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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

CARMELITA ALBIANI

Respondent.

BGC Case No. BGC-HQ2021-00014SL
CGCC Case No. CGCC-2021-0408-5

DECISION AND ORDER

Hearing Date: December 3, 2021
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, and held via Zoom video conference, on December 3, 2021.

Neil Houston, Deputy Attorney General, State of California (DAG Houston), represented complainant Nathan Davalle, Acting Director of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Carmelita Albiani (Albiani) attended on her own behalf without representation.

During the evidentiary hearing, Presiding Officer Kate Patterson took official notice of the Notice of Agenda, the Commission’s Conclusion of Prehearing Conference letter, the Commission’s Notice of Hearing with attachments (A) Albiani’s Application, and (B) the Bureau’s background investigation report, the Notice of Continued Hearing, and Albiani’s signed Notice of Defense.

During the evidentiary hearing, Presiding Officer Kate Patterson accepted into evidence the following exhibits offered by the Bureau pursuant to a stipulation between the parties:

- (1) Statement of Reasons; Statement to Carmelita Albiani; copies of Business & Professions Code, §§ 19870 and 19871; copy of California Code of Regulations, tit. 4, §12060; and July 7, 2021, Certificate of Service by Certified Mail Service, Bates Nos. Complainant 001-032;

- 1 (2) Notice of Defense, dated April 26, 2021, Bates Nos. Complainant 033-034;
- 2 (3) Notices from the California Gambling Control Commission:
- 3 (a) October 31, 2019 letter to Carmelita Albiani re: additional
- 4 information/documents and fees required, Bates Nos. Complainant 035-
- 5 036;
- 6 (b) March 26, 2021 Notice of Scheduled Commission Meeting letter to
- 7 Carmelita Albiani with attached Agenda Item # 5 documentation, Bates
- 8 Nos. Complainant 037-043;
- 9 (c) April 9, 2021 Referral of Initial Key Employee License Application to
- 10 an Evidentiary Hearing letter to Carmelita Albiani without enclosures,
- 11 Bates Nos. Complainant 044-047;
- 12 (d) June 14, 2021 Notice of Hearing letter without attachments, Bates Nos.
- 13 Complainant 048-053; and
- 14 (e) July 15, 2021 Conclusion of Prehearing Conference, Bates Nos.
- 15 Complainant 054-062;
- 16 (4) License History for Carmelita Albiani, Bates No. Complainant 063;
- 17 (5) Certification of Official Records (Evidence Code section 1280) by Andrea
- 18 Farris, Manager I, Bureau of Gambling Control, dated April 29, 2021,
- 19 Bates No. Complainant 064;
- 20 (6) Correspondence and Emails Between Bureau of Gambling Control and
- 21 Carmelita Albiani, Bates Nos. Complainant 065-217;
- 22 (a) September 27, 2019 letter to Carmelita Albiani re incomplete
- 23 Application for Interim License returning initial Application dated
- 24 September 13, 2019, Bates Nos. Complainant 065-066;
- 25 (b) October 24, 2019 letter to Carmelita Albiani re application is complete,
- 26 Bates No. Complainant 067;
- 27 (c) November 22, 2019 letter to Carmelita Albiani re Pursuant to CCR
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- 1 sections 12350(c) and 12354(c) Interim Key Employee must submit
2 completed package within 30 days, Bates Nos. Complainant 068-069;
3 (d) December 23, 2019 letter to Carmelita Albiani re Application received
4 12/23/2019 determined incomplete, Bates Nos. Complainant 070-071;
5 (e) January 30, 2020 letter to Carmelita Albiani re Application is
6 determined complete, Bates No. Complainant 072;
7 (f) January 30, 2020 Email from Tania Dawson to Carmelita Albiani with
8 attached letter re Supplemental Information Package, Bates Nos.
9 Complainant 073-074;
10 (g) February 19, 2020 Email from Tania Dawson to Carmelita Albiani re
11 confirmation of contact information, Bates No. Complainant 075;
12 (h) Division of Law Enforcement Work Permit Licensing Section
13 Telephone Contact Sheet, 02/25/2020 – 03/18/2021, Bates Nos.
14 Complainant 076-078;
15 (i) March 3, 2020 email from Tania Dawson to Carmelita Albiani with
16 attached letter re Additional Information and/or Documentation
17 Required, Bates Nos. Complainant 079-084;
18 (j) March 16, 2020 email from Tania Dawson to Carmelita Albiani re
19 Responses due March 13, 2020, Bates No. Complainant 085;
20 (k) March 17, 2020 email from Tania Dawson to Carmelita Albiani with
21 attached letter re Final Notice re Additional Information, Bates Nos.
22 Complainant 086-094;
23 (l) April 7, 2020 email from Tania Dawson to Carmelita Albiani re
24 notification of new mailing address. Please complete Notice of Contact
25 Information Change form, Bates Nos. Complainant 095-096;
26 (m) June 30, 2020 letter to Carmelita Albiani re Notification Bureau cannot
27 complete investigation within 180 days, Bates No. Complainant 097;
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- (n) September 11, 2020 Division of Law Enforcement Work Permit Licensing Section Telephone Contact Sheet re left voicemail message requesting contact to discuss status of key employee investigation, Bates No. Complainant 098;
- (o) September 14, 2020 email from Andrea Farris to Carmelita Albiani re follow-up of phone conversation, Bates Nos. Complainant 099-105;
- (p) September 16, 2020 email exchange between Carmelita Albiani and Tania Dawson re receipt of Notice of Contact Information Change, Bates Nos. Complainant 106-107;
- (q) Handwritten memos from Carmelita Albiani to the Bureau – seven dated 09/15/20; three dated 09/16/20; five dated 09/17/20; and four dated 09/30/20; and completed Notice of Contact Information form dated 09/30/20, Bates Nos. Complainant 108-126;
- (r) September 24, 2020 email exchange between Tania Dawson and C. Albiani re documents still outstanding, Bates Nos. Complainant 127-129;
- (s) October 9, 2020 letter from Andrea Farris, Manager I, to Carmelita Albiani re Request for Additional Deposit, Bates Nos. Complainant 130-131;
- (t) November 9, 2020 email from Tania Dawson to Carmelita Albiani with attached letter re second additional deposit request letter, Bates Nos. Complainant 132-134;
- (u) Miscellaneous emails November 23 – 30, 2020 between Tania Dawson and Carmelita Albiani re November 20, 2020 letter requesting additional information and/or documentation, Bates Nos. Complainant 135-141;
- (v) December 9, 2020 email from Tania Dawson to Carmelita Albiani with

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- attached letter re Final Notice re submission of Additional Information and/or Documentation, Bates Nos. Complainant 142-154;
- (w) December 7, 2020 handwritten five-page memo from Carmelita Albiani to Bureau re additional information, Bates Nos. Complainant 155-159;
- (x) January 7, 2021 email from Tania Dawson to Carmelita Albiani with attached letter re Notification of Investigative Report, Bates Nos. Complainant 160-162;
- (y) Miscellaneous emails between Bureau staff, Carmelita Albiani and Commission staff, dated February 16, 2021 – March 31, 2021, Bates Nos. Complainant 163-177;
- (z) March 31, 2021 handwritten memo from Carmelita Albiani to Bureau re current tax debt, Bates No. Complainant 178;
- (aa) Carmelita Albiani’s Golden1 Bank statements, Bates Nos. Complainant 179-186;
- (bb) Carmelita Albiani’s Bank of America statements, Bates Nos. Complainant 187-210;
- (cc) February 20, 2020 email exchanges between T. Dawson, Katherine Trotter and Jamie Harbeck re Employment Verification Request, Bates Nos. Complainant 211-214;
- (dd) USCB America (Kaiser Permanente) Collection Account Verification for Carmelita Albiani, Bates Nos. Complainant 215-216; and
- (ee) Division of Law Enforcement Work Permit Licensing Section Telephone Contact Sheet dated December 9, 2020 re USCB America, Bates No. Complainant 217;
- (7) Bureau of Gambling Control Applications and Investigative Reports
- (a) Application Interim Key Employee License, dated October 4, 2019,

- 1 Bates Nos. Complainant 218-219;
- 2 (b) Application for Gambling Establishment Key Employee License, dated
- 3 January 20, 2020, Bates Nos. Complainant 220-222;
- 4 (c) Key Employee Supplemental Background Investigation Information,
- 5 dated December 17, 2019, Bates Nos. Complainant 223-238;
- 6 (d) Gambling Establishment Key Employee Initial Background
- 7 Investigation Report, Level III, Carmelita Albiani, Limelight Card
- 8 Room, dated January 20, 2021, with attachments A and B, Bates Nos.
- 9 Complainant 239-249; and
- 10 (8) Notice from the California Gambling Control Commission:
- 11 (a) August 20, 2021 Notice of Continued Hearing, Bates Nos. Complainant
- 12 250-252.

13 During the evidentiary hearing, Presiding Officer Kate Patterson accepted into evidence the
14 following exhibits offered by Albiani pursuant to a stipulation between the parties:

- 15 (A) Letter of Reference from Robert Manley, Bates No. APP001;
- 16 (B) Handwritten letter from Carmelita Albiani dated July 22, 2021, Bates No.
- 17 APP002;
- 18 (C) Handwritten letter from Carmelita Albiani dated July 22, 2021, Bates No.
- 19 APP003;
- 20 (D) Handwritten letter from Carmelita Albiani dated July 22, 2021, Bates No.
- 21 APP004;
- 22 (E) Medical letter regarding Carmelita Albiani, Bates No. APP005; and
- 23 (F) Work Status Report regarding Carmelita Albiani, Bates No. APP006.

24 The record was closed and the matter was submitted on December 3, 2021.

25 FINDINGS OF FACT

26 **Procedural History**

- 27 1. On or about September 15, 2019, Albiani assumed key employee duties at Limelight
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1 Card Room (Limelight), a gambling establishment located in Sacramento, California.

2 2. On or about September 19, 2019, the Bureau received an Application for Interim Key
3 Employee License from Albiani.

4 3. On or about October 31, 2019, the Commission issued interim key employee license
5 GEKE-002569 to Albiani.

6 4. On or about December 23, 2019, the Bureau received an Initial Application for
7 Gambling Establishment Key Employee License and Key Employee Supplemental Background
8 Investigation Information form (Supplemental) (collectively, Application) from Albiani to work
9 as a key employee at Limelight.

10 5. In January 2021, the Commission received a Level III Gambling Establishment Key
11 Employee Initial Background Investigation Report on Albiani from the Bureau. In this report, the
12 Bureau recommends that the Commission deny Albiani's Application.

13 6. On or about January 5, 2021, Bureau staff held a pre-denial meeting with Albiani to
14 advise her of the reasons for its recommendation that the Commission deny her Application. One
15 of the reasons the Bureau recommended denial was because of Albiani's online sports gambling.

16 7. On or about January 6, 2021, Bureau staff sent a letter to Albiani enclosing a copy of
17 the Bureau's background investigation report in which it recommended that the Commission deny
18 Albiani's Application.

19 8. On or about April 8, 2021, the Commission voted to refer the consideration of
20 Albiani's Application to a Gambling Control Act evidentiary hearing pursuant to CCR section
21 12054(a)(2) to be conducted pursuant to CCR section 12060.

22 9. On or about April 27, 2021, the Bureau received a signed Notice of Defense from
23 Albiani requesting an evidentiary hearing on the consideration of her Application.

24 10. On or about June 14, 2021, the Commission sent a Notice of Hearing, via e-mail, to
25 Albiani and DAG Houston. The hearing was set for August 25, 2021.

26 11. On or about July 7, 2021, the Bureau sent a Statement of Reasons to Albiani via
27 certified mail. The Commission received the Statement of Reasons on or about July 8, 2021. In
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1 the Statement of Reasons, the Bureau requests that the Commission deny Albiani’s Application.

2 12. On or about July 15, 2021, the noticed Prehearing Conference was held before
3 Presiding Officer Kate Patterson, Attorney III of the Commission. DAG Houston attended on
4 behalf of the Bureau. Albiani attended without representation.

5 13. On or about July 15, 2021, the Commission sent a Conclusion of Prehearing
6 Conference letter, via e-mail, to Albiani and DAG Houston.

7 14. On or about August 20, 2021, the Commission sent a Notice of Continued Hearing to
8 Albiani and DAG Houston via e-mail. The hearing was continued to December 3, 2021.

9 15. The Commission heard this matter via Zoom video conference on December 3, 2021.
10 The Bureau was represented by DAG Houston. Albiani attended without representation.

11 **Albiani’s Employment History in Controlled Gambling**

12 16. Albiani worked as a dealer and floor supervisor for Jackson Rancheria Casino from
13 February 1999 to April 2014. Albiani was “terminated--administratively discharged” from her
14 position at Jackson Rancheria Casino. The Tribal Gaming Agency (TGA) for Jackson Rancheria
15 Casino indicated that the phrase “administratively discharged” is used when an employee does
16 not return from a leave of absence. The TGA informed the Bureau that there was no derogatory
17 employment or licensing information to report and that Albiani is eligible to be rehired.

18 17. In her Supplemental, Albiani disclosed that she left employment with Jackson
19 Rancheria Casino “to work as a horse trainer full time.” In a September 15, 2020 letter to the
20 Bureau, Albiani stated that her employment with Jackson Rancheria Casino ended as a
21 termination “due to not returning to work from a leave of absence.”

22 18. Albiani worked for Limelight from approximately October 15, 2016 to the present.

23 19. There was no evidence presented of any derogatory information relating to Albiani’s
24 work history in controlled gambling.

25 **Albiani’s Application and Communications with the Bureau**

26 20. On or about September 19, 2019, the Bureau determined that Albiani’s application for
27 Interim Key Employee License was incomplete. On or about September 27, 2019, Bureau staff
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1 sent a letter to Albiani requesting that she provide the missing information by October 27, 2019.
2 Albiani supplied the missing information by this deadline and the Bureau deemed her application
3 for Interim Key Employee License complete.

4 21. On or about October 31, 2021, Bureau staff notified Albiani that an application
5 package for her Initial Gambling Establishment Key Employee License was due within 30 days
6 of the date she assumed key employee duties at Limelight. On or about November 22, 2019,
7 Bureau staff sent a letter to Albiani that it had not yet received this application and that her
8 Interim Key Employee License would become invalid unless she submitted a complete
9 application package by December 22, 2019.

10 22. On or about December 23, 2019, the Bureau received Albiani's Application, but
11 determined it was incomplete because it was missing a page. Bureau staff sent a letter to Albiani
12 requesting the missing page of her Application by January 22, 2020. The Bureau received the
13 missing page from Albiani on or about January 24, 2020.

14 23. On or about February 19, 2020, Bureau staff sent an email to Albiani requesting that
15 she confirm her current contact information by February 24, 2020.¹ Bureau staff spoke with
16 Albiani on or about February 25, 2020 regarding her current contact information and other
17 matters related to her Application.

18 24. On or about March 3, 2020, Bureau staff sent an email to Albiani requesting 15
19 additional items of information related to her Application by March 13, 2020. The requested
20 items included the following: responses to questions about her work and financial history; copies
21 of bank and investment statements; an explanation of why she did not disclose her termination
22 from Jackson Rancheria Casino on her Supplemental; information regarding financial
23 transactions with the websites "Buysale.top," "Webgo.dvp," and "Draftkings;" copies of federal
24 tax returns and W-2 forms; and supporting documentation regarding any payment plans for a
25 collection account, charge-off account, and tax-related debt.

26 25. Bureau staff sent additional emails on March 16 and 17, 2020, and a letter by certified
27 mail, requesting that Albiani send the requested additional responses by March 24, 2020.

28 ¹ The letter provides a requested reply date of February 24, 2019, but this is incorrect.

1 26. On or about April 6, 2020, Albiani left a voicemail message for Bureau staff. Albiani
2 and Bureau staff spoke twice on April 7, 2020, exchanged voicemails on April 15, 2020, spoke
3 twice on April 16, 2020, and spoke once on April 21, 2020. On or about June 4, 2020, Albiani left
4 a voicemail message for Bureau staff. Albiani and Bureau staff spoke on June 9, 2020, during
5 which Bureau staff requested that Albiani provide a complete Notice of Contact Information
6 Change form and the additional information requested in its March 3, 2020 email.

7 27. On or about September 11, 2020, Bureau staff left a voicemail message for Albiani
8 requesting that she call back by September 20, 2020 to discuss her Application or the Bureau
9 would deem her Application abandoned.

10 28. On or about September 14, 2020, Bureau staff sent an email to Albiani again
11 requesting a complete Notice of Contact Information Change form, the additional information
12 requested in its March 3, 2020 email, and information related to her local work permit. Bureau
13 staff also sent a letter to Albiani requesting responses to its March 3, 2020 email by September
14 24, 2020.

15 29. On or about September 15, 2020, Albiani sent an email with a complete Notice of
16 Contact Information Change form and six written statements to the Bureau with additional
17 information regarding her work history and investment account. In these written statements,
18 Albiani stated that she disclosed her termination from employment with Jackson Rancheria
19 Casino on her Supplemental.

20 30. On or about September 16, 2020, Albiani sent three more written statements to the
21 Bureau with additional information regarding her financial history and online sports gambling.

22 31. On or about September 17, 2020, Albiani sent five more written statements to the
23 Bureau with additional information regarding her local work permit, tax returns, collection and
24 charge-off accounts, and defaults on tax repayment plans.

25 32. On or about September 24, 2020, Bureau staff and Albiani exchanged emails. The
26 Bureau requested front and back copies of certain checks issued by Albiani, information related to
27 her local work permit, a copy of her current local work permit, and documentation regarding
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1 payment plans for her tax-related debt. Albiani responded that she would provide the items
2 requested by the Bureau at the beginning of next week.

3 33. On or about September 30, 2020, Albiani sent four more written statements to the
4 Bureau. Albiani provided information regarding her local work permit and stated that she would
5 send a copy of her current local work permit via U.S. mail. Albiani stated that she does not have
6 copies of the checks requested and that she defaulted on her tax repayment plans.

7 34. On or about November 20, 2020, Bureau staff sent a letter to Albiani requesting 13
8 categories of items related to her Application by November 30, 2020. The Bureau sent follow-up
9 emails to Albiani on November 23 and 30, 2020. On or about November 30, 2020, Albiani
10 emailed the Bureau that she never received the November 23, 2020 email and that she will send a
11 response by December 9, 2020. On or about December 1, 2020, Bureau staff emailed Albiani
12 notifying her that Bureau management approved an extension of the deadline for Albiani to
13 respond to December 7, 2020.

14 35. On or about December 7, 2020, Albiani sent a written statement to the Bureau
15 providing responses to the items requested in the Bureau's November 20, 2020 letter. This letter
16 was stamped "received" by the Bureau on December 18, 2020.

17 36. On or about December 9, 2020, Bureau staff sent a "final notice" email and letter to
18 Albiani requesting a response to its November 20, 2020 letter by December 16, 2020.

19 37. On or about February 10, 2021, Bureau staff emailed Albiani inquiring how often she
20 currently bets on sports online and the last time she placed an online sports bet. On or about
21 February 16, 2021, Albiani sent an email to the Bureau responding to its inquiry.

22 38. On or about March 2, 2021, Albiani left a voicemail with Bureau staff asking if there
23 was anything further that the Bureau needed from her. On or about March 3, 2021, Bureau staff
24 sent an email to Albiani stating that no further information was needed at this time. On or about
25 March 18, 2021, Albiani left a voicemail message with Bureau staff asking what documents the
26 Bureau needs from her. On or about March 19, 2021, Albiani sent an email to the Bureau again
27 asking what documents and information it needs from her. On or about March 22, 2021, Bureau
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1 staff sent an email to Albiani requesting a copy of her payment plans and/or documentation
2 showing the current balance for her delinquent taxes for the years 2014, 2015, and 2017.

3 39. On or about March 31, 2021, Albiani sent a written statement to the Bureau regarding
4 her tax debts, payment plan, and that she will not have any written documentation from the
5 Internal Revenue Service (IRS) until April 2021, and that she can send copies then if requested.

6 40. On or about April 7, 2021, Bureau staff sent two emails to Commission staff
7 acknowledging that Albiani sent a letter to the Bureau on or about April 6, 2021 regarding her tax
8 debts but that she did not provide documentation from the IRS as requested. Bureau staff also
9 stated that it did not receive documentation from Albiani regarding her collection account with
10 Kaiser Permanente, but that the Bureau did not request it in its March 22, 2021 email because it
11 received a response from Kaiser Permanente to the Bureau's account verification request.

12 41. On or about July 22, 2021, Albiani sent three written statements to the Bureau and
13 Commission regarding her payment in full of her collection account with Kaiser Permanente, her
14 current tax payment plan with the IRS, and her history of online sports gambling.

15 42. From January 6, 2020 through January 24, 2021, Albiani was on medical disability.
16 During the evidentiary hearing, Albiani testified that she was on full medical disability from
17 March 2020 through September 24, 2020. Albiani returned to work one day per week from
18 October 4, 2020 through January 15, 2021.

19 43. During the evidentiary hearing, Albiani testified that she never received any
20 documentation regarding her repayment plans with the IRS, which she set up over the telephone.
21 Albiani acknowledged that the IRS provided how to set up an account online through its website,
22 which Albiani testified would allow her to get documentation about her repayment plan. Albiani
23 is in her third repayment plan with the IRS after previously defaulting twice.

24 44. Albiani also testified in detail regarding the application process as follows:

- 25 a. That she was unaware that she would still be expected to be involved in the
26 background investigation process given that she was on full medical disability
27 at the time;

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- 1 b. That she felt very uncomfortable investigating herself and that it was not
- 2 productive to have the applicants investigate themselves;
- 3 c. That the deadlines to respond to Bureau inquiries are unacceptable and
- 4 ridiculous, and that it was not possible to meet the Bureau’s deadlines;
- 5 d. That the Bureau was not asking for anything it did not already have or could
- 6 not obtain on its own;
- 7 e. That the Bureau already knew the information it was asking for and that the
- 8 Bureau was only asking for information to determine if she would comply with
- 9 the requests for information;
- 10 f. That she never understood that providing information to the Bureau had any
- 11 bearing on it being able to obtain that information;
- 12 g. That she expected the Bureau to find the information it was requesting given
- 13 that she provided an authorization to release records;
- 14 h. That she did not know the Bureau wanted information regarding her tax
- 15 payments;
- 16 i. That she believed documentation requested by the Bureau had to come from
- 17 the company, such as Kaiser Permanente or the IRS, rather than from her;
- 18 j. That she was never non-compliant with Bureau requests;
- 19 k. That she tried various avenues to get documents and gave phone numbers to
- 20 the Bureau, and thought that was showing an intent to comply with the
- 21 background investigation process; and
- 22 l. That she fully believes she had “never not responded” to the Bureau and was in
- 23 full compliance although she provided tardy responses at various times.

24 45. During the evidentiary hearing, Frances Asuncion (Asuncion), Staff Services Manager
25 II over the cardroom licensing section, testified on behalf of the Bureau. Asuncion testified that
26 the Bureau reviews bank statements, deposits, and withdrawals during its background
27 investigation of applicants. Asuncion testified that Albiani provided written statements regarding
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1 her IRS repayment plans and collection account with Kaiser Permanente, but never provided
2 proof of her payment plan with the IRS or proof of the resolution of her collection account with
3 Kaiser Permanente.

4 **Albiani's History of Online Sports Gambling**

5 46. In a written statement to the Bureau dated September 16, 2020, Albiani acknowledged
6 that several bank deposits and withdrawals in 2018 and 2019, including from the websites
7 "Buysale.top" and "Webgo.dvp," were for online sports gambling on horse racing.

8 47. In a written statement to the Bureau dated December 7, 2020, Albiani stated that she
9 probably began sports gambling online around December 2016. She stated that she began playing
10 on the website "Bovada.com" around December 2016. Albiani also stated that she rarely currently
11 bets on sports online.

12 48. In an email to the Bureau dated February 16, 2021, Albiani stated "currently I very
13 rarely sports bet online and if I do, it is almost always for no money. The last time I sports bet
14 online was January 23, 2021."

15 49. In a written statement to the Bureau and Commission dated July 22, 2021, Albiani
16 stated that she has not gambled on sports online since January 23, 2021. She also stated that she
17 thought it was illegal to bet on sports online in California until she attended a Problem Gambler's
18 presentation, after which she thought it was legal to bet on sports online in 2017, 2018, and 2019.

19 50. During the evidentiary hearing, Albiani testified that she thought it was illegal to
20 bet on sports online until she started working at Limelight. She stated that she attended two
21 annual Gamblers Awareness/Problem Gambling presentations while working at Limelight and
22 that she understood from both presentations that online sports gambling had become legal. She
23 stated that the leader of the presentations explained that online sports gambling was now legal and
24 later reiterated that statement when asked. Albiani stated that she and other employees with
25 Limelight thought it was strange that they did not know online sports gambling had become legal.
26 Albiani stated that she believed the presentations took place in 2018 and 2019, but could have
27 taken place in 2017 and 2018. Albiani also stated that she thought that the presentations were put
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1 on by the State of California.

2 51. Albiani testified that the annual Gamblers Awareness/Problem Gambling
3 presentations were the only sources of information she had that online sports gambling had
4 become legal. She testified that she did not think to look into it further or verify her understanding
5 that online sports gambling had become legal. Albiani testified that she did not question being
6 able to gamble on sports online, even though she acknowledged that it would have been big news,
7 because she knew you could bet in-person on sports in California and have been able to do that
8 her entire life.

9 52. Albiani testified that that after learning that online sports gambling had become legal,
10 she made at least 50 online sports bets, including on horse racing, UFC, golf, and maybe a couple
11 of football games. Albiani testified that Bovada.com was the main sports website of the three
12 websites she used. She testified that Bovada.com had the most backing, stability, and longevity.
13 She further testified that she only bet on sports online in the year and a half after she started at
14 Limelight when she learned online sports gambling had become legal.

15 53. Albiani testified that she believed the last time she made a sports bet online was
16 December 2019. Albiani later acknowledged that she made a non-monetary bet on the UFC fight
17 card including MacGregor versus Poirier through the website DraftKings.com on January 23,
18 2021. She testified that you can place bets against your friends online for no money and that she
19 bet her ex a bottle of wine on the January 23, 2021 fight card. Albiani testified that she could not
20 recall the last time she bet on sports online for money.

21 54. Albiani testified that she learned that it was illegal to bet on sports online when the
22 Bureau explained it to her and asked why she was betting on sports online, which she thought
23 occurred in February 2021.

24 **Albiani's Letter of Reference**

25 55. Albiani submitted a letter of reference from Robert Manley (Manley) in support of her
26 Application. Manley states that he first met Albiani in June 2004 while they were both working at
27 Jackson Rancheria Casino. Manley describes Albiani as professional and trustworthy in her
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1 actions on and around controlled gambling. Manley states that Albiani is a fine supervisor given
2 her knowledge of gaming rules and regulations, calm and professional demeanor, honesty, and
3 integrity. Manley concludes that he also knows Albiani on a personal level and that she is honest,
4 trustworthy, responsible, hardworking, and intelligent.

5 **Assessment of Albiani's Suitability for Licensure**

6 56. The letter of reference from Manley was individualized and candid, and relates to both
7 Albiani's work in controlled gambling and her personal attributes outside of work. These
8 attributes include Albiani's professional demeanor, responsibility, honesty, and integrity. This
9 letter of reference reflects positively on Albiani's character.

10 57. The fact that there was no derogatory information regarding Albiani's history in
11 controlled gambling reflects positively on her character and her ability to participate in controlled
12 gambling.

13 58. However, there are three significant areas of concern regarding Albiani's suitability
14 for licensure: (1) her failure to disclose her termination from Jackson Rancheria Casino on her
15 Supplemental; (2) her responsiveness, statements, and testimony regarding her responses to
16 Bureau inquiries throughout the background investigation; and (3) her history and testimony
17 regarding online sports gambling. These areas of concern raise questions about her character,
18 honesty, and integrity, and ability to participate in or be associated with controlled gambling.

19 *Failure to Disclose Her Termination from Jackson Rancheria Casino on the Supplemental*

20 59. Applications for licensure by the Commission are submitted on forms furnished by the
21 Bureau. An applicant for licensing shall make full and true disclosure of all information to the
22 Bureau and Commission as necessary to carry out the policies of this state relating to licensing,
23 registration, and control of gambling.

24 60. An application consists of two parts. The first part is two pages and consists of five
25 sections, including instructions, applicant information, and job title/description. The application's
26 instructions provide that the applicant "must provide truthful information in all your responses in
27 this application." The application's instructions also provide that "any misrepresentation or
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1 failure to disclose information required on this application may constitute sufficient cause for
2 denial or revocation.”

3 61. The second part of an application is the Supplemental, which consists of 14 pages. The
4 Supplemental contains 12 sections and requires that the applicant disclose, among other things,
5 experience and employment history. All of the information requested on the Application and
6 Supplemental has been considered through the legislative and regulatory processes and
7 determined necessary in order for the Commission to discharge its duties properly. An applicant
8 is neither expected, nor permitted, to determine the importance of the information requested, and
9 instead is required to provide full and complete information as requested.

10 62. The Bureau relies, in large part, on the applicant’s disclosures while conducting a
11 background investigation. The failure to honestly and accurately disclose complete information
12 on an application subverts the Bureau’s efforts to conduct a thorough and complete investigation.

13 63. Both the substance of an applicant’s disclosures, and the truthfulness and
14 thoroughness of an applicant’s disclosures, are considered by the Bureau in making a
15 recommendation as to the applicant’s suitability for licensure, and by the Commission in making
16 a determination whether to approve or deny a license application.

17 64. Section (12) of the Supplemental is a Declaration, to be signed by the applicant under
18 the penalty of perjury, that the statements contained therein are true, accurate, and complete.
19 Albiani signed the Declaration on December 17, 2019.

20 65. Section (4) of the Supplemental asks for information regarding experience and
21 employment history. It requires the applicant to disclose work history and periods of
22 unemployment for the past 10 years. The applicant is required to list all jobs, including part-time,
23 temporary, and self-employment. For each job, the applicant is required to check a box regarding
24 whether the job was “gaming related” and the reason for leaving. If the reason for leaving was a
25 termination, the applicant must disclose this, and is also required to explain the circumstances of
26 the termination.

27 66. Employment history that is “gaming related” is especially important because an
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1 applicant's prior employment in controlled gambling provides relevant and material information
2 regarding an applicant's suitability to work in controlled gambling. A termination is relevant
3 because it may reveal that an applicant engaged in conduct that reflects poorly upon the
4 applicant's character, honesty, or integrity, or ability to participate in controlled gambling. A
5 termination from a position in controlled gambling is a material fact related to the applicant's
6 qualification for licensure.

7 67. Albiani filled out the Supplemental as part of her Application. On the Supplemental,
8 Albiani stated that her reason for leaving Jackson Rancheria Casino was "to work as a horse
9 trainer full time." This response appears technically accurate because Albiani's subsequent
10 position after employment with Jackson Rancheria Casino was a horse trainer. However, this
11 disclosure was incomplete and misleading because Albiani was terminated from Jackson
12 Rancheria Casino. Albiani only disclosed her termination from Jackson Rancheria Casino after
13 the Bureau conducted its background investigation and notified Albiani of its findings.

14 68. According to both Jackson Rancheria Casino and Albiani, she was terminated for
15 failing to return from a leave of absence. A termination for failure to return from a leave of
16 absence does not trigger suitability concerns. However, the fact that the Commission might later
17 determine that a termination is not itself cause for denying an application does not excuse a
18 failure to disclose it. An applicant is required to make full and true disclosure of all information
19 asked on an application because that information is necessary for the Commission to carry out the
20 policies of the Gambling Control Act and may be material. Albiani failed to make a full and true
21 disclosure on her Application regarding her termination from Jackson Rancheria Casino.

22 69. Albiani did not provide any information that would excuse her failure to disclose
23 her termination from Jackson Rancheria Casino on her Supplemental. Albiani's failure to disclose
24 her termination on her Supplemental also calls into question her honesty and integrity.

25 *Albiani's Responsiveness, Statements, and Testimony Regarding Her Responses to Bureau*
26 *Inquiries Throughout the Background Investigation*

27 70. The application process commences with the Bureau's receipt of an application for
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1 licensure or other approval by the Commission. As required by the Gambling Control Act, the
2 Bureau begins its background investigation of an applicant upon receipt of an application. The
3 Bureau's background investigation does not conclude until it submits a background investigation
4 report to the applicant and the Commission, and has a pre-denial meeting with the applicant if
5 recommending denial. This process can continue beyond the date the Bureau submits its
6 background investigation report if the applicant provides, or the Bureau otherwise obtains,
7 additional information.

8 71. In addition to an applicant's responsibility in completing their application, an
9 applicant is required to provide timely, accurate, truthful, and complete responses to subsequent
10 Bureau inquiries in order for the Bureau to be able to complete its background investigation and
11 issue its background investigation report and recommendation to the applicant and the
12 Commission. The failure of an applicant to provide timely, accurate, truthful, and complete
13 responses to Bureau inquiries subverts the Bureau's efforts to conduct a thorough and complete
14 investigation and can result in a Bureau denial recommendation and/or Commission denial of an
15 application.

16 72. During the application and background investigation process, Albiani frequently
17 provided late and/or incomplete responses to Bureau inquiries. Albiani did not respond to the
18 Bureau's March 3, 2020 email requesting 15 additional items of information related to her
19 Application until she left a voicemail for Bureau staff on April 6, 2020. Albiani and Bureau staff
20 spoke and exchanged numerous voicemails in April 2020. Albiani left a voicemail message for
21 Bureau staff on June 4, 2020, and she and Bureau staff spoke on June 9, 2020. The next contact
22 was from Bureau staff leaving a voicemail message for Albiani on September 11, 2020. On
23 September 14, 2020, Bureau staff sent an email to Albiani again requesting a response to its
24 March 3, 2020 email and a complete Notice of Contact Information change. From March 3, 2020
25 through September 14, 2020, a period of over six months, Albiani never provided any written and
26 substantive responses to the Bureau regarding its requests for additional information related to her
27 Application. These late responses are somewhat explained and mitigated by the fact that Albiani
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1 was on medical disability during this time.

2 73. On September 15, 2020, while still on medical disability, Albiani finally provided
3 written and substantive responses to the Bureau, including a complete Notice of Contact
4 Information Change form. Albiani followed up with several additional written responses to
5 Bureau inquiries on September 16, 17, and 30 2020. However, Albiani did not provide the
6 requested supporting documentation regarding any payment plans she had for a collection
7 account and tax-related debt.

8 74. Albiani responded to the Bureau's November 20, 2020 letter in a written statement
9 dated December 7, 2020, which was stamped received by the Bureau on December 18, 2020.
10 Albiani responded to the Bureau's February 10, 2021 email on February 16, 2021. After being
11 released from medical disability, Albiani took the initiative and contacted Bureau staff on March
12 2, 2021 and asked if it needs anything further from her. Albiani responded to the Bureau's March
13 22, 2021 email requesting a copy of Albiani's payment plans and/or documentation showing the
14 current balance of her delinquent taxes on March 31, 2021, but stated that she did not have any
15 written documentation from the IRS. Albiani sent three written statements to the Bureau and
16 Commission regarding her payment in full of her collection account with Kaiser Permanente, her
17 current tax payment plan with the IRS, and her history of online sports gambling, but again did
18 not include any documentation regarding her collection account with Kaiser Permanente or tax
19 repayment plans with the IRS.

20 75. Albiani offered several explanations regarding why she often failed to provide timely
21 and complete responses to Bureau inquiries. The fact that Albiani was on medical disability
22 during the Bureau's background investigation certainly could have caused delays in the
23 submission of her responses to the Bureau. However, Albiani offers several other explanations
24 that, especially when taken together, lack merit and appear designed to excuse her conduct and
25 shift the blame for any missing or delayed receipt of information to the Bureau. For example:

- 26 a. Albiani stated that she was unaware that she would still be expected to be
27 involved in the background investigation process given that she was on full
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1 medical disability at the time. This explanation lacks merit because she
2 received and responded (albeit often untimely and with incomplete responses)
3 to numerous emails and letters from the Bureau and never expressed that she
4 would not be able to comply due to her medical disability.

5 b. Albiani stated that she felt very uncomfortable investigating herself and that it
6 was not productive to have the applicants investigate themselves. This
7 explanation lacks merit because Albiani voluntarily filled out the Application
8 and agreed to undergo a background investigation conducted by the Bureau.

9 c. Albiani stated that the deadlines to respond to Bureau inquiries are
10 unacceptable and ridiculous, and that it was not possible to meet the Bureau's
11 deadlines. This explanation lacks merit because while some of the Bureau's
12 deadlines may be stringent, the Bureau frequently extended deadlines for
13 Albiani to comply and continued to perform its background investigation
14 despite Albiani's delays. In fact, the Bureau was still requesting responses to
15 its March 3, 2020 email six months later in September 2020.

16 d. Albiani stated that the Bureau was not asking for anything it did not already
17 have or could not obtain on its own. This explanation is based on an incorrect
18 assumption regarding the background investigation process and appears
19 designed to excuse Albiani for failing to provide timely and complete
20 responses because she believed it was unnecessary for her to do so.

21 e. Albiani stated that she did not know the Bureau wanted information regarding
22 her tax payments. This explanation lacks merit because the Bureau specifically
23 requested information and supporting documentation regarding any payment
24 plans for her tax-related debt in its March 3, 2020 email.

25 f. Albiani stated that she believed documentation requested by the Bureau had to
26 come from the company, such as Kaiser Permanente or the IRS, rather than
27 from her. This explanation lacks merit because the Bureau never stated that the
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1 information had to come from the company and expressly requested that she
2 provide the information.

3 76. Other than the delays caused by Albiani's medical disability, the above
4 explanations for failing to provide complete and timely responses to the Bureau lack merit and
5 credibility, and call into question Albiani's character, honesty, and integrity.

6 77. However, Albiani's statements that she always responded to Bureau inquires and
7 had "never not responded" are supported by the many voicemail messages, telephone calls, and
8 written statements provided by Albiani to the Bureau. While her excuses and explanations for her
9 failure to provide timely and complete responses lack support, Albiani eventually responded,
10 though not in full, to all of the Bureau's inquiries.

11 *Albiani's History of Online Sports Gambling*

12 78. Albiani's history and testimony regarding her online sports gambling raises substantial
13 concerns about her suitability for licensure. According to Albiani, she has been gambling on
14 sports online from December 2016 to January 23, 2021 despite that gambling on sports online in
15 California was (and is) unlawful. Albiani testified that she made at least 50 online sports bets
16 during this time on a variety of sports. Albiani's four years of unlawful online sports gambling
17 directly undermines the effective regulation and control of controlled gambling and creates or
18 enhances the dangers of illegal practices in the conduct of controlled gambling.

19 79. Albiani's explanation for her years of unlawful online sports gambling lacks
20 credibility and fails to excuse her unlawful conduct. Albiani provided two written statements that
21 she started sports gambling online in December 2016. However, Albiani stated that she only
22 started gambling on sports online after attending a Gamblers Awareness/Problem Gambling
23 presentation at Limelight in either 2017 or 2018, where she states she had first learned that online
24 sports gambling had become legal. Regardless of the date the presentation took place, Albiani's
25 own statements demonstrate that she started gambling on sports online prior to learning of its
26 alleged legality during the first presentation at Limelight.

27 80. Albiani also stated that she learned it was legal to gamble on sports online during both
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1 annual presentations at Limelight, but it strains credibility to believe that incorrect information
2 regarding a subject as important as the legality of online sports gambling during a Gamblers
3 Awareness/Problem Gambling presentation was provided in two separate annual presentations at
4 Limelight. Albiani also stated that she believed the presentations were provided by the State of
5 California, which would mean that the State of California was providing incorrect and false
6 information in its presentations on Gamblers Awareness/Problem Gambling to the employees of
7 Limelight. Albiani's statements are not supported by anything in the evidentiary record. Further,
8 Albiani does not provide any evidentiary or witness support for her statements that she was
9 informed that online sports gambling had become legal. Albiani's statements regarding the
10 presentations and learning that online sports gambling had become legal appear intentionally
11 designed to excuse her unlawful conduct.

12 81. Additionally, Albiani stated that she never attempted to verify with any other source
13 that online sports gambling had become legal in California in the four years she gambled on
14 sports online despite her surprise that online sports gambling had suddenly become legal. Albiani
15 admitted that online sports gambling becoming legal "would have been big news." While these
16 statements appear to explain why she continued to gamble on sports online, these statements also
17 mean that she neglected to take even a single action in four years to verify that her online sports
18 gambling was lawful.

19 82. Albiani attempts to justify her alleged misunderstanding that online sports gambling
20 had become legal by claiming that since in-person sports gambling in California was legal, it
21 made sense that online sports gambling also became legal. However, Albiani's statement that in-
22 person sports gambling was legal in California is incorrect. With the exception of horse racing,
23 gambling on sports in-person in California has been, and continues to be, unlawful. Albiani's
24 rationalization is either a deliberately misleading attempt to excuse her conduct of unlawful
25 online sports gambling, or she is completely unaware of what is lawful and unlawful in sports
26 gambling in the State of California. Assuming it is the latter, then Albiani's complete lack of
27 awareness regarding what forms of gambling are legal in California, despite having worked in
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1 controlled gambling for 20 years, directly poses a threat to the public interest of this state and to
2 the control of controlled gambling, and directly resulted in her participation in unlawful
3 gambling.

4 83. Albiani also attempts to minimize the importance of her unlawful online sports
5 gambling by stating that she only bet online in the approximately year and a half she thought it
6 was legal. This is belied by her statements that she began sports gambling online in December
7 2016 and continued gambling on sports online as recently as January 23, 2021, a period of over
8 four years.

9 84. Yet another concern is that Albiani did not stop gambling on sports online even after
10 being informed it was unlawful during the Bureau's background investigation process. The
11 Bureau informed Albiani that it was unlawful to bet on sports online during its pre-denial meeting
12 on January 5, 2021. Albiani made an online sports bet on an MMA fight card on January 23,
13 2021, although Albiani states that the bet was for no money. However, in an email to the Bureau
14 dated February 16, 2021, Albiani stated "currently I very rarely sports bet online and if I do, it is
15 almost always for no money. The last time I sports bet online was January 23, 2021." In this
16 email, Albiani acknowledged that she continued to gamble on sports online after learning it was
17 unlawful, and even admitted that she still gambles on sports online for money.

18 85. Overall, Albiani's unsupported and conflicting statements regarding her history of
19 unlawful online sports gambling demonstrate a lack of good character, honesty, and integrity.
20 Further, Albiani's years of unlawful online sports gambling, and lack of knowledge of the legality
21 of in-person and online sports gambling despite having worked in controlled gambling for 20
22 years, poses a threat to the public interest of this state and to the effective regulation and control
23 of controlled gambling.

24 86. All documentary and testimonial evidence submitted by the parties that is not
25 specifically addressed in this Decision and Order was considered but not used by the Commission
26 in making its determination on Albiani's Application.

27 87. The matter was submitted for Commission consideration on December 3, 2021.
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LEGAL CONCLUSIONS

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

89. Public trust that permissible gambling will not endanger public health, safety, or welfare requires that comprehensive measures be enacted to ensure that gambling is free from criminal and corruptive elements, that it is conducted honestly and competitively, and that it is conducted in suitable locations. Business and Professions Code section 19801(g).

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

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

92. An “unqualified person” means a person who is found to be unqualified pursuant to the criteria set forth in Section 19857, and “disqualified person” means a person who is found to be disqualified pursuant to the criteria set forth in Section 19859. Business and Professions Code section 19823(b).

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

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

95. Every key employee shall apply for and obtain a key employee license. Business and

1 Professions Code section 19854(a).

2 96. No person may be issued a key employee license unless the person would qualify for a
3 state gambling license. Business and Professions Code section 19854(b).

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

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

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

14 100. The burden of proof is always on the applicant to prove his, her, or its
15 qualifications to receive any license or other approval under the Gambling Control Act. CCR
16 section 12060(i).

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

20 102. 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 whose prior
22 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the
23 public interest of this state, or to the effective regulation and control of controlled gambling, or
24 create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in
25 the conduct of controlled gambling or in the carrying on of the business and financial
26 arrangements incidental thereto. Business and Professions Code section 19857(b).

27 103. No gambling license shall be issued unless, based on all of the information and
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1 documents submitted, the commission is satisfied that the applicant is a person that is in all other
2 respects qualified to be licensed as provided in this chapter. Business and Professions Code
3 section 19857(c).

4 104. An application will be denied if the Commission finds that the applicant has not
5 satisfied the requirements of Business and Professions Code section 19857. CCR section
6 12040(a)(1).

7 105. An applicant demonstrates good character, honesty, and integrity through
8 providing accurate, complete, and truthful responses on their application, in response to Bureau
9 inquiries, and while testifying during the evidentiary hearing. An applicant fails to demonstrate
10 good character, honesty, and integrity by omitting pertinent derogatory information, and
11 providing misleading, inconsistent, unsupported, and not credible responses on their application,
12 in response to Bureau inquiries, and while testifying an evidentiary hearing. This is especially
13 true when those responses and testimony appear to be a deliberate attempt to shield an applicant
14 from derogatory or unfavorable information or impressions.

15 106. An applicant also demonstrates good character, honesty, and integrity through
16 proper, appropriate, and honest conduct, especially while working in controlled gambling. An
17 applicant fails to demonstrate good character, honesty, and integrity through unsuitable, unfair,
18 dishonest, and unlawful conduct.

19 107. Albiani's failure to disclose her termination from Jackson Rancheria Casino on her
20 Supplemental could have been an accidental oversight. However, Albiani failed to offer any
21 excuse for her failure to disclose the termination on her Supplemental. In addition, Albiani
22 provided inconsistent and unsupported explanations and excuses regarding her failure to provide
23 timely and complete responses to the Bureau during its background investigation. Albiani also
24 provided inconsistent, unsupported, and not credible statements regarding her history of online
25 sports gambling, including how she learned that online sports gambling became legal, when she
26 started gambling on sports online, and how long she gambled on sports online. These statements
27 and testimony appear intentionally designed to place Albiani in a favorable light and excuse her
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1 failure to provide timely and complete responses to the Bureau and years of unlawful online
2 sports gambling. These statements and testimony demonstrate a lack of good character, honesty,
3 and integrity. Additionally, Albiani continued to gamble on sports online even after learning it
4 was unlawful, which demonstrates a further lack of good character and integrity. Based on the
5 foregoing, Albiani has failed to meet her burden of proving that she is a person of good character,
6 honesty, and integrity. As a result, Albiani is unqualified for licensure pursuant to Business and
7 Professions Code section 19857(a). Based on the foregoing, Albiani's Application must be denied
8 pursuant to CCR section 12040(a)(1).

9 108. Albiani unlawfully gambled on sports online for over four years, and continued to
10 do so even after receiving information from the Bureau that it was unlawful. Albiani failed over
11 the course of four years to verify that online sports gambling had become legal, and one of her
12 reasons for failing to verify was her mistaken belief that in-person sports gambling is lawful in
13 California. Albiani's lack of understanding regarding the legality of both in-person and online
14 sports gambling, her failure to verify that online sports gambling was legal before and while she
15 participated in it, and her participation in unlawful online sports gambling for over four years,
16 poses a threat to the public interest of this state, to the effective regulation and control of
17 controlled gambling, and directly resulted in illegal gambling activities. As a result, Albiani is
18 unqualified for licensure pursuant to Business and Professions Code section 19857(b) and her
19 Application must be denied pursuant to CCR section 12040(a)(1).

20 NOTICE OF APPLICANT'S APPEAL RIGHTS

21 Albiani has the following appeal rights available under state law:

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

23 (a) After the Commission issues a decision following a GCA hearing conducted
24 pursuant to Section 12060, an applicant denied a license, permit, registration, or
25 finding of suitability, or whose license, permit, registration, or finding of
26 suitability has had conditions, restrictions, or limitations imposed upon it, may
27 request reconsideration by the Commission. A request for reconsideration must
28 be:

(1) Made in writing to the Commission, copied to the Complainant. The
Bureau may provide a written response to the Commission within 10 calendar days
of receipt of the request; and

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(2) Received by the Commission and Complainant within 30 calendar days of service of the decision, or before the effective date specified in the decision, whichever is earlier.

(b) A request for reconsideration must state the reasons for the request, which must be based upon either:

(1) 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,

(2) Other good cause which the Commission may decide, in its sole discretion, merits reconsideration.

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

A decision of the commission after an evidentiary hearing, 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 held to consider that petition, 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 a license will 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. Carmelita Albiani’s Application for Gambling Establishment Key Employee License is DENIED.

2. No costs are awarded.

3. Each side to pay its own attorneys’ fees.

This Order is effective on March 14, 2022.

Dated: 2/10/2022 Signature: 
38D0AB33C851486...
Paula LaBrie, Chair

Dated: 2/10/2022 Signature: 
3D1DB086F9274AA...
Cathleen Galgiani, Commissioner

Dated: 2/10/2022 Signature: 
2B4CE9520F8845C...
Eric Heins, Commissioner

Dated: 2/10/2022 Signature: 
7722F4571120449...
William Liu, Commissioner

Dated: 2/10/2022 Signature: 
14B4AD3B90E8462...
Edward Yee, Commissioner