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JUN 07 2024

Scott G. Weber, Clerk, Clark Co.

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

STATE OF WASHINGTON,
Plaintiff,
v.
Rene H. M. Cavenaile,
Defendant.

MOTION IN SUPPORT OF ISSUANCE OF
A SUMMONS
No. 2024-1-01441-06

I, Erik A Podhora, am a Senior Deputy Prosecuting Attorney for the Clark County Prosecuting Attorney's Office and in such official capacity have read and reviewed the attached probable cause declaration authored by Gambling Commission Officer Terry Camery, dated May 20, 2024, under report number Gambling Commission 2023-01830.

Said document sets forth probable cause that the defendant has committed the following crime(s):

Count	Crime Date	Crime	RCW
1	April 1, 2022 - December 5, 2023	THEFT IN THE FIRST DEGREE - OVER \$5000 - Aggregate Value	9A.56.030(1)(a)
2	May 31, 2022 - December 4, 2023	THEFT IN THE SECOND DEGREE - ACCESS DEVICE Wrongfully Obtain	9A.56.040(1)(d)
3	February 22, 2022 - December 2, 2022	THEFT IN THE SECOND DEGREE - \$750 to \$5000 Wrongfully Obtain	9A.56.040(1)(a)
4	September 13, 2022	FORGERY - NOT A CHECK	9A.60.020(1)(a)(b)
5	April 1, 2022 - December 4, 2023	GAMBLING ACTIVITIES - FRAUD OR DECEIT	9.46.190
6	December 5, 2023	GAMBLING ACTIVITIES - FRAUD OR DECEIT	9.46.190

which occurred in Clark County, Washington.

1 Based upon the above information your declarant believes that a Criminal Summons should issue to
2 secure the appearance of the defendant before the court to answer to the above charges and asks the court to
3 issue a Criminal Summons to the defendant's last known address(es) as shown below.

4 Executed at Vancouver, Washington on this 6th day of June, 2024.

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8 Erik A Podhora, WSBA #48090
Senior Deputy Prosecuting Attorney

9 The defendant is described as follows:

DEFENDANT: Rene H. M. Cavenaile			
RACE: White	SEX: Female	DOB: 09/09/1959	
DOL: WDL2R692683B		SID:	
HGT: 5'10"	WGT: 195	EYES: Blue	HAIR: Gray
WA DOC:		FBI:	
LAST KNOWN ADDRESS(ES):			
2605 UNANDER AVENUE, VANCOUVER, WA 98660			
16501 NE 15TH AVENUE, APT. 11, RIDGEFIELD, WA 98642			

ARRESTING OFFICER'S DECLARATION OF PROBABLE CAUSE

I, Special Agent Terry Camery, with the Washington State Gambling Commission, make the following declaration in support of a warrant of arrest for the crimes outlined below committed in Clark County, Washington based on the following circumstances.

My information is derived from:

John LAWRENCE – witness
Phil YASSON – witness
Steven DYKSTRA – witness
Bonnie DYKSTRA – witness
Special Agent (SA) Roger SAUVE
American Legion 176 U.S. Bank Accounts statements (2022 – 2023)
Corresponding American Legion 176 QuickBooks accounts (2022 – 2023)
Search warrant for Rene CAVENAILE U.S. Bank Account ending 2113 (statements 2022 – 2023)
Search warrant for Rene CAVENAILE U.S. Bank Account ending 3681 (statement 2022)

From whom I learned the following:

On December 5, 2023, SA SAUVE and I conducted a nonprofit pull-tab compliance inspection (M1) at the American Legion 176, located at 14011 NE 20TH Ave, Vancouver, Clark County, Washington 98686.

The American Legion 176 (also referred to as the Post) is a non-profit organization that is licensed by the Washington State Gambling Commission for gambling activities, to include pull-tabs, bingo, raffles and social card room.

SA Sauve and I initially contacted Steven DYKSTRA (Pull-Tab Manager) and requested to review check registers and bank statements for the gambling account and all other associated accounts for Quarter 3 (2023 – 3) and DYKSTRA advised he would have to contact Rene CAVENAILE (Post Manager) to get these records.

CAVENAILE arrived at the American Legion 176 shortly afterwards and I requested to review Quarter 3 (2023 – 3) Monthly Income Summary reports and bank statements. CAVENAILE appeared nervous and frustrated when I asked her for these records and looked around several different places in the office, to include her desk and a couple of filing cabinet drawers. CAVENAILE even commented a few times, "...where did Bonnie put them?", before finally finding the requested records in a filing cabinet (**NOTE:** I later learned that Bonnie DYKSTRA had not been employed by the American Legion 176 for approximately two years).

The pull-tab compliance inspection noted several transfers coming out of the Pulltab account (ending 4242) to other accounts. I requested to review bank statements and check registers for all these accounts and CAVENAILE advised she would have to look for them and provide them at a later date. CAVENAILE requested to leave to care for her sick husband before we completed the inspection.

On December 6, 2023, SA SAUVE informed me that he had been contacted by the American Legion 176, who advised that CAVENAILE had sent several members of the Post a text message advising that she had been stealing money from the Gambling account to her personal account and that the "...Gambling Commission would find out the truth today."

On December 14, 2023, SA SAUVE and I went back to the American Legion 176 and met with John LAWRENCE (Kitchen Manager), Phil YASSON (Treasurer), Michael GIBSON (Secretary), Bonnie DYKSTRA (Interim Bookkeeper) and Steven DYKSTRA and learned the following.

Rene CAVENAILE, DOB: 09/09/1959, started working at the American Legion 176 on December 18, 2021, as the Post Manager. CAVENAILE's duties required access to the Post's various financial accounts. CAVENAILE received bank statements, accessed bank accounts online, completed financial transactions online and created financial records for the American Legion 176 board utilizing QuickBooks.

After leaving the American Legion 176 on December 5, 2023, CAVENAILE sent a group text message to several members of the American Legion 176 and additional unknown phone numbers from her cellphone (360-991-5198) at 4:36 PM that stated, *"I have started this text so many times, and still don't have the right words. I have a serious gambling problem that led me to do the unthinkable, by taking from the mouth that feeds me. I tried to stop but the urge was too strong for me. The Gambling commission will find out the truth today. I have no desire to embarrass my family and face the people that trusted me..."*

On December 7, 2023, LAWRENCE and YASSON went to the U.S. Bank Salmon Creek Branch, located at 13001 NE Hwy 99, Vancouver, WA 98686, where the American Legion 176 has all their bank accounts, and learned about several transfers to a non-Post account ending **2113**. U.S. Bank confirmed that account ending **2113** was a U.S. Bank account, but not a Post account. LAWRENCE researched transfers from all American Legion 176 accounts through U.S. Bank to non-Post account ending **2113** and noted several unauthorized transfers from nine (9) different Post accounts beginning April 2022 through December 5, 2023, totaling \$135,915.86.

YASSON advised he asked CAVENAILE on multiple occasions for information regarding all the Post U.S. Bank accounts and summaries, but CAVENAILE would always offer some type of excuse for not being able to provide the requested information and never provided him with the "true data" or "correct information" regarding all the Post U.S. Bank accounts.

LAWRENCE later provided a payroll earnings statement for CAVENAILE, which showed a direct deposit transferring into her U.S. Bank account: **ending 2113**. LAWRENCE also provided copies of all American Legion 176 U.S. Bank statements from November 2021 through December 2023 and the corresponding QuickBooks accounts. LAWRENCE advised he reviewed the QuickBooks accounts and, "...could immediately tell it wasn't right." LAWRENCE explained the American Legion 176 U.S. Bank account ending balances did not match with the corresponding QuickBooks accounts.

I reviewed all the provided American Legion 176 U.S. Bank Accounts statements and discovered three (3) additional unauthorized mobile banking transfer withdrawals to account ending **3681**.

I also noted multiple internet banking payments for the Kitchen, Bingo and Pull-Tabs accounts to credit card ending 2275 and learned this was the American Legion 176 U.S. Bank Credit Card account. CAVENAILE was issued a credit card (ending 7687) for this credit card account.

On January 2, 2024, I obtained a search warrant signed by Clark County Superior Court Judge Fairgrieve for all records in possession of U.S. Bank related to bank accounts for CAVENAILE, specifically U.S. Bank account number: **ending 2113** for the date range of December 1, 2021, through December 5, 2023.

On January 23, 2024, I received information back from U.S. Bank for U.S. Bank accounts **ending 2113** and **ending 3681**, which included signature cards and bank statements.

The signature card for U.S. bank account: **ending 22113** indicated this is a Platinum Package Checking account opened on June 9, 2021, at the U.S. Bank Salmon Creek branch and signed by CAVENAILE as the only authorized account holder. I also learned that U.S. Bank account **ending 3681** is a Platinum Select Money Market Savings account opened on June 8, 2021, at the U.S. Bank Salmon Creek branch and signed by CAVENAILE as the only authorized account holder.

During the investigation, I reviewed all the American Legion's U.S. Bank Accounts statements and spreadsheets and compared them against CAVENAILE'S U.S. Bank Checking Account **ending 2113** statements for 2022 – 2023 and U.S. Bank Savings Account **ending 3681** for 2022 and was able to track all the unauthorized mobile banking transfer withdrawals.

From the period of April 2022 through December 2023, CAVENAILE wrongfully obtained funds from nine (9) different American Legion 176 U.S. Bank accounts with the intent to deprive the American Legion 176 of these funds and made 136 unauthorized mobile banking transfer withdrawals to her personal U.S. Bank Platinum Package

Checking account *ending 2113* and her personal U.S. Bank Platinum Select Money Market Savings account *ending 3681*, totaling \$151,803.38. CAVENAILE made untrue and misleading entries into the corresponding American Legion 176 QuickBooks accounts for all nine (9) American Legion 176 U.S. Bank accounts with the intent to defraud the American Legion 176 by labelling some of the withdrawals as "Total Expense", "Assets: 10 CHE" or totaling them at the end of the month and not recording any transfers to account *ending 2113* or account *ending 3681*. Regarding these unauthorized mobile banking transfers, one (1) transaction exceeded \$5,000 in value, 93 transactions exceeded \$750 in value, but less than \$5,000 in value and the remaining 42 transactions did not exceed \$750 in value.

In addition, CAVENAILE wrongfully obtained property and services utilizing an access device (credit card ending 7687) by making 53 unapproved personal purchases from the American Legion Credit Card Account, totaling \$1,786.77. All total amount of \$153,590.15.

Phil YASSON (Treasurer) asked CAVENAILE on multiple occasions for information regarding all the American Legion 176 U.S. Bank accounts and summaries, but CAVENAILE would always offer some type of excuse for not being able to provide the requested information (e.g. "I don't have that information yet" or "Here are some of the reports, but I need to finish the rest of the reports later", etc.). YASSON stated CAVENAILE never provided him with the "true data" or "correct information" regarding all the American Legion 176 U.S. Bank accounts, which caused the American Legion 176 to violate WAC 230-07-060(1)(c), Independent management structure required and in accordance with RCW 9.46.070 Gambling commission – Powers and duties.

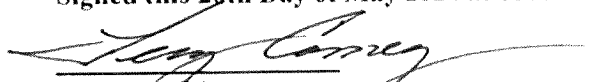
Based upon my investigation, I developed probable cause for the crimes of:

- RCW 9.46.190 Violations relating to fraud, deceit, altering or misrepresenting, betting, or gambling (this is the untrue statement and scheme/artifice to defraud)
- RCW 9A.56.030 Theft in the first degree (1 transaction over \$5,000)
- RCW 9A. 56.040 Theft in the second degree (93 transactions exceeding \$750. Furthermore, there were 53 unapproved purchases utilizing an access device – Legion assigned credit card) - 146 counts of Theft in the second degree)
- RCW 9A.56.050 Theft in the third degree (42 transactions not exceeding \$750)
- RCW 9A.60.020 Forgery (QuickBooks, Check Request – written instrument)
- RCW 9.46.185 Causing person to violate rule or regulation (caused Legion to violate WAC 230-07-060(1)(c), Independent management structure required and in accordance with RCW 9.46.070 Gambling commission – Powers and duties.

There is probable cause to arrest Rene CAVENAILE for Violations Relating to Fraud, Deceit, Altering or Misrepresenting Betting or Gambling RCW 9.46.190, Theft in the First Degree RCW 9A.56.030, Theft in the Second Degree RCW 9A.56.040, Theft in the Third Degree RCW 9A.56.050, Forgery RCW 9A.60.020 and Causing Person to Violate Chapter RCW 9.46.180.

The undersigned declares and certifies under penalty of perjury under the laws of the State of Washington that the preceding statement is true and correct to the best of his knowledge.

Signed this 20th Day of May 2024 at 0800 hours in Vancouver, Clark County, Washington.


Officer's Signature
Special Agent Terry Camery
Badge #129
Washington State Gambling Commission

The undersigned Judge/Magistrate/Commissioner hereby certifies that I have read or had read to me the above statement of probable cause to arrest and that I find probable cause to arrest is established not established (release defendant).

Signed this 7 day of June, 2024 in Vancouver, Clark County, Washington

R A Lewis Time: 3:11pm
Judge/Magistrate