

Date	Description of inquires completed
	<p>He says another male also lives there and that that is who he has come to see.</p> <p>He makes a phone call and a short time later, a male aged in his 30's appears from the house.</p> <p>He states that 9(2)(a) is at Periodic Detention at the moment which he does every Wednesday. She says that 9(2)(a) is usually home by about 4.30pm.</p> <p>Leave a card with this male and ask him to get 9(2)(a) to call me.</p> <p>Exit address and RTB</p>
<p>04/10/2012 1530 hours</p>	<p>Receive phone call from T/L Derek Hartley. Police have located 9(2)(a) and he is in the Hamilton Police cells having been arrested and charged with offences related to the Hillcrest Tavern. Theft of EGM money etc.</p> <p>Arrange to meet at DIA office at 0700 hours on 5/5 to interview 9(2)(a)</p>
<p>05/05/2012 0710 hours</p>	<p>From DIA Hamilton to Central Police station.</p> <p>Locate and interview 9(2)(a) via recorder. Admits playing EGM at WS8B and to obtaining cash. Note that he is wearing the same cut off jeans pants that he was wearing in WS8B</p>
<p>0810 hours</p>	<p>Exit station. RTB</p>
<p>0845 hours</p>	<p>Email statement to DigiType and receive back.</p>
<p>15/10/2012 0923 hours</p>	<p>Ring 9(2)(a) at Police 9(2)(a) remanded in custody to reappear in the HNDC on 6 November 2012</p>
<p>0930 hours</p>	<p>Speak to 9(2)(a) at Aperio Investigations. He is able to serve a summons on 9(2)(a) at Waikeria.</p>
<p>0940 hours</p>	<p>Confirm with Waikeria prison that 9(2)(a) is on remand there until 6 November. On that date he will have an AVL appearance in HNDC.</p> <p>Speak to HNDC case officer for 9(2)(a) (9(2)(a) Confirm that we are able to lay our information to 6 November.</p> <p>Complete Information</p>
<p>1040 hours</p>	<p>TO HNDC and lay information</p>
<p>1050 hours</p>	<p>To 9(2)(a). No one home.</p>

Date	Description of inquires completed
<p>27/11/2012 1400 hours</p>	<p>Speak to 9(2)(a) barrister.</p> <p>He advises that he will act for 9(2)(a) as well as Police matters. He states that 9(2)(a) has yet to enter a plea to DIA matters but that he was recently due to appear in the HNDC via an AVL from Waikeria however, 9(2)(a) caused some problems at the prison and the hearing did not go ahead. Further, 9(2)(a) has tried to see 9(2)(a) on several occasions since at Waikeria but each time he has caused a problem and the meetings have not gone ahead.</p> <p>The next hearing date for 9(2)(a) is 11 January 2013 in the HNDC. 9(2)(a) will accept disclosure.</p>

<p>Prepared by:</p> <p>Date prepared:</p>	<p>Clark McMichael Gambling Inspector Hamilton</p>
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23 October 2012

PO Box 805, Wellington 6140

Phone +64 494 0698

Email: phirak.appleton@dia.govt.nz

Website www.dia.govt.nz

9(2)(a)

Crown Solicitor  
Almao Douch  
PO Box 19-173  
HAMILTON

Dear 9(2)(a)

**Re: Department of Internal Affairs v 9(2)(a) (CRN 12019502647)**

**Introduction**

1. The Department of Internal Affairs (**Department**) has laid an information in the Hamilton District Court against 9(2)(a)
2. We wish to instruct you to represent the Department in this matter.

**Background**

3. The Department is prosecuting 9(2)(a) on one charge of theft against section 219(1) of the Crimes Act 1961.
4. The charge relates to an incident at the Waikato Snooker and Eight Ball Club in Hamilton on 3 September 2012. The club is a class 4 venue with a number of electronic gaming machines.
5. On 3 September 2012, 9(2)(a) visited the club. He played one of the machines and discovered that it was faulty. The nature of the fault was that, when a coin was placed into the machine, the machine would return the coin but would register a credit, effectively allowing credits to be amassed for free.
6. 9(2)(a) exploited this fault in order to amass a number of credits, which he then cashed out. In total, he received \$980.
7. When interviewed, 9(2)(a) admitted the offending but disputed the amount obtained.

**Prosecution**

8. It has come to the Department's attention that 9(2)(a) is currently on remand at Waikeria Prison in relation to charges laid by the New Zealand Police.



9. The Department has laid the charge with a first call date of 6 November 2012, which is **9(2)(a)** **9(2)(a)**'s next call date on those other matters.
10. We wish to instruct you to appear for the Department on this matter.
11. The officer in charge of this file is Gambling Inspector Clark McMichael of the Hamilton Gambling Compliance Unit. Inspector McMichael will arrange delivery of the file directly to your office.
12. Please liaise with me as to the sentence to be sought, and please send me a draft copy of your sentencing submissions for my review seven days prior to filing in court. Please note that the Department is seeking reparation of the amount, to be paid to the Waikato Snooker and Eight Ball Club.
13. Please keep me informed of all matters and copied into all correspondence relating to this prosecution.

Yours sincerely



**Phirak Appleton**  
Senior Legal Advisor  
Legal Services  
Department of Internal Affairs Te Tari Taiwhenua

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26 October 2012

9(2)(a)  
Almao Douch  
Barristers and Solicitors  
P.O. Box 19-173  
Hamilton

CC:  
Derek HARTLEY  
Team Leader  
Gambling Compliance Unit  
Department of Internal Affairs  
Hamilton

**Prosecution – 9(2)(a)**

The Department of Internal Affairs (DIA) requests that Almao Douch Barristers and Solicitors represent them in the Hamilton District Court.

The Hamilton Gambling Compliance Unit have laid an information (CRN: 12019502647) in the Hamilton District alleging the theft of \$980 cash by 9(2)(a) from the Waikato Snooker and Eight Ball Club, Hamilton on or about 3 September 2012.

The events are outlined in the attached summary of facts.

9(2)(a) is currently a remand prisoner at Waikeria Prison and is due to reappear on charges laid indictably by Police which include - conspiring to commit aggravated robbery, burglary and theft.

That hearing is set down for **Tuesday 6 November 2012** and is to be dealt with via an audio visual link from the prison.

The Department of Internal Affairs have summoned 9(2)(a) to the same date. (See the summons attached to this file)

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## WITNESSES and EVIDENCE

As a summary and in the event of a defended hearing, the Prosecution will call three witnesses and produce five exhibits. (Hearing time for the prosecution evidence is estimated at 2.5 hours)

### **WITNESS 1**

- Waikato Snooker and Eight Ball Club Manager, 9(2)(a) [REDACTED], has provided a statement detailing a fault in one of their electronic gaming machines occurring between 31 August and 3 September 2012. He will provide his calculations of the amount taken (\$980). He will also produce the Clubs video security footage showing 9(2)(a) [REDACTED] actions and how the theft was being carried out. 9(2)(a) [REDACTED] will provide further evidence showing that 9(2)(a) [REDACTED] recorded false names in the Clubs visitor's book in an effort to conceal his identity.

### **WITNESS 2**

- Evidence will be provided by a Gaming Inc Ltd service technician as to the nature of the machines fault and how it was rectified.

### **WITNESS 3**

- I will provide evidence of how 9(2)(a) [REDACTED] was identified as the suspect and how he was located and interviewed by myself on 5 October 2012. In his digitally recorded statement, 9(2)(a) [REDACTED] admits to being in the Club and using the faulty EGM. He states: **"I thought it was handing out money that's what I thought and so I grabbed it and went"**. He disputes the amount he obtained, claiming it was not the \$980 alleged but \$300.

## EXHIBITS

- Spreadsheet of offender's actions detailing money flow
- Copy of Waikato Snooker and Eight Ball Club Visitors book records
- Video security footage (USB)
- Digital voice only interview of 9(2)(a) [REDACTED] (USB)
- Transcript of Interview

**BAIL**

Given the defendants previous convictions and the nature of the Police matters, bail is unlikely, however, should he obtain it, The Department of Internal Affairs would be satisfied with any address that Police have indicated/agreed to.

**COUNSEL**

We are not aware of representation on this matter as yet and therefore no disclosure has been made to date. 9(2)(a) appears for 9(2)(a) on the Police matters.

Our file is prepared for first hearing on **6 November 2012**. Should you have any questions regarding it, as officer in charge, I can be contacted as below.

Yours Sincerely

Clark McMICHAEL  
Gambling Compliance Unit  
Department of Internal Affairs  
Level 6/1 Bryce Street  
Hamilton  
P 07 839 2593  
M 9(2)(a)

---

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## Clark McMichael

---

**From:** Waikato Snooker & 8 Ball Club [waikatosnooker@xtra.co.nz]  
**Sent:** Monday, 3 December 2012 5:41 p.m.  
**To:** Clark McMichael  
**Subject:** Jackpot Controller Issue  
**Attachments:** gambling dispute form 1 final.jpg; gambling dispute form 2 final.jpg

Hi Clark

Details as follows as per your request.

The business day of the Jackpot controller issue was Wednesday 29<sup>th</sup> August 2012.

### The problem with the controller

It was discovered that Mikohn Jackpot controller did not have the address of the #3 EGM, therefore jackpot had no way of getting to winning EGM.

### The event as it occurred

The event happened around 12:01am 30/08/2012, a lady on machine #9 said that she saw a message come up on her machine that #3 had won the jackpot. However it did not show up on that machines credit meter.

Staff on the evening ran a DMA trying to determine this but nothing showed up on this report.

Staff took a note of everyone's phone numbers that was in the gaming room at the time the jackpot appeared to be struck.

The machine was shut down until a service technician could call in the next day.

### How the fault was rectified and by whom

A service technician came in and as per the report fixed the address correctly and tested.

This was completed by Gaming Inc.

### How the jackpot was established

On the 30<sup>th</sup> of August a technician was able to complete a Jackpot report.

The entry showed clearly the following:

- Entry #100
- 30/08/12
- Time 12:01:56
- EGM #3
- Level 7 (Grand)
- Amount \$934.81

Camera footage was checked the following day, this confirmed the person playing at the EGM at the Time.

### Who was paid out and when

The person we paid out was 9(2)(a), he was paid out 31/08/2012

### Meter adjustment

We did a meter adjustment in the week ending 02/09/2012 for the amount of 934.81

The amount does seemed to have been transposed and the adjustment that went through was \$943.81.

This possibly needs to be adjusted back the other way.

Scan of dispute form attached

Regards

9(2)(a)

---

**From:** Clark McMichael [mailto:Clark.McMichael@dia.govt.nz]

**Sent:** Friday, 30 November 2012 11:36 a.m.



**To:** 'Waikato Snooker'  
**Subject:** RE: machine 18 hopper loss 20102012.xlsx

Hi **9(2)(a)**

If you can respond to the Jackpot controller issue we spoke of today and which occurred around the 5th of Sept 2012.

Please set out the following:

The problem with the controller  
The event as it occurred  
How the fault was rectified and by whom  
How the jackpot was established and  
Who was paid out and when

If you can please scan and email me a copy of the jackpot dispute form, that would be great.

Cheers

**Clark McMichael**  
Gambling Inspector  
Gambling Compliance Unit  
The Department of Internal Affairs  
P O Box 1543, Hamilton  
P: 07 839 2593 (DDI)  
[Clark.McMichael@dia.govt.nz](mailto:Clark.McMichael@dia.govt.nz)

---

**From:** Waikato Snooker [<mailto:waikatosnooker@xtra.co.nz>]  
**Sent:** Friday, 30 November 2012 11:59 a.m.  
**To:** Clark McMichael  
**Subject:** Re: machine 18 hopper loss 20102012.xlsx

Ok see you soon

Sent from my iPhone

On 30/11/2012, at 11:11 AM, Clark McMichael <[Clark.McMichael@dia.govt.nz](mailto:Clark.McMichael@dia.govt.nz)> wrote:

I'll come down now?

---

**From:** Waikato Snooker [<mailto:waikatosnooker@xtra.co.nz>]  
**Sent:** Friday, 30 November 2012 10:48 a.m.  
**To:** Clark McMichael  
**Subject:** Re: machine 18 hopper loss 20102012.xlsx

Yes no problem. Give me a time.

Cheers

**9(2)(a)**

Sent from my iPhone

On 30/11/2012, at 9:46 AM, Clark McMichael <[Clark.McMichael@dia.govt.nz](mailto:Clark.McMichael@dia.govt.nz)> wrote:

Hi 9(2)(a) ..

Are you free today for me to come down and have a yarn?

Clark

---

**From:** Waikato Snooker and 8 Ball Club [<mailto:waikatosnooker@xtra.co.nz>]

**Sent:** Monday, 12 November 2012 4:16 p.m.

**To:** Clark McMichael

**Subject:** machine 18 hopper loss 20102012.xlsx

Hi Clark

Attached is the sheet I filled out covering the periods of loss from EGM #18

I will send you details of the twp other people tomorrow

Thanks for your assistance

9(2)(a)

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# INTERNAL AFFAIRS

Gambling Compliance Unit

## JOB SHEET

Date	Description of inquires completed
	<p>Subject: Waikato Snooker and 8 Ball Club</p> <p>Licence Track Investigation Number:</p>
<p>29/11/2012 1330 hours</p>	<p><u>Introduction:</u></p> <p>Carry out enquiry with 9(2)(a) [REDACTED], Manager of Waikato and Snooker and 8 Ball Club re the theft of EGM funds by patrons.</p> <p>To WS8B</p> <p>View security footage of patrons.</p> <p>9(2)(a) states:</p> <p>Offences occurred on 20/10/2012</p> <p>Male and female on machine 18. Clocks records the following:</p> <p>17:26:48 Male collects from the machine. Both male and female can be seen to rack up credits on the machine as the coin is going straight through. They cash out and receive \$150.</p> <p>Staff member 9(2)(a) [REDACTED] (Ph 9(2)(a) [REDACTED]) identifies the two members from their membership forms as:</p> <p>9(2)(a) [REDACTED] [REDACTED] [REDACTED] DOB: 9(2)(a) [REDACTED] Membership 9(2)(a) [REDACTED]</p> <p>9(2)(a) [REDACTED] [REDACTED] [REDACTED] DOB: 9(2)(a) [REDACTED] Membership 9(2)(a) [REDACTED]</p> <p>The second incident happens that same day about 9.40 pm.</p>

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Date	Description of inquires completed
1423 hours	<p>Machine number 18 with a lone male wearing a black cap responsible. He can be seen once again feeding the same coin through the machine repeatedly.</p> <p>He obtains \$250.00</p> <p>He is identified from the membership records by 9(2)(a) as:</p> <p>9(2)(a)</p> <p>9(2)(a)</p> <p>9(2)(a)</p> <p>DOB: 9(2)(a)</p> <p>Drivers License number: 9(2)(a)</p> <p>Receive and secure two USB's with security footage of the incidents.</p> <p>Return to Base</p> <p>Locate and interview 9(2)(a)</p> <p>Locate and interview 9(2)(a)</p> <p>Locate and interview 9(2)(a)</p> <p>Advise WS8B of money recovery and arrange payments details from 3 offenders.</p> <p>Warning Letters sent to 3 offenders</p> <p>Draft and send letter to WS8B re outcome.</p> <p>Return Hard drive exhibit.</p> <p>File</p>

Prepared by:	Clark McMichael Gambling Inspector Hamilton GCU
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01 December 2012

THE DEPARTMENT OF INTERNAL AFFAIRS

Te Tari Taiwhenua

Gambling Compliance Unit

PO Box 1543

Waikato Mail Centre

Hamilton, New Zealand

Telephone +64 7 839 2593

Facsimile +64 7 839 2594

Website [www.dia.govt.nz](http://www.dia.govt.nz)

The Team Leader  
Gambling Compliance  
Hamilton

**INVESTIGATION 2107233: Player dispute - Waikato Snooker and 8 Ball Club**

Hamilton GCU received a complaint from [9(2)(a), 9(2)(ba)(i)] of Hamilton who complained that whilst she was playing an EGM at the above club on 29 August 2012, the jackpot had been struck but not paid.

She questioned the process for determining the cause and wished confirmation that the matter had been dealt with appropriately.

My enquiries revealed that the jackpot was struck on the night of 29 August 2012 however due to the Jackpot controller not being linked to the EGM in question after an earlier repair, the payout figure was not displayed.

A Gaming Inc Technician was called the following day and the fault was rectified with the jackpot figure of \$934.81 established.

On 31 August 2012, the player concerned, [9(2)(a)], was paid out the above amount.

I have spoken with the complainant and advised her of the outcome. She confirms that she has had contact with the winning player who had advised her that Waikato Snooker and 8 Ball had paid out the jackpot.

Accordingly, the matter has been dealt with and no further action is recommended.

C B McMICHAEL  
Gambling Inspector  
Hamilton Gambling Compliance Unit

Jul 01/2009 (2)(a)

1530

ctng

DOB: (2)(a)

Occ: (2)(a)

~~BBA~~ Cannon / Rights.

77m

Acknowledged

O/R

(2)(a)

PH (2)(a)

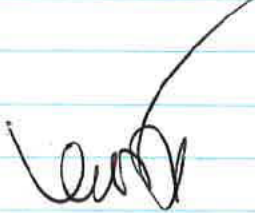
\* Acknowledges taking no more for \$30.

\* Remained neutral.

\* Spoke to (2)(a) and realized

\* Will agree to \$150.00 payment between the end (2)(a)

\* Money to be looked at as a donation to the club in repayment of money.

Signed: 

'20 10/0

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3rd in 6 month → infringement  
4th look at cancellations

Vene manager warning  
- notification to society

Enter into licence track  
- warning and infringement goes into licence track  
- no further action no need to enter into licence track

Process for issuing Infringement Notice.

Maintain spreadsheet in 'H' drive → email from 9(2)(a)

Only important or relevant info to go into SID

Interviewed with 9(2)(a)  
- regarding theft of vehicle snooker & Bill  
- full and frank admission  
- confirm 9(2)(a) accomplish.

X X X X X X X  
Friday 25/1/13 Insp 9(2)(a)

Church Rd → by Lollipops Playcentre. Te Papa

1303

9(2)(a)  
9(2)(a) ph 9(2)(a)  
DOB 9(2)(a) Age 9(2)(a)  
9(2)(a)  
9(2)(a) ph -  
Mble: 9(2)(a)

Caution / BoR

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Acknowledge taking about \$30 along with

9(2)(a)

9(2)(a)

- Played on various machine before that faulty one.
- Released it was faulty and spitting out coins.
- Used it for about \$30
- felt guilty and left
- returned after about 2 hrs.
- went over by machine and someone playing with a group standing around them
- looked like machine was still spitting out the coins
- went to counter and advised management
- we then left as management said they would sort it out.
- I feel very guilty about what I did. I have learnt a lesson and will never do it again.

9(2)(a)

[Redacted]

9(2)(a)

[Redacted]

Witnessed by

1400

Inquiries / prep files count / HUNT.

X	X	X	X	X	X	X	X
28/1/13	Anniversary Day						
X	X	X	X	X	X	X	X
29/1/13	Tuesday lisp						1200-

9(2)(a)

[Redacted]

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**Clark McMichael**

---

**From:** 9(2)(a) [redacted]@almaodouch.co.nz]  
**Sent:** Friday, 25 January 2013 11:33 a.m.  
**To:** Clark McMichael; Phirak Appleton  
**Subject:** DEPARTMENT OF INTERNAL AFFAIRS v 9(2)(a) [redacted]  
**Attachments:** SC5520078113012510320.pdf

Dear Sir/Madam

Please find attached letter from 9(2)(a) [redacted] for your attention.

Many thanks.

9(2)(a) [redacted] | Legal Secretary | Almao Douch –Crown Solicitors  
Telephone: 07 839 4875 | Fax: 07 839 3030 | 5<sup>th</sup> Floor, NZI Building, 11 Garden Place, Hamilton 3204  
DX: GP 20023

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WAIKATO SNOOKER & 8 BALL  
60-62 Rostrevor Street  
Hamilton  
Tax Invoice - GST No: 58-633-992  
PHONE 07-839-5922  
\*\* COPY ONLY \*\*

Misc \$150.00

Subtotal \$150.00

Including GST \$19.57

Total \$150.00

Eftpos \$150.00

Change \$0.00  
Thank You

STAFF: 9(2)(a) [REDACTED]  
RECEIPT: 57801  
TILL: T111 One  
TIME: 9:26PM  
DATE: 29-JAN-2013

*Paid*

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31 January 2013

Te Tari Taiwhenua

Regulatory and Compliance Operations  
Gambling Compliance Unit  
PO Box 1543  
Waikato Mail Centre  
Hamilton, New Zealand  
Telephone +64 7 839 2593  
Facsimile +64 7 839 2594  
Website [www.dia.govt.nz](http://www.dia.govt.nz)

9(2)(a)

Dear Sir

**RE: Theft of EGM funds – Waikato Snooker and Eight Ball Club**

You were identified as a person responsible for the theft of gaming machine money from the above club on 20 August 2013.

I have been made aware that you have repaid outstanding funds to the Club via reparation and a donation totalling \$75.00.

Due to this, I am issuing you with a formal warning that should a similar incident come to the attention of the Department of Internal Affairs again which involves yourself, it may result in a prosecution.

The matter of your continued access to the Waikato Snooker and Eight Ball Club is something you should address with them.

This concludes the Department of Internal Affairs action with regard to this incident.

Should you have any questions in relation to it, please contact the writer hereunder.

Yours faithfully,

Clark McMichael  
Gambling Inspector  
Gambling Compliance Group  
The Department of Internal Affairs  
Hamilton  
Ph: 07 8392589

Email: [clark.mcmichael@dia.govt.nz](mailto:clark.mcmichael@dia.govt.nz)

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Cc:

9(2)(a)

Manager

Waikato Snooker and Eight Ball Club

60-62 Rostrevor Street

Hamilton

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31 January 2013

Regulatory and Compliance Operations  
Gambling Compliance Unit  
PO Box 1543  
Waikato Mail Centre  
Hamilton, New Zealand  
Telephone +64 7 839 2593  
Facsimile +64 7 839 2594  
Website [www.dia.govt.nz](http://www.dia.govt.nz)

9(2)(a)

Dear 9(2)(a)

**RE: Theft of EGM funds – Waikato Snooker and Eight Ball Club**

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Should you have any questions in relation to it, please contact the writer hereunder.

Yours faithfully,



Clark McMichael  
Gambling Inspector  
Gambling Compliance Group  
The Department of Internal Affairs  
Hamilton  
Ph: 07 8392589

Email: [clark.mcmichael@dia.govt.nz](mailto:clark.mcmichael@dia.govt.nz)



Cc:

9(2)(a)

Manager

Waikato Snooker and Eight Ball Club

60-62 Rostrevor Street

Hamilton

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BARRISTERS AND SOLICITORS

R.G. DOUCH, LL.B. (CROWN SOLICITOR)  
L. DUNN, LL.B.  
P.P. CRAYTON, LL.B. (CROWN SOLICITOR)  
J.N. FOSTER, LL.B.

5TH FLOOR, NZI BUILDING  
GARDEN PLACE, HAMILTON 3204  
NEW ZEALAND  
PHONE: (07) 839 4875  
FACSIMILE: (07) 839 3030  
DX/CF 20023  
PO BOX 19173, HAMILTON

To: [Redacted]  
From: [Redacted]

9(2)(a) (45568777)

Mr C B McMichael

8 March 2013

Senior Legal Advisor  
Legal Services  
Department of Internal Affairs  
PO Box 1543  
Waikato Mail Centre  
HAMILTON

Dear Sir

**RE: DEPARTMENT OF INTERNAL AFFAIRS -v- LEVI JAMES NEWPORT**

The offender 9(2)(a) was sentenced in the Hamilton District Court on 8 March 2013 by Ruth DCJ. 9(2)(a) appeared for the Crown and 9(2)(a) appeared for 9(2)(a)

The offender 9(2)(a) was sentenced to 8 months imprisonment on your charge being theft from the Waikato Snooker and 8 Ball Club.

This prison term was imposed concurrently on a term of 2 years, 7 months imprisonment on more serious theft matters and an attempt to pervert the course of justice.

No reparation was imposed.

I return your file and thank you for your instructions.

Yours faithfully

9(2)(a)

**CROWN SOLICITOR**

9(2)(a)  
Per: [Redacted]

9(2)(a)  
Staff Solicitor

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9(2)(a)

*payment*

WAIKATO SNOOKER & 8 BALL  
60-62 Rostrevor Street  
Hamilton  
Tax Invoice - GST No: 58-633-992  
PHONE 07-839-5922  
\*\* COPY ONLY \*\*  
Misc \$250.00  
Subtotal \$250.00  
Including GST \$32.61  
Total \$250.00  
Eftpos \$250.00  
Change \$0.00  
Thank You

STAFF: 9(2)(a)  
RECEIPT: 62866  
TILL: Till One  
TIME: 10:23AM  
DATE: 13-MAR-2013

RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982



18 March 2013

Te Tari Taiwhenua

Gambling Compliance Unit

PO Box 1543

Waikato Mail Centre

Hamilton, New Zealand

Telephone +64 7 839 2593

Facsimile +64 7 839 2594

Website [www.dia.govt.nz](http://www.dia.govt.nz)

9(2)(a)

Dear 9(2)(a)

**Re Theft of EGM funds – Waikato Snooker and Eight Ball Club**

You were identified as a person responsible for the theft of gaming machine money from the above club on 20 August 2012.

I have been made aware that you have repaid the outstanding funds to the Club totalling \$250.00.

Due to this, I am issuing you with a formal warning that should a similar incident come to the attention of the Department of Internal Affairs and which involves yourself, it may result in a prosecution.

The matter of your continued access to the Waikato Snooker and Eight Ball Club is something you should address with them.

This concludes Department of Internal Affairs action with regard to this incident.

Should you have any questions in relation to it, please contact the writer hereunder.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Clark McMichael', written over a red diagonal watermark.

Clark McMichael  
Senior Gambling Inspector  
Gambling Compliance Operations  
The Department of Internal Affairs  
Hamilton  
P: 07 8392593  
E: [clark.mcmichael@dia.govt.nz](mailto:clark.mcmichael@dia.govt.nz)

18 March 2013

Regulatory and Compliance Operations  
Gambling Compliance Unit  
PO Box 1543  
Waikato Mail Centre  
Hamilton, New Zealand  
Telephone +64 7 839 2593  
Facsimile +64 7 839 2594  
Website [www.dia.govt.nz](http://www.dia.govt.nz)

The Manager  
Waikato Snooker and Eight Ball Club  
PO Box 912  
Waikato Mail  
Hamilton

**Prosecution – 9(2)(a)**

The Department of Internal Affairs charged 9(2)(a) with the theft of cash from EGM's located at your Club.

9(2)(a) appeared in the Hamilton District Court on 8 March 2013 before District Court Judge Ruth.

On this matter, he was sentenced to a term of 8 months imprisonment.

Police had brought a number of charges also and on which he was sentenced to a term of 2 years and 7 months imprisonment.

The 8 months imprisonment is to be served concurrently with the Police matters.

The Department sought reparation of \$980.00 on your behalf, however this was not awarded by the presiding Judge.

During the course of this enquiry, you provided the Department with a hard drive which provided security camera footage.

I would ask that you sign the attached receipt as acknowledgement of its return to you.





This concludes the Departments action with regard to this matter.

Should you have any further questions, I can be contacted as per the detail hereunder.

Yours Sincerely



Clark McMICHAEL  
Gambling Compliance Unit  
Department of Internal Affairs  
Level 6/1 Bryce Street  
Hamilton  
P: 07 839 2593  
M: 9(2)(a)

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21 March 2013

Gambling Compliance Unit

PO Box 1543

Waikato Mail Centre

Hamilton, New Zealand

Telephone +64 7 839 2593

Facsimile +64 7 839 2594

Website [www.dia.govt.nz](http://www.dia.govt.nz)

The Manager  
Waikato Snooker and Eight Ball Club  
PO Box 912  
Waikato Mail Centre  
Hamilton

**EGM thefts:** 9(2)(a)

The Department of Internal Affairs has concluded an investigation into further thefts from your EGMS.

Our file, **2107439** refers.

The thefts occurred on 20 October 2012 and resulted in the three persons referred to above being spoken to.


Given the 'first time' nature of the offences committed by those involved, ultimately they received a formal written warning from the Department for theft, copies of which you would have previously received.

They were also required to repay outstanding money, as identified by The Waikato Snooker and Eight Ball Club and which has also been attended to.

During the course of this enquiry, you provided the Department with two USB devices which provided security camera footage.

I would ask that you sign the attached receipt as acknowledgement of their return to you. Should you have any further questions, I can be contacted as per the detail hereunder.

Yours Sincerely

  
Clark MCMICHAEL

Department of Internal Affairs  
Level 6/1 Bryce Street  
Hamilton

P: 07 839 2593

M: 9(2)(a)

**DEPARTMENT OF INTERNAL AFFAIRS PROPERTY RECEIPT**

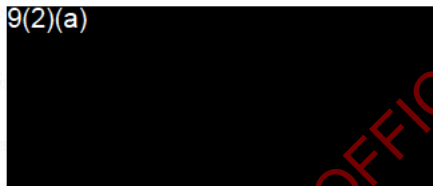
Received from Clark McMICHAEL a Gambling Inspector with the Department of Internal affairs, the following property in good condition:

1 - Adata S805 USB device

1 - Adata C802 USB device

Received by:

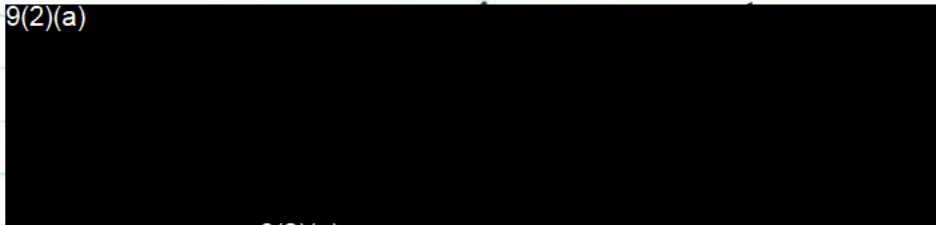
Name:

9(2)(a)  


Date: 22 March 2013

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9(2)(a)



DOB: 9(2)(a)  
 OCC: 9(2)(a)  
 PH: 9(2)(a)  
 D.H: 9(2)(a)  
 Email: 9(2)(a)



D/L 9(2)(a)

CARSON/RICHARDS

CM Do you understand the Center of Rights

PM Yes.

CM This concerns the theft of \$250 from the WS85 Club in Portmore Street, Hamilton on 20/October 2012.

PM Yes.

CM Were you and your girl friend 9(2)(a) in the Club on that date.

PM Yes.

CM Did you take advantage of a gaming machine fault that occurred.

PM Yes.

CM The amount is \$250 claimed by the club. Do you acknowledge that?

9(2)(a)

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PM Yes.

CM The taking of the money when it was a fact was a theft, do you acknowledge that?

PM Yes.

CM- Both yourself and [REDACTED] 9(2)(a) are caught or caught putting a coin through the ATM and getting on credits you shouldn't have. Do you agree with that...?

PM Yes.

CM Do you have anything you wish to add...?

PM I'm sorry it would happen again.

CM Interview terminated.

PM I acknowledge being read the statement and it is a true and correct record.

Signed. [REDACTED] 9(2)(a)

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GAMING COMPLIANCE

MEMO

Gaming and Censorship Regulation  
Department of Internal Affairs  
PO Box 2220  
Auckland, New Zealand

Attention: **Geoff Lawry**

From: John Hennebry, Inspector, Gaming Compliance

Date: 17/05/21 <-- date shown is as a result of a custom field in the original Word document which shows the current date when the file is accessed (i.e., does not represent the actual date of the memo itself).

**SUBJECT: Waikato Snooker and 8 Ball**

Investigation followed on from information suggesting that members of the public were able to enter the premises, play pool and the gaming machines. Various visits to the venue (as disclosed in the attached jobsheets) confirmed that this was actually the case. In addition it is apparent that minors regularly accessed the premises also.

In conjunction with this investigation, an audit was commenced and will be completed shortly, the information uncovered in this investigation has been fed into the audit report and will also be fed into the current renewal round (their GM licence expired 30<sup>th</sup> November 2004).

Recommend  
sign this investigation off as information dealt with in audit and renewal.

John Hennebry  
Senior Inspector (Gaming Compliance)  
for Secretary for Department of Internal Affairs  
DDI: (09) 3627939  
Mob: 9(2)(a)  
Fax: (09) 3627945  
Email: john.hennebry@dia.govt.nz



Notes from [9(2)(a)] meeting

Seeks confirmation that DIA directed the club and its trustees to vote on its own remuneration increases

Club currently has three trustees –Pres, secretary and treasurer

Committee only has five members and not the six required-DIA believes that are supposed to be seven.

The three trustees are part of the surviving the committee-i.e. leaves them in a position of balance of power

Indications from companies office states that trustees should not be part of the Incorporated Society.

At a recent AGM meeting, the president (Bernie Andres?) Recognises that the quorum is three people short-should be 20 only had 17- Pres goes to the main four and recruits three new members by offering no membership joining fee and sitcoms the to the AGM meeting. These people are recognised as each students of [9(2)(a)] She advises that they have English as a second language as they will our ex-students of hers from the English language school.

Though further complains that Andres mumbles, and then appears to make his own decisions-appoints club manager Rob Gallagher to the management committee.

[9(2)(a)]

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Waikato Snooker an d8 ball

1. AGM-how many people are attending, , i.e. been a member of the club some time, do club members have a clear understanding of what they are voting for, are they provided with comprehensive and explanatory notes before important decisions are taken? Time lines from advertising t meeting to meeting itself – 7 days 14 days?
2. Club sales – risen nearly 90% - membership increased?
3. How many members does it have? Is there a register of all persons?
4. Allegation – some voters have English as their second language?
5. Committee and trustees-who is what and who is on what?
6. How many meetings per yr for the Management Cttee and other special meetings?
7. Ann hart – what advice as she given regarding club employees being on the committee ends trustees voting to their own remuneration?
8. Who provides your legal advice – 'in house' or appointed lawyer?
9. Minutes for previous meetings - AGM no. of voters for increasing the trustees fees/honorariums?
10. please explain why trustees are appointed – shouldn't just be an executive committee and a set of rules? Call them Officers?
11. What are the trustee fees for – no readily identifiable liability to DIA?
12. Trustees fees-what are the risks and liabilities described in the e-mail October 20 from 9(2)(a) [REDACTED]? Listed somewhere in minutes?
13. What does GMP fund in this club?
14. Whose wages are these paying?
15. Are trustee fees mentioned in financials paid from AP or costs? If Costs consider ARN?
16. Why the increase to trustee payments? Minutes available?
17. 2009 accounts – wages for \$66k (can NOT be from AP must be a cost) seems to be high (eg \$15 per hour allows for 84 hrs per week)
18. Honorarium – is it normal to be set by/voted for by e-mail? Shouldn't this be taken to an AGM or Cttee meeting?
19. Committee setting trustees fees-is there a conflict of interest as president and manager? Are also trustees?
20. Fees and honorarium – where are these funds coming from - gaming machine profit?
- 21.

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CAPTION SHEET

DEPARTMENT OF

INTERNAL AFFAIRS - V -

9(2)(a) [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

DOB: 9(2)(a) [REDACTED] (21 years)

CHARGE: Theft (1)  
Crimes Act 1961, Section 219 (1) (a)  
Penalty: 7 years Imprisonment

WITNESSES : Civilian (2)  
Gambling Inspector (1)

HEARING: Hamilton District Court

**SUMMARY OF FACTS**

The Waikato Snooker and Eight Ball Club are located at 62 Rostrevor street Hamilton.

The club is a Class 4 gaming venue licensed by the Department of Internal Affairs to operate electronic gaming machines. (EGM's)

The electronic gaming machines are played by placing a two dollar coin into the machine which in turn places a credit on the machine allowing the player to play a game of chance.

Typically, a player can win cash during the course of play from the individual EGM and they also have the opportunity to strike a larger jackpot which accumulates from all EGM's at that venue.

During the afternoon of 3 September 2012, the defendant 9(2)(a) went to the club and using a false name, signed in as a social member.

He commenced playing one of the electronic gaming machines and quickly discovered that it was faulty.

When he placed a coin in, it would pass straight through the machine and fall into the payout tray, at the same time registering a credit.

The defendant, realising that this was to his advantage, quickly began to pass the same coin through the machine to amass credits he wasn't entitled too.

He continued to play the machine for an extended period of time receiving a number of 'wins' which were recorded as further credits.

At no time did the defendant bring the fault to the attention of the venue manager.

Towards the end of play he had accumulated a large number of credits on the machine. The credits were a combination of 'wins' from gambling and repeatedly passing the single coin through the EGM. After a period of time the defendant went to the clubs cashier, obtained cash for the credits and left.

In total, the defendant obtained \$980.00 in cash by exploiting the faulty machine.

9(2)(a) was spoken to by Gambling Inspectors from the Department on 5 October 2012.

He admitted playing the faulty machine and obtaining cash from it although he disputed the amount obtained.

An order for reparation is sought and is outlined hereunder.

The defendant 9(2)(a) is unemployed, aged 21 years and at the time of this incident was residing in Hamilton.

He has previously appeared before the Courts.

C B MCMICHAEL  
Gambling Inspector

REPARATION payable to:

Waikato Snooker and Eight Ball Club  
60 – 62 Rostrevor street  
PO Box 912  
Waikato Mail Centre  
Hamilton  
Ph 839 5922

Amount:       \$980.00

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