

CAUSE NO.

HARRIS COUNTY, TEXAS	§	IN THE DISTRICT COURT
Plaintiff	§	
	§	
v.	§	
	§	
Ricky Tsui D/B/A	§	HARRIS COUNTY, TEXAS
T3 GAME ROOM,	§	
CYNTHIA ROMERO, AND	§	
TRI MA	§	
	§	
Defendant	§	_____ JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS ORIGINAL PETITION, REQUEST FOR A TEMPORARY INJUNCTION, REQUEST FOR A PERMANENT INJUNCTION, AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

Harris County, Texas by and through the Harris County Attorney Vince Ryan, files this lawsuit against Ricky Tsui D/B/A T3 Game Room (“Defendant”) seeking enforcement of the Harris County Game Room Regulations (the “Regulations”)¹, civil penalties for violations of the Regulations, temporary injunctive relief, permanent injunctive relief, and any court costs and/or attorney’s fees related to this action and would respectfully show the following:

I. DISCOVERY CONTROL PLAN

1.1 Plaintiff moves the Court to issue a docket control order under Rule 190.3 of the Texas Rules of Civil Procedure.

1.2 Plaintiff further requests that a temporary injunction hearing be scheduled as soon as possible after Defendants have been served.

¹ The Harris County Game Room Regulations are hereby incorporated by reference and attached to this Petition as Exhibit “1”

II. PARTIES

2.1 Plaintiff is Harris County, Texas appearing and proceeding by and through the Harris County Attorney, Vince Ryan, in accordance with Section 234.137 of the Texas Local Government Code.

2.2 Defendant Ricky Tsui d/b/a/ T3 Game room is the “Owner” of T3 Game Room as that term is defined by the Regulations located at 9504 Long Point Road, #G, Houston, Texas 77084. He can be served at **2100 Travis Ste. 1304, Houston, Texas 77002**, or wherever he can be found.

2.3 Defendant Cynthia Romero is an “Operator” of T3 Game Room as the that term is defined by the Regulations located at 9504 Long Point Road, #G, Houston, Texas 77084. She can be served at **4910 E. Fallen Bough Dr., Houston, Texas 77041**, or wherever she can be found.

2.4 Defendant Tri Ma, is an “Operator” of T3 Game Room as the that term is defined by the Regulations located at 9504 Long Point Road, #G, Houston, Texas 77084. He can be served at **11710 Southlake Dr., Houston, Texas 77077**, or wherever he can be found.

III. JURISDICTION

3.1 This Court has subject-matter jurisdiction pursuant to Section 234.137 of the Texas Local Government Code. This Court has personal jurisdiction over each Defendant because the alleged actions which give rise to this suit all occurred in Texas.

IV. VENUE

4.1 Venue is proper pursuant to Section 234.133 of the Texas Local Government Code. The real property at issue is located in Harris County, Texas. Also, the underlying events occurred in Harris County, Texas.

IV. FACTS

5.1 This case arises out of seventy-four (74) violations of the Regulations by Defendants and T3 Game Room located at 9504 Long Point Road, #G, Houston, Texas 77084 discovered through an on-going investigation by the Houston Police Department. After multiple undercover investigations, a raid, and an arrest, Defendants continue to operate and maintain an illegal gambling operation.

5.2 On April 6, 2016, an undercover investigation at T3 Game Room conducted by the Houston Police Department revealed that illegal gambling was taking place in violation of Chapter 47 of the Texas Penal Code.

5.3 Specifically, an undercover Houston Police Department Officer won one hundred dollars (\$100) on a single play of eighty cents (\$.80). T3 Game Room employee, Sandra, gave the Officer one \$100 in cash and the Officer left the premise shortly after.

5.4 The officer returned to T3 Game Room two additional times on April 6, 2016 to play on the "Pot-O-Gold" machine. The first time, the Officer played on device number five and placed a single bet of eighty cents. The officer won fifty dollars (\$50.00) on that single play. Sandra gave the officer \$50.00 in cash and the officer left the premise shortly after. The second time, the officer played on device number three and placed a single bet of eighty cents and won ten dollars (\$10.00). The officer continued to play until the amount of credits equaled twenty-five dollars (\$25.00). T3 Game Room employee, Tri Ma gave the officer \$25.00 in cash and the officer left.

5.5 On April 26, 2016 a second undercover investigation at T3 Game Room conducted by the Houston Police Department again revealed that illegal gambling was taking place in violation of Chapter 47 of the Texas Penal Code. The officer played on device number nine and on a single play of eighty cents, won fifty dollars (\$50.00). The officer continued to play until the

amount of credits equaled fifty-five dollars (\$55.00). T3 employee Cynthia Romero gave the officer \$55.00 in cash and the officer left the premise shortly after.

5.6 On May 3, 2016 a third undercover investigation at T3 Game Room conducted by the Houston Police Department again revealed that illegal gambling was taking place in violation of Chapter 47 of the Texas Penal Code. The officer played on device number seven and on a single play of eighty cents, won fifty dollars and two cents (\$50.02). The officer continued to play until the amount of credits equaled fifty-five dollars (\$55.00). T3 employee Cynthia Romero gave the officer \$55.00 in cash and the officer left the premise shortly after.

5.7 Specifically, an undercover Houston Police Department Officer was paid cash for his/her winnings on two (2) machines, as defined by Subsection 1.4(a) (1)-(2) of the Regulations, located inside T3 Game Room by an employee of T3 Game Room.

5.8 Based on these investigations, a search for the premise and an arrest warrant for Tri Ma and Cynthia Romero were signed on May 9, 2016. On May 10, 2016 the search and arrest warrants was executed. During the course of the raid it was discovered that T3 Game Room contained sixty-four (64) machines, as defined by Subsection 1.4(a) (1)-(2) of the Regulations.

5.9 The Houston Police Department Northwest Patrol DRT conducted a game room compliance inspection during the course of the raid. During the inspection, several other violations of the Regulations were uncovered. Specifically:

- **Subsection 3.3(b):** Entry into T3 Game Room proper was not accessible due to a locked metal-cage door that had to be opened by an employee in the game room.
- **Subsection 3.4(e):** T3 Game Room failed to have transparent, uncovered windows as required;
- **Subsection 3.7(b) (1):** T3 Game Room failed to maintain onsite, and produce to a Peace Officer the required employee records;
- **Subsection 3.7(b) (3):** T3 Game Room failed to maintain onsite, and produce to a Peace Officer the required machine records for the sixty-four (64) machines;

- **Subsection 3.12:** T3 Game Room had sixty-four (64) amusement redemption machines located in the establishment.

IV. CAUSES OF ACTION AND CIVIL PENALTIES

6.1 Under Chapter 234 of the Texas Local Government Code, a person commits an offense and is subject to civil penalties if they operate a Game Room in violation of a regulation adopted under Section 234.133.

6.2 The Harris County Commissioners Court adopted the Regulations pursuant to Chapter 234 of the Local Government Code on December 17, 2013. These Regulations were amended on May 20, 2014, March 10, 2015, and September 1, 2015.²

A. Violations of Subsection 3.3 of the Regulations

6.7 Subsection 3.3(b) of the Regulations state in relevant part, “[a] Game Room shall provide doors that are readily accessible without the use of a key, special knowledge, or effort during business hours or any other hours of operation.” Subsection 3.3(f) of the Regulations states “[a] person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation. Each day a violation occurs or continues to occur is considered a separate violation.”

6.8 On April 6, 2016, April 26, 2016, May 3, 2016 and May 10, 2016, Defendants operated T3 Game Room in violation of Subsection 3.3(b) of the Regulations.

6.9 This amounts to four separate provisions of Subsection 3.3(d) of the Regulations. Harris County, Texas is therefore entitled to recover a civil penalty not to exceed \$10,000 per violation.

B. Violation of Subsection 3.4 of the Regulations

² See Exhibit “1”

6.10 Subsection 3.4(e) states “[i]t shall be unlawful for a Person to cover or tint a Game Room window or door, or otherwise block a window or door so as to obscure the view of any machine described in Subsection 1.4(a)(1)-(2) located in a Game Room, or the interior of the location from a sidewalk through a Game Room window or door.” Subsection 3.4(f) states

6.11 On April 6, 2016, April 26, 2016, May 3, 2016 and May 10, 2016, Defendants operated T3 Game Room in violation of Subsection 3.4 of the Regulations. Several front windows were covered with curtains and panels so as to not allow Amusement Redemption Machines to be viewed from the outside of the establishment.

6.12 “[a] person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation. Each day a violation occurs or continues to occur is considered a separate violation.”

6.13 This amounts to four separate provisions of Subsection 3.4(e) of the Regulations. Harris County, Texas is therefore entitled to recover a civil penalty not to exceed \$10,000 per violation.

C. Violations of Subsection 3.7(b) (1) of the Regulations

6.12 Subsection 3.7(a) (1) of the March 10, 2015 Regulations state, “[a] Game Room shall maintain onsite, and produce to a Peace Officer, Fire Safety Official, and/or designated County Employee for inspection a record for each employee that contains the name, address, date of birth, state identification number or social security number, job function, W-2 or W-4 form, a copy of application for work with the Game Room, a copy of the I-9 filed as part of Employment Eligibility Verification for the Department or Homeland Security, and a photograph of the employee.” Subsection 3.7(d) goes on to state, “[a] Person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation.”

6.13 On May 10, 2016, Ricky Tsui operated T3 Game Room in violation of Subsection 3.7(b) (1) of the Regulations. As such, Harris County, Texas is entitled to recover a civil penalty not to exceed \$10,000.

D. Violations of Subsection 3.7(b) (3) of the Regulations

6.14 Subsection 3.7(b) (3) of the March 10, 2015 Regulations states, “[a] Game Room shall maintain onsite, and produce to a Peace Officer, Fire Safety Official, and/or designated County Employee for inspection a copy of the Harris County and State of Texas tax record forms detailing each machine found on the premises of the Game Room by identifying the machine by name of manufacturer, serial number, type of machine, the serial number of the State of Texas Tax stamp to include the year of expiration of each tax stamp required, the Harris County Tax Stamp to include the year of expiration of each tax stamp required, and the name of the individual(s), proprietorship(s), corporation(s), association(s), or other legal entity(s) that owns, receives profits from, and has registered the machine with their name with the Texas Comptroller with a brief description of their ownership and financial interest in the machine in a spread sheet format.” Subsection 3.7(d) goes on to state, “[a] Person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation.”

6.15 On May 10, 2016, Ricky Tsui operated T3 Game Room in violation of Subsection 3.7(b) (1) of the Regulations. As such, Harris County, Texas is entitled to recover a civil penalty not to exceed \$10,000.

E. Violations of Subsection 3.12 of the Regulations

6.11 Subsection 3.12(a) of the September 1, 2015 Regulations state in relevant part, “[i]t shall be unlawful for a Game Room to keep, exhibit, operate, display, or maintain any gambling device that is prohibited by the constitution of this State or Chapter 47 of the Texas Penal Code,

GAMBLING.” Subsection 3.12(b) goes on to state, “[a]dditionally, a civil penalty not to exceed \$10,000 shall be placed on a Person who Operates a Game Room for any machines described in Subsection 1.4(a) (1)-(2) located in the Game Room that is being used and/or has been used for illegal gambling. Subsection 3.12(c) expands this provision by stating, “[i]f a law enforcement agency determines through an investigation(s) that a Game Room was in operation violating Chapter 47 of the Texas Penal Code, then every machine described in Subsection 1.4(a) (1)-(2) located in the Game Room shall be considered in violation of this Subsection. A Person who Operates a Game Room in violation of this Subsection shall be assessed a civil penalty not to exceed \$10,000 per violation. Each day a violation occurs or continues to occur is considered a separate violation.”

6.12 On May 10, 2016, a search warrant executed by the Houston Police Department Northwest Patrol DRT revealed that T3 Game room was in operation violation Chapter 47 of the Texas Penal Code. It was further revealed that that T3 Game Room contained sixty-four (64) machines described in Subsection 1.4(a) (1)-(2). This amounts to sixty-four (64) violations of Subsection 3.12 of the Regulations by Carlos Lopez. Harris County, Texas is therefore entitled to recover a civil penalty not to exceed \$10,000 per violation.

VII. RULE 47 CLAIM FOR RELIEF

7.1 Pursuant to Rule 47 of the Texas Rules of Civil Procedure, Harris County, Texas seeks monetary relief over \$1,000,000 and a demand for judgment for all other relief to which Plaintiff deems itself entitled.

VIII. JURY DEMAND

8.1 Plaintiff demands a jury trial.

IX. TEMPORARY INJUNCTIVE RELIEF

9.1 Section 234.137 of the Texas Local Government Code authorizes a County to sue in district court for an injunction to prohibit the violation or threatened violation of a regulation adopted under Section 234.133 of the Texas Local Government Code.

9.2 Illicit game rooms are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, gambling offenses, weapon offenses, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, and litter.

9.3 Defendants knowingly maintain an illicit game room and are in violation of the Harris County Game Room Regulations. Defendants have failed or refused to prohibit the violations and are likely to continue to maintain the property as an illicit game room unless restrained by an injunctive order of the Court requiring them to comply with the Harris County Game Room Regulations.

9.4 Unless Defendants are enjoined from maintaining the property as an illicit game room, the citizens of Harris County, Texas will suffer irreparable harm. Harris County has no other adequate remedy at law to prevent continued maintenance of the property as an illicit game room.

X. PERMANENT INJUNCTIVE RELIEF

10.1 Additionally, Plaintiff seeks permanent injunctive relief against Defendants for violating the Harris County Game Room Regulations.

10.2 Pursuant to Section 234.137 of the Texas Local Government, if final judgment favors the Plaintiff as to Defendants' violations of the Regulations, the Court shall grant a permanent injunction to prohibit the violation or threatened violation of the Harris County Game

Room Regulations. Further, the Court may include in its order reasonable requirements to prevent the use of maintenance of the place as an illicit game room.

XI. ATTORNEY'S FEES

A. Attorney's Fees Related to Obtaining Injunctive Relief and Civil Penalties.

11.1 To litigate this lawsuit, it is necessary for the Plaintiff to secure the services of Harris County Attorney Vince Ryan's Office. Plaintiff requests that the Defendants be adjudged jointly and severally liable for the Harris County Attorney's reasonable attorney's fees, investigative costs, witness fees, court costs, and any other reasonable expenses incurred in bringing this lawsuit.³

B. Attorney's Fees Related to Service of Process.

11.2 Plaintiff requests that the Defendants be adjudged liable for the Harris County Attorney's expenses, including reasonable attorney fees, in locating and effecting service of process on the Defendants.⁴

XII. REQUEST FOR DISCLOSURE

12.1 In accordance with Rule 194 of the Texas Rules of Civil Procedure, Harris County, Texas requests that each Defendant disclose within fifty (50) days of service of this Petition, the information described in Rule 194.2.

XIII. PRAYER

For these reasons, Harris County, Texas respectfully requests that the Court 1) issue citation for Defendants to appear and answer, 2) grant Plaintiff temporary injunctive relief after a

³ Tex. Loc. Gov't Code § 234.137.

⁴ Tex. Bus. & Com. Code Ann. § 71.201.

hearing, 3) grant Plaintiff permanent injunctive relief after a hearing, and 4) that Plaintiff be awarded a judgment against the Defendants for the following:

- a) Civil penalties in the amount of \$10,000 per violation for all seventy-four violations (74) violations of the Regulations by Defendant Ricky Tsui d/b/a T3 Game Room;
- b) Civil penalties in the amount of \$10,000 per violation for all seventy-four (74) violations of the Regulations by Defendant Ricky Tsui d/b/a T3 Game Room;
- c) Court costs;
- d) Costs of suit;
- e) Costs of investigation;
- f) Witness fees;
- g) Deposition fees;
- h) Reasonable attorney's fees; and
- i) All other relief to which Harris County, Texas is entitled.

Respectfully submitted,

VINCE RYAN
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ATTORNEY FOR PLAINTIFF



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this October 27, 2016

Certified Document Number: 72492004 Total Pages: 11

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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