

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the License )  
to Conduct Gambling Activities of: )  
)  
)  
Jessica Mosher )  
East Wenatchee, Washington, )  
)  
Licensee. )

No. CR 2010-00990

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

I.

The Washington State Gambling Commission issued Jessica Mosher the following license:

Number 68-28982, authorizing Card Room Employee activity.

This license expires on February 5, 2011, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

Rick Day, Director of the Washington State Gambling Commission, charges the licensee with the following violation(s) of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

- 1) The licensee, Jessica Mosher, cashed an \$8,000 personal check for her sister's boyfriend from an account with insufficient funds, while working as a cage cashier at the Buzz Inn Casino on August 15, 2010. The licensee employed a scheme to defraud and engaged in an act, practice or course of operation as would operate as a fraud or deceit upon any person, in violation of RCW 9.46.190.
- 2) The licensee cashed the \$8,000 check despite the casino's listing of the account holder (boyfriend of licensee's sister) on its "NSF" returned check log. The casino confirmed the account holder was listed on its "NSF" list (on 8/1/2010) prior to the licensee cashing the check. Additionally, the licensee cashed the check despite receiving a "decline" code from the check verification company used by the casino. The licensee violated WAC 230-15-425 by failing to follow the casino's internal control procedures for cashing checks.
- 3) After the bank confirmed there were no funds in the account for the \$8,000 check, the casino called the police and terminated Ms. Mosher's employment.
- 4) The Commission Special Agent (agent) who investigated the incident reviewed surveillance video and observed the following:

- a) The licensee accepted a check from her sister's boyfriend, the account holder, and attempted to verify the check through a check-verification device at about 12:08 p.m.
  - b) The licensee counted out \$5,000 and gave it to her sister's boyfriend.
  - c) About four hours later, at about 4:18 p.m., the licensee wrote on a piece of paper that looked like a check. About 30 seconds after that, the account holder returned to the cashier cage. The licensee slid the paper that looked like a check, plus a small envelope to the account holder. The account holder removed cash from his wallet, placed it into the envelope and slid the paper and envelope back to the licensee. The licensee held up the envelope and immediately returned both to the account holder, who licked and sealed the envelope and walked away from the cashier cage.
  - d) The licensee inserted a check into the verification device several times at about 4:19 p.m. About two minutes later, at 4:21 p.m., the licensee appeared to write on a check, and inserted it into the check-verification device.
  - e) The account holder returned to the cashier cage at about 4:23 p.m. The licensee counted out \$3,000 and gave him the cash at about 4:25 p.m. At this point, the licensee had given the account holder a total of \$8,000.
- 5) The agent examined the original \$8,000 check, numbered 1023, and observed that someone had altered the "8" in "\$8,000" and the "Eight" in "Eight thousand dollars."
  - 6) The check verification company's report showed the licensee had attempted to verify check number 1023, for \$5,000, at about 12:10 p.m. The report showed that later at about 4:22 p.m., the licensee attempted to verify check number 1023 for \$8,000.
  - 7) No criminal charges are pending at this time because the account holder repaid \$8,000 to the casino within two days of the incident, after police contacted him.
  - 8) The licensee violated RCW 9.46.190, RCW 9.46.153, and WAC 230-15-425. Grounds exist to revoke the license under RCW 9.46.075(1), (8), and WAC 230-03-085(1) and (8).

**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 licensee, or any person with any interest therein: (The following subsection(s) apply.)

- (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.
- (8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter.

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

(The following subsections apply.)

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:

- (1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.
- (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; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

**RCW 9.46.190 Violations relating to fraud or deceit**

Any person or association or organization operating any gambling activity who or which, directly or indirectly, shall in the course of such operation:

(The following subsection(s) apply.)

- (1) Employ any device, scheme, or artifice to defraud; or
  - (3) 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.02.021.

**WAC 230-15-425(2) Internal controls**

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

Buzz Inn Casino's internal control procedures provide the following: **Procedure For Exchange of Checks Submitted by Gaming Patrons:** "All checks sought to be exchanged at the cashier's cage shall be (a) presented to the cashier who shall: (v) Verify that the patron is not listed on the returned check log; (vi) Verify NFS history through Telecheck."

**RCW 9.46.153(1) Applicants, licensees-Responsibilities, and duties-Waiver of liability- Investigation statement as privileged**

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

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I hereby certify that I have this day served a true and correct copy of the foregoing to the person named in the foregoing, by mail, by personal delivery, or by other means, and that the copy so delivered is a true and correct copy of the foregoing.

\_\_\_\_\_  
 Date at Olympia, Washington this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Washington State Gambling Commission  
 Communications and Legal Department

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.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

Rick Day, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

*[Handwritten Signature: Rick Day]*  
\_\_\_\_\_  
RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me  
this 27 day of December, 2010.

*[Handwritten Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington residing at Thurston County  
My Commission expires on 4-29-2014

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

I hereby certify that I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy thereof, 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 27 day of December, 2010

*[Handwritten Signature: Maureen Pirelli]*  
\_\_\_\_\_  
Communications and Legal Department  
Washington State Gambling Commission

