

**HEARING BEFORE A PANEL  
OF THE BOARD OF  
ALBERTA GAMING, LIQUOR AND CANNABIS COMMISSION**

**IN THE MATTER OF the *Gaming, Liquor and Cannabis Act*  
Revised Statutes of Alberta 2000, Chapter G-1, as amended  
and the Regulation**

and

**S.B. (Applicant)  
Edmonton, AB**

<b>DATE OF HEARING:</b>	<b>May 4, 2023</b>
<b>HEARING PANEL:</b>	<b>Len Rhodes, Presiding Member Angela Tu Weissenberger, Panel Member Maureen Moneta, Panel Member</b>
<b>APPLICANT / REPRESENTATIVE:</b>	<b>S.B., Registered Gaming Worker</b>
<b>REGULATORY SERVICES DIVISION:</b>	<b>Carlos Farias, Hearing Officer Colin Lock, Resource Officer</b>

**DECISION OF THE HEARING PANEL**

The Panel finds that the Applicant contravened section 91(1)(f) of the *Gaming, Liquor and Cannabis Act* (the Act). In accordance with section 94(7)(a) of the Act, the Panel confirms the decision of the Regulatory Services Division (Regulatory Services) to cancel S.B.'s gaming registration # 11582.

## **I. Jurisdiction and Preliminary Matters**

[1] By letter dated February 13, 2023, Regulatory Services of the Alberta Gaming, Liquor and Cannabis Commission (AGLC) advised S.B. of the cancellation of his registration, Registered Gaming Worker #11582.

[2] S.B. subsequently applied for a hearing before a Panel of the Board of AGLC pursuant to section 94(1)(a) of the Act.

[3] In accordance with section 11 of the Act, the Board Chair designated three members of the Board to sit as a Panel to conduct the hearing and make a decision – Len Rhodes (Presiding Member), Angela Tu Weissenberger and Maureen Moneta.

[4] The parties and the Panel were provided with a record containing various documents pertaining to the issues before the panel. The Applicant confirmed receipt of the Notice of Hearing dated March 27, 2023 and the attached hearing record. The following documents were entered into evidence:

- Exhibit 1 Video – Century Casino surveillance footage
- Exhibit 2 Video – AGLC interview footage
- Exhibit 3 Statement of S.B.
- Exhibit 4 Standard Operating Procedures – Century Casino - Security
- Exhibit 5 Century Casino Lost & Found dashboard
- Exhibit 6 Hearing Record, including Tabs 1 and 2

## **II. Issues**

[5] Did S.B. contravene section 91(1)(f) of the Act. If so, should the administrative sanction imposed by Regulatory Services cancelling his registration be confirmed, replaced, or cancelled?

## **III. Regulatory Services Submissions**

[6] Regulatory Services called two witnesses to give evidence: Investigator Conrad Moschansky and Century Casino Security Manager, K.S.

### **Investigator Moschansky**

[7] Investigator Moschansky has been an Investigator with AGLC for approximately five years. His role is to investigate unlawful offences related to gaming, liquor and cannabis in order to protect the integrity of these industries.

[8] On January 6, 2023, Investigator Moschansky received notice from the security team at Century Casino that the security supervisor, S.B., had been terminated as a result of an investigation of an offence under the *Criminal Code* [R.S.C., 1985, c. C-46] that occurred on November 29, 2022: theft under \$5,000.

[9] Investigator Moschansky contacted Security Manager, K.S. and requested copies of all documents and video surveillance footage pertaining to his investigation and the termination of S.B.

[10] Investigator Moschansky asked K.S. why AGLC was not notified about the November 2022 incident earlier than January 6, 2023. K.S. advised that he conducted his internal investigation and then left on holidays on December 12, 2022 and did not return until early January 2023.

[11] After reviewing the casino surveillance video footage (Exhibit 1), S.B.'s written statement (Exhibit 3), a copy of the standard operating procedures for lost and found items at Century Casino (Exhibit 4) and a screenshot of the Century Casino lost and found database entries (Exhibit 5), Investigator Moschansky determined the following:

- On November 30, 2022, S.B. logged a red cell phone into the lost and found database at Century Casino.
- On December 9, 2022, K.S. was notified that the red cell phone was missing from the lost and found storage. The security team conducted a review of surveillance footage to determine what happened to the phone. They discovered that on November 29, 2022 S.B. was seen with the red cell phone and with what appeared to be a gold chain (the chain).
- S.B. is seen concealing the chain in his hand before leaving the security desk.
- Further surveillance footage shows S.B. walking through the casino with his hand in a fist. The video then shows S.B. reaching into his pocket with the same hand to remove his security access card from his pocket. The chain is not captured by surveillance after that point.
- On December 12, 2022, K.S. checked the lost and found database and confirmed that the red cell phone was logged and had been returned to the lost and found storage area. There was no record of the chain being processed.
- The security team at Century Casino was unable to determine how the cell phone went missing or when it was returned.
- On January 5, 2023, K.S. reviewed the incident with S.B. and asked him to provide a written statement about the events. In it, he states that he has no recollection of the chain.
- On January 6, 2023, S.B. was terminated.

[12] As part of his investigation, Investigator Moschansky contacted S.B. to come in for an interview. S.B. met with Investigator Moschansky on January 13, 2023. The Panel and the parties were provided with a video recording of the interview.

[13] During the interview, Investigator Moschansky reviewed the surveillance video footage with S.B. S.B. initially indicated that he did not want to see the footage but eventually conceded that he was willing to review it.

[14] Investigator Moschansky described the events in the surveillance video footage (Exhibit 1) to S.B. during the interview as well as for the Panel at the hearing. S.B. is shown at the security desk with the red cell phone and the chain at approximately 7:00 a.m. on November 29, 2022. He appears to wrap the chain around his hand and then leave the security desk.

[15] Investigator Moschansky explained that when S.B. left the security desk, he did not take a direct route to the secured area but rather took “the long way” through an area where there were fewer people.

[16] Investigator Moschansky noted in the surveillance footage S.B. walked through the casino with his hand postured in a fist. Further, he placed that same hand into his left pants pocket to pull out his security access badge to access the secured area.

[17] Throughout the interview, Investigator Moschansky asked S.B. what happened to the chain and gave S.B. multiple opportunities to provide an explanation. S.B. maintained that he could not remember the chain but he agreed he is the individual depicted in the surveillance footage with what appears to be a chain in his hand.

[18] Investigator Moschansky explained to S.B. in their interview that S.B.’s Registered Gaming Worker (RGW) status was in jeopardy and that, if he could recall what happened and tell the truth, his honesty may improve the outcome of the investigation.

[19] Investigator Moschansky advised the Panel that Century Casino chose not to pursue criminal charges against S.B. Despite that, Investigator Moschansky asserted that S.B. violated his position of trust and took an object that did not belong to him. Investigator Moschansky asserted that a theft is still a theft, regardless of the value of the object.

[20] Investigator Moschansky described integrity as “the things you do when no one is watching” and submitted that because S.B. was in a position of trust, he should be held to a higher standard of acting with integrity.

#### **K.S.**

[21] K.S. confirmed the details reported by Investigator Moschansky. He highlighted that he was not made aware of the incident until December 9, 2022 when it was reported that the red cell phone was missing from the lost and found when the owner came to claim it. This gave rise to the surveillance video review and the discovery of S.B.’s involvement.

[22] K.S. advised that Century Casino did not pursue criminal charges because S.B. had already been terminated, the rightful owner of the chain was never found and its value was unknown.

[23] However, K.S. felt that the termination was warranted as S.B. was in a supervisor role and abused his position of trust.

[24] K.S. explained that the Century Casino Standard Operating Procedures document (Exhibit 4) contains a lost and found policy for personal property. The policy states that found items must be logged, tagged and stored in the security office. Where possible, items are returned to the rightful owner. All other items are kept in the locked security office for 30 days and disposed of thereafter.

[25] When asked by the Panel what happens to unclaimed items, K.S. advised that after 30 days have elapsed, items are typically donated. He stated that if an employee wanted an item that was going to be donated, the employee would have to make a request to the security manager. K.S. stated that such a request is rare.

[26] K.S. submitted that S.B. violated the lost and found policy when he logged the red cell phone on November 30, 2022 but did not log the chain.

[27] K.S. submitted that high value items, such as a wallet or jewelry, must be logged and must also be reported to the surveillance team. K.S. suggested that if the surveillance team can “have eyes” on high value items that are found, the integrity of the system is protected and the staff member who found the item is better protected.

#### **IV. S.B. Submissions**

[28] The Applicant, S.B. provided oral evidence.

[29] S.B. confirmed that he remembers logging the red cell phone into the lost and found dashboard, however, he does not recall the chain or the sequence of events that day. S.B. confirmed that he is the individual shown in the surveillance video.

[30] S.B. believed he was treated unfairly by the security manager at Century Casino. However, he understands why he was terminated but stated that he feels the cancellation of his gaming registration is an extreme measure.

[31] S.B. stated that he is not denying that the incident occurred, he simply does not remember it. When asked by Regulatory Services whether he normally has issues with his memory, S.B. stated that he does not.

[32] S.B. confirmed that he worked from 8:00 p.m. to 8:00 a.m. on November 29, 2022 so the alleged incident would have occurred at the end of his twelve-hour shift. He suggested that his tiredness may have contributed to his difficulty recalling the chain.

[33] S.B. clarified that, in accordance with the lost and found policy, if after 30 days an item is not claimed it is donated or given away. He added that if an item is not in good enough condition to donate, it is thrown away.

[34] S.B. advised the Panel that he has been an RGW since 1998 and has not had any sanctions nor been involved in any incidents. He stated that he moved his way up through various positions until he was a supervisor with Century Casino. S.B. agreed that a security supervisor in a casino is a position of trust.

[35] S.B. confirmed that he is aware of the lost and found policy and has logged many items. He stated that he is aware of the procedure for alerting surveillance when a high-value item is found, however, he submitted that determining the value of a lost item is subjective.

[36] S.B. indicated that if an item has been in the lost and found for 30 days and it appears to be broken or appears to be costume jewelry and it is going to be thrown out, he is aware of staff members just taking it.

[37] S.B. asserted that he did not steal and he did not find the chain in his pants' pocket. He stated that there was no evidence presented that he left the premises with the chain so the incident should not be considered a theft.

[38] He asserted that as a result of his termination and one year ban from Century Casino, his reputation has been tarnished in the industry.

[39] When asked by the Panel why he did not initially want to see the video surveillance footage presented by Investigator Moschansky during their interview, S.B. stated that he was upset about his termination and he did not want to be angered by the video. S.B. stated that he "can see how the video looks questionable."

[40] When asked by Regulatory Services why he took a longer route to the secured area as shown in the surveillance footage, S.B. submitted that there is a security gate near the security desk where he was initially seated that can be difficult to unlock. S.B. confirmed that if he does not feel like struggling to unlock the security gate, he takes a different path around to the secured area.

[41] When asked by the Panel whether he has found employment, S.B. confirmed that he has. S.B. admitted that he is unsure if he would return to security in the gaming industry even if his gaming registration were reinstated but that he wanted the opportunity to address the incident before the Panel.

## **V. Summation**

### **Regulatory Services**

[42] AGLC is responsible for the administration of the Act, the Gaming Liquor and Cannabis Regulation and AGLC's policies as they relate to gaming. AGLC is responsible for ensuring integrity and social responsibility in the operation of the industry.

[43] Maintaining the accountability of Alberta's gaming industry is of utmost importance for AGLC so that it can continue to provide a trustworthy and safe gaming experience for Albertans. This includes identifying and eliminating criminal activity that would bring the integrity of gaming into question.

[44] There are two elements to a criminal act, such as a theft: *mens rea*, which means intent, and *actus reus*, which means the physical act.

[45] Regulatory Services is of the opinion that intent was formed when the chain was not logged into the internal tracking dashboard. As there was no record of the chain, S.B. had the opportunity to take the chain.

[46] The evidence presented by Investigator Moschansky, including the surveillance video footage, shows S.B. placing the chain into his pocket, demonstrating the physical act of theft.

[47] S.B. is a registered gaming worker and was working in a position of trust. His theft and violation of the lost and found policy is an example of the type of criminality that negatively affects the trust within the gaming industry.

[48] Regulatory Services takes the position that S.B. was aware that he was committing an offence and such action speaks to the question of integrity.

[49] S.B. submits that he does not remember the incident, however, Regulatory Services submits that explanation is unsatisfactory and that Regulatory Services has presented video evidence that S.B. took the chain.

[50] As such, Regulatory Services is of the position that S.B. contravened section 91(1)(f) of the Act in that he committed an act that is contrary to the public interest and that detracts from the integrity with which gaming activities are conducted in Alberta.

[51] Regulatory Services requests that the Panel confirm the decision to cancel S.B.'s gaming worker registration.

**S.B.**

[52] S.B. asserts that there is no evidence of him removing the chain from the property and, therefore, no evidence that a theft occurred.

[53] S.B. is aware of the heavy surveillance in a casino and he suggested it does not make sense that he would put the supervisor role entrusted to him at risk to take a chain, knowing he was being monitored.

[54] The value of the chain was unknown and there is no way to know whether the chain was gold or plastic.

[55] S.B. asserts that if there was a concern about his integrity, especially in a casino where there are large amounts of cash, the security manager would not have waited weeks before taking action after the alleged incident.

[56] S.B. feels that his reputation in the industry has been tarnished despite his 24 years as a RGW without any incidents. He requests that the Panel take into consideration his previous history.

[57] S.B. takes the position that his termination and one year ban from Century Casino was enough of a punishment and to cancel his gaming worker registration is excessive.

[58] As such, S.B. requests that the Panel not cancel his gaming registration. Or, in the alternative, that the Panel suspend his registration for a temporary period of time.

## **VI. Analysis**

[59] The Panel carefully considered the submissions of both Regulatory Services and S.B.

[60] The Panel finds that S.B. did not dispute the evidence that S.B. failed to log a chain in the lost and found database and was captured by video surveillance concealing it in his hand, as presented by Investigator Moschansky or K.S. S.B. did not disagree with the video evidence and stated that he understood why he was terminated from his position at Century Casino.

[61] The Panel finds that S.B. failed to follow protocol with the lost and found item and is depicted in the surveillance video holding the chain in his hand then placing his hand into his pocket. Although the value of the chain is unknown, the Panel finds that S.B. mishandled an item that did not belong to him.

[62] The Panel finds that S.B. had recollection of the date of the incident but that he was unable to recall what happened with the chain. The Panel finds that the erratic memory of S.B. weakens his credibility.

[63] S.B. gave evidence that he has been an RGW since 1998 and that he held a supervisory role at Century Casino. For those reasons, the Panel finds that he should be held to a high standard of integrity.

[64] The Panel finds that S.B. abused his position of trust and that he did not acknowledge that he made a mistake nor did he show remorse for his actions. As a result, the Panel does not find that S.B. recognizes the seriousness of his actions. The Panel does not have assurance that S.B. should be permitted to work in a casino or any place where gaming activities are conducted.

[65] To hold a gaming worker registration is a privilege and not a right. Registration is given to individuals who possess honesty and integrity in order to work in environments where gaming funds are being handled.

[66] The Panel finds that S.B., despite the registration entrusted to him, committed an act that is contrary to public interest and detracts from the integrity of gaming activities conducted in Alberta.

## **VII. Finding**

[67] For the reasons stated above, the Panel finds that S.B. contravened section 91(1)(f) of the Act.

[68] In accordance with section 94(7)(a) of the Act, the Panel confirms the decision of Regulatory Services to cancel S.B.'s gaming registration # 11582.

Signed at St. Albert, this 23<sup>rd</sup> day of May, 2023



Len Rhodes, Presiding Member, Hearing Panel