



- Players' Pot: The players' pot is the accumulation of the amounts wagered by players and gathered by the dealer in the center of the poker table. The dealer collects the rake<sup>1</sup> by taking a maximum of three, white \$1 chips out of the players' pot. These are exchanged for one blue, \$3 chip. The dealer then drops the \$3 chip into the rake drop box on the dealer's right. At the conclusion of the hand, the remaining pot will be awarded to the winner(s) of the hand
- Player Supported Jackpot (PSJ)<sup>2</sup>: The PSJ is collected in a pile separate from the players' pot by taking a maximum of two, white \$1 chips out of the players' pot. These are placed into the dealer's chip tray<sup>3</sup> in exchange for one, pink \$2 chip which is then placed in the PSJ drop box on the dealer's left.

4) After review of the surveillance video, the agent determined that Ms. Abella took extra \$1 chips when collecting the rake and put them in her chip tray. The agent also observed several instances of Ms. Abella "palming"<sup>4</sup> \$1 chips. However, her chip tray did not have an overage at the end of her shift.

5) The agent also received a copy of a March 1, 2013, Record of Corrective Action form from Wizards Casino. The form contained a brief statement that Ms. Abella was seen "skimming the pots multiple times into her tray." The form also indicated that Ms. Abella was not "clearing her hands to prove rake," and that customers had complained that she asked them for money. The form further indicated that Ms. Abella was terminated.

6) According to the Imprest Bank<sup>5</sup> Sign-out Log for February 28, 2013, Ms. Abella's chip tray contained \$220 worth of chips when she checked it out and again when she returned it. This could be accomplished by Ms. Abella exchanging the stolen chips for money or by gambling with them herself.

7) Wizards Casino General Manager Richard LeMieux provided copies of his notes regarding his termination of Ms. Abella. He spoke with Ms. Abella regarding the surveillance video. She

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<sup>1</sup> Rake – Fees collected for play in a poker game, which are based on amounts wagered by the players during a hand.

<sup>2</sup> 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.

<sup>3</sup> 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 amount in the chip tray signed out to dealers as they start a shift, here \$220. Should a dealer collect more than \$220, they could easily transfer the chips to their person at any time during their shift without notice.

<sup>4</sup>Palming--Commonly a dealer will clear their hands after touching chips. This is accomplished by showing the surveillance cameras the top of their hands and then rotating their hands to show the palms to the cameras. This evidences that their hands are empty and that no chips have been taken. Wizard's Casino does not require their dealers to clear hands and Ms. Abella did not. Thus, she was able to hide chips in her palms: palming.

<sup>5</sup> The dealer's tray is a tray issued for a certain dollar amount called an imprest bank. The dealer must sign for their bank at the beginning of their shift verifying the correct amount and then at the end of their shift, turn in their tray for the same amount which is counted and verified by a supervisor. The dealers are responsible for any shortages in the tray and the overage is considered house money.

had no answer to explain the discrepancies with her tray while dealing. The notes record a later text message received from Ms. Abella saying, "I screwed up and I regret it."

8) The agent repeatedly left text and voice mail messages, as well as speaking with Ms. Abella on the phone to request that she come speak about this matter. The number used was the same one from which Mr. LeMieux received the text message of regret. Ms. Abella made no contact with the agent.

9) Each instance the agent observed Ms. Abella taking chips on February 28, 2013 is outlined below:

- At 12:49:24 hours, Ms. Abella deals the first card.
- At 12:50:16 hours, Ms. Abella takes an extra \$1 chip from the pot and puts it in her chip tray. She had already taken \$2 and should have only taken \$3 more dollars at the most. Instead took four \$1 chips for a total of \$6. (+\$1)<sup>6</sup>
- At 12:52:08 hours, Ms. Abella palms a \$1 chip with her right hand. She partially covers her right hand with her left hand and brings both hands into the chip tray. Ms. Abella then puts the chip into the row of white chips. (+\$1)
- At 12:54:33 hours, Ms. Abella palms one (1) \$1 chip with her right hand and then puts the (1) \$1 chip into the row of white chips in the chip tray. (+\$1)
- At 12:54:55 hours, Ms. Abella palms one (1) \$1 chip with her right hand. She partially covers her right hand with her left hand and brings both hands into the chip tray. Ms. Abella then puts the (1) \$1 chip into the row of white chips. (+\$1)
- At 12:57:40 hours, Ms. Abella makes change for two \$20 bills and gives the player what appears to be 40 \$1 chips. However, the stacks of \$1 chips could have been short, as she later gives the player two additional \$1 chips.
- At 12:59:32 hours, Ms. Abella palms a \$1 chip with her right hand and then puts the (1) \$1 chip into the row of white chips in the chip tray. (+\$1)
- At 12:59:37 hours, Ms. Abella palms a \$1 chip with her right hand. She partially covers her right hand with her left hand and brings both hands into the chip tray. Ms. Abella then puts the chip into the row of white chips. (+\$1)
- At 13:02:45 hours, Ms. Abella takes an extra \$3. She had already taken \$4 and should have only taken \$1 more dollar at the most. Instead she took four \$1 chips for a total of \$8. (+\$3)

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<sup>6</sup> +\$1: The amount that Ms. Abella took.

- At 13:10:04 hours, Ms. Abella palms a \$1 chip with her right hand. She partially covers her right hand with her left hand and brings both hands into the chip tray. Ms. Abella then puts the chip into the row of white chips. (+\$1)
- At 13:16:09 hours, Ms. Abella takes an extra \$2. She had already taken \$2 and should have only taken \$3 more dollars at the most. Instead she took five \$1 chips for a total of \$7. (+\$2)
- At 13:16:29 hours, Ms. Abella palms a \$1 chip with her right hand. She partially covers her right hand with her left hand and brings both hands into the chip tray. Ms. Abella then puts the (1) \$1 chip into the row of white chips. (+\$1)
- At 13:18:01 hours, Ms. Abella takes an extra \$2. She had already taken \$2 and should have only taken \$3 more dollars at the most. Instead she took five \$1 chips for a total of \$7. (+\$2)
- At 13:18:46 hours, Ms. Abella leaves the poker table at the conclusion of her shift.
- The agent reviewed a second DVD of Ms. Abella's next shift on February 28, 2013 at 14:07:00. He observed seven more instances where Ms. Abella took one or two extra chips and put them in her chip tray.

10) For the two shifts, Ms. Abella took at least \$23. The agent could not verify more than that due to the poor quality of the surveillance video. Ms. Abella either exchanged them or gambled with them; when she turned her chip tray in at the end of her shift, the stolen chips, which would have been an overage, were gone.

#### **VIOLATIONS:**

1) **RCW 9.46.075** 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; 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** provides that the Commission may deny, suspend or revoke a license when the holder:

(The following subsections apply.)

(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.

**3) RCW 9.46.190** provides that 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 subsections apply.)

(1) Employ any device, scheme, or artifice to defraud; and

(3) Engage in any act, practice or course of operation as would operate as a fraud or deceit upon any person.

**4) RCW 9.46.153** provides that 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.

On February 28, 2013, surveillance video shows that the licensee, Catheryn B. Abella, took at least \$23 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(1) and (3). The licensee poses a threat to the effective regulation of gaming and her 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 she is qualified for licensure, in violation of RCW 9.46.153(1). Grounds, therefore, exist to revoke her license pursuant to RCW 9.46.075(1), (8), and (10), and WAC 230-03-085(1) and (8).

#### V.

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

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 )

David Trujillo, 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.

David Trujillo  
DAVID TRUJILLO, DIRECTOR  
SUBSCRIBED AND SWORN TO before me  
this 26 day of June, 2013.  
Michelle F. Rancour  
NOTARY PUBLIC in and for the State of  
Washington residing at Thurston Co  
My commission expires on 10-19-15

STATE OF WASHINGTON )  
 )  
COUNTY OF THURSTON )

I certify I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, property 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 \_\_\_\_\_ day of \_\_\_\_\_, 2013

