despite Huynh’s self-serving contention that the Commission’s investigation into Trinh
9 and Huynh’s cheating scheme was selective and misleading, there was no “cherry-picking”
10 during Agent Lohse’s investigation. Agent Lohse and Agent Keith Wittmer reviewed
11 numerous hands involving all three persons gambling – Heng, Trinh and Hunh. During the
12 hearing, Agent Lohse showed several examples of all three persons gambling when no cards
13 were flashed and none of the three made a bet.

14 Trinh’s argument that the hands analyzed by the Commission agents as being “not
15 representative” of Trinh’s overall pattern of gambling is puzzling. For example, assume that a
16 player played 1,000 hands without cheating, and then on the player’s 1,001st hand, he cheats.
17 Commission Special Agents will appropriately focus on the cheating incident and at a hearing,
18 will show surveillance video of the hand that involved cheating and why the player’s actions
19 demonstrate that it constituted cheating. The act of cheating, and not the honest play, is the
20 appropriate focus. The honestly played hands are not relevant. The investigation logically
21 focused on hands that involved a cheating scheme, not the hands in which Trinh and Huynh
22 played honestly and lost.

23 Further, Trinh’s Petition’s contention that the Commission’s evidence at hearing
24 “produced nothing showing that Dung Huynh or Yen Trinh individually or together took any
25 substantial steps to aid in that cheating or benefited from it in any way” is utterly meritless,
26 given the plethora of evidence presented at the hearing, coupled with the money Trinh and

1 Huynh illegitimately won through the cheating scheme. *See also* the Initial Order's Findings
2 of Fact in both cases.

3 Moreover, the totality of the investigation and numerous hours of surveillance video
4 clearly showed the cheating scheme that Heng, Trinh and Huynh engaged in.

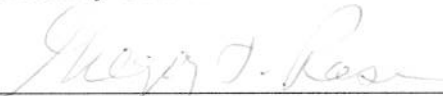
5 Trinh also complains that she and Huynh are being blamed for some casinos' now-
6 abolished policy of allowing "late bets." Petition at 9, ¶ 5.1. Trinh's complaint is a red
7 herring. The Initial Order correctly found that Huynh and Trinh never bet opposite of Heng,
8 when Heng placed a late bet after seeing the exposed cards; this Finding makes clear that the
9 cheating scheme could only work if late bets were permitted. The evidence reflects that Heng,
10 Trinh and Huynh took full and illegal advantage of late betting. Initial Order at 8, ¶ 4.47, 4.52.

11 IV. CONCLUSION

12 Based on the totality of evidence, Gambling Commission Staff requests that the
13 Commission affirm the Initial Order and revoke Yen Trinh's Public Card Room Employee
14 license.

15 DATED this 29 day of June, 2018.

16
17 ROBERT W. FERGUSON
Attorney General

18
19 
20 _____
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Senior Counsel
Attorney for Washington State
Gambling Commission Staff

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PROOF OF SERVICE

I certify that I served a true and correct copy of this document on all parties or their counsel of record on the date below as follows:

Friday, June 29, 2018
WSGC

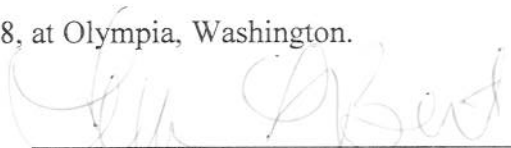
- Via hand delivery by Assistant Attorney General Gregory J. Rosen to the Commission on Friday
- courtesy copy via facsimile:
- courtesy copy via electronic mail:
- ABC/Legal Messenger

Monday, July 2, 2018
JUSTIN JENSEN
TRAN LAW GROUP, PS
787 MAYNARD AVE S
SEATTLE, WA 98104

- U.S. mail via state Consolidated Mail Service (with proper postage affixed)
- courtesy copy via facsimile: (***)
- courtesy copy via electronic mail:
Justin.jensen@tranlaw.firm (6/29/18)
- ABC/Legal Messenger

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 29th day of June, 2018, at Olympia, Washington.



 TINA BERT
 Legal Assistant

Customer History for Trinh, Yen H (ID:72514)

Wizards Casino

From 01/01/2017 12:01 AM to 06/11/2018 11:59 PM

Period	Today	MTD	YTD	REPORT	Yen H. Trinh
Time Played	:	:	32:06	63:39	[REDACTED]
Average Bet	0	0	151	101	[REDACTED]
Theo Loss			-1,727	-3,129	[REDACTED]
Actual Win/Loss	0	0	-24135	-28665	DoB: [REDACTED] S
Points Earned	0	0	58194	105214	
Points Adjusted	0	0	0	0	
# Ratings	0	0	17	36	
# Days Rated	0	2	17	53	

Customer Rating Detail

Date	Casi Game	Tbl	Time Out	Started By	Stopped By	AB	Pts Earn	Pt
04/17/18	WC Mini Baccarat	BAC-1	03:05 04:32	4579 b armstrong	4579 b armstrong	\$50	1422	
04/03/18	WC Mini Baccarat	BAC-1	01:30 04:08	4579 b armstrong	4579 b armstrong	\$25	1508	
03/20/18	WC Mini Baccarat	BAC-2	21:54 00:57	2217 M Carter	2217 M Carter	\$100	4903	
03/20/18	WC Fortune Pai	FPGP-	18:23 21:54	2217 M Carter	2217 M Carter	\$100	8244	
03/19/18	WC Fortune Pai	FPGP-	17:35 17:52	4579 b armstrong	4579 b armstrong	\$100	664	
02/26/18	WC Mini Baccarat	BAC-1	23:35 04:12	2217 M Carter	2217 M Carter	\$100	7421	
02/26/18	WC Fortune Pai	FPGP-	23:28 23:34	4579 b armstrong	2217 M armstrong	\$50	143	
02/26/18	WC Fortune Pai	FPGP-	15:57 17:18	4579 b armstrong	4579 b armstrong	\$100	3165	
02/25/18	WC Fortune Pai	FPGP-	17:23 18:09	4579 b armstrong	4579 b armstrong	\$100	1797	
02/16/18	WC Mini Baccarat	BAC-1	03:35 03:58	1971 R LeMieux	1971 R LeMieux	\$100	616	
02/09/18	WC Fortune Pai	FPGP-	02:55 02:58	1971 R LeMieux	1971 R LeMieux	\$500	475	
02/09/18	WC Fortune Pai	FPGP-	02:05 02:54	1971 R LeMieux	1971 R LeMieux	\$500	7130	
02/09/18	WC Fortune Pai	FPGP-	01:27 02:07	1971 R LeMieux	1971 R LeMieux	\$300	3802	
02/09/18	WC Mini Baccarat	BAC-1	00:55 01:27	1971 R LeMieux	1971 R LeMieux	\$300	1890	
02/08/18	WC Mini Baccarat	BAC-1	17:15 19:07	1971 R LeMieux	1971 R LeMieux	\$50	1782	
01/09/18	WC Fortune Pai	FPGP-	20:20 04:16	4579 b armstrong	2217 M armstrong	\$50	11025	
01/09/18	WC Mini Baccarat	BAC-1	02:07 04:22	2217 M Carter	2217 M Carter	\$50	2207	
12/19/17	WC Mini Baccarat	BAC-1	02:17 04:39	4579 b armstrong	2217 M armstrong	\$50	2322	

12/03/17	WC Fortune Pai	FPGP-	17:35 01:40	4280 T Weaver	4280 T Weaver	\$25	6752
11/12/17	WC Fortune Pai	FPGP-	17:31 17:40	4579 b armstrong	4579 b armstrong	\$25	125
11/03/17	WC Mini Baccarat	BAC-1	02:50 02:54	1971 R LeMieux	1971 R LeMieux	\$25	38
10/10/17	WC Fortune Pai	FPGP-	02:07 04:05	4579 b armstrong	4579 b armstrong	\$15	1156
10/10/17	WC Mini Baccarat	BAC-1	00:56 02:07	4579 b armstrong	4579 b armstrong	\$25	678
09/05/17	WC Mini Baccarat	BAC-1	02:55 03:32	1971 R LeMieux	1971 R LeMieux	\$50	638
07/21/17	WC Mini Baccarat	BAC-1	03:05 03:09	1971 R LeMieux	1971 R LeMieux	\$50	65
07/03/17	WC Fortune Pai	FPGP-	00:23 04:16	4579 b armstrong	4579 b armstrong	\$300	22149
07/02/17	WC Mini Baccarat	BAC-1	17:26 00:23	4579 b armstrong	4579 b armstrong	\$50	6818
06/05/17	WC Fortune Pai	FPGP-	02:50 03:05	1971 R LeMieux	1971 R LeMieux	\$15	147
05/30/17	WC Mini Baccarat	BAC-1	03:11 03:48	4579 b armstrong	4579 b armstrong	\$25	353
05/22/17	WC Mini Baccarat	BAC-1	15:51 16:47	4579 b armstrong	4579 b armstrong	\$25	535
05/08/17	WC Mini Baccarat	BAC-1	02:40 03:35	4579 b armstrong	4579 b armstrong	\$50	899
04/30/17	WC Mini Baccarat	BAC-1	02:36 03:57	3421 T Tran	3421 T Tran	\$100	2170
03/27/17	WC Mini Baccarat	BAC-1	01:17 02:04	1971 R LeMieux	1971 R LeMieux	\$25	449
02/14/17	WC Mini Baccarat	BAC-1	01:45 02:26	2580 B Beck	2580 B Beck	\$25	353
01/13/17	WC Fortune Pai	FPGP-	17:23 17:41	2580 B Beck	2580 B Beck	\$100	703
01/13/17	WC Mini Baccarat	BAC-1	16:56 17:23	2580 B Beck	2580 B Beck	\$100	670
TOTALS							
					105214	0	48110

Customer Reward Detail

Date	Time	TransID	Item	Points
06/09/18	02:07	3238273	Industry Drink	0
06/04/18	00:47	3235567	Industry Drink	0
04/29/18	03:43	3216591	Industry Drink	0
04/21/18	01:12	3212087	Industry Drink	0
04/17/18	03:05	3210031	Sun/Mon Combo MP	0
04/09/18	00:50	3205958	Industry Drink	0
04/03/18	01:31	3202490	Daily Drawing Entry	0
04/03/18	01:31	3202489	Sun/Mon Combo MP	0
03/20/18	22:12	3195294	OPEN Meal Comp	2700
03/20/18	18:23	3195078	Tue/Wed \$100 Match Play	0
03/19/18	17:35	3194508	Sun/Mon Combo MP	0
03/18/18	02:33	3193795	Industry Drink	0
02/27/18	02:53	3182393	OPEN Meal Comp	225
02/27/18	02:47	3182392	OPEN Meal Comp	7875
02/25/18	23:45	3181862	Industry Drink	0
02/25/18	23:45	3181861	OPEN Meal Comp	11250
02/25/18	17:23	3181674	Sun/Mon Combo MP	0

02/18/18	01:25	3177582	Stuff CNY 2018 Dog	0
02/18/18	01:25	3177581	Buffet	0
02/16/18	03:35	3175757	Thur/Fri Combo MP	0

Printed on 06/12/18 at 04:30 pm

PLEASE NOTE that provided statements have been generated using the Sonoma Player Tracking System.

These statements have not been audited and no assurance can be given that they are completely accurate.

02/09/18	01:58	3171978	Poker Half Off	0
02/09/18	01:58	3171977	Industry Drink	0
02/08/18	17:18	3171493	Thur/Fri Combo MP	0
01/09/18	20:20	3155188	Tue/Wed \$100 Match Play	0
01/09/18	02:07	3154849	Sun/Mon \$100 Match Play	0
12/19/17	02:17	3143077	Sun/Mon \$100 Match Play	0
12/04/17	01:41	3134345	Industry Drink	0
12/03/17	17:35	3134076	Sun/Mon Combo MP	0
11/26/17	20:34	3130367	Industry Drink	0
11/25/17	03:04	3129576	Industry Drink	0
11/12/17	17:31	3122344	Sun/Mon Combo MP	0
11/11/17	17:40	3121823	Industry Drink	0
11/06/17	01:05	3118496	Industry Drink	0
11/03/17	02:50	3117039	Thur/Fri Combo MP	0
10/31/17	00:33	3114988	Industry Drink	0
10/30/17	00:42	3114525	Industry Drink	0
10/29/17	03:18	3114126	Industry Drink	0
10/28/17	00:15	3113123	Industry Drink	0
10/21/17	02:15	3109241	Industry Drink	0
10/16/17	17:36	3106513	Industry Drink	0
10/15/17	17:50	3106054	Industry Drink	0
10/10/17	00:57	3102768	Daily Drawing Entry	0
10/10/17	00:57	3102767	Sun/Mon Combo MP	0
10/08/17	17:54	3102083	Industry Drink	0
10/03/17	01:16	3098762	Industry Drink	0
09/29/17	00:26	3096729	Industry Drink	0
09/25/17	02:00	3094073	Industry Drink	0
09/21/17	23:26	3092604	Industry Drink	0
09/17/17	02:25	3089730	Industry Drink	0
09/05/17	18:12	3082722	PICK the PROs	0
09/05/17	02:53	3082399	Sun/Mon Combo MP	0
09/04/17	19:42	3082195	Industry Drink	0
07/21/17	03:05	3059413	Thur/Fri Combo MP	0
07/03/17	02:34	3050252	OPEN Meal Comp	7650
07/03/17	02:34	3050250	\$9 Poker Voucher	0
07/03/17	02:26	3050246	OPEN Meal Comp	11475
07/03/17	00:49	3050223	OPEN Meal Comp	11250
07/02/17	17:26	3050004	Sun/Mon Combo MP	0
06/05/17	02:51	3035991	Sun/Mon Combo MP	0
06/05/17	02:51	3035990	Sun/Mon \$100 Match Play	0
05/30/17	03:11	3032773	Sun/Mon Combo MP	0
05/22/17	15:51	3029265	Sun/Mon Combo MP	0
05/08/17	02:40	3021721	Sun/Mon Combo MP	0
04/30/17	02:36	3017675	Sat Only Combo MP	0
03/27/17	01:17	2999256	Sun/Mon Combo MP	0
02/14/17	02:01	2975740	OPEN Meal Comp	16425

02/14/17	01:49	2975738	Sun/Mon Combo MP	0
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PLEASE NOTE that provided statements have been generated using the Sonoma Player Tracking System. These statements have not been audited and no assurance can be given that they are completely accurate.

01/29/17	04:07	2967096	CNY Package 2017	0
01/13/17	16:55	2958126	Thur/Fri Combo MP	0
01/10/17	00:09	2956113	Industry Drink	0

Points Adjustment Detail

Date	Time	Points Adj	Employee	Reason
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Date	Game	Time In	Time Out	Avg Bet	Pts Earned	Pts Adjust	In
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Printed on 06/12/18 at 04:30 pm

PLEASE NOTE that provided statements have been generated using the Sonoma Player Tracking System. These statements have not been audited and no assurance can be given that they are completely accurate.

023-3093

ISN:

s Adj	In	Out	Win/Loss
0	2300	0	2300
0	800	2900	-2100
0	3700	4000	-300
0	2000	1700	300
0	1800	1950	-150
0	6600	925	5675
0	1100	0	1100
0	4205	0	4205
0	300	0	300
0	300	600	-300
0	0	3600	-3600
0	1200	0	1200
0	1600	0	1600
0	500	0	500
0	100	0	100
0	3005	0	3005
0	10300	0	10300
0	500	0	500

0	100	0	100
0	100	0	100
0	100	300	-200
0	100	0	100
0	200	0	200
0	500	0	500
0	200	300	-100
0	1700	0	1700
0	1700	0	1700
0	100	0	100
0	200	0	200
0	100	0	100
0	200	0	200
0	1900	1770	130
0	200	1000	-800
0	200	0	200
0	0	400	-400
0	200	0	200
<hr/>			
19445			28665

- Used Employee
Yes 1971 Rich LeMieux
Yes 1971 Rich LeMieux
Yes 1971 Rich LeMieux
Yes 4579 brian armstrong
Yes 4579 brian armstrong
Yes 2217 Michael Carter
Yes 4579 brian armstrong
Yes 4579 brian armstrong
Yes 2217 Michael Carter
Yes 2217 Michael Carter
Yes 4579 brian armstrong
Yes 1971 Rich LeMieux
Yes 4579 brian armstrong
Yes 4579 brian armstrong
Yes 4579 brian armstrong
Yes 4579 brian armstrong
Yes 4579 brian armstrong

Yes 1971 Rich LeMieux
Yes 1971 Rich LeMieux
Yes 1971 Rich LeMieux

Page Number 2 of 4

Yes 1971 Rich LeMieux
Yes 1971 Rich LeMieux
Yes 1971 Rich LeMieux
Yes 4579 brian armstrong
Yes 2217 Michael Carter
Yes 4579 brian armstrong
Yes 4280 Thom Weaver
Yes 4280 Thom Weaver
Yes 4579 brian armstrong
Yes 4280 Thom Weaver
Yes 4579 brian armstrong
Yes 4280 Thom Weaver
Yes 4579 brian armstrong
Yes 1971 Rich LeMieux
Yes 4579 brian armstrong
Yes 4579 brian armstrong
Yes 1971 Rich LeMieux
Yes 4579 brian armstrong
Yes 3421 Tri Tran
Yes 4579 brian armstrong
Yes 4579 brian armstrong
Void 4579 brian armstrong
Yes 4579 brian armstrong
Yes 4579 brian armstrong
Yes 1971 Rich LeMieux
Yes 1971 Rich LeMieux
Yes 4579 brian armstrong
Yes 1971 Rich LeMieux
Yes 1971 Rich LeMieux
Yes 4579 brian armstrong
Yes 1971 Rich LeMieux
Yes 1971 Rich LeMieux
Yes 1971 Rich LeMieux
Yes 4579 brian armstrong
Void 4579 brian armstrong
Yes 4579 brian armstrong
Void 4579 brian armstrong
Yes 4579 brian armstrong
Yes 1971 Rich LeMieux
Void 1971 Rich LeMieux
Yes 4579 brian armstrong
Yes 4579 brian armstrong
Yes 4579 brian armstrong
Yes 3421 Tri Tran
Yes 1971 Rich LeMieux
Yes 2580 Brian Beck

Yes 2580 Brian Beck
Page Number 3 of 4

Yes 1971 Rich LeMieux
Yes 2580 Brian Beck
Yes 1971 Rich LeMieux

Out Win/Loss
Page Number 4 of 4

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5 **STATE OF WASHINGTON**
ON BEHALF OF THE WASHINGTON STATE GAMBLING COMMISSION

6 In the Matter of the Summary Suspension
7 of the License to Operate Gambling
8 Activities of:

OAH No. 06-2017-GMB-00024
GMB No. CR2016-01284, 2016-01569

8 YEN H. TRINH
9 License No. 68-21156

DECLARATION OF SERVICE

Licensee(s).

10
11 I certify that I served a true and correct copy of the Response to Petition for Review on
12 all parties or their counsel of record on the date below as follows:

13 **On Friday, June 29, 2018**

14 WASHINGTON STATE
15 GAMBLING COMMISSION
16 4565 – 7TH AVENUE S.E.
17 LACEY, WA 98503

- Via hand delivery by Assistant Attorney
General Gregory J. Rosen to the
Commission on Friday, 6/29/18
 courtesy copy via electronic mail:

18 **On Monday, July 2, 2018**

19 JUSTIN R. JENSEN
20 TRAN LAW GROUP, PS
21 787 MAYNARD AVE S
22 SEATTLE, WA 98104-2987

- U.S. mail via state Consolidated Mail
Service (with proper postage affixed) on
7/2/18 by Tina Bert, Legal Assistant
 courtesy copy via electronic mail:
Jensen@JustinRJensen.com (emailed on
6/29/18) by Marlena Mulkins, Legal
Assistant

23 I declare under penalty of perjury under the laws of the state of Washington that the
24 foregoing is true and correct.

25 DATED this 2nd day of July, 2018, at Olympia, Washington.

26 
MARLENA MULKINS, Legal Assistant



**STATE OF WASHINGTON
GAMBLING COMMISSION**

“Protect the Public by Ensuring that Gambling is Legal and Honest”

Agency Name:

Washington State Gambling Commission

Agency Contact

& Phone Number:

**Brian Considine, Legal and Legislative Manager,
360-486-3469 (o) or (360) 485-8921 (c)**

Request Title:

Creating a self-exclusion program for persons with a gambling problem or gambling disorder.

Introduction

In 1973, the legislature adopted Chapter 9.46, the Gambling Act. The legislature stated, “The public policy of the state of Washington on gambling is to keep the criminal element out of gambling and to promote the social welfare of the people by limiting the nature and scope of gambling activities and by strict regulation and control ([RCW 9.46.010](#)).” The Gambling Commission was created ([RCW 9.46.040](#)) and its powers and duties enumerated in [RCW 9.46.070](#).

In 1994, RCW 9.46.071 was created and the Legislature recognized that some individuals in the state have a gambling problem or gambling disorder and the state “has the responsibility to continue to provide resources for the support of services for problem and compulsive gamblers.” Therefore, it directed the Gambling Commission, Lottery Commission, and Horse Racing Commission to develop informational signs concerning problem and compulsive gamblers and have them placed in gambling establishments.

In 2003, the Legislature amended this statute to authorize the Gambling Commission, Lottery Commission, and Horse Racing Commission to contract with qualified organizations for public awareness, training, and other services to ensure support of services for problem and compulsive gamblers.

In 2005, the Legislature took a more comprehensive approach to address problem gambling and gambling disorders by establishing the problem gambling account to be administered by the Department of Social and Health Services for the prevention and treatment of problem gambling



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and gambling disorder and for training of professionals in the identification and treatment of problem gambling and gambling disorders. It also established an advisory committee to assist DSHS in designing, managing, and evaluating the effectiveness of any problem gambling program established.

To fund the new problem gambling account, the Legislature directed the Lottery Commission to transfer .013 percent of net receipts annually after the first year. It also imposed a new Business and Occupation (B&O) tax of .013 percent tax on gross revenue for any businesses offering games of chance and .013 percent tax gross revenues for any pari-mutuel wagering business. It then prevented the Gambling Commission from increasing license fees to fund services for problem gambling and gambling disorders so long as the problem gambling account was being funded and used for problem gambling treatment and services.

This agency request legislation would authorize the Gambling Commission to create rules establishing a state-wide self-exclusion program for licensed card rooms and also create a process for Tribal gaming operations to voluntarily opt into the program. Similar legislation—[HB 2332](#) and [SB 6331](#)—was supported by the Commission during the 2018 session. The Gambling Commission will develop the process and scope of the program through rule-making and have until June 30, 2021 to finalize the rules for the program. Additionally, information obtained by the Commission under this program will be exempt from disclosure under the Public Records Act. The goal is to create a program where a person with a gambling problem or a gambling disorder can submit a single form and voluntarily exclude themselves from some or all card rooms and casinos.

Statement of Need

This request is tied to the Governor's priorities of improving behavioral health care, having safe communities, and an efficient government. The Gambling Commission is a limited jurisdiction law enforcement agency and the only statewide agency devoted to gambling regulation, licensing and enforcement. The agency works closely with local, state, federal, Tribal, and international law enforcement agencies on a variety of regulatory and criminal issues, including ways to mitigate any risk for criminal activity at nonprofit, commercial, and Tribal operations in the state.

This proposed agency request legislative aligns with the Legislature’s intent for the agency to provide programs to assist a person with a gambling problem or gambling disorder, where possible.



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There is a significant social cost associated with the population of persons struggling with a gambling problem or disorder, including severe financial trouble, family stress, crime, higher suicide rate, and comorbidity with drugs/alcohol abuse. A 2016 market study funded by the Commission showed that ninety percent (90%) of Washingtonians live within one-hour drive of a commercial or Tribal casino and 99% live within a two-hour drive. According to the market study, approximately 1.7 million adults age 21 years or older will participate in a gambling activity and, based on an older study, five percent (5%), or approximately 86,000 adults, will have a gambling problem or disorder.

Due to the social costs involved with problem gambling and gambling disorders, the agency has determined it should take action, where possible, to help those with a gambling problem or disorder, when possible. Accordingly, one of the agency’s 2018-2022 strategic plan goals is to increase the Commission’s role in helping people who are suffering from gambling disorders. This legislation will help the agency meet this goal.

This program should be an additional tool used by behavioral health services and treatment providers. Currently, a person who wishes to exclude themselves from gambling establishments must go to each individual commercial or Tribal gambling operation and ask each business to exclude them from the premises due to their gambling problem. Research indicates that this is an ineffective method for persons seeking help. Instead, a state-wide program that allows a person to voluntarily exclude themselves from all necessary gambling operations through the submission of a single form is the most effective exclusion tool. Over twenty states have a state-wide self-exclusion program, including California, New York, Oklahoma, New Mexico, and Missouri.

This tool can positively impact public safety as well. Persons with a gambling problem or disorder resort to criminal or illegal activity to continue their compulsive gambling habits. The self-exclusion program can be a tool used by those seeking help for their gambling problem or disorder. Hopefully this will reduce their ability and/or desire to engage in unlawful activities for their gambling problem or disorder because they will be excluded from some or all card rooms and/or Tribal casinos in the state.

Furthermore, creating this program through rule-making is an effective and efficient process ensuring that all stakeholders have the ability to provide input on the necessary aspects for this program. Legislative session is a less than ideal process to determine how the program will function. Instead, rule-making will allow the agency to review programs found in other states,



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research on the effectiveness of different programs, and the impacts the program will have on the industry, including the mechanism for voluntarily joining the program; length of the program; scope of where the person can be excluded from; mechanism for enforcement of the program; and length a person will be excluded from gambling establishments.

Lastly, this legislation does not interfere with the Gambling Commission’s legislative mandate to keep the criminal element out of gambling. Instead, it allows Gambling Commission to develop an important state-wide program that should benefit the agency, gambling operators, and the public.

A summary of the major provisions of the bill and their impact on current law.

The bill would authorize the Gambling Commission to create rules establishing a state-wide self-exclusion program for licensed card rooms and also create a process for Tribal gaming operations to voluntarily opt into the program. The Gambling Commission will develop the process and scope of the program through rule-making and have until June 30, 2021 to finalize the rules for the program. Additionally, information obtained by the Commission under this program will be exempt from disclosure under the Public Records Act.

Names, titles, and phone numbers of subject matter experts in your agency who are available to answer policy and fiscal questions related to the proposed bill.

Brian Considine, Legal and Legislative Manager, (360) 486-3469, Brian.Considine@wsgc.wa.gov

David Trujillo, Director, (360) 486-3446, Dave.Trujillo@wsgc.wa.gov

Amy B. Hunter, Deputy Director, (360) 486-3463, Amy.Hunter@wsgc.wa.gov

Tina Griffin, Assistant Director, (360) 486-3546, Tina.Griffin@wsgc.wa.gov

Cheri Jackson, Business Operations Division Supervisor, (360) 486-3490,
Cheri.jackson@wsgc.wa.gov



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A complete list of all other government agencies affected by the bill, a summary of their positions, and each agency’s representative who may be contacted on the issue. If no other government agency is affected, please indicate.

No other state agencies would be affected by this agency request legislation.

Irrespective of whether a bill has a fiscal impact, a completed fiscal note from each of the affected state agency(s) including local government.

Attached. Fiscal Impact is \$50,000 annually or less during the rule-making stage of this program. There will likely be additional indeterminate annual costs for running the program and enforcing the violation of any new rules.

Stakeholder analysis that includes a complete list of affected stakeholders as well as tribal governments. For each, provide the entities names, contact person and any concerns and position.

The Gambling Commission discussed this agency request legislation at its May, July, August and September Commission Meetings. It also supported similar legislation during the 2018 legislative session, testified and Senate and House hearings supporting the creation of a self-exclusion program, and had discussions in its public meetings about creating a self-exclusion program during the 2018 legislation session.

In addition, the Gambling Commission emailed the attached z-draft with an explanation of the purpose of the bill to:

- **Washington State Lottery Commission, Kristi Weeks, Director of Legal Services:** Neutral but recommends including the term “gambling disorder” throughout the statute;
- **Washington State Health Care Authority, Cheryl Wilcox, ATR Project Director/Tribal Wellness Grants Manager, Division of Behavioral Health and Recovery:** Neutral with two comments (1) recommends the new replacement terms should be used throughout the statute so as to have consistency using the terms; and (2) agency prefers that the Gambling Commission manage the program and to not contract it out to a third party;



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- **Recreational Gaming Association, Dolores Chiechi, Executive Director:** Requests that all gambling businesses, including pull-tab, horse racing, lottery and Tribal operators be mandated to be a part of the program. Recommends the Commission add language requiring it to negotiate through tribal compacts the participation of Tribal Class III operations;
- **Washington State Horse Racing Commission, Doug Moore, Executive Secretary;**
- **Washington State Department of Health, Tim Farrell, Director of Policy and Legislative Development, Health Systems Quality Assurance;**
- **Washington Indian Gaming Association, Rebecca Kaldor, Executive Director;**
- **Evergreen Council on Responsible Gaming, Maureen Greeley, Executive Director;**
- **All licensed card rooms;**
- **All licensed bingo operations; and**
- **All federally recognized Tribes with Class III gaming operations.**

All stakeholders were asked to provide feedback on this proposal by Wednesday, September 5, 2018 at 5 p.m. Any comments received by this deadline are noted above.

An official Code Reviser draft of the proposed legislation containing the Z-draft number.

Attached.

AAG review.

AAG Suzanne Becker has completed a review of the proposal.

Agency’s Decision Package.

N/A.

BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0098.2/19 2nd draft

ATTY/TYPIST: CL:eab

BRIEF DESCRIPTION: Creating a self-exclusion program for persons with a gambling problem or gambling disorder.

1 AN ACT Relating to gambling addiction; amending RCW 9.46.071 and
2 42.56.230; providing an effective date; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 9.46.071 and 2005 c 369 s 9 are each amended to read
5 as follows:

6 (1)(a) The legislature recognizes that some individuals in this
7 state ~~((are problem or pathological gamblers))~~ have a gambling
8 problem or gambling disorder. Because the state promotes and
9 regulates gambling through the activities of the state lottery
10 commission, the Washington horse racing commission, and the
11 Washington state gambling commission, the state has the
12 responsibility to continue to provide resources for the support of
13 services for problem gambling and ~~((pathological gamblers))~~ gambling
14 disorders. ~~((Therefore,))~~

15 (b) The Washington state gambling commission, the Washington
16 horse racing commission, and the state lottery commission shall
17 jointly develop problem gambling and gambling disorder informational
18 signs ~~((concerning problem and pathological gambling))~~ which include
19 a toll-free hotline number for individuals with a gambling problem
20 ~~((and pathological gamblers))~~ or gambling disorder. The signs shall

1 be placed in the establishments of gambling licensees, horse racing
2 licensees, and lottery retailers. (~~In addition,~~)

3 (c) The Washington state gambling commission, the Washington
4 horse racing commission, and the state lottery commission may also
5 contract with other qualified entities to provide public awareness,
6 training, and other services to ensure the intent of this section is
7 fulfilled.

8 (d) Individuals and families impacted by a gambling problem or
9 gambling disorder will benefit from the availability of a uniform
10 self-exclusion program where people may voluntarily exclude
11 themselves from gambling at multiple gambling establishments by
12 submitting one self-exclusion form to the state from one location.
13 Therefore, the Washington state gambling commission must establish a
14 statewide self-exclusion program for all licensees. The commission
15 has discretion in establishing the scope, process, and requirements
16 of the self-exclusion program; however, the program must comply with
17 the following minimum requirements:

18 (i) The program must allow persons to voluntarily exclude
19 themselves from gambling at some or all authorized gambling
20 establishments that offer house-banked social card games;

21 (ii) The program must have a process for federally recognized
22 Indian tribes or tribal enterprises that own gambling operations or
23 facilities with class III gaming compacts to voluntarily participate
24 in the self-exclusion program; and

25 (iii) The commission must adopt rules establishing the self-
26 exclusion program by June 30, 2021.

27 (2)(a) During any period in which RCW 82.04.285(2) is in effect,
28 the commission may not increase fees payable by licensees under its
29 jurisdiction for the purpose of funding services for problem gambling
30 and (~~pathological~~) gambling disorder. Any fee imposed or increased
31 by the commission, for the purpose of funding these services, before
32 July 1, 2005, (~~shall have~~) has no force and effect after July 1,
33 2005.

34 (b) During any period in which RCW 82.04.285(2) is not in effect:

35 (i) The commission, the Washington state horse racing commission,
36 and the state lottery commission may contract for services, in
37 addition to those authorized in subsection (1) of this section, to
38 assist in providing for problem gambling and gambling disorder
39 treatment (~~of problem and pathological gambling~~); and

1 (ii) The commission may increase fees payable by (~~licenses~~
2 ~~{licensees}~~) licensees under its jurisdiction for the purpose of
3 funding the problem gambling and gambling disorder services
4 authorized in this section (~~for problem and pathological gamblers~~).

5 **Sec. 2.** RCW 42.56.230 and 2018 c 109 s 16 are each amended to
6 read as follows:

7 The following personal information is exempt from public
8 inspection and copying under this chapter:

9 (1) Personal information in any files maintained for students in
10 public schools, patients or clients of public institutions or public
11 health agencies, or welfare recipients;

12 (2)(a) Personal information:

13 (i) For a child enrolled in licensed child care in any files
14 maintained by the department of children, youth, and families;

15 (ii) For a child enrolled in a public or nonprofit program
16 serving or pertaining to children, adolescents, or students,
17 including but not limited to early learning or child care services,
18 parks and recreation programs, youth development programs, and after-
19 school programs; or

20 (iii) For the family members or guardians of a child who is
21 subject to the exemption under this subsection (2) if the family
22 member or guardian has the same last name as the child or if the
23 family member or guardian resides at the same address as the child
24 and disclosure of the family member's or guardian's information would
25 result in disclosure of the personal information exempted under
26 (a)(i) and (ii) of this subsection.

27 (b) Emergency contact information under this subsection (2) may
28 be provided to appropriate authorities and medical personnel for the
29 purpose of treating the individual during an emergency situation;

30 (3) Personal information in files maintained for employees,
31 appointees, or elected officials of any public agency to the extent
32 that disclosure would violate their right to privacy;

33 (4) Information required of any taxpayer in connection with the
34 assessment or collection of any tax if the disclosure of the
35 information to other persons would: (a) Be prohibited to such persons
36 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
37 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
38 to privacy or result in unfair competitive disadvantage to the
39 taxpayer;

1 (5) Credit card numbers, debit card numbers, electronic check
2 numbers, card expiration dates, or bank or other financial
3 information as defined in RCW 9.35.005 including social security
4 numbers, except when disclosure is expressly required by or governed
5 by other law;

6 (6) Personal and financial information related to a small loan or
7 any system of authorizing a small loan in RCW 31.45.093;

8 (7)(a) Any record used to prove identity, age, residential
9 address, social security number, or other personal information
10 required to apply for a driver's license or identicard.

11 (b) Information provided under RCW 46.20.111 that indicates that
12 an applicant declined to register with the selective service system.

13 (c) Any record pertaining to a vehicle license plate, driver's
14 license, or identicard issued under RCW 46.08.066 that, alone or in
15 combination with any other records, may reveal the identity of an
16 individual, or reveal that an individual is or was, performing an
17 undercover or covert law enforcement, confidential public health
18 work, public assistance fraud, or child support investigative
19 activity. This exemption does not prevent the release of the total
20 number of vehicle license plates, drivers' licenses, or identicards
21 that, under RCW 46.08.066, an agency or department has applied for,
22 been issued, denied, returned, destroyed, lost, and reported for
23 misuse.

24 (d) Any record pertaining to a vessel registration issued under
25 RCW 88.02.330 that, alone or in combination with any other records,
26 may reveal the identity of an individual, or reveal that an
27 individual is or was, performing an undercover or covert law
28 enforcement activity. This exemption does not prevent the release of
29 the total number of vessel registrations that, under RCW 88.02.330,
30 an agency or department has applied for, been issued, denied,
31 returned, destroyed, lost, and reported for misuse;

32 (8) All information related to individual claims resolution
33 structured settlement agreements submitted to the board of industrial
34 insurance appeals under RCW 51.04.063, other than final orders from
35 the board of industrial insurance appeals.

36 Upon request by the legislature, the department of licensing
37 shall provide a report to the legislature containing all of the
38 information in subsection (7)(c) and (d) of this section that is
39 subject to public disclosure;

1 (9) Voluntarily submitted information contained in a database
2 that is part of or associated with enhanced 911 emergency
3 communications systems, or information contained or used in emergency
4 notification systems as provided under RCW 38.52.575 and 38.52.577;
5 ((and))

6 (10) Until the person reaches eighteen years of age, information,
7 otherwise disclosable under chapter 29A.08 RCW, that relates to a
8 future voter, except for the purpose of processing and delivering
9 ballots; and

10 (11) All information submitted by a person to the state, either
11 directly or through a state-licensed gambling establishment, or
12 Indian tribes, or tribal enterprises that own gambling operations or
13 facilities with class III gaming compacts, as part of the self-
14 exclusion program established in RCW 9.46.071 for people with a
15 gambling problem or gambling disorder.

16 NEW SECTION. Sec. 3. Section 2 of this act is necessary for the
17 immediate preservation of the public peace, health, or safety, or
18 support of the state government and its existing public institutions,
19 and takes effect July 1, 2019.

--- END ---

Individual State Agency Fiscal Note

Bill Request Number: Z-0098.2/19	Title: Self-exclusion program for persons with a gambling problem or gambling disorder.	Agency: 117-Washington State Gambling Commission
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years	0.0	0.0	0.0	0.2	0.0
Account					
Gambling Revolving Account-Non-Appropriated 884-6	0	0	0	47,419	0
Total \$	0	0	0	47,419	0

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date:
Agency Preparation: Cheri Jackson	Phone: 360-486-3490	Date: 08/31/2018
Agency Approval: Brian Considine	Phone: (360) 786-3489	Date:
OFM Review:	Phone:	Date:

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Briefly describe by section number, the significant provisions of the bill, and any related workload or policy assumptions, that have revenue or expenditure impact on the responding agency.

Section 1, subsection (1) (d) amends RCW 9.46.071 to establish a uniform self-exclusion program to assist people in preventing or ending problem or pathological gambling behaviors. This program is intended to allow a person to submit one self-exclusion form to the state from one location and includes a process for federally recognized Indian tribes or tribal enterprises to voluntarily participate.

II. B - Cash receipts Impact

Briefly describe and quantify the cash receipts impact of the legislation on the responding agency, identifying the cash receipts provisions by section number and when appropriate the detail of the revenue sources. Briefly describe the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explain how workload assumptions translate into estimates. Distinguish between one time and ongoing functions.

II. C - Expenditures

Briefly describe the agency expenditures necessary to implement this legislation (or savings resulting from this legislation), identifying by section number the provisions of the legislation that result in the expenditures (or savings). Briefly describe the factual basis of the assumptions and the method by which the expenditure impact is derived. Explain how workload assumptions translate into cost estimates. Distinguish between one time and ongoing functions.

Total cost would be indeterminate, but less than \$50,000, covering at least the following three areas:

- (1) We expect the self-exclusion program to require approximately 0.3 Information Technology Specialist FTE to develop, implement, and test a new database. This will require interfacing with self-excluding persons and licensees during the development process as well as resolving user problems after implementation.
- (2) The Communications Consultant will develop and deliver educational materials about the program to the public, licensees, and Tribal co-regulators.
- (3) The bill will also require the agency to engage in extensive, and possibly prolonged, rulemaking to form and implement the program, but the agency anticipates that it will absorb the rulemaking costs.

The agency will likely have indeterminate costs once the program is operational, and the costs may be more than \$50,000 annually once the rule is in effect should the Commission decide the program will have an electronic/online component for licensee, Tribal operators, and/or persons wishing to register for this program.

There also will likely be additional indeterminate regulatory costs for enforcing the new rules and program requirements and guidelines.

Part III: Expenditure Detail

III. A - Expenditures by Object Or Purpose

	FY 2018	FY 2019	2017-19	2019-21	2021-23
FTE Staff Years				0.2	
A-Salaries and Wages				33,196	
B-Employee Benefits				11,287	
C-Professional Service Contracts					
E-Goods and Other Services				2,624	
G-Travel				312	
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total:	\$0	\$0	\$0	\$47,419	\$0

III. B - Detail: List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA

Job Classification	Salary	FY 2018	FY 2019	2017-19	2019-21	2021-23
Communications Consultant					0.1	
Information Technology Specialist					0.2	
Total FTEs					0.2	0.0

Part IV: Capital Budget Impact

Part V: New Rule Making Required

Identify provisions of the measure that require the agency to adopt new administrative rules or repeal/revise existing rules.

Section 1, subsection (1) (d) (iii) requires the Commission to adopt rules establishing a self-exclusion program by June 30, 2021.Q 7 QWA

EHB 2332 - S COMM AMD

By Committee on Labor & Commerce

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 9.46.071 and 2005 c 369 s 9 are each amended to
4 read as follows:

5 (1)(a) The legislature recognizes that some individuals in this
6 state are problem or pathological gamblers. Because the state
7 promotes and regulates gambling through the activities of the state
8 lottery commission, the Washington horse racing commission, and the
9 Washington state gambling commission, the state has the
10 responsibility to continue to provide resources for the support of
11 services for problem and pathological gamblers. Therefore, the
12 Washington state gambling commission, the Washington horse racing
13 commission, and the state lottery commission shall jointly develop
14 informational signs concerning problem and pathological gambling
15 which include a toll-free hotline number for problem and pathological
16 gamblers. The signs shall be placed in the establishments of gambling
17 licensees, horse racing licensees, and lottery retailers. In
18 addition, the Washington state gambling commission, the Washington
19 horse racing commission, and the state lottery commission may also
20 contract with other qualified entities to provide public awareness,
21 training, and other services to ensure the intent of this section is
22 fulfilled.

23 (b) The legislature finds that problem and pathological gambling
24 continues to negatively impact individuals and families in this
25 state. It is estimated that about five percent of adults in the state
26 will experience problem or pathological gambling behaviors in their
27 lifetime. Previous and ongoing efforts to prevent and assist people
28 in treating problem and pathological gambling have proven beneficial,
29 such as increasing public awareness, funding treatment services for
30 individuals, and requiring informational signs in gambling
31 establishments that include a toll-free hotline number for problem

1 and pathological gamblers. However, people and families facing
2 problem or pathological gambling issues will further benefit from the
3 availability of a uniform self-exclusion program where people may
4 voluntarily exclude themselves from gambling at multiple gambling
5 establishments by submitting one self-exclusion form to the state
6 from one location. It is the intent of subsection (3) of this section
7 to establish such a uniform self-exclusion program to assist people
8 in preventing or ending problem or pathological gambling behaviors
9 permanently.

10 (2)(a) During any period in which RCW 82.04.285(2) is in effect,
11 the commission may not increase fees payable by licensees under its
12 jurisdiction for the purpose of funding services for problem and
13 pathological gambling. Any fee imposed or increased by the
14 commission, for the purpose of funding these services, before July 1,
15 2005, (~~shall have~~) has no force and effect after July 1, 2005.

16 (b) During any period in which RCW 82.04.285(2) is not in effect:

17 (i) The commission, the Washington state horse racing commission,
18 and the state lottery commission may contract for services, in
19 addition to those authorized in subsection (1) of this section, to
20 assist in providing for treatment of problem and pathological
21 gambling; and

22 (ii) The commission may increase fees payable by (~~licenses~~
23 ~~{licensees}~~) licensees under its jurisdiction for the purpose of
24 funding the services authorized in this section for problem and
25 pathological gamblers.

26 (3) By June 30, 2020, the commission must adopt rules
27 establishing a self-exclusion program for problem and pathological
28 gamblers. The commission has discretion in establishing the scope and
29 requirements of the self-exclusion program. However, the program must
30 include, at a minimum, the following:

31 (a) A process for a person who believes the person is or may be a
32 problem or pathological gambler to voluntarily exclude themselves
33 from gambling at some or all gambling establishments licensed by the
34 commission; and

35 (b) A process for casinos owned or operated by Indian tribes or
36 tribal enterprises to voluntarily participate in the self-exclusion
37 program, so that ultimately a person who is or may be a problem or
38 pathological gambler may self-exclude themselves from gambling at
39 some or all casinos and state-licensed gambling establishments in the

1 state, no matter who owns or operates the casino or state-licensed
2 gambling establishment, through a single request.

3 (4)(a) The commission may not contract with a third party to
4 administer the self-exclusion program created pursuant to this
5 section.

6 (b) Any personal information collected, stored, or accessed under
7 the self-exclusion program created pursuant to this section may not
8 be sold, monetized, or traded by the commission or any person or
9 business authorized to access personal information through the
10 program.

11 (c) Any personal information collected, stored, or accessed under
12 the self-exclusion program may not be used for any purpose other than
13 the administration of the self-exclusion program.

14 **Sec. 2.** RCW 42.56.230 and 2017 3rd sp.s. c 6 s 222 are each
15 amended to read as follows:

16 The following personal information is exempt from public
17 inspection and copying under this chapter:

18 (1) Personal information in any files maintained for students in
19 public schools, patients or clients of public institutions or public
20 health agencies, or welfare recipients;

21 (2)(a) Personal information:

22 (i) For a child enrolled in licensed child care in any files
23 maintained by the department of children, youth, and families;

24 (ii) For a child enrolled in a public or nonprofit program
25 serving or pertaining to children, adolescents, or students,
26 including but not limited to early learning or child care services,
27 parks and recreation programs, youth development programs, and after-
28 school programs; or

29 (iii) For the family members or guardians of a child who is
30 subject to the exemption under this subsection (2) if the family
31 member or guardian has the same last name as the child or if the
32 family member or guardian resides at the same address as the child
33 and disclosure of the family member's or guardian's information would
34 result in disclosure of the personal information exempted under
35 (a)(i) and (ii) of this subsection.

36 (b) Emergency contact information under this subsection (2) may
37 be provided to appropriate authorities and medical personnel for the
38 purpose of treating the individual during an emergency situation;

1 (3) Personal information in files maintained for employees,
2 appointees, or elected officials of any public agency to the extent
3 that disclosure would violate their right to privacy;

4 (4) Information required of any taxpayer in connection with the
5 assessment or collection of any tax if the disclosure of the
6 information to other persons would: (a) Be prohibited to such persons
7 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
8 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
9 to privacy or result in unfair competitive disadvantage to the
10 taxpayer;

11 (5) Credit card numbers, debit card numbers, electronic check
12 numbers, card expiration dates, or bank or other financial
13 information as defined in RCW 9.35.005 including social security
14 numbers, except when disclosure is expressly required by or governed
15 by other law;

16 (6) Personal and financial information related to a small loan or
17 any system of authorizing a small loan in RCW 31.45.093;

18 (7)(a)(i) Any record used to prove identity, age, residential
19 address, social security number, or other personal information
20 required to apply for a driver's license or identicard.

21 ((+b+)) (ii) Information provided under RCW 46.20.111 that
22 indicates that an applicant declined to register with the selective
23 service system.

24 ((+e+)) (iii) Any record pertaining to a vehicle license plate,
25 driver's license, or identicard issued under RCW 46.08.066 that,
26 alone or in combination with any other records, may reveal the
27 identity of an individual, or reveal that an individual is or was,
28 performing an undercover or covert law enforcement, confidential
29 public health work, public assistance fraud, or child support
30 investigative activity. This exemption does not prevent the release
31 of the total number of vehicle license plates, drivers' licenses, or
32 identicards that, under RCW 46.08.066, an agency or department has
33 applied for, been issued, denied, returned, destroyed, lost, and
34 reported for misuse.

35 ((+d+)) (iv) Any record pertaining to a vessel registration
36 issued under RCW 88.02.330 that, alone or in combination with any
37 other records, may reveal the identity of an individual, or reveal
38 that an individual is or was, performing an undercover or covert law
39 enforcement activity. This exemption does not prevent the release of
40 the total number of vessel registrations that, under RCW 88.02.330,

1 an agency or department has applied for, been issued, denied,
2 returned, destroyed, lost, and reported for misuse.

3 (b) Upon request by the legislature, the department of licensing
4 must provide a report to the legislature containing all of the
5 information in (a)(iii) and (iv) of this subsection (7) that is
6 subject to public disclosure;

7 (8) All information related to individual claims resolution
8 structured settlement agreements submitted to the board of industrial
9 insurance appeals under RCW 51.04.063, other than final orders from
10 the board of industrial insurance appeals((-

11 ~~Upon request by the legislature, the department of licensing~~
12 ~~shall provide a report to the legislature containing all of the~~
13 ~~information in subsection (7)(c) and (d) of this section that is~~
14 ~~subject to public disclosure; and));~~

15 (9) Voluntarily submitted information contained in a database
16 that is part of or associated with enhanced 911 emergency
17 communications systems, or information contained or used in emergency
18 notification systems as provided under RCW 38.52.575 and 38.52.577;
19 and

20 (10) All information submitted by a person to the state, either
21 directly or through a state-licensed gambling establishment or casino
22 owned or operated by an Indian tribe or tribal enterprise, as part of
23 the self-exclusion program established in RCW 9.46.071 for people who
24 believe they are or may be a problem or pathological gambler.

25 NEW SECTION. Sec. 3. This act takes effect July 1, 2018."

EHB 2332 - S COMM AMD

By Committee on Labor & Commerce

26 On page 1, line 1 of the title, after "addiction;" strike the
27 remainder of the title and insert "amending RCW 9.46.071 and
28 42.56.230; and providing an effective date."

EFFECT: Modifies the requirement for the self-exclusion program
to include a process to self-exclude from some or all gambling
establishments and tribal casinos, where there is voluntary
participation by Indian tribes or tribal enterprises. Changes the

method for self-exclusion to a single request, rather than submitting one form at one location.

--- END ---



Bob Ferguson
ATTORNEY GENERAL OF WASHINGTON

Government Compliance & Enforcement Division
PO Box 40100 • Olympia, WA 98504-0100 • (360) 664-9006

MEMORANDUM

DATE: September 6, 2018

TO: Brian Considine, Managing Attorney
Washington State Gambling Commission

FROM: Suzanne Becker, Assistant Attorney General B
Office of the Attorney General, GCE Division, MS 40100

SUBJECT: **Z-0098.2 – Regarding creating a self-exclusion program for persons with a gambling problem or gambling disorder.**

Thank you for providing me with the opportunity to review this proposed legislation. I understand that the purpose of the proposed legislation is to establish a voluntary self-exclusion program for people with a gambling problem or gambling disorder.

I did not identify any legal concerns with this proposed legislation. As drafted, the proposal appears to accomplish its intended purpose without conflict with any other state or federal law.

THE OPINIONS EXPRESSED HEREIN ARE THOSE OF THE AUTHOR ONLY, AND ARE
NOT AN OFFICIAL OPINION OF THE OFFICE OF THE ATTORNEY GENERAL

SB:da

cc: Stacia Hollar, Division Chief
Matt Kernutt, Section Chief



Post Office Box 1787 ♦ Olympia, WA 98507-1787 ♦ 360-352-0514

September 6, 2018

Washington State Gambling Commission
PO Box 42400
Olympia, WA 98504-2400

RE: DRAFT 2019 ARL Self-Exclusion Bill Language - **REVISED**

Dear Honorable Commissioners and Director Trujillo:

As you are aware, the RGA is supportive of the issue of problem and responsible gambling awareness. In cooperation with the Evergreen Council on Problem Gambling, over 2,000 employees in the card room industry have received training on this important issue. As well, the majority of our members offer their patrons the ability to self-bar or exclude themselves from entering or gambling in their facilities through their own voluntary policies and procedures.

During the 2018 legislative session, the RGA testified in support of HB 2332 which was similar in language to the proposed draft under consideration relating to the creation of a "state-wide" self-exclusion program.

However, we are writing to relay our concerns about the potential agency request legislation with similar language. While we commend the notion of such a program, the language in the draft bill would capture less than eight percent of the gambling market or 45 locations that make up the remaining card room licensees. We have relayed these concerns at every opportunity.

To truly protect those who are blighted by the addiction of problem and pathological gambling, we believe that a comprehensive approach is imperative. Without the committed participation of all gambling venues, those who are addicted will have access to a multitude of other opportunities: Tribal casinos, taverns and restaurants with pull-tabs and punch boards, bingo games, lottery retailers/kiosks, horse racing and not to mention online gambling/gaming. While we understand the last of these activities are not within the purview of this commission, how can we compel the other agencies and operators to play along.

Unless explicit language appears in the bill that directs the Commission to negotiate participation of all entities, including tribal governments, in this "state-wide" program, it may not be deemed a "state-wide" program at all, but one that only targets one of the smallest segments of the gambling industry.

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WWW.RGA-WA.ORG

Perhaps Section 1(d)(ii) should read: "The program must ~~have a~~ negotiate through compacts, a process for federally recognized Indian tribes or tribal enterprises that own gambling operations or facilities with Class III gaming compacts to ~~voluntarily~~ participate in the self-exclusion program; ..."

In addition, we must implore that language be included to hold harmless licensees from any self-barred patron who may attempt to or does gamble in any facility that is mandated to bar them. Protections for licensees must be in place from potential lawsuits from the barred individual in the instance they were allowed to play, with responsibility placed on the problem gambler.

Lastly, it appears there is no language requesting general fund appropriation - as was suggested by WSGC staff in testimony on the bill last session - that would be necessary for the WSGC to implement the program. We note that Section 2(b)(ii) appears to authorize an increase in license fees to cover the cost of the program. This could potentially place a further burden on a small segment of the gambling industry - the card rooms.

Unless and until the entire industry is mandated to participate, we have grave concerns that it will only prove to drive the problem gambler to the remaining ninety-two percent of the gambling venues offered across the state.

We look forward to working together through this process to create a program of which we can all be proud.

Thank you in advance for your attention and consideration.

Sincerely,

Dolores A Chiechi

Dolores A Chiechi
Executive Director

CC: Ex Officio Members:
Senator Steve Conway
Senator Linda Wilson
Representative Brandon Vic
Representative David Sawyer

P.S.

We encourage you all to attend the upcoming 2018 Northwest Regional Gambling Industry Summit at the Four Directions Conference on Tuesday, October 3, 2018 where several who have been there, done this will be presenting on self-exclusion policies and programs - Best Practices in Responsible Gambling - Industry Roles and Commitment.

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