

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the )  
License to Conduct Gambling Activities of: ) NO. CR 2013-00598  
)  
Catheryn B. Abella ) **FINDINGS, CONCLUSIONS,**  
Tacoma, Washington, ) **DECISION, AND FINAL**  
) **ORDER IN DEFAULT**  
Licensee. )

THE MATTER of the revocation of the license to conduct gambling activities of Catheryn B. Abella having come before the Commission on September 12, 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 Catheryn B. Abella, license number 68-29595, authorizing Public Card Room Employee activity, formerly at the Wizards Casino in Burien.

This license, which expires on November 1, 2013, was issued subject to the licensee's compliance with state gambling laws and Commission rules.

II.

On June 26, 2013, Director David Trujillo issued administrative charges to Catheryn B. Abella by certified and regular mail. The administrative charges notified Ms. Abella that failure to respond would result in the entry of a default order revoking her license. Ms. Abella did not respond to the charges and waived her right to a hearing. Pursuant to RCW 34.05.440, this final order is entered in default.

III.

**SUMMARY:**

While dealing poker at the Wizards Casino, surveillance captured Ms. Abella stealing chips on 17 different occasions, taking at least \$23 in chips.

**FACTS:**

1) On March 19, 2013, a Gambling Commission Special Agent (agent) received an e-mail from another agent, which was originally sent by the Wizards Casino Surveillance Manager, Brian Armstrong. In the e-mail, Mr. Armstrong indicated he had reviewed surveillance video of

Catheryn Abella taken during her shift, and he found that she had been stealing.

2) The agent also received a written statement from Mr. Armstrong made subsequent to review of surveillance taken during Ms. Abella's February 28, 2013, shift. In reviewing the surveillance video, Mr. Armstrong identified 17 separate instances where Ms. Abella stole chips during that particular shift. The agent's independent review of the surveillance video also confirmed 17 instances of theft.

3) Wizards Casino has the following procedures for Texas Hold'em poker tables to save room in the drop boxes. No dealer should take more than five, \$1 chips from the pot:

- **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.

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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.

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 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)

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<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.

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

- 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)
- 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 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 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).

IV.

**CONCLUSIONS OF LAW**

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

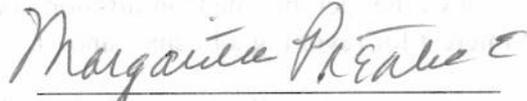
**DECISION AND ORDER**

The Washington State Gambling Commission HEREBY ORDERS: Catheryn B. Abella's license to conduct gambling activities is REVOKED.

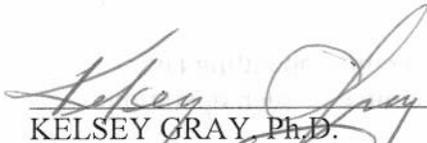
DATED this 12<sup>th</sup> day of September, 2013.



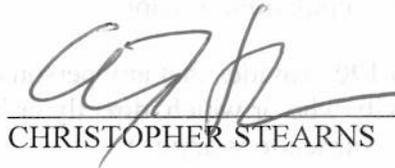
MICHAEL AMOS, Chair



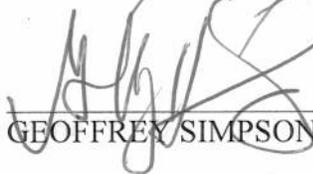
MARGARITA PRENTICE,  
Vice Chair



KELSEY GRAY, Ph.D.



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 Order 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:

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