

IN THE COURT OF MAGISTRATES (MALTA)
AS A COURT OF CRIMINAL JUDICATURE
MAGISTRATE
DR. ANTHONY J. VELLA BA., LL.D., MA

TODAY 9th November 2017

Police
Inspector Maurice Curmi
Vs
Michael Zwi Oros

The Court;

After seeing the charges brought against Michael Zwi Oros, 36 years old, son of Vasile and Ilana nee Buchman, born in Sweden on the 18th of November 1980, holder of ID Card number 62798A and no fixed address in Malta;

With having in Malta and elsewhere outside of Malta, that as director and key official of Everleaf Gaming Limited and Gold Man Gaming Limited, in July 2013 and in the preceding months and years committed several acts, even if at different times which constitute violations of the same provisions of the law, and which were committed in pursuance of the same design, namely:

- 1) Misapplied, converted to his own benefit or to the benefit of any other person, anything which has been entrusted or delivered to him, by reason of his specific profession, trade, business, management, office or service or in consequence of a necessary deposit under a title which implies an obligation to return such thing or to make use thereof for a specific purpose, the sum of money exceeding two thousand three hundred and twenty nine euro and thirty seven cents (€2,329.37), to the detriment of the clients of Everleaf Gaming Limited and other people;

- 2) For failing to pay the license fees due to the Lotteries and Gaming authority for license LGA/CL1/665/2011;
- 3) For failing to pay the relevant gaming tax due to the Lotteries and Gaming authority for license LGA/CL1/665/2011;
- 4) For failing to pay the license fees due to the Lotteries and Gaming authority for license LGA/CL3/230/2008;
- 5) For failing to pay the relevant gaming tax due to the Lotteries and Gaming authority for license LGA/CL3/230/2008;
- 6) For failing to pay the license fees due to the Lotteries and Gaming authority for license LGA/CL4/333/2007;
- 7) For failing to pay the relevant gaming tax due to the Lotteries and Gaming authority for license LGA/CL4/333/2007;
- 8) For failing to notify the Lotteries and Gaming Authority and for failing to obtain the Lotteries and Gaming Authority's approval for the relocation of the control system;
- 9) For failing to remit player funds to the players when such a request was made by the players;
- 10) For failing to follow the procedure in regulation 56 of the Remote Gaming Regulations (S.L.438.04) with respect to handling of player complaints;
- 11) For failing to deposit player funds in the ring fenced player's account with the credit institution approved by the Lotteries and Gaming Authority;
- 12) For failing to disclose all ultimate beneficiaries to the Lotteries and Gaming Authority so as to ensure that all persons are fit and proper as per regulation 8 of the Remote Gaming Regulations (S.L. 438.08).

Having heard the accused plead guilty to the charges brought against him, notwithstanding the fact that the Court warned him in the most solemn manner of legal consequences of his guilty plea after giving him sufficient time within which to reconsider and withdraw her guilty plea;

Having heard the prosecution and defence counsel make their submissions;

Having seen all the acts and documents exhibited;

Having seen that the Lotteries and Gaming Authority waived its right to claim payment of licence fees and gaming tax due from the accused;

Having seen that the amounts payable to third parties, as agreed between the Prosecution, the defence and the Authority, amounted to ten thousand, seven hundred and eighty-eight Euro (€10,788.00), which amounts are due to Jesper Emil in the amount of six thousand Euro (€6,000.00), to Thibault Parent in the amount of three thousand seven hundred Euro (€3,700.00), and to Victor Totlov in the amount of one thousand and eighty-eight Euro (€1,088.00);

Considers;

After having seen Sections 18, 293, 294 and 310(1)(a) of Chapter 9 of the Laws of Malta, Regulations 6(2), 8, 20(1)(2), 37, 40, 56, 57 and 58 of Subsidiary Legislation 438.04 of the Laws of Malta and Sections 17, 18, 23, 23A, 23C, 31, 532A, 532B and 533 of Chapter 9 of the Laws of Malta;

After having heard the evidence and the documents exhibited;

Upon an admission filed by the accused, the Court finds the said accused guilty and is sentencing him to two years imprisonment suspended for four years in terms of Article 28A of Chapter 9 of the laws of Malta.

Furthermore orders the accused to effect payment of the amount of ten thousand seven hundred and eighty-eight Euro (€10,788.00) to the Lotteries and Gaming Authority within six months in terms of Article 28H of Chapter 9 of the Laws of Malta, which amount is then to be passed on to the claimants as indicated earlier in the judgement.

The Court explained in clear words the terms of the judgement to the accused.

DR ANTHONY G VELLA BA. LL.D. M.A.

MAGISTRAT