

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Summary Suspension of the)
Class III Certification to Conduct Gambling)
Activities of:)
)
Christopher M. Ingrum)
Mount Vernon, Washington,)
)
Class III Employee.)

NO. CR 2009-01585

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER OF SUMMARY
SUSPENSION OF LICENSE**

Pursuant to RCW 34.05.422(4), and Section V. of the Stillaguamish Tribal-State Compact, the Washington State Gambling Commission (Commission) may summarily suspend a license or permit pending proceedings for revocation or other action. The Commission has authorized the Director to summarily suspend a license or permit under RCW 9.46.070(17) and WAC 230-17-165.

This matter has been brought before the Director for a summary suspension of Christopher M. Ingrum's Class III Certification;¹ the Director has issued this order and caused it to be served upon the Class III employee. This order shall be effective immediately upon its service to the Class III employee, authorized representative or agent thereof, unless otherwise specified herein. By this authority, an authorized agent of the Commission shall seize Christopher M. Ingrum's current certification authorizing gambling activity and his gambling activities shall cease as ordered.

FINDINGS OF FACT

I.

Rick Day is the Director of the Washington State Gambling Commission and issues this order in that capacity.

II.

Jurisdiction of this proceeding is based on Chapter 9.46 RCW, Gambling, Chapter 34.05 RCW, the Administrative Procedure Act, WAC Title 230, and the Stillaguamish Tribal-State Compact.

¹ Class III Certification is issued to employees working at Tribal casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. Holders of a Class III Certification may apply to have the certification transferred to a CRE license.

III.

The Washington State Gambling Commission issued Christopher M. Ingrum of Mount Vernon, the following Class III Certification: Number: 69-25209, Authorizing Class III Employee Activity, formerly at the Stillaguamish Tribe's, Angel of the Winds Casino. The certification, which expires on May 6, 2010, was issued subject to the Class III employee's compliance with the Stillaguamish Tribal-State Compact, state gambling laws and Commission rules.

IV.

After a thorough review of the Commission Special Agent's investigative report concerning the facts in this matter, the Director accepts the report as a verity and makes the determination that the action as ordered is warranted.

V.

SUMMARY:

A Class III employee, Christopher Ingrum, while playing cards as a patron, took another player's chips, admitted to taking the chips, and was recorded on surveillance video doing so.

FACTS:

1. On September 22, 2009, Lori Wangeman, Casino Manager of Great American Casino, Everett (Great American) after viewing surveillance footage, called a Commission Special Agent (agent) to report that a player had stolen another player's chips off a gaming table.
2. The Casino Manager said the player who had stolen another player's chips off a gaming table was in their player tracking system² (PTS), and his name was Christopher Ingrum.
3. Christopher Ingrum was a Class III certified employee at the Stillaguamish Tribe's Angel of the Winds Casino.
4. Great American provided a copy of the surveillance DVD from September 22, 2009 to the agent. The agent reviewed the surveillance video and observed the following conduct, which occurred on September 22, 2009:
 - a. At 14:39, a patron got up and left his chips on Fortune Pai Gow table number five. The patron's drink was to the right of the chips. Mr. Ingrum was seated at the table to the patron's right.

² A player tracking system gathers and maintains data concerning casino patron game play patterns, and facilitates special promotional offers to loyal players.

- b. At 14:40, Mr. Ingrum moved his drink next to the patron's drink.
 - c. At 15:08, Mr. Ingrum moved the patron's drink to the far right side of the table.
 - d. At 15:09, a new dealer came to the table.
 - e. At 15:10, Mr. Ingrum took the absent patron's white chip and used it to place a bonus wager for himself.
 - f. At 15:11, Mr. Ingrum was the only player at the table.
 - g. At 15:13, Mr. Ingrum picked up the patron's remaining chips, placed them on top of his own stack of chips, and pushed the stack of chips to the dealer. The dealer colored up³ the chips for Mr. Ingrum.
 - h. At 15:14, Mr. Ingrum stood at the cashier's cage and cashed out \$225 in chips, which included the chips Mr. Ingrum took from the patron.
5. On October 20, 2009, the agent contacted Stillaguamish Tribal Gaming Agency Director, Jhan Smith, and asked to use his facility to interview Mr. Ingrum the next time Mr. Ingrum was scheduled to work. Mr. Smith informed the agent that he wanted to have Stillaguamish Tribal Gaming Agent, Dave Miller, present during the interview.
6. On October 21, 2009, the agent visited Angel of the Winds Casino and played the Great American surveillance DVD of Mr. Ingrum for Tribal Gaming casino officials. Angel of the Winds surveillance personnel present in the room identified the individual in the footage as Mr. Ingrum.
7. Later on October 21, 2009, Angel of the Winds Table Games Supervisor, Renee Brooks, escorted Mr. Ingrum off the casino floor, where he was dealing at a table. Stillaguamish Tribal Gaming Agents, Dave Miller and Jason Cooper, Security Manager, Cliff Allen, and Table Games Supervisor, Renee Brooks, along with the Commission Special Agent were present in the interview room with Mr. Ingrum.
- a. The agent interviewed Mr. Ingrum, asking him if he knew of the Great American Casino in Everett, if he played there much, and if he had been there in early to mid-September. Mr. Ingrum answered, yes, he knew of the casino, and that he played there sometimes, and that he remembered being at the casino during the time period in question.
 - b. The agent informed Mr. Ingrum that Great American staff had contacted him and said that they had surveillance of a patron stealing another patron's chips off a table on September 22, 2009, and that he (Mr. Ingrum) was the patron identified as the one stealing the chips.

³ The exchange of smaller denomination gambling chips for fewer larger denomination gambling chips.

- c. Mr. Ingram replied that he had a lapse of judgment, and did not know why he took the chips.
8. At the October 21, 2009 interview, Stillaguamish Tribal Gaming Agent, Dave Miller, gave Mr. Ingram a Notice of Tribal License Suspension, Denial or Revocation, stating that the Stillaguamish Gaming Commission had revoked his Class III gaming license.
9. On October 21, 2009, Mr. Ingram wrote in a statement "I admit on this day, October 21, 2009, that approximately one month ago at the Great American Casino I took approximately \$75 in cheques from another player. I have no defense for this aggregious [sic] offense. I had been sitting at the gaming table for around one hour and had not seen the player who left that money behind at all. I decided to cash out and for some reason added the cheques in question to mine. I admit this was wrong and I regret it very much, and not just because I was caught, because it was wrong. I hope that this momentary lapse in judgement [sic] does not cost me my job. However, I understand that it very well could."
10. On October 24, 2009, the patron who had the chips stolen wrote a statement about leaving the table, and returning a half an hour later to find his chips were gone.
11. On October 30, 2009, written statements were received by Commission staff from the Great American Casino Manager, Great American Shift Manager, Brandon Worrell and Floor Supervisor, Jameson Debolt, along with the written statement from the patron who had his chips stolen.
12. The agent has forwarded a case against Christopher Ingram to the prosecutor for criminal charges of theft in the third degree.

CONCLUSIONS OF LAW

I.

- 1) RCW 9.46.070(17) provides that the Commission shall have the following powers and duties: The Commission may authorize the Director to temporarily suspend licenses subject to final action by the Commission.
- 2) WAC 230-17-165(2) provides that the Director may issue an order to summarily suspend any license or permit if the Director determines that a licensee or permittee has performed one or more of the actions identified in RCW 9.46.075 as posing a threat to public health, safety, or welfare.
- 3) WAC 230-17-165(3)(a) provides that the Commission deems the following actions of a licensee or permittee constitute an immediate danger to the public safety and welfare: Failing or refusing to comply with the provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW or any rules adopted by the Commission.

On September 22, 2009, Class III employee, Christopher Ingrum took another player's chips, and cashed the chips in at the cashier cage. The certified employee admitted to taking the chips, and was recorded on surveillance video doing so. The certified employee's actions constitute an immediate danger to public safety and welfare based on WAC 230-17-165(3)(a), and are a basis for immediate cessation of Mr. Ingrum's certified activities.

4) RCW 9.46.075(1) provides the Commission may revoke any license or permit for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein any person with any interest therein: 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.

5) WAC 230-03-085(1) and (8) provide that the Commission may revoke a license or permit when the licensee or permittee poses a threat to the effective regulation of gaming or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gaming activities as demonstrated by prior activities.

6) RCW 9.46.075(8) provides the Commission may revoke any license or permit when a licensee or permittee fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter. RCW 9.46.153(1) provides that it shall be the affirmative responsibility of each licensee and permittee to establish by clear and convincing evidence the necessary qualifications to hold a license or permit.

7) RCW 9.46.190(3) provides any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation: Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person shall be guilty of a gross misdemeanor subject to the penalty set forth in RCW 9A.20.021.

On September 22, 2009, Class III employee, Christopher Ingrum took another player's chips, and cashed the chips in at the cashier cage. The certified employee admitted taking the chips, and was recorded on surveillance video doing so. Mr. Ingrum's conduct violated RCW 9.46.190(3). Mr. Ingrum poses a threat to the effective regulation of gaming as demonstrated by his conduct, and he has failed to prove that he is qualified to hold a license or permit. Grounds, therefore exist to revoke Christopher Ingrum's certification based on WAC 230-03-085(1), and (8), and RCW 9.46.075(1), and (8).

II.

Immediate cessation of Christopher M. Ingrum's gambling activity is required for the protection and preservation of the safety and welfare of the public based on Mr. Ingrum's failure to comply with the provisions imposed by chapter 9.46 RCW or any rules adopted by the Commission pursuant to WAC 230-17-165(3)(a).

ORDER

Based on the FINDINGS OF FACT AND CONCLUSIONS OF LAW, it is the ORDER of the undersigned Director, based on the authority granted to him by RCW 9.46.070(17), the Stillaguamish Tribal-State Compact, RCW 34.05.422, and WAC 230-17-165, that Christopher Ingram's Class III Certification within the State of Washington is hereby summarily suspended pending a formal hearing by an Administrative Law Judge.

This summary suspension will be effective immediately upon the service of this Order to the Class III Employee or an authorized representative or agent.

STATEMENT OF RIGHTS

1) **You have a right to petition for a stay of this Order.** You may request a stay by filing a written request with the Commission. **Any request for a stay must be received by the Commission within fifteen (15) days** of service of this Order upon you. If a timely request for a stay is received by the Commission, **a hearing regarding a request for stay will be conducted within seven (7) days** in accordance with WAC 230-17-170.

The stay hearing shall be limited to consideration of whether a stay should be granted, or whether the terms of the suspension may be modified. **Furthermore, at the hearing, the licensee shall have the burden of demonstrating by clear and convincing evidence that:**

- (a) The licensee is likely to prevail upon the merits at hearing;
- (b) Without relief, the licensee will suffer irreparable injury. For purposes of this section, elimination of income from licensed activities shall not be deemed irreparable injury;
- (c) The grant of relief will not substantially harm other parties to the proceedings; and
- (d) The threat to the public safety or welfare is not sufficiently serious to justify continuation of the suspension, or that modification of the terms of the suspension will adequately protect the public interest.

A request for a stay does not constitute a request for a hearing as provided in paragraph (2) of this Statement of Rights.

(2) **You also have a right to a full hearing on the merits in this matter.** You may request a hearing by completing and returning to the Commission the enclosed Application for Adjudicative Proceeding and Request for Hearing. Failure to submit the Application for Adjudicative Proceeding and Request for Hearing form within twenty (20) days of service of this order upon you shall result in a waiver of your right to an adjudicative proceeding and entry of an order in default under RCW 34.05.440.

