

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the
License to Conduct Gambling Activities of:

Edward D. Muri
Tacoma, Washington,

Licensee.

) NO. CR 2012-00341

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

I.

Tina Griffin alleges as follows: she is the Assistant Director of the Washington State Gambling Commission and makes these charges in her official capacity.

II.

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

III.

The Washington State Gambling Commission issued Edward D. Muri, of Tacoma, the following license:

License number: 68-03584, authorizing Public Card Room Employee activity at the Silver Dollar Casino in Renton. This license, which expires on July 1, 2012, was issued subject to the licensee's compliance with state gambling laws and Commission rules.

IV.

SUMMARY:

While dealing poker at the Silver Dollar Casino, surveillance captured Mr. Muri taking approximately \$148 in chips. He accomplished this by collecting more than the allowable amount of \$2 per hand for the Player Supported Jackpot (PSJ)¹ and \$3 per hand for the rake² (per house policy). Mr. Muri deposited these chips either directly into his token box³ or into his chip

¹ PSJ – The Player Supported Jackpot is a separate contest of chance related to the play and outcome of the poker game and awarded in any number of ways, such as receiving a designated amount for holding a hand with four aces. This fund is collected as a set amount of the wagers for the hand and dropped into a lockbox by the dealer in the form of chips; the house holds the funds and makes the awards.

² Rake – Fees collected for play in a poker game, which are based on amounts wagered by the players during a hand.

³ Token – Gratuity received by card room employees and kept in a separate Token Box to the left of the dealer.

tray. Surveillance video shows Mr. Muri's chip tray exceeded the \$300 initially checked out to him and returned by Mr. Muri to the cage⁴ at the end of his shift.

FACTS:

1) On March 6, 2012, Christy Francis, General Manager for the Silver Dollar Casino in Renton, contacted a Washington State Gambling Commission Special Agent (agent) regarding a dealer palming chips at a poker table.

2) Silver Dollar Casino has the following procedures for poker tables:

- **Players' Pot:** The players' pot⁵ is the accumulation of the amounts wagered by players and is gathered by the dealer in the center of the poker table. The dealer collects the rake by taking \$1 chips out of the players' pot. Per the internal controls, the rake may not exceed \$3 per hand or ten percent of the total wagers for a hand, whichever is less. The rake is deposited in a drop box to the right of the dealer. Often, dealers exchange three \$1 chips for a single \$3 chip before dropping.
- **PSJ:** The PSJ is collected to the left of the dealer in a pile separate from the players' pot by taking \$1 chips out of the players' pot. Per the internal house policy, the PSJ collected for each hand may not exceed 10% of the total wagers or \$2, whichever is less. The PSJ is deposited in a drop box to the left of the dealer. Often, dealers exchange two \$1 chips for a single \$2 chip before dropping the chip(s).
- **Take box:** A third box holds the dealer's tips. Known as the "take box," it is attached to the table to the left of the dealer. The take box is not monitored by anyone other than the dealer, unlike the rake and PSJ, for which the casino does the accounting.
- **Chip Tray:** The chip tray allows the dealers to exchange players' chips, exchange chips for the house as noted above for the rake and PSJ, or exchange players' cash for chips. It is kept directly in front of the dealers at the table. Dealers are responsible for their own chip tray for the entire shift. At no time is a dealer to collect more or less than the \$300 in the chip tray signed out to dealers as they start a shift. Should a dealer collect more than \$300, they could easily transfer the chips to their person or take box at any time during their shift without notice.

3) Ms. Francis informed the agent that a player had complained to the floor supervisor, Lilian Sondgeroth, that Edward Muri, a dealer, was palming chips. Ms. Sondgeroth advised Mr. Muri's supervisor, Robert Clark, who in turn notified Ms. Francis.

⁴ Cage – The cashier station of a casino where chips are exchanged for cash.

⁵ Pot – The amount of chips wagered during a particular hand of cards. At the conclusion of the hand, the entire pot will be awarded to the winner(s) of the hand, less the rake and/or PSJ collections.

4) On March 7, 2012, the agent met with Ms. Francis at the Silver Dollar Casino. While there, the two reviewed surveillance video from February 27, 2012, which showed Mr. Muri dealing poker. In this brief review, the agent could see Mr. Muri taking more chips than is allowed by current gambling rules and house procedures.

5) The agent obtained a copy of that particular surveillance tape, as well as copies of surveillance tapes of poker tables during Mr. Muri's shift for the gaming date⁶ February 26, 2012.

6) Upon further review of the surveillance video for February 27, 2012, the agent saw Mr. Muri take extra chips from the pot in 10 of the 13 hands he dealt on that shift. These chips were in addition to the \$3 rake and the \$2 PSJ drop.

7) On March 12, 2012, the agent was again contacted by Ms. Francis. She sent the agent a spreadsheet detailing surveillance tape review she conducted of Mr. Muri's shift on March 5, 2012. According to Ms. Francis' review, Mr. Muri again took extra chips during several hands of poker he dealt.

8) The agent returned to the Silver Dollar Casino on March 15, 2012, and obtained surveillance tapes covering a portion of Mr. Muri's shift on gaming date March 5, 2012. Upon review of these tapes, the agent saw Mr. Muri take approximately \$99 in chips from multiple hands of poker which were not dropped into the PSJ and/or rake drop boxes. Some of the chips remained in the chip tray, causing it to exceed \$300, and some of the chips were dropped into Mr. Muri's token box.⁷

9) According to the Poker Dealer Bank Sign Out Log for the gaming day of February 26, 2012, Mr. Muri signed out his chip tray at 18:00 hours with \$300 and returned it to the cage at 03:50 hours (on February 27, 2012), with \$300.

10) In reviewing the surveillance tapes for gaming days February 26 and March 5, the agent observed Mr. Muri (as identified to the agent by Ms. Francis) deal 79 hands of poker. During 29 of those hands, Mr. Muri took approximately \$148 in chips that did not belong to him.

11) The agent obtained a written statement from Ms. Francis on March 21, 2012, detailing her involvement and her observations of surveillance tape review. Ms. Francis' review corroborates that of the agent.

12) Mr. Muri currently has a case pending against him in Renton Municipal Court for Theft in the Third Degree.

⁶ Gaming days stretch past midnight into the next calendar day.

⁷ These particular drops were not tips. The surveillance video shows Mr. Muri following the proper procedure for tips (tapping the edge of the chip tray and immediately depositing it into the token box) on several other occasions when he received tips. That procedure was not followed for these drops.

VIOLATIONS:

1) **RCW 9.46.075(1)** provides 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 licensee:
(The following subsections 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 is qualified in accordance with the provisions of this chapter;

(9) Is subject to current prosecution or pending charges, or a conviction which is under appeal, for any of the offenses included under subsection (4)⁸ of this section: PROVIDED, That at the request of an applicant for an original license, the commission may defer decision upon the application during the pendency of such prosecution or appeal; and

(10) Has pursued economic gain in an occupational manner or context which is in violation of the criminal or civil policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling activities would be inimical to the proper operation of an authorized gambling or related activity in this state.

2) **WAC 230-03-085(1)** provides that the Commission may deny, suspend or revoke a license when the holder:

(1) Commits any act that constitutes grounds under RCW 9.46.075 for revoking a license, or commits any other act that the Commission determines constitutes a sufficient reason in the public interest for revoking a license; and

(8) 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, by prior activities, criminal record, reputation, or habits.

⁸ RCW 9.46.075(4) 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: Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;

3) RCW 9.46.190(3) provides that any person operating any gambling activity who directly or indirectly engages 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.

4) RCW 9.46.153(1) provides that it shall be the affirmative responsibility of each licensee to establish by clear and convincing evidence the necessary qualifications for licensure.

On February 26, and March 5, 2012, surveillance video shows that the licensee, Edward D. Muri, took approximately \$148 in chips while dealing poker. By taking chips, the licensee pursued economic gain in an occupational manner and engaged in an act or course of operation as would operate as a fraud or deceit upon a person, in violation of RCW 9.46.190(3). The licensee poses a threat to the effective regulation of gaming and his actions increase the likelihood of unfair or illegal activities in the conduct of gaming activities. In addition, the licensee has failed to prove by clear and convincing evidence that he is qualified for licensure, in violation of RCW 9.46.153(1). Grounds, therefore, exist to revoke his license pursuant to RCW 9.46.075(1), (8), (9) and (10), and WAC 230-03-085(1) and (8).

V.

The charges specified in Paragraph IV above constitute grounds for the revocation of Edward D. Muri's license to conduct authorized gambling activities pursuant to RCW 9.46.075 and WAC 230-03-085.

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STATE OF WASHINGTON
COUNTY OF KING
I hereby certify that I have reviewed a copy of the document upon which this
is based and that it is a true and correct copy of the original document.
Notary Public
Maureen Prefelt

VI.

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, the enclosed REQUEST FOR HEARING must be completed in full by the licensee or representative 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 THIS DOCUMENT WILL RESULT IN THE ENTRY OF A DEFAULT ORDER FOR REVOCATION OF YOUR LICENSE.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Tina Griffin being first duly sworn on oath, deposes and says: That she has read the foregoing Notice of Administrative Charges and Opportunity for Adjudicative Proceeding, knows the contents thereof, and believes the same to be true, and that she is the Assistant Director of the Washington State Gambling Commission and in that capacity has executed said Statement of Charges.

Tina Griffin
TINA GRIFFIN, ASSISTANT DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 28 day of June, 2012.

Maureen Pretell
NOTARY PUBLIC in and for the State of
Washington residing at Thurston County
My commission expires on December 2, 2015

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 28 day of June, 2012

Maureen Pretell
Communications and Legal Department
Washington State Gambling Commission

