

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the Certification to Conduct Gambling Activities of:)
Gina Syharath) NO. CR 2013-01248
Tacoma, Washington,)
Licensee.)
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SETTLEMENT ORDER

This Settlement Order is entered into between the Washington State Gambling Commission and Gina Syharath. Gregory J. Rosen, Assistant Attorney General, and Melinda Froud, Staff Attorney, represent the Gambling Commission. Ms. Syharath is represented by Terence K. Wong, Attorney.

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.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee, on August 28, 2013. On September 9, 2013, Commission staff received Ms. Syharath's request for hearing. On February 20, 2014, the Director issued an Amended Notice of Administrative Charges.

III.

The following summary of facts and violations were alleged in the Amended Notice of Administrative Charges:

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.

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 9.46.153(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. 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.

IV.

Gina Syharath has waived her right to a hearing based on the terms and conditions of this Settlement Order and further agrees to the following:

- 1) Gina Syharath's license is suspended for ninety (90) days, beginning at 8:00 a.m. on March 17, 2014, and ending at 8:00 a.m. on June 15, 2014. **The signed Settlement Order must be received by Commission staff on or before March 6, 2014.**

These documents must be mailed to Commission Headquarters at the following address:

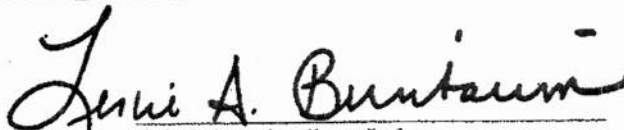
Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

Or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
4565 7th Avenue SE; Fourth Floor
Lacey, WA 98503

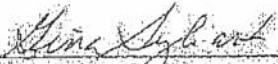
- 2) Ms. Syharath shall have no involvement directly or indirectly, whether paid or unpaid, in the operation, any gambling activity, including punchboard/pull-tab activity during the 90-day suspension. However, this does not prevent Ms. Syharath from working in any non-gambling activity, such as employment in restaurants located in establishments engaged in authorized gambling activity.

DATED this 6th day of March, 2014.

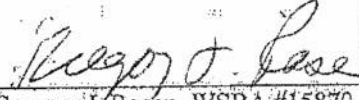

Administrative Law Judge


By her signature, the licensee understands and accepts the terms and conditions of this Order.


APPROVED FOR ENTRY:

 3/5/14
Gina Sybarath (Date)
Licensee

APPROVED AS TO FORM:


Gregory J. Rosen, WSBA #15870
Assistant Attorney General
Representing the Washington State
Gambling Commission

 3/5/14
Terence K. Wong, WSBA #24502 (Date)
Attorney Representing Gina Sybarath


Melinda Froud, WSBA #26792
Lead Staff Attorney,
Washington State Gambling Commission