

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation)
of the License to Conduct Gambling Activities of:)
Sannarith Sean)
Auburn, Washington,)
Licensee.)

NO. CR 2012-00617

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

I.

The Washington State Gambling Commission issued Sannarith Sean the following license:

Number: 68-30635, authorizing Card Room Employee activity at Lucky Dragonz Casino, Seattle.¹

The Commission issued this license, which expires on June 15, 2012, subject to the licensee's compliance with state gambling laws and Commission rules.

II.

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

SUMMARY:

The licensee, Sannarith Sean, stole \$400 while working in the cashier's cage at the Lucky Dragonz Casino in Seattle.

FACTS:

(1) On May 7, 2012, a Washington State Gambling Commission Special Agent (agent) received a phone call from Tara Lutgen, Site Administrator/Accounting Manager at the Lucky Dragonz Casino. According to Ms. Lutgen, she suspected Mr. Sean of writing a fictitious paid-out slip on May 5, 2012. She suspected that Mr. Sean stole cash from the cage and said that he was suspended pending an investigation. Ms. Lutgen said the surveillance department was conducting a review of Mr. Sean while he worked in the cage.

(2) On May 7, 2012, the agent went to the Lucky Dragonz Casino. The agent interviewed the Cage Manager, Christa Christensen. According to Ms. Christensen, she noted an unusual paid-out slip for \$400 to "G.A." while performing a routine audit of the paid-in/out slips for gaming day May 5, 2012. She noted that the cashier who paid \$400 to "G.A." was Mr. Sean. She also said that the reason for the \$400 paid-out was recorded as "Promo." She provided the agent with a copy of the paid-out slip.

¹ Lucky Dragonz Casino is in unincorporated King County.

(3) Ms. Christensen said she was friends with Mr. Sean. She asked Mr. Sean the next day who "G.A." was. She said Mr. Sean simply looked at her with a blank face and did not respond to the question. At that point, she notified Ms. Lutgen. Ms. Lutgen asked the Surveillance Manager, Keith Walker, to conduct a review of Mr. Sean while he worked in the cage on May 5, 2012. Ms. Christensen said that she "wrote Mr. Sean up" for the suspicious paid-out slip.

(4) When the agent interviewed Ms. Christensen, he asked her who authorized the paid-out slip for \$400. She said that Scott Eller, Shift Manager, authorized the paid-out slip. However, she noted that Mr. Eller did not review the paid-out slip nor sign it until the end of the gaming day. She said that gaming supervisors usually authorize paid-out slips, but they are usually busy during their shifts. They do not actually authorize the payments up front. Gaming supervisors simply sign the paid-out slips at the end of the day. She said that a \$400 paid-out was a small amount and, according to internal policy, cage cashiers were allowed to make small payouts without getting approval from gaming supervisors up front.

(5) While at the casino, the agent met with Mr. Walker in the surveillance room to discuss the incident. Mr. Walker said that he reviewed Mr. Sean on surveillance video while he worked in the cage on May 5, 2012. Mr. Walker said that Mr. Sean worked from 4:30 p.m. until 1:00 a.m. Mr. Walker said that it was clear from the review of surveillance video that Mr. Sean stole \$400 from the cashier's cage. He also said it appeared Mr. Sean used the money he stole to gamble at the casino.

(6) On May 8, 2012, the agent went to the Lucky Dragonz Casino to obtain the May 5, 2012, surveillance video from Mr. Walker.

(7) On May 14, 2012, the agent reviewed the surveillance video and observed the following on the May 5, 2012 recording:

17:11 – Mr. Sean took four \$100 bills (\$400) out of the cash drawer in the cage and placed the cash on the side of the change drawer.

20:46 – Mr. Sean completed the paid-out slip. No supervisor ever reviewed or approved the paid-out slip.

20:48 – Mr. Sean took the \$400 noted above out of the change drawer, counted it, and then placed it back in the cash drawer with the hundred dollar bills. Next, he took out a clip of \$20 bills (A clip of \$20's contains \$500.) He counted out twenty \$20 bills (\$400) and placed the cash in the cash drawer in a location separate from all the other cash. He placed the remaining \$20 bills back in their applicable spot of the cash drawer.

20:53 – Mr. Sean placed the paid-out slip on the cage counter in front of him. He then took the \$400 noted at 20:48 out of the cash drawer and began to count the cash. Next, he placed the paid-out slip in a drawer with what appeared to be other paid-out slips. Then he placed a blue sticky note on the \$400 and paper clipped the bills together. Lastly, he took the \$400 and placed it in the Food & Beverage drawer.

21:37 – Mr. Sean moved the \$400 from the Food & Beverage drawer as noted at 20:53 to a

tip bag in the tip drawer.

00:29 – Mr. Sean moved the \$400 from the tip bag as noted at 21:37 to a different tip bag in the tip drawer. (Mr. Walker told the agent that Mr. Sean originally placed the cash in another employee's tip bag. Mr. Walker said that at 00:29, Mr. Sean moved the cash to his tip bag.)

02:32 – Mr. Sean, now off shift, went to the cage and got \$120 from his tip bag. At 3:24 he took money from his tip bag. At 3:40, he took \$220 from his tip bag. Mr. Walker said that after each time Mr. Sean took money from his tip bag, he gambled with the money at the casino.

(8) On May 14, 2012, the agent interviewed Mr. Sean at the Renton Field Office. The agent explained to Mr. Sean that the interview was voluntary, and he was free to leave at any time. The agent informed Mr. Sean of the complaint he received from the Lucky Dragonz Casino and said he had reviewed the surveillance video of the incident. During the interview, Mr. Sean told him the following:

- He “stole” the \$400 cash from the cage at the Lucky Dragonz Casino. His family needed money from him, so he decided to take some out of the cage. He used the cash to gamble, hoping that he would make more money. He said that if he would have won gambling, he would have put the \$400 back in the cage. He lost all \$400 gambling at the Lucky Dragonz Casino.
- When filling out the fictitious paid-out slip, he was not sure what to put on it to make it look legitimate. When reviewing a paid in/out log that the accounting department kept on the computer in the cage, he noticed many paid-out slips to “G.A.” with the reason as “Promo.” He said that the log was an Excel spreadsheet. He used the “G.A.” and “Promo” on the fictitious paid-out slip because it was common terminology that accounting was using on the paid in/out log.
- No one reviewed or approved the fictitious paid-out slip. Gaming supervisors do not review or approve paid-out slips until the end of the night. Usually the supervisors do not even look at the paid-out slips, but rather say, “Where do I need to sign?” Scott Eller was the supervisor on duty the night he wrote the fictitious paid-out slip.
- He knew what he did was wrong. He adamantly stated that he wanted to pay back the money he stole to the casino. He said that he never took any other money from the casino. He said that he only stole \$400 and nothing more. The agent asked Mr. Sean if he would like to write a voluntary statement, and he agreed.

(9) On May 17, 2012, the agent received a phone call from Ms. Lutgen. She said she had spoken with Mr. Sean on the telephone and he told her he wanted to pay back the money he stole. Mr. Sean told her that he wanted to make payments to the casino, and he wanted to pay at least \$100 on May 18, 2012.

(10) On May 18, 2012, Mr. Walker provided the agent with a written statement.

(11) On May 21, 2012, the agent called Ms. Lutgen to inquire whether Mr. Sean paid back any of the money he stole. Ms. Lutgen said that he never came to the casino to make payments.

(12) Mr. Sean has been a licensed Card Room Employee since June 2011. He has exclusively worked as a cage cashier at the Lucky Dragonz Casino since June 2011. Mr. Sean has no administrative case history.

(13) This case was sent to the King County Prosecutor's Office for criminal charges.

VIOLATIONS:

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 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.

(10) Has pursued or is pursuing economic gain in an occupational manner or context which is in violation of the criminal or civil public policy of this state if such pursuit creates probable cause to believe that the participation of such person in gambling or related activities would be inimical to the proper operation of an authorized gambling or related activity in this state. For the purposes of this section, occupational manner or context shall be defined as the systematic planning, administration, management or execution of an activity for financial gain;

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, certified employee, or anyone holding a substantial interest in the applicant's or certified employee'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; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.153(1) Applicants and licensees - responsibilities and duties

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.

Sannarith Sean's actions of stealing \$400 demonstrate that he poses a threat to the effective regulation of gambling or increases the likelihood of unfair or illegal practices. Mr. Sean has failed to establish clearly and convincingly that he is qualified to be licensed, as required by RCW 9.46.153(1). As a result, grounds exist to revoke Sannarith Sean's license based on RCW 9.46.075(1), and (10), and WAC 230-03-085(1), (3) and (8).

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.

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, to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 11 day of June, 2012

Maureen Pretell
Maureen Pretell
Communications and Legal Department
Washington State Gambling Commission

Rick Day

RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 8 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

