

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the License to )  
Conduct Gambling Activities of: )  
)  
)  
)  
Gina Syharath )  
Tacoma, Washington, )  
)  
Licensee. )

NO. CR 2013-01248

**AMENDED**  
**NOTICE OF ADMINISTRATIVE**  
**CHARGES AND OPPORTUNITY**  
**FOR AN ADJUDICATIVE**  
**PROCEEDING**  
*(Amendments appear in italics*  
*and strikeouts)*

I.

The Washington State Gambling Commission issued license number 68-17528 to Gina Syharath, authorizing Card Room Employee activity currently at Wizards Casino in Burien and formerly with Macau Casino in Lakewood. The license expires on March 9, 2014, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

David Trujillo, 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:**

On April 28, 2013, the Macau Casino hosted an Industry Blackjack Tournament. The top seven players made an agreement that they would equally split \$1,500 in prize money, with each player receiving approximately \$214. Instead of paying each player \$214, however, Gina Syharath deducted \$39 as a tip from each of the seven players' individual winnings. She divided the monies that were taken as tips between another dealer, William Shepard, and herself.

**FACTS:**

- 1) On May 3, 2013, a Washington State Gambling Commission Special Agent (agent) received an e-mail from General Manager, Mark Higgins, of the Macau Casino. He said, "a customer approached me concerning our Sunday Blackjack Tournament. They stated their portion of the winnings was shorted. I reviewed the video and dealer Gina Syharath #68-17528 places the extra monies to the side by the discard rack. Once all of the customers are paid she splits the monies with William Shepard #69-14084. Video will be saved. Customer wishes to remain anonymous."
- 2) On May 4, 2013, the agent received another e-mail from Mr. Higgins stating both dealers were "suspended pending investigation."

- 3) On May 6, 2013, the agent visited the Macau Casino and met with Surveillance Observer Coma Soun. The agent reviewed the video files Mr. Higgins instructed the surveillance staff to save. Surveillance Observer Sundegna Mey was asked to review the video. Mr. Mey prepared a "Surveillance Observation." According to Mr. Mey's report, the casino paid out \$1,500 to be split seven ways among the top seven players. Mr. Mey calculated that would "roughly equal \$214 and change" for each of the seven winners. Mr. Mey stated, "It looks like Gina only pays out about \$200 to each player. After each player has been paid, Will Shepard enters the pit and Gina hands Will half of the money that she set aside; the money that was set aside before she started to pay out each player."
- 4) Mr. Soun gave the agent a copy of the April 28, 2013, tournament records Ms. Syharath prepared. The first page signed by Ms. Syharath, showed there were 41 free industry member entries and one paid non-industry member entry. Total entry fees collected were \$25 and another \$150 was collected as re-buys. The casino added \$1,325 to cover the buy-ins for the industry players in addition to bringing the prize pool up to a total of \$1,500. The casino guaranteed a minimum payout of \$1,500 to make the tournament draw participants.
- 5) On the winners' list were seven names and the prizes awarded. Each received \$215 or \$214 to bring the prizes paid total to \$1,500, according to the records.
- 6) The agent gathered statements from the following individuals:
  - Gina Syharath – According to her statement, Ms. Syharath "asked if they could chop the prize pool seven ways for \$214 each, but only keep \$175 and let the dealers have the rest for a tip. Everyone seemed in agreement and no one objected." On May 21, 2013, the agent spoke with Ms. Syharath on the phone. Ms. Syharath said no one objected "for five days" after the tournament. She said she told them they would each get \$175 and they agreed. The agent told her a "seven-way cut" would give each winner just over \$214. She repeatedly answered that "no one objected." Ms. Syharath said she was now working for Wizard's Casino in Burien.
  - William Shepard – According to his statement, Mr. Shepard stated "in preceding [sic] weeks the winners would take \$175 and tip the rest to the tournament dealers. The tip was to be taken out before the winners received their prize. On that day I was told the winners were going to do the same. I was told by some of the winners and by Gina who had spoken to the winners."

Both statements are inconsistent with the conversations the agent had with most of the winners.

- 7) The agent had contact with the several of the winners, which is summarized as follows:
  - The winners said there was no agreement to include tips in the split;
  - The only agreement was between the seven winners to split the \$1,500 in prize money;

- They each received about \$175 apiece;
- One of the winners said he agreed to “chop” the winnings with the female dealer and that they “always did it.” None of the other winners were in on the agreement;
- The dealer did not say they would take a portion of the winnings, they just did it; and
- Ms. Syharath said, “Here you go. Tips are taken out already.”

8) The agent reviewed the surveillance for April 28, 2013, which is summarized as follows:

- At 10:52 P.M. – Ms. Syharath approached Lucky Ladies table #1. She placed the cash on top of the locked chip tray immediately in front of the dealer’s usual position and placed the tournament records onto the table to her right. Ms. Syharath sorted the money and separated some cash out of the stack and placed it face down to her right – only the top one dollar bill was visible on the stack.
- Ms. Syharath laid the identification cards of the seven winners on the table. The cash still on the chip tray was clipped into individual stacks.
- Ms. Syharath removed each clip and slightly fanned out the cash for each. For the first two winners, she laid out the first one hundred dollars, but never laid out the remaining five bills. There was no way to identify the exact amount of the remaining bills.
- For the next five winners, Ms. Syharath did not fan out any of the bills enough to identify the payout amounts. From the video, the amounts paid to each player could have been \$200 each, or \$175 each. Ms. Syharath failed to follow procedure by not laying it down and spread out the cash so it can be seen on camera.
- At 10:54 P.M. – Ms. Syharath took part of the stack of money she set to her right and placed it into Mr. Shepard’s hand as he approached from her right. The money Ms. Syharath left on the table to her right also had a one dollar bill on top of the stack. Ms. Syharath then put the money, folded in half, into her right hand.
- At about 10:55 P.M. – after the last player received their money, Ms. Syharath moved around to the player’s side of the table and appeared to continue to prepare her tournament paperwork.

9) Two of the seven winners, boyfriend and friend to Ms. Syharath admitted it was fine to include the dealers in the chop. The two winners were authorized to give the dealers a total of \$78 as tokes, \$39 each. The amount remaining to be paid to the other winners added up to at least \$195.

10) This case was referred to the Lakewood Municipal Court Prosecutor’s Office on July 11, 2013, for filing of criminal charges. Subsequently, Ms. Syharath successfully completed a pre-file diversion program. She paid a total of \$275 in restitution as part of that program.

## **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.

(8) Fails to prove, by clear and convincing evidence, that he, she or it is qualified in accordance with the provisions of this chapter;

(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.

On April 28, 2013, the Macau Casino hosted an Industry Blackjack Tournament. The top seven players made an agreement that they would equally split \$1,500 in prize money, with each player receiving approximately \$214. Instead of paying each player \$214, however, dealer/licensee Gina Syharath deducted \$39 as a tip from each of the seven players' individual winnings of \$214, and then paid each player \$175. Although Ms. Syharath had permission from two of the players to take \$39 as a tip from their winnings, she did not have authorization from the remaining five players to take \$39 from each of their winnings as a tip. She divided the monies that were taken as tips between another dealer, William Shepard, and herself.

*Ms. Syharath pursued economic gain in an occupational manner, in violation of public policy, when she took a total of \$195 from five different players (\$39 each) as a "tip" although she lacked authorization from five of those players to take such monies as a tip. ~~in violation of RCW 9.46.190.~~ Ms. Syharath has failed to establish clearly and convincingly that she is qualified for licensure, as required by RCW 9.46.153(1). Therefore, under RCW 9.46.075(1), (8), and (10), and WAC 230-03-085(1) and (8), grounds exist to revoke Gina Syharath's license.*

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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.

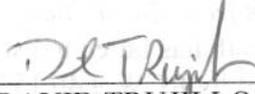
**In order to have a hearing or discuss settlement options**, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

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 )

I have read this Notice of Amended Administrative Charges and Opportunity for an Adjudicative Proceeding, know the contents, believe it to be true, and have executed this Notice in my capacity as Director of the Washington State Gambling Commission.

February 20, 2014  
Dated

  
DAVID TRUJILLO, DIRECTOR

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 20 day of February, 2014  
Maurice Pretell