

BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Application for Approval
of Initial Key Employee License Regarding:

RHEA ALANA MOTLEY

Applicant.

BGC Case No. BGC-HQ2017-00005SL
CGCC Case No. GCADS-GEKE-002182

DECISION AND ORDER

Hearing Dates: August 7 & 8, 2017
Time: 10:00 a.m.

This matter was heard by the California Gambling Control Commission (Commission) pursuant to Business and Professions Code sections 19870 and 19871 and Title 4, California Code of Regulations (CCR) section 12060, in Sacramento, California, on August 7 and 8, 2017.

Deputy Attorney General Paras Hrishikesh Modha (Modha), Department of Justice, Attorney General's Office, State of California, represented complainant Wayne J. Quint, Jr., Chief of the Bureau of Gambling Control (Bureau), Department of Justice, State of California (Complainant).

Attorney Andrew Kopel (Kopel) represented Applicant Rhea Alana Motely who was present (Applicant).

During the administrative hearing, Presiding Officer Russell Johnson took official notice of the Conclusion of Prehearing Conference Letter, the Complainant's Statement of Reasons, Applicant's signed Notice of Defense, and the Notice of Hearing and Prehearing Conference, which enclosed Applicant's State Gambling Application and the Bureau's Report sent by the Commission to Kopel, Modha, and Applicant, via US mail, on April 7, 2017.

During the administrative hearing, Presiding Officer Russell Johnson accepted into evidence the following exhibits offered by the Complainant:

- (1) Copies of Statement to Respondent, Statement of Reasons, Business and Professions Code sections 19870 and 19871, California Code of Regulations section 12060, Declaration of Service by Certified Mail and Return Receipt

1 dated June 23, 2017, Notice of Defense dated March 4, 2017, Bates Nos.
2 001-030;

3 (2) California Gambling Control Commission Documents:

4 a. June 27, 2017 Letter re Conclusion of Prehearing Conference, Bates
5 Nos. 031-036;

6 b. April 7, 2017 Letter re Notice of Hearing and Prehearing Conference,
7 Bates Nos. 037-071;

8 c. February 27, 2017 Letter re Referral of Rhea Motley to Evidentiary
9 Hearing, Bates Nos. 0072-0073; and

10 d. February 10, 2017 Letter re Notice of Cancellation of Interim Portable
11 Personal Key Employee License, Bates Nos. 0074-0075;

12 (3) California Department of Justice, Bureau of Gambling Control Cardroom
13 Key Employee Background Investigation Report Level III for Rhea Alana
14 Motley, Bay 101 Casino, January 2016, Bates Nos. 076-0105;

15 (4) California Gambling Control Commission, Licensing Division
16 Memorandum, Commission Meeting dated January 21, 2016., Bates Nos.
17 0106-0107;

18 (5) Letter dated January 21, 2016 from Amy Arndt, Licensing Analyst,
19 California Gambling Control Commission re Request for Withdraw of Key
20 Employee License (GEKE-001952), Bates Nos. 108;

21 (6) Letter dated December 17, 2015 to Katherine Ellis, California Gambling
22 Control Commission from Frances Asuncion, Manager II, California Bureau
23 of Gambling Control regarding Request for Withdrawal of Application for
24 Key Employee License, Bates Nos. 0109-0110;

25 (7) Letter dated February 21, 2014 from the California Gambling Control
26 Commission re Interim Key Employee License and Submission of
27 Documentation and Fees, Bates No. 0111;

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- 1 (8) November 9, 2016 Memorandum to Frances Asuncion from Audra Orr,
2 Special Agent re October 2, 2016 Incident at Livermore Casino with attached
3 supporting documentation – Email Correspondence, Incident Reports dated
4 November 23, 2015, October 10, 2016, Letter of Warning dated March 14,
5 2016, Investigation Report dated March 14, 2016, Bates No. 0112-0142;
- 6 (9) Criminal Litigation Court Documents and Bureau of Gambling Control
7 correspondence in regards to Alameda County Superior Court Case Nos.
8 138200-2, 152463-7 and 143290, Bates Nos. 0143-0182;
- 9 (10) Civil Litigation Court Documents from Alameda and San Mateo County
10 Superior Courts, Bates Nos. 0183-0248;
- 11 (11) Police Reports from Livermore Police Department, DOJ Criminal database
12 inquiries, Bates Nos. 0249-0262;
- 13 (12) Email Correspondences between Licensing Staff and Motley regarding
14 additional information/documentation requests, Bates Nos. 0263-0385;
- 15 (13) Employment Verification Requests/Job Duty Statements, Bates Nos.0386-
16 0400;
- 17 (14) Gambling License/Work Permit Verifications, Bates Nos. 0401-0407;
- 18 (15) Applications; Interim Key Employee, Key Employee, Notification of change,
19 Bates Nos. 0408-0428;
- 20 (16) Deposition of Kristen Salisbury, Dated April 10, 2017, Pages 1-258, No
21 Bates Numbering;
- 22 (17) IRS W-2 Form for 2015, No Bates Numbering;
- 23 (18) IRS Form 1040 for 2014 for Applicant and her Spouse, Prepared by Robert
24 M. McHenry, United Management Services, Dated 4/25/16, 6 Pages, No
25 Bates Numbering;
- 26 (19) Counseling Memos from Bay 101 Casino, Dated from December 12, 2005 to
27 March 26, 2010, 22 Pages, Bates Nos. BAY101000162-BAY101000225;
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and

- (20) Deposition of Rhea Motley, Volume I, Dated Friday, March, 31, 2017, Pages 1-258, 334 Pages, and Volume II, Dated Friday, July 7, 2017, Pages 1-174, No Bates Numbering.

During the administrative hearing, Presiding Officer Russell Johnson accepted into evidence the following exhibits offered by Applicant:

- (A) Application for Employment, Bay 101 Casino (March 18, 2016), Bates Nos. APP 0001-0004;
- (B) Declaration of Troy Murphy, Bates No. APP 0005;
- (C) Letter of Status in DUI Program, Valley Community Counseling, Services (June 28, 2017), Bates No. APP 0006;
- (D) Declaration of Carina Guinto, Bates No. APP 0007-0008;
- (E) Excerpts from the Deposition of Kristen Salisbury (April 10, 2017) Superior Court, County of Alameda (Case No. RG 16831838), Bates No. APP 0009-0024;
- (F) Excerpts from the Deposition of John Schireck (April 12, 2017) Superior Court, County of Alameda (Case No. RG 16831838), Bates No. APP 0025-0037;
- (G) Confidential Settlement Agreement and General Release of Claims (unsigned and undated), Bates No. APP 0038-0043;
- (H) Letter of Recognition, Belle Haven Community School (June 27, 2017), Bates No. APP 0044; and
- (I) Letter of Recognition, Impact Kickboxing Fitness (June 27, 2017), Bates No. APP 0045.

The matter was submitted on August 8, 2017.

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FINDINGS OF FACT

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2 1. On February 21, 2014, the California Gambling Control Commission (Commission)
3 issued an interim key employee license, number GEKE-001952, to Applicant. This interim key
4 employee license allowed Applicant to work as a key employee at Sidjon Corporation, dba
5 Livermore Casino (Livermore Casino), a licensed gambling establishment in Livermore,
6 California, while her application for an initial key employee license was being investigated by the
7 Bureau.

8 2. On or about April 28, 2014, the Bureau received an Application for Gambling
9 Establishment Key Employee License, with attachments, dated January 15, 2014, as well as a
10 Key Employee Supplemental Background Investigation Information Form, with attached
11 schedules, dated April 8, 2014, (collectively, Application) from Applicant.

12 3. On or about February 26, 2016, the Bureau received an application from Applicant to
13 renew her interim key employee license.

14 4. On or about January 20, 2017, the Bureau submitted a Cardroom Key Employee
15 Background Investigation Report (Bureau Report) to the Commission recommending the
16 Commission deny Applicant's Application.

17 5. On or about February 10, 2017, Respondent's interim key employee license was
18 cancelled by the Commission pursuant to CCR section 12354, subdivision (e)(5), because, the
19 Bureau recommended denial of Respondent's Application.

20 6. On February 27, 2017, pursuant to CCR section 12060, subdivision (a), the Executive
21 Director of the Commission referred consideration of Applicant's Application to an evidentiary
22 hearing to be held pursuant to CCR section 12060 with the Bureau to serve as Complainant.

23 7. On or about March 6, 2017, Applicant submitted a signed Notice of Defense, dated
24 March 4, 2017 which requested an evidentiary hearing.

25 8. On or about June 23, 2017, the Complainant filed a Statement of Reasons with the
26 Commission and served it on Applicant and her Attorney Kopel via certified mail and email. In
27 its Statement of Reasons, Complainant recommended that the Commission deny Applicant's
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1 Application.

2 9. On or about April 7, 2017, the Commission sent a Notice of Hearing and Prehearing
3 Conference, via US mail, to Applicant, Kopel, and Modha.

4 10. On or about June 26, 2017, the noticed Prehearing Conference was held before
5 Presiding Officer Russell Johnson. Deputy Attorney General Modha attended on behalf of the
6 Complainant. Attorney Kopel attended on behalf of Applicant.

7 11. On or about June 27, 2017, the Commission sent a Conclusion of Prehearing
8 Conference letter to Applicant, Kopel, and Modha.

9 12. The Commission heard CGCC Case No. GCADS-GEKE-002182 on August 7 and 8,
10 2017. The Complainant was represented throughout the hearing by Deputy Attorney General
11 Modha. Applicant appeared and was represented throughout the hearing by attorney Kopel.

12 13. Applicant has worked in controlled gambling on and off since at least 1981. Applicant
13 worked for several cardrooms in California since 1979 in several jurisdictions including at Cameo
14 Club, Casino Royale (a cardroom formerly in San Bruno, CA and which is now defunct),
15 Artichoke Joes, and Bay 101. Applicant returned to working at Bay 101 following her
16 employment at Livermore Casino as a non-key employee.

17 Criminal History

18 14. On November 4, 2011, the Alameda County Superior Court convicted Applicant of
19 violating Vehicle Code section 23152, subdivision (a), driving under the influence of alcohol
20 (DUI), a misdemeanor in the case of *People v. Rhea M¹ Motley* (Super. Ct. Alameda County,
21 2011, No. 138200-2).

22 15. On February 28, 2013, the Alameda County Superior Court convicted Applicant of
23 violating Vehicle Code section 23152, subdivision (b), DUI of alcohol with a blood alcohol
24 content of 0.08 percent or greater, a misdemeanor in the case of *People v. Rhea M Motley* (Super.
25 Ct. Alameda County, 2013, No. 143290-7). Ms. Motley was ordered to attend and complete an

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27 ¹ Applicant's middle name on these complaints and convictions was McGoon reflected by
28 the initial "M" in the case title, which is different than her current middle name of Alana which is
reflected on the first page of this decision and order.

1 18-month drinking driver program.

2 16. On June 22, 2016, the Alameda County Superior Court convicted Applicant of
3 violating Vehicle Code section 23152, subdivision (a), DUI of alcohol, a misdemeanor; Vehicle
4 Code section 23152, subdivision (b), DUI of alcohol with a blood alcohol content of 0.08 percent
5 or greater, a misdemeanor; and Vehicle Code section 23247, subdivision (e), driving without an
6 interlock device, a misdemeanor in the case of *People v. Rhea M Motley* (Super. Ct. Alameda
7 County, 2015, No. 152463-7). Ms. Motley was ordered to attend and complete an 18-month
8 drinking driver program.

9 17. These criminal convictions reflect poorly on Applicant's character. However, during
10 the evidentiary hearing, Applicant testified regarding the circumstances surrounding her
11 misdemeanor convictions. Essentially, Applicant stated that she never had a drinking problem
12 before she commenced working for Livermore Casino and that it was the stress of work that led
13 her to utilize alcohol as a coping mechanism. Applicant's testimony was corroborated by her
14 friend Susi Watt who had known Applicant before Applicant's time at Livermore Casino and
15 since she left Livermore Casino.

16 18. Applicant provided documents and testimony that demonstrate Applicant has
17 undertaken considerable efforts to overcome her alcohol related issues including the payment of
18 fines and penalties, completion of a court ordered 18-month drinking driver program, subsequent
19 voluntary enrollment and continued participation in routine alcoholics anonymous meetings, a 60-
20 day inpatient treatment counseling and education program, and completion of a second court
21 ordered 18-month drinking driver program. Applicant's efforts to overcome her alcohol problems
22 reflect well on her character.

23 Livermore Casino Promotion Documentation

24 19. On September 27, 2015, Livermore Casino fired Applicant for an alleged theft of
25 money. The alleged theft and the precise dollar were never proven. Applicant's testimony at the
26 hearing was that a documentation discrepancy stemmed from a cardroom royal flush bonus
27 payment promotion that occurred but was not properly documented by Livermore Casino
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1 employees. The alleged payout for this promotion resulted in a shortage at her podium drawer at
2 the end of her shift for which she had to account.

3 20. Without determining the propriety of the system for promotion payouts and employee
4 reimbursements at Livermore Casino, Applicant and other witnesses described a situation
5 wherein Applicant was responsible for a drawer of around \$6,000 which was utilized by
6 Livermore Casino to cover promotions and to start poker games. The evidence at the hearing
7 established that this drawer did not have a lock during the time Applicant was responsible for it.
8 Employees could access the drawer to cover promotions when Applicant was unavailable, and
9 even the owners of Livermore Casino would regularly access the drawer to fund play at tables.
10 These individuals were expected to provide documentation to account for any money removed
11 including markers or receipts for promotions. Despite this lack of control over the drawer,
12 Applicant understood the terms of her employment and that she was responsible for any shortages
13 that occurred in it at the end of her shift at the risk of her take home pay. If the drawer was short
14 \$100 for instance, that \$100 would be taken out of the money Applicant would leave with that
15 day.

16 21. Applicant testified that on September 15, 2015, she completed documentation on what
17 she believed was the payout of \$260 for a cardroom promotion over a royal flush poker hand. The
18 paperwork for this promotion was completed by Applicant four to six hours after the alleged
19 payout happened rather than by the dealer when it was allegedly made. Applicant testified that it
20 was a common practice at Livermore Casino to recreate documentation for these payouts when
21 they were not properly documented. Applicant produced texts that reflected similar
22 reconstructions with employee Mike Ybarra. Lance Titus (Titus) testified that it was only
23 common for Applicant. Testimony from Applicant and Stanley Seiff indicated that this was called
24 forcing a balance and it was not something that was done at Bay 101.

25 22. Testimony from Titus and documentary evidence appears to establish that Applicant
26 undertook efforts to investigate the shortage including working with Titus. Applicant also
27 received texts from Titus more than a week later that indicated it may have been a bonus payout
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1 for a royal flush on table 1 sometime from 11 to 11:40 a.m. At the hearing, Titus attempted to
2 disassociate himself from Applicant by shrinking from past text messages where he spoke
3 effusively of Applicant. It was apparent Titus was at conflict with keeping his current position as
4 a key employee with Livermore Casino and his past history with Applicant.

5 23. Applicant testified that she was unable to verify the promotion payout on surveillance
6 tape, though she intimated Kristen Salisbury (Salisbury) had limited her access to certain camera
7 angles and had forced her to review them while she was on shift. Testimony from Salisbury was
8 generally not credible, but she was consistent with Applicant on this point in that she and her staff
9 reviewed the surveillance tapes and were unable to discover any promotion hitting during the
10 time in question. For reasons that are not clear, nobody testified to contacting any of the cardroom
11 patrons that were in attendance that day to determine if a royal flush payout had occurred
12 including Applicant or Salisbury. Salisbury also never interviewed Titus.

13 24. Despite being unable to substantiate that a bonus payout for a royal flush promotion
14 occurred, Applicant, by her own testimony, recreated and signed a promotion certification
15 document to explain the drawer shortage; a drawer shortage she would have been responsible for
16 in the absence of the payout. Applicant testified that she was ultimately responsible for the
17 drawer, that she assumed nobody wanted to take credit for the mistake of not filling out the
18 paperwork, and that she was satisfied it happened. Though it was not proven that Applicant lied,
19 committed fraud, or stole from Livermore Casino, Applicant signed a document attesting to a
20 promotion payout occurring without being able to verify that the promotion payout actually
21 occurred. This reflects poorly on Applicant's character, honesty, and integrity, as well as to the
22 effective regulation and control of controlled gambling.

23 Trespassing at Livermore Casino

24 25. On October 2, 2016, over a year after Applicant had been fired from Livermore
25 Casino, Applicant testified that she and her husband were on their way back home one evening
26 and her husband had a bag of Livermore Casino chips he wanted to redeem. The evidence showed
27 that they parked in the rear of the cardroom. While Applicant's husband entered through the front
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1 door, Applicant entered the cardroom through the rear and immediately proceeded to the
2 employees' only area where she took pictures of Livermore Casino's time clock card racks and
3 employee time cards to document what she thought were labor violations.

4 26. Applicant testified that there was no sign on the door reflecting restricted access or
5 employees only, but she knew she was not permitted to enter into the room. Applicant explained
6 her action as a spur of the moment decision and that it was not premeditated. She believed she
7 needed to obtain information to document what she believed were illegal or improper
8 employment practices at Livermore Casino. When contacted by Livermore Casino after the event,
9 she promptly deleted the pictures she had taken. She subsequently did not object to Livermore
10 Casino obtaining a restraining order against her. Applicant was apologetic at the hearing about
11 trespassing and admitted it was wrong.

12 27. Applicant's action of entering Livermore Casino and accessing a restricted area is
13 troubling. The fact that she entered an area for which she knew she was not permitted is
14 problematic enough, but the fact that it was a cardroom combined with her over thirty years of
15 experience where she had worked as a key employee exacerbates the problem. This action reflects
16 poorly on her character and integrity as well as to the regulation and control of controlled
17 gambling.

18 Failure to Report Income to IRS and Bureau

19 28. Applicant testified that during her time at Livermore Casino, she was paid bi-weekly
20 between \$100 to \$400 in addition to her paycheck. Applicant testified that she did not consider
21 this to be tip income but rather believed that this was under the table pay from Livermore Casino.
22 Applicant testified that other employees received this income as well. Applicant also testified that
23 she requested Livermore Casino and Salisbury add this money to her pay so it could properly be
24 accounted for. Salisbury was not credible on the characterization of these payments or how they
25 were handled. Titus admitted to receiving it as well, though he said Livermore Casino told him it
26 was tip income which had already been taxed and was given to the floormen as a sign of
27 appreciation from the owners. Titus stated those payments recently stopped without explanation.
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1 confirmed that Applicant was a good employee at Bay 101 despite various counseling memos as
2 Bay 101 is very strict. Seiff has a high opinion of Applicant and would definitely consider hiring
3 her. Seiff did however intimate on cross examination that he would not hire a person who lied,
4 that making false filings with the IRS would raise red flags, and that a criminal history would
5 require additional review of the circumstances.

6 33. Richard Chaffino has known Applicant since 2006 and works with her now at Bay
7 101. He did not believe that Applicant was capable of stealing. When asked if he would hire
8 Applicant, he responded that Applicant would make a short list of individuals if a key employee
9 position was available. He believed it was a blessing that Applicant sought help for her alcohol
10 problem. Chaffino has a high opinion of Applicant and sees her as the good employee she was
11 before Applicant left Bay 101 the first time.

12 34. Susi Watt has known Applicant since 1988 when they worked together at Artichoke
13 Joe's. She testified that she never saw Applicant take a drink before Applicant started working at
14 Livermore Casino and believed the drinking was related to the stress of Applicant's employment
15 at Livermore Casino. She also testified that she has seen a change in Applicant since Applicant's
16 last DUI. She stated Applicant had taken responsibility for her actions and has attempted to get
17 better. Watt appeared to have a high opinion of Applicant.

18 35. Applicant also provided a signed declaration from Carino Guinto who worked at
19 Livermore Casino for about a year as Salisbury's Executive Assistant. Guinto spoke very highly
20 of Applicant, calling her the sole source of professionalism, honesty, and integrity at Livermore
21 Casino. Guinto also corroborated Applicant's testimony about reporting non-compliance with the
22 Act and regulations to Salisbury, as well as the bi-weekly cash payments.

23 36. Applicant's character witnesses weigh in favor of Applicant's character, honesty, and
24 integrity, as well as to the effective regulation and control of controlled gambling. Seif and
25 Chaffino's testimony that Applicant would be hireable are strong factors. Watt's testimony about
26 Applicant's drinking before and after Livermore Casino, along with Applicant's efforts to
27 overcome her drinking issues, are highly probative towards Applicant's criminal history and
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1 alcohol issues. Ultimately though, these opinions do not overcome the serious derogatory issues
2 related to character, honesty, integrity, and to the effective regulation and control of controlled
3 gambling that came to light during the hearing.

4 37. All documentary and testimonial evidence submitted by the parties that is not
5 specifically addressed in this Decision and Order was considered but not used by the Commission
6 in making its determination on Applicant's Application.

7 38. The matter was submitted for Commission consideration on August 8, 2017.

8 **LEGAL CONCLUSIONS**

9 39. Division 1.5 of the Business and Professions Code, the provisions of which govern the
10 denial of licenses on various grounds, does not apply to licensure decisions made by the
11 Commission under the Gambling Control Act. Business and Professions Code section 476(a).

12 40. Public trust and confidence can only be maintained by strict and comprehensive
13 regulation of all persons, locations, practices, associations, and activities related to the operation
14 of lawful gambling establishments and the manufacture and distribution of permissible gambling
15 equipment. Business and Professions Code section 19801(h).

16 41. A "finding of suitability" means a finding that a person meets the qualification criteria
17 described in subdivisions (a) and (b) of Section 19857, and that the person would not be
18 disqualified from holding a state gambling license on any of the grounds specified in Section
19 19859. Business and Professions Code section 19805(j).

20 42. The Commission has the responsibility of assuring that licenses, approvals, and
21 permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose
22 operations are conducted in a manner that is inimical to the public health, safety, or welfare.
23 Business and Professions Code section 19823(a)(1).

24 43. An "unqualified person" means a person who is found to be unqualified pursuant to
25 the criteria set forth in Section 19857, and "disqualified person" means a person who is found to
26 be disqualified pursuant to the criteria set forth in Section 19859. Business and Professions Code
27 section 19823(b).

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1 44. The Commission has the power to deny any application for a license, permit, or
2 approval for any cause deemed reasonable by the Commission. Business and Professions Code
3 section 19824(b).

4 45. The Commission has the power to take actions deemed to be reasonable to ensure that
5 no ineligible, unqualified, disqualified, or unsuitable persons are associated with controlled
6 gambling activities. Business and Professions Code section 19824(d).

7 46. The burden of proving his or her qualifications to receive any license from the
8 Commission is on the applicant. Business and Professions Code section 19856(a).

9 47. An application to receive a license constitutes a request for a determination of the
10 applicant's general character, integrity, and ability to participate in, engage in, or be associated
11 with, controlled gambling. Business and Professions Code section 19856(b).

12 48. In reviewing an application for any license, the commission shall consider whether
13 issuance of the license is inimical to public health, safety, or welfare, and whether issuance of the
14 license will undermine public trust that the gambling operations with respect to which the license
15 would be issued are free from criminal and dishonest elements and would be conducted honestly.
16 Business and Professions Code section 19856(c).

17 49. At an evidentiary hearing pursuant to Business and Professions Code sections 19870
18 and 19871 and CCR section 12060(b), the burden of proof rests with the applicant to prove his or
19 her qualifications to receive any license under the Gambling Control Act. CCR section 12060(i).

20 50. No gambling license shall be issued unless, based on all of the information and
21 documents submitted, the commission is satisfied that the applicant is a person of good character,
22 honesty, and integrity. Business and Professions Code section 19857(a).

23 51. No gambling license shall be issued unless, based on all of the information and
24 documents submitted, the commission is satisfied that the applicant is a person whose prior
25 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the
26 public interest of this state, or to the effective regulation and control of controlled gambling, or
27 create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in
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1 the conduct of controlled gambling or in the carrying on of the business and financial
2 arrangements incidental thereto. Business and Professions Code section 19857(b).

3 52. The commission shall deny a license to any applicant who is disqualified for failure of
4 the applicant to provide information, documentation, and assurances required by this chapter or
5 requested by the chief, or failure of the applicant to reveal any fact material to qualification, or the
6 supplying of information that is untrue or misleading as to a material fact pertaining to the
7 qualification criteria. Business and Professions Code section 19859(b).

8 53. Applicant has failed to meet her burden of proving that she is a person of good
9 character, honesty, and integrity. Applicant intentionally and deliberately signed promotion
10 payout documentation without being able to verify that the form was accurate or that the event
11 had even occurred. Applicant stood to lose the amount of money that was covered by the
12 recreated promotion from her take home pay. Applicant admitted to this uncertainty and
13 attempted to justify it as being routinely done at Livermore Casino, though she also admitted it
14 never occurred at her prior place of employment Bay 101. Gaming in California is an all cash
15 business which necessitates meticulous record keeping, honesty, and transparency. While
16 Applicant may have been under the impression this practice was acceptable at Livermore Casino,
17 it should not be acceptable in any cardroom in California.

18 54. Furthermore, Applicant deliberately entered into a secure part of the Livermore Casino
19 establishment knowing that she was not permitted to be there without permission. Applicant
20 attempted to justify this action by both being a spur of the moment decision and one with the best
21 interests of Livermore Casino's employees. While those factors may weigh in her favor, it is
22 important to note that a cardroom employee operates in a highly regulated environment with very
23 strict rules for access and control. A cardroom employee, and especially one with over thirty
24 years of experience, that does not respect those rules and who would access a cardroom's secure
25 area without permission is incompatible with good cardroom security.

26 55. Lastly, Applicant submitted information to the Bureau and the IRS pertaining to her
27 income that was inaccurate in that it did not include the thousands of dollars paid to her under the
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1 table from Livermore Casino. While Applicant described an unfortunate employment situation
2 with suspect under the table income, mandatory employee poker play, and terms of employment
3 that required employees to cover shortages on drawers (including those potentially caused by
4 owners and other employees accessing her unlocked drawer) that we may find troubling,
5 Applicant admitted that she did not report her income accurately to the Bureau and the IRS. It is
6 absolutely imperative that cardroom applicants on their applications are as accurate, truthful, and
7 transparent as they can be, lest the security and safety of California cardrooms suffer. Livermore
8 Casino's under the table payments and Applicant's failure to report those payments cuts at the
9 core of the Act.

10 56. Applicant's action to recreate promotion documentation, unpermitted entry into a
11 restricted area of Livermore Casino, as well as her failure to properly report her income establish
12 that she lacks the character, honesty, and integrity under 19857(a) to receive a key employee
13 license.

14 57. Additionally, Applicant has failed to meet her burden of proving that she is a person
15 whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a
16 threat to the public interest of this state, or to the effective regulation and control of controlled
17 gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and
18 activities in the conduct of controlled gambling or in the carrying on of the business and financial
19 arrangements incidental thereto. Applicant's actions in the preceding paragraphs reflect poorly on
20 her ability to work as part of a highly regulated industry and to the effective regulation and
21 control of controlled gambling. As a result, Applicant is not qualified to receive a key employee
22 license pursuant to Business and Professions Code section 19857(b).

23 58. Lastly, Applicant failed to provide truthful and accurate information to the Bureau that
24 was material to qualification. Applicant failed to accurately disclose her income on her
25 application while knowing she was not properly reflecting the under the table payments from
26 Livermore Casino. Therefore, Applicant is disqualified from the issuance of her key employee
27 license pursuant to Business and Professions Code section 19859(b).
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NOTICE OF APPLICANT’S APPEAL RIGHTS

Applicant Rhea Motley has the following appeal rights available under state law:

CCR section 12064, subsections (a) and (b) provide, in part:

An applicant denied a license, permit, registration, or finding of suitability, or whose license, permit, registration, or finding of suitability has had conditions, restrictions, or limitations imposed upon it, may request reconsideration by the Commission within 30 calendar days of service of the decision, or before the effective date specified in the decision, whichever is later. The request shall be made in writing to the Commission, copied to the Bureau, and shall state the reasons for the request, which must be based upon either newly discovered evidence or legal authorities that could not reasonably have been presented before the Commission’s issuance of the decision or at the hearing on the matter, or upon other good cause which the Commission may decide, in its sole discretion, merits reconsideration.

Business and Professions Code section 19870, subdivision (e) provides:

A decision of the commission denying a license or approval, or imposing any condition or restriction on the grant of a license or approval may be reviewed by petition pursuant to Section 1085 of the Code of Civil Procedure. Section 1094.5 of the Code of Civil Procedure shall not apply to any judicial proceeding described in the foregoing sentence, and the court may grant the petition only if the court finds that the action of the commission was arbitrary and capricious, or that the action exceeded the commission’s jurisdiction.

CCR section 12066, subsection (c) provides:

A decision of the Commission denying an application or imposing conditions on license shall be subject to judicial review as provided in Business and Professions Code section 19870, subdivision (e). Neither the right to petition for judicial review nor the time for filing the petition shall be affected by failure to seek reconsideration.

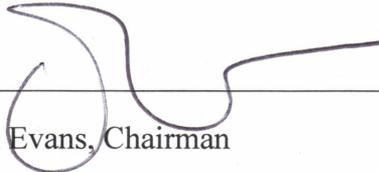
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ORDER

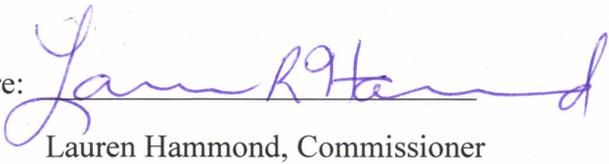
1. Rhea Alana Motley's Application for Approval of Initial Key Employee License is DENIED.
2. No costs are to be awarded.
3. Each side to pay its own attorneys' fees.

This Order is effective on Nov 6, 2017.

Dated: 10/5/17

Signature: 
Jim Evans, Chairman

Dated: 10/5/17

Signature: 
Lauren Hammond, Commissioner

Dated: 10/5/17

Signature: 
Paula LaBrie, Commissioner

Commissioner Trang To did not participate in the hearing or deliberation of this decision and order.