

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation)
of the License to Conduct Gambling Activities of:)
Sodany Im)
Seattle, Washington,)
Licensee.)

NO. CR 2012-00912

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

I.

The Washington State Gambling Commission issued Sodany Im the following license:

Number: 68-24311, authorizing Card Room Employee activity at Wizards Casino, Burien.

The Commission issued this license, which expires on September 28, 2012, subject to the licensee's compliance with state gambling laws and Commission rules.

II.

Rick Day, 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:

The licensee, Sodany Im, stole approximately \$200 from the cage and approximately \$94 from the cashier's pooled token box through four separate shifts while working as a cashier at the Wizards Casino in Burien.

FACTS:

- (1) On July 18, 2012, a Washington State Gambling Commission Special Agent (agent) received an e-mail from Brian Armstrong, Surveillance Manager of Wizards Casino. According to Mr. Armstrong, he found one of their cage cashiers, Sodany Im, stole \$200 during one of her shifts in the cage. Mr. Armstrong found two shortages in the cage and that his investigation discovered Ms. Im stole \$200 during her shift on July 12, 2012.
- (2) On July 20, 2012, Mr. Armstrong sent another e-mail, informing the agent he reviewed prior surveillance video and found Ms. Im had stolen from the cage shared token box on three different days, as well.
- (3) On July 23, 2012, the agent went to Wizards Casino and spoke with Mr. Armstrong. According to Mr. Armstrong, on the morning of July 13, 2012, cage cashier Thanh-Hien Nguyen notified him that the cage was short one black chip from the cabinet. The chip was missing from a rack of black chips. Then, on July 14, 2012, cashier Bory Chot notified surveillance that the

pull-tab bank of \$1,000 was short by \$100. Mr. Chot was exchanging large bills in the pull-tab bank for chips when he discovered the bank was short.

(4) Mr. Armstrong told me he initiated a review of surveillance video to determine the cause for the shortages. During his review, he saw that Ms. Im stole money from the cage. Mr. Armstrong said she took about \$200 from her shift on July 12, 2012. Per Mr. Armstrong, Ms. Im entered the cage at about 15:48 hours and counted down the cage per procedure with the outgoing cashier, Thuy Tran. During their count, they signed and verified on the cashier window count sheet that there was \$7,700 in loose \$100 chips, which would be 77 black chips in a rack in the drawer. Mr. Armstrong told the agent during his review of Ms. Im's shift that he counted how many black chips Ms. Im added to the rack of 77 black chips in the drawer. Mr. Armstrong said chips only go into the drawer when players cash out.

(5) Mr. Armstrong reviewed all transactions and at approximately 18:31 hours, Ms. Im received the 100th black chip that should have been placed in the rack in the drawer, which then would be placed in the cabinet below. When Ms. Im cashed out the customer, she took the 100th black chip, placed it with the green chips, and placed the chips into the drawer. Ms. Im took the rack of 99 black chips and placed it into the cabinet below but did not come back up right away. Ms. Im looked to be moving racks around in an attempt to hide the incomplete rack so that future cashiers would not see the rack was missing a chip and would count the inventory as if the rack was full.

(6) At approximately 18:45, Ms. Im took out a pull-tab bank imprest¹ at \$1,000. Mr. Armstrong told the agent there are three pull-tab banks which are kept in the far right drawer of the cage for the bartender coming on duty to use. Each pull-tab bank is kept in its own clear zip-locked bag. Ms. Im opened up the bag, separated the bills and took the clip off the \$20 bills and began counting them. Mr. Armstrong said he could verify there were 25 bills in the clip. Ms. Im counted five \$20 bills from the same clip and placed them aside while she put the rest of the clip back into the pull-tab bank bag. Shortly thereafter, Ms. Im put the pull-tab bank into the drawer and put the five \$20 bills into the cash drawer with the cage inventory. At this time, the cage looks as if it is \$200 over, to include the extra black \$100 chip and the extra \$100 from the pull-tab bank.

(7) At about 20:29, Ms. Im took out a clip of \$10 bills and counted them. Ms. Im counted 24 bills before placing the 25th \$10 bill onto the counter next to it and on top of other bills. Ms. Im took the loose single \$10 bill and put it on top of the clipped bills. By doing this, the cage reconciliation could show it as \$10 over if the cashier assumes the clip mentioned above is full.

(8) At about 20:52, Ms. Im opened her token box with Security present and counted her tips. During this time, Ms. Im exchanged a couple of chips (tokens) for cash from the cage drawer.

(9) At about 20:53, Ms. Im took the cash from her tips and placed it between two cashier windows on the counter. According to Mr. Armstrong, there are two token boxes for cashiers in

¹ The cage at any given time will always be a pre-determined amount through a combination of cash, chips, checks, paid in/out slips, fill/credit slips, cash advance receipts, etc. The cage when reconciled at the end of the gaming day should equal the imprest amount. Any deviation from this amount during reconciliation would constitute an overage or shortage for the cage.

the cage. One token box is each cashier's personal token box where they keep all tips placed in this box. Another token box is where dealers cash out their token boxes. Ms. Im took the cash from her tips and placed it into another drawer located to the far left of the cage. Ms. Im's bag with her tip money from a previous shift was in this drawer in a clear bag.

(10) At about 21:29, Ms. Im took out her clear tip bag and the cash that was on top and combined it. This cash is Ms. Im's tip money.

(11) At about 21:30, Ms. Im took her tip money from the drawer and counted out 10 \$1 bills. Ms. Im then went to the cash drawer, put 10 bills she counted into the \$1 spot and took out a \$10 bill and two \$100 bills and immediately put it into the other drawer on top of her tip drawer.

(12) At 21:36, Ms. Im opened her token box with no one present, emptied the cash and went to the drawer with her tip money, picked up the \$210 she placed in moments earlier, and put it all into her clear tip bag. She then put what looked like a clip board with a paper on top of her tip bag. At this point, Ms. Im had stolen \$200 total from the cage inventory.

(13) At about 21:52, Ms. Im took all of her tip money out of her tip bag and placed it in her purse.

(14) In addition, Mr. Armstrong told the agent Ms. Im stole money from the cashier's pooled tips on three other separate occasions:

- On June 29, 2012, Ms. Im opened up the cashier's pooled token box and removed the cash before re-locking the token box. Ms. Im counted the cash while removing what looked like two \$5 bills. Ms. Im took the two \$5 bills and placed them on top of her tip bag in the drawer. Ms. Im re-opened the pooled token box and put all but approximately three \$1 bills back into the token box. Ms. Im then took the \$3 and placed it on top of her tip bag in the drawer. Ms. Im later emptied her own personal token box, combined that cash with the cash she took from the pooled token box, and placed it all into her token bag in the drawer. Prior to leaving the cage, Ms. Im took out the cash from her tip bag and placed it into her purse.
- On July 6, 2012, Ms. Im removed all of the cash inside the cashier's pooled token box and began sorting it into piles before taking approximately \$61 and putting it into the drawer. Ms. Im put the rest of the cash back into the token box. A short time later, Ms. Im opened up her token box and removed all of the cash inside and put it onto the counter. She combined the \$61 removed earlier and put the cash into the drawer. At about 21:37, Ms. Im opened up her token box again and removed cash from the box. Ms. Im combined the money and placed it into her purse before leaving the cage.
- On July 13, 2012, at about 20:14, Ms. Im removed a \$20 bill and placed it in the drawer. Ms. Im exchanged a \$10 bill for two \$5 bills and two coins for \$1 bill before putting the money back into the cashier's pooled token box.

- At about 21:32, Ms. Im opened up the cashier's pooled token box, removed cash, and put it all back into the cashier's pooled token box. Mr. Armstrong believes she did not remove any money at that time because the token box did not have much money inside to begin with.

(15) On July 23, 2012, the agent obtained a copy of Ms. Im's new hire information and application for employment. According to Ms. Im's application, she worked as a cashier at the Silver Dollar Casino in Tukwila from October 6, 2006 to July 2, 2010. This shows Ms. Im has experience working as a cashier.

(16) On August 6, 2012, Mr. Armstrong provided the agent with a written statement.

(17) Ms. Im was terminated July 19, 2012. As of September 6, 2012, the agent's attempts to contact Ms. Im via telephone have been unsuccessful.

VIOLATIONS:

RCW 9.46.075 Denial, suspension, or revocation of license, application, 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 certified employee, 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;

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, certified employee, or anyone holding a substantial interest in the applicant's or certified employee'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.

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.

Sodany Im's actions of stealing \$294 demonstrate that she poses a threat to the effective regulation of gambling or increases the likelihood of unfair or illegal practices. Ms. Im has failed to establish clearly and convincingly that she is qualified to be licensed, as required by RCW 9.46.153(1). As a result, grounds exist to revoke Sodany Im's license based on RCW 9.46.075(1), (8), and (10), and WAC 230-03-085(1), and (8).

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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.

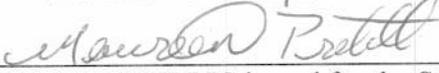
STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, 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.



RICK DAY, DIRECTOR

SUBSCRIBED AND SWORN TO before me
this 28 day of September, 2012.



NOTARY PUBLIC in and for the State of
Washington residing at Thurston County
My commission expires on December 2, 2015

