

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the License to)
Conduct Gambling Activities of:)
)
)
Jolene C. Vinson)
Edmonds, Washington,)
)
Licensee.)
_____)

NO. CR 2013-01677

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

I.

The Washington State Gambling Commission issued license number 68-07210 to Jolene C. Vinson, authorizing Card Room Employee activity at Palace Casino in Mountlake Terrace. The license expires on February 16, 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:

Between August 20, 2013, and September 2, 2013, Jolene Vinson, a cage cashier at Palace Casino, allegedly stole \$780 over the course of five shifts.

FACTS:

- 1) On August 26, 2013, a Washington State Gambling Commission Special Agent (agent) received a message from Kim Charles, General Manager at the Palace Casino, about a cashier who stole money from the cashier's cage. The agent contacted Ms. Charles the next day, and she explained a cage cashier was suspected of stealing money from the cage safe. Ms. Charles said that on August 20, 2013, a \$300 theft was discovered by Mindy Forrester, another cage cashier, when she removed a strap of \$100 bills from the cage safe. She had counted down the strap and found it short by three \$100 bills. Ms. Forrester found three separate clips that each had a single one hundred dollar bill missing from them. Ms. Forrester recorded these shortages on the Strap Variance Log.
- 2) The agent talked to Mark Rowley, Surveillance Manager. He said he reviewed the surveillance video of the cashiers cage for August 20, 2013, August 25, 2013, and August 27, 2013, and noted Ms. Vinson spent an unusual amount of time in the safe, but he could not clearly see what was in Ms. Vinson's hands as she came away from the safe.

- 3) On September 10, 2013, the agent went to the Palace Casino and collected four surveillance DVDs the Strap Variance Logs and Cage Access Logs.
- 4) The agent interviewed Ms. Charles. She told the agent that on August 20, 2013, cage cashier Mindy Forrester discovered one of the straps was short by \$300. The strap had been counted, dated, initiated, and strapped by soft count team member Linh Lim on August 17, 2013. The \$300 theft from the strap occurred sometime between August 17, 2013 and August 20, 2013.
- 5) The agent reviewed the surveillance video for August 18, 2013, and observed the following:
 - 22:04– Ms. Vinson is kneeling down and has at least one hand and sometimes both hands in the safe. She brings something to the safe and places it inside.
 - 22:04:32 – She removes a strap of bills and places it on the counter. She later counts it and places the bills in the drawer. She goes back to the safe and puts her hands in it, sometimes up to her elbows, from 22:04:34 to 22:05:05 but brings nothing out when she is done. She adjusts her right sleeve with her left hand before standing up and returning to the cash she had placed on the counter.
 - 22:07:43 – She exits the cage.
 - On the same shift, Ms. Vinson is in the safe from 00:02:40 to 00:03:17. Using one hand, she removes a strap of bills and places them on the counter. After closing the safe, she places the bills in the cash drawer. She adjusts her right sleeve with her left hand four times. She then exits the cage.
- 6) Ms. Charles said on August 26, 2013, Ms. Lim discovered a strap variance of \$100. The strap had been counted by a soft count team member on August 25, 2013 and verified by Ms. Lim. During the agent's review of the video for August 25, 2013, the agent noted Ms. Vinson accesses the safe from 00:13:18 to 00:13:56 for 28 seconds. Starting at 00:13:28, Ms. Vinson has both hands in the safe. At 00:16:56 she exits the cage. Ms. Vinson accessed the safe again at 01:26:30 until 01:26:43 for 13 seconds. She then exits the cage. Ms. Lim recorded the shortage on the Strap Variance Log.
- 7) Because surveillance cameras do not view the inside of the safe, Ms. Charles said she had the straps in the cage counted by two people directly before and directly after Ms. Vinson's next shifts. Ms. Vinson was scheduled to work from 19:00 to closing on August 31, 2013, and September 1, 2013, and from 23:00 to closing on September 2, 2013.
- 8) Ms. Charles said on August 31, 2013, at 18:00, a cashier, Kelli Lugtu and Hans Westermark, shift manager, counted and verified the cash in the safe. Ms. Lugtu was instructed not to access the safe after counting the money. According to the Cage Access Log, Ms. Vinson signed in at 19:00 on August 31, 2013 and out at 06:34 on September 1, 2013. On September 1, 2013, at 11:54, Ms. Lugtu and Mr. Westermark counted and verified the cash in the safe. Ms. Lugtu was again instructed not to access the safe after counting the money. No other person logged into the cage until 18:45 when Ms. Vinson signed in.

According to the Cage Access Log, on September 1, 2013, Ms. Vinson signed in at 19:54 and signed out at 03:28 on September 2, 2013.

9) While reviewing the surveillance video, the agent noted Ms. Vinson accessed the safe at least nine times during her September 1, 2013, to September 2, 2013, shift. Because the safe is on the floor, she crouches or kneels in front of it. As noted by the times, below, Ms. Vinson accesses the safe for relatively long periods of time when compared to the four or five seconds Ms. Lim said it should take a cashier to remove straps from the safe and bring them to the cash drawer. She spends between four and 106 seconds accessing the safe. While Ms. Vinson is accessing the safe, her hand(s) are inside it much of the time, but the agent could not determine what she was doing because the camera does not view inside the safe.

10) The following is what the agent observed on video for September 1, 2013:

- 19:12:54-19:14:13 (79 seconds) - Ms. Vinson removes cash from the safe and appears to count the clips in one of the straps. She removes more cash and looks at it. She places the cash back in the safe. She reaches in for a while and then closes the door.
- 19:37:35 19:37:51 (16 seconds) - Ms. Vinson appears to be doing something with the cage door. She does not appear to touch any of the money in the safe.
- 19:38:02 19:39:48 (106 seconds) - Ms. Vinson stays kneeling in front of the safe from the time noted immediately above. Mostly, she seems to be studying the safe door, moving it back and forth and staring at it. She wipes her hand in the safe a few times and looks at her fingers as though she has wiped the safe with her finger and is looking to see if any dust is on her hand. She reaches inside the safe with one hand. She does not appear to be touching any of the money in the safe.
- 20:06:49 20:07:14 (25 seconds) - Ms. Vinson reaches in the safe with one hand and brings out seven straps of bills and places them in a drawer to the right of the cash drawer.
- 23:03:59 23:04:03 (4 seconds) - Ms. Vinson reaches into the safe and retrieves a strap of bills and places them in the cash drawer. (According to Ms. Lim, this is the normal amount of time to retrieve cash from the safe.)
- 00:05:17 00:05:41 (24 seconds) - Ms. Vinson reaches into the safe with one hand and removes a strap of bills and places it in the cash drawer.
- 00:21:25 00:21:58 (33 seconds) - Ms. Vinson reaches in the safe with one hand. She removes a strap and looks at it and places it back. Her arm is in the safe a moment longer and she closes the door.
- 01:59:44 02:00:18 (34 seconds) - Ms. Vinson reaches in the safe with one hand. Her hand is in the safe for about 24 seconds before she removes a strap of bills and places it on the counter.

She puts her hand back in the safe again for approximately nine seconds. She then puts the strap in the cash drawer.

- 02:50:50 02:50:55 (5 seconds) - Ms. Vinson reaches into the safe and retrieves a strap of bills and places them in the cash drawer. Ms. Vinson signed out of the cage at 03:28 on September 2, 2013, at the end of her shift.

11) Ms. Charles told the agent that on September 2, 2013, at 10:40, Ms. Lim counted the cash in the safe while Ms. Charles observed and found \$140 was missing. According to the Cage Access Log, no other person entered the cage during Ms. Vinson's shift.

12) Ms. Charles said on September 2, 2013, at 18:11, Ms. Lim counted and verified the money in the safe while Ms. Charles observed. Ms. Lim was instructed not to access the safe after counting the money. According to the Cage Access Log, on September 2, 2013, Ms. Vinson signed in at 20:58 and out at 03:04 on September 3, 2013. Ms. Lim signed out at 21:04, six minutes after Ms. Vinson entered.

13) According to the Cage Access Log, no one entered the cage during Ms. Vinson's shift. Ms. Charles said the next morning, on September 3, 2013, Ms. Kim counted the cash in the safe while Ms. Charles observed and found \$140 was missing. During the review of the surveillance video, the agent noted Ms. Vinson accessed the safe at least four times during her shift.

14) The following is what the agent observed on video for September 3, 2013:

- 00:05:43 00:07:47 (124 seconds) - Ms. Vinson reaches in the safe with one hand. She removes several straps and looks at them and puts them back. Ms. Vinson opens the drawer above the safe and removes something, possibly a rubber band, and then closes the drawer. She reaches in the safe again and removes a strap, looks at it, and puts it back. She reaches in a third time with one hand, then with two. She is doing something inside the safe for approximately 23 seconds before she looks at more strap(s) and puts them back. She removes another strap, looks at it, and then puts it back. She waives both hands in the air as though something is the matter. She then places her hand inside the safe for 17 seconds before removing a strap. Ms. Vinson places it on the counter. She reaches in again and removes another strap and places it on the counter. She stands up and adjusts her shirt with both hands. She then takes the straps from the counter and places them in the cash drawer.
- 01:16:25 01:17:04 (39 seconds) - Ms. Vinson brings a strap from the cash drawer and places it in the safe with one hand. She does something inside the safe then closes the door without removing anything.
- 02:22:11 02:22:55 (44 seconds) - Ms. Vinson takes a strap from the cash drawer and places it on the counter above the safe. She reaches in with one hand and removes some straps and places them on the counter. She removes more straps and places them on the counter.

She then places the straps, including the one from the drawer, back in the safe and, after a moment, closes the door.

- 02:32:31 02:33:31 (60 seconds) - Ms. Vinson reaches in the safe with one hand and removes several straps and places them on the counter. She reaches back in the safe and removes more straps and places them on the counter, too. She does this four times. She takes the straps and places them in a drawer to the right of the cash drawer.

15) According to the Cage Access Log, Ms. Vinson signed out of the cage at 03:04 on September 3, 2013, at the end of her shift. The card room was closed until 10:00 that morning. No one was in the cage until just before the card room opened.

16) Ms. Charles said that morning, Ms. Lim counted the cash in the safe while Ms. Charles observed. They noted \$140 was missing.

17) On September 10, 2013, Ms. Charles gave the agent a written statement that is summarized as follows:

- On August 20, 2013, Ms. Forrester told her she found a strap missing \$300.
- During the evening of August 21, 2013, Ms. Forrester told Ms. Charles that Ms. Vinson had tried to borrow money from her and numerous others. Ms. Forrester did not loan her any money.
- On the morning of August 26, 2013, Ms. Lim opened the casino and called surveillance before going into the safe to pull out the money and count it. She counted down the safe contents and noted one of the straps was \$100 short.
- On the morning of August 27, 2013, cashier Angela Maine opened the casino and called surveillance before going into the safe to pull out the money and count it. She counted down the safe contents and noted one of the straps was \$100 short.
- Ms. Charles decided the only true way to determine if Ms. Vinson was the person stealing was to count the strapped money in the safe before and after each of Ms. Vinson's shifts.
 - No money was missing on September 1, 2013, but there was one \$100 bill and two \$20 bills missing on the morning of September 2, 2013, and again on September 3, 2013.

18) Ms. Forrester gave the agent a written statement that is summarized as follows:

- Ms. Vinson had asked to borrow money but Ms. Forrester refused. Ms. Vinson told Ms. Forrester that she was taking pain pills. Ms. Forrester believed Ms. Vinson was highly addicted to pain pills, and she did not trust Ms. Vinson. Ms. Vinson told Ms.

Forrester that she was homeless and was living in her car. During one of Ms. Forrester's shifts, she removed a strap of \$100 bills from the safe and found there was \$300 missing. Prior to that, they were also missing some \$20 bills.

19) Ms. Lim gave the agent a written statement that is summarized as follows:

- On August 12, 2013, Ms. Lim refused to loan Ms. Vinson any more cash.
- On August 13, 2013, Ms. Lim received a call from Angela Maine that the cage was short \$20. Ms. Maine had forgotten to verify the strap of \$20 bills she removed from the cage. They wrote off the shortage as a cashier error and forgot about it.
- On August 14, 2013, Ms. Maine found a strap that was missing a \$20. Ms. Lim asked Ms. Maine to record the shortage on the Strap Variance Log.
- On August 20, 2013, Ms. Forrester found three clips of \$100 bills were each missing a bill. Ms. Lim went to Ms. Maine, the day cashier, and asked her to remove all the straps from the safe and verify each one. Ms. Maine found a strap of \$20 bills that was short \$20. Ms. Lim's signature was on the strap. Ms. Lim told Ms. Maine to record the shortage on the Strap Variance Log.
- On August 23, 2013, Ms. Lim lied to Ms. Vinson about the missing money during the shift change, saying she shorted a customer. Ms. Lim removed all the paperwork that showed all the shortages for the cage so Ms. Vinson would not have access to them and would not know about the shortages in the cage.
- On August 24, 2013 and August 25, 2013, Ms. Lim asked Ms. Lugtu to verify the straps. She found no variances.
- On August 26, 2013, Ms. Lim verified the straps and found a \$100 bill was missing.
- On August 27, 2013, Ms. Maine found a \$100 missing from a strap.
- On August 31, 2013, Ms. Lugtu and Ms. Charles recounted all the straps before shift change.
- On September 1, 2013, Ms. Lugtu and Mr. Westermark recounted all the straps before shift change.
- On September 2, 2013, at around 10:20, Ms. Lim and Ms. Charles verified all the \$100 and \$20 straps. They found \$140 missing. Ms. Lim fixed the cage paperwork to hide the shortages from Ms. Vinson. At 18:30, Ms. Lim and Ms. Charles re-strapped all the straps in the cage.
- On September 3, 2013, at around 10:30, Ms. Lim and Ms. Charles counted the straps and found \$140 missing.

20) On September 23, the agent talked to Ms. Vinson on the phone and she denied taking the money. She declined to come in for an interview.

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 she 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

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.

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.

Between August 20, 2013 and September 2, 2013, Jolene Vinson stole \$780 while working as a cashier over the course of five shifts, in violation of RCW 9.46.190. Ms. Vinson 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 Jolene Vinson'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.

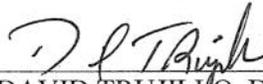
In order to have a hearing or discuss settlement options, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOCATION of your license.

IV.

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

Dated December 30, 2013



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 31 day of December, 2013

