

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)
License to Conduct Gambling Activities of:) NO. CR 2013-00527
)
Mario I. Gastelum) **FINDINGS, CONCLUSIONS,**
Sunnyside, Washington,) **DECISION, AND FINAL**
) **ORDER IN DEFAULT**
Licensee.)

THE MATTER of the revocation of the license to conduct gambling activities of Mario I. Gastelum having come before the Commission on November 14, 2013, 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 license number 68-20866 to Mario I. Gastelum, authorizing Card Room Employee activity, formerly at RC's in Sunnyside.

The license expires on November 28, 2013, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

On September 27, 2013, Director David Trujillo issued administrative charges to Mario I. Gastelum by certified and regular mail. The administrative charges notified Mr. Gastelum that failure to respond would result in the entry of a default order revoking his license. Mr. Gastelum did not respond to the charges and waived his right to a hearing. Pursuant to RCW 34.05.440, this final order is entered in default.

III.

SUMMARY:

Mario Gastelum admitted falsifying poker tournament records and taking approximately \$600 of prize money from tournaments at RC's Casino during the last year.

FACTS:

- 1) On February 22, 2013, a Washington State Gambling Commission Special Agent (agent) received a call from Charles Jacobs, Casino Manager at RC's Casino. Mr. Jacobs informed the agent that a theft had occurred involving poker tournament re-buy monies on February 17, 2013.

- 2) On February 27, 2013, the agent met with Mr. Jacobs and Rob Rice, owner of RC's Casino. Mr. Jacobs explained that the tournament had an initial \$10 buy-in and a \$5 entry fee. After the first buy-in, the players could do unlimited re-buys at \$10 each. Each re-buy goes into the prize pool. The players would pass the dealer the money for a re-buy, the dealer would place the cash in a stack next to the chip tray, hand the player the correct amount of tournament chips and then place a "tick" mark on a sticky note on the table. The dealer would then collect the re-buys from all the tables and start completing a tournament summary form.
- 3) The re-buy column on the summary form was then completed by card room employee Mario Gastelum to match the prize money collected from the re-buys. However, money was removed from the prize pool.
- 4) On March 26, 2013, the agent met with Mr. Rice, who had reported another theft from a March 21, 2013, poker tournament. The agent determined approximately \$50 was taken on March 21, 2013, while utilizing this scheme.
- 5) On March 27, 2013, the agent contacted Mario Gastelum, who agreed to meet with agents at the Sunnyside Police Department. The agent asked Mr. Gastelum if he knew why he was asked to meet the agent, to which he stated, "no." He mentioned he attempted to go to RC's Casino the previous night, as a customer not an employee. He was told to leave the premises by Lea Porntharavongse, Floor Supervisor, and that Mr. Rice would be contacting him. The agent asked Mr. Gastelum if he had any idea why he would not be allowed in, and why the owner would be contacting him. He said, "no."
- 6) The agents began questioning him about money being taken from the poker tournament prize pool. Mr. Gastelum stated he didn't know what the agents were talking about. The agent mentioned that they had surveillance video they reviewed. Mr. Gastelum then said on occasion the prize pool had extra money in it and he split that among the dealers. The agent questioned how there could be extra money in the prize pool. Mr. Gastelum admitted that it wasn't his money to take, but he was frustrated to see \$900-\$1,200 of prizes being paid out, and the winners would only tip \$5. He said the tips should have been around 10%. He said it wasn't right for him to take the money. The agent told Mr. Gastelum that if he was willing to give a written statement admitting to taking the money, the agent wouldn't go to the prosecutor for theft charges. He agreed to cooperate.
- 7) Mr. Gastelum wrote a statement and admitted to taking \$10-\$30 per tournament. Over the past year, he thinks he has taken approximately \$600.

VIOLATIONS:

1) RCW 9.46.075 Denying, suspending, or revoking an application, license 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 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.

(2) Knowingly causes, aids, abets, or conspires with another to cause, any person to violate any of the laws of this state or the rules of the commission;

(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.

2) 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, licensee, or anyone holding a substantial interest in the applicant's or licensee'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.

(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.

3) 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 subsections 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.20.021.

4) 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.

Mario Gastelum admitted taking \$10-\$30 per poker tournament at RC's Casino for the past year, totaling approximately \$600, and admitted he knew this was wrong. By taking prize money, he defrauded poker tournament players, in violation of RCW 9.46.190. Mario Gastelum has failed to establish clearly and convincingly that he is qualified for licensure, as required by RCW 9.46.153(1). Therefore, under RCW 9.46.075(1), (2), and (10), and WAC 230-03-085(1) and (8), grounds exist to revoke Mario I. Gastelum's license.

IV.

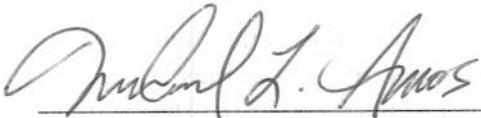
CONCLUSIONS OF LAW

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

DECISION AND ORDER

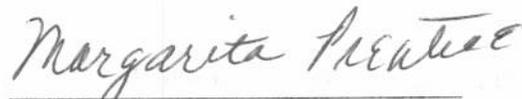
The Washington State Gambling Commission HEREBY ORDERS: Mario I. Gastelum's license to conduct gambling activities is REVOKED.

DATED this 14 day of November, 2013.

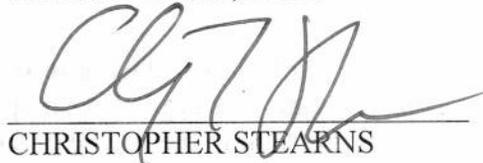


MICHAEL AMOS, Chair

KELSEY GRAY, Ph.D.



MARGARITA PRENTICE,
Vice Chair



CHRISTOPHER STEARNS



GEOFFREY SIMPSON

PRESENTED BY:



Amy B. Hunter, WSBA# 23773
Administrator, Communications and Legal Division
Washington State Gambling Commission

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.

NOTICE: Petition for Judicial Review

You have the right to appeal this Final Oder to Superior Court, pursuant to the Petition for Judicial Review provisions of RCW 34.05.542. Any Petition for Judicial Review of this Final Order must be filed with the court and also served upon both the Commission and the Office of the Attorney General within thirty (30) days after the date this Final Order is served upon you.

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

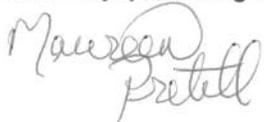
Washington State Gambling Commission
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Assistant Attorney General
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STATE OF WASHINGTON)
)SS
COUNTY OF THURSTON)

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 15 day of November, 2013



Communications and Legal Department
Washington State Gambling Commission