

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Suspension or Revocation) NO. CR 2015-00001
of the License to Conduct Gambling)
Activities of:)
)
Brian Culmer)
Kennewick, Washington,)
)
Licensee.)

**NOTICE OF ADMINISTRATIVE
CHARGES AND OPPORTUNITY FOR
AN ADJUDICATIVE PROCEEDING**

I.

The Washington State Gambling Commission issued Brian Culmer the following license:

Number 68-20358, authorizing Card Room Employee activity, formerly with the Lucky Bridge Casino in Kennewick.

The license expires on September 22, 2015, and was issued subject to Mr. Culmer's compliance with state gambling laws and Commission rules.

II.

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

SUMMARY:

Brian Culmer under-reported \$100 in tips between September 1, 2014, and September 15, 2014, and failed to pay the fine for a Notice of Violation and Settlement (NOVAS¹).

FACTS:

- 1) On September 17, 2014, a Washington State Gambling Commission Special Agent (agent) began a house-banked card room compliance inspection at the Lucky Bridge Casino.
- 2) The agent reviewed the Tips Reconciliation Sheet (report) for the pay period of September 1 thru September 15, 2014. There were seven card room employees (CRE) who under-reported their tips during this period. The agent interviewed all seven employees and issued each of them a NOVAS.

¹ NOVAS –A Notice of Violation and Settlement identifies the violation and gives the licensee the opportunity to pay a fine to settle the matter.

- 3) The report showed Mr. Culmer had under-reported \$100. The Cage Cashier had counted \$161.50 in tips and Mr. Culmer tipped the cashier \$3.00. Mr. Culmer left the Cage with \$158.50. The report showed Mr. Culmer had entered \$58.50 into the time keeping system terminal on September 8, 2014.
- 4) The agent interviewed Mr. Culmer about the discrepancy. Mr. Culmer stated he tried to do it correctly and believed the cage cashier must have recorded the wrong amount. The agent informed him he was issuing a NOVAS.
- 5) On September 26, 2014, the agent received an e-mail from Commission Staff containing an e-mail from Mr. Culmer stating he would like further information and advice how to contest the NOVAS because the cage recorded the wrong amount.
- 6) On September 29, 2014, the agent met with Mr. Culmer at Lucky Bridge Casino. The agent restated the result of not paying the fine. The agent showed Mr. Culmer the report. Mr. Culmer had received \$158.50 and reported only \$58.50. Mr. Culmer stated he only received \$58.50 and the cage cashier must have recorded the wrong amount. Mr. Culmer stated the amount he tipped was too low for \$161.50.
- 7) As of January 5, 2015, Mr. Culmer had not paid the NOVAS.
- 8) On December 25, 2014, the agent received an e-mail from Lucky Bridge Casino with a copy of page 31 of the Employee Handbook. It states, "All tipped team members are required to declare 100% of their tipped income."
- 9) On December 31, 2014, the agent received an e-mail from Lucky Bride Casino's General Manager, John Morris. The e-mail included a receipt of the Employee Handbook and Lucky Bridge Internal Controls Verification signed by Mr. Culmer.

VIOLATIONS:

1) RCW 9.46.075 Denial, suspension, or revocation of license, application, or permit

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or certified employee, or any person with any interest therein:

(The following subsection applies.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

2) WAC 230-03-085 Denying, suspending, or revoking an application, license or permit

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization: (The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(3) Has demonstrated willful disregard for complying with ordinances, statutes, administrative rules, or court orders, whether at the local, state, or federal level.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities.

3) WAC 230-15-425 Internal controls

(The following subsection applies.)

(2) Licensed card room employees must follow the internal control procedures for their individual functions.

4) WAC 230-15-475 Tips from players and patrons to card room employees

(The following subsection applies.)

(6) Employees must...

(d) accurately report all tips to their employer as described in the licensee's internal controls.

Brian Culmer signed a tip reporting statement from Lucky Bridge Casino, acknowledging he was required to report all of his tips. However, Mr. Culmer willfully failed to comply with internal control procedures by not accurately reporting his tips, in violation of WAC 230-15-425 and WAC 230-15-475. As a result the licensee poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities based on his activities. Therefore, there are grounds to suspend or revoke Brian Culmer's license based on his prior violations of RCW 9.46.075(1), and WAC 230-03-085(1), (3) and (8).

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III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

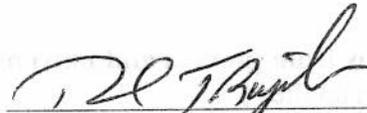
The licensee will have the opportunity to have a hearing on the alleged violations.

In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING YOUR LICENSE.

IV.

I have read this Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding, know the contents of it, believe it to be true, and have executed this Notice in my capacity as Director of the Washington State Gambling Commission.



DAVID TRUJILLO, DIRECTOR 2/5/2015
(Date)

STATE OF WASHINGTON)
)
COUNTY OF THURSTON)

I certify I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, properly addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 6 day of February, 2015.

