

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
License to Conduct Gambling Activities of:) NO. CR 2010-00990
)
Jessica Mosher) **FINDINGS, CONCLUSIONS,**
East Wenatchee, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the revocation of the license to conduct gambling activities of Jessica Mosher having come before the Commission on February 10, 2011, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued Jessica Mosher license number 68-28982, authorizing Card Room Employee activity, formerly at Buzz Inn Casino. This license expired on February 5, 2011, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

On December 27, 2010, Director Rick Day issued administrative charges to Jessica Mosher, by certified and regular mail. The administrative charges notified Jessica Mosher that failure to respond would result in the entry of a default order revoking her license. Jessica Mosher did not respond to the charges.

By not responding, Jessica Mosher waived her right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

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 card room's listing of the account holder (the boyfriend of the licensee's sister) on its "NSF" returned check log. The card room confirmed the account holder was listed on its "NSF" list (on August 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 card room.

3) Buzz Inn Casino's internal control procedures for the exchange of checks submitted by gaming patrons states: "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." By failing to follow the card room's internal control procedures for cashing checks, the licensee violated WAC 230-15-425

4) After the bank confirmed there were no funds in the account for the \$8,000 check, the card room called the police and terminated Ms. Mosher's employment. No criminal charges are pending because the account holder repaid \$8,000 to the casino within two days of the incident, after police contacted him.

5) 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 the account holder.
- 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.

6) 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."

7) 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.

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.

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.

IV.

CONCLUSIONS OF LAW

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Jessica Mosher's license to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

DECISION AND ORDER

The Washington State Gambling Commission HEREBY ORDERS: Jessica Mosher's Card Room Employee license to conduct gambling activities is REVOKED.

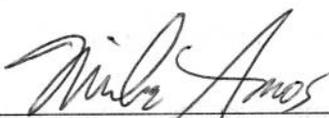
DATED this 10 day of February, 2011.



JOHN ELLIS, Chair



KEVEN ROJECKI, Vice Chair



MIKE AMOS

MICHAEL REICHERT

REBECCA ROE

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

WAC 230-17-040(3) requires that motions be served on the parties listed below:

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