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**BEFORE THE**  
**CALIFORNIA GAMBLING CONTROL COMMISSION**  
**STATE OF CALIFORNIA**

In the Matter of the Accusation Against:  
MOACYR VADAS AKA "RIVER"  
  
Key Employee License No. : GEKE-001667  
  
Respondent.

BGC No.: BGC-HQ2015-00006AC  
OAH No. \_\_\_\_\_

**ACCUSATION**

Complainant alleges as follows:

**PARTIES**

1. Wayne J. Quint, Jr. (Complainant) brings this Accusation solely in his official capacity as the Chief of the California Department of Justice, Bureau of Gambling Control (Bureau).
2. On or about July 12, 2012, the California Gambling Control Commission (Commission) issued an initial key employee license to Moacyr Vadas (Respondent), license number GEKE-001667. Respondent's key employee license will expire on May 31, 2017.



1 under Government Code section 11500 et seq. (Bus. & Prof Code, § 19930, subd. (b); see Cal.  
2 Code Regs., tit. 4, § 12554, subd. (a).) The Commission's disciplinary powers include, among  
3 other things, revocation and imposition of a fine or monetary penalty. (Cal. Code Regs., tit. 4, §  
4 12554, subd. (d).)

5 6. In a matter involving revocation or suspension, the Bureau may recover its costs of  
6 investigation and prosecuting the proceeding. (Bus. & Prof. Code, § 19930, subd. (d).)

7 **FIRST CAUSE OF ACTION FOR REVOCATION**  
8 **(Misdemeanor Committed in a Gambling Establishment)**

9 7. Respondent's key employee license is subject to revocation pursuant to Business and  
10 Professions Code section 19850 and California Code of Regulations, title 4, section 12568,  
11 subdivisions (a)(5) and (c)(4), in that, on September 10, 2015, Respondent was convicted of  
12 violating Penal Code section 508 (embezzlement), a misdemeanor, in the case of *People v.*  
13 *Maocyv Vadas* (Super. Ct. Monterey County, 2015, No. MS331809A).

14 **SECOND CAUSE OF ACTION FOR REVOCATION**  
15 **(Dishonest, Fraudulent, or Deceptive Appropriation of**  
16 **Money from a Gambling Establishment)**

17 8. Respondent's key employee license is subject to revocation pursuant to Business and  
18 Professions Code sections 19850 and 19857, and California Code of Regulations, title 4, section  
19 12568, subdivisions (a)(4), and/or (c)(3), in that, as alleged in paragraph 7 and incorporated  
20 herein by reference, on or between April 1, 2015 through May 12, 2015,<sup>3</sup> and for an unknown  
21 period of time prior thereto, while employed as a key employee at the Bankers Casino,  
22 Respondent dishonestly, fraudulently or deceptively appropriated approximately \$271.00 from  
23 that gambling establishment.

24  
25  
26 <sup>3</sup> Respondent's employment at the Bankers Casino was terminated on or about July 1,  
27 2015. The exact dates on which Respondent misappropriated some of the money from that  
28 gambling establishment while employed thereat are presently unknown.

1 THIRD CAUSE OF ACTION FOR REVOCATION

2 **(Conduct on the Premises of the Gambling Establishment or in Connection with Controlled**  
3 **Gambling that is Inimical to the Health, Welfare or Safety of the General Public)**

4 9. Respondent's key employee license is subject to revocation pursuant to Business and  
5 Professions Code sections 19850 and 19857, and California Code of Regulations, title 4, section  
6 12568, subdivisions (a)(6) and/or (c)(3), in that, as alleged in paragraphs 7 and 8 and incorporated  
7 herein by reference, Respondent dishonestly, fraudulently or deceptively appropriated  
8 approximately \$271.00 from Bankers Casino.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Commission issue a decision to:

- 12 1. Revoke key employee license, number GEKE-001667, issued to Moacyr Vadas;  
13 2. Award Complainant the costs of investigation and costs of bringing this Accusation  
14 before the Commission, pursuant to Business and Professions Code section 19930, in a sum  
15 according to proof, from the Respondents jointly and severally; and  
16 3. Take such other and further action as the Commission may deem appropriate.

17  
18 Dated: February <sup>10<sup>th</sup></sup>, 2016.

19   
20 \_\_\_\_\_  
21 WAYNE J. QUINT, JR., Chief  
22 Bureau of Gambling Control  
23 Department of Justice  
24 State of California  
25 Complainant



1 (2) Assuring that there is no material involvement, directly or  
2 indirectly, with a licensed gambling operation, or the ownership or  
3 management thereof, by unqualified or disqualified persons, or by  
4 persons whose operations are conducted in a manner that is inimical  
5 to the public health, safety, or welfare.

6 4. Business and Professions Code section 19854, provides, in pertinent part:

7 (a) Every key employee shall apply for and obtain a key  
8 employee license.

9 (b) No person may be issued a key employee license unless  
10 the person would qualify for a state gambling license. [<sup>5</sup>]

11 5. Business and Professions Code section 19824 provides, in part:

12 The commission shall have all powers necessary and proper to  
13 enable it fully and effectually to carry out the policies and purposes  
14 of this chapter, including, without limitation, the power to do all of  
15 the following:

16 \* \* \*

17 (b) For any cause deemed reasonable by the commission . .  
18 . limit, condition, or restrict any license, permit, or approval, or  
19 impose any fine upon any person licensed or approved. The  
20 commission may condition, restrict, discipline, or take action  
21 against the license of an individual owner endorsed on the license  
22 certificate of the gambling enterprise whether or not the  
23 commission takes action against the license of the gambling  
24 enterprise.

25 \* \* \*

26 (d) Take actions deemed to be reasonable to ensure that no  
27 ineligible, unqualified, disqualified, or unsuitable persons are  
28 associated with controlled gambling activities.

6. Business and Professions Code section 19826 provides, in part:

The department<sup>6</sup> shall have all of the following responsibilities:

\* \* \*

<sup>5</sup> "State gambling license" is defined as any license issued by the state that authorizes the person named therein to conduct a gambling operation. (Bus. & Prof. Code, § 19805, subd. (p).)

<sup>6</sup> "Department" refers to the Department of Justice. (Bus. & Prof. Code, § 19805, subd. (h).)

1 (c) To investigate suspected violations of this chapter or  
2 laws of this state relating to gambling . . . .

3 \* \* \*

4 (e) To initiate, where appropriate, disciplinary actions as  
5 provided in this chapter. In connection with any disciplinary  
6 action, the department may seek restriction, limitation, suspension,  
or revocation of any license or approval, or the imposition of any  
fine upon any person licensed or approved.

7 7. Business and Professions Code section 19930, subdivision (b) provides:

8 If, after any investigation, the department is satisfied that a  
9 license, permit, finding of suitability, or approval should be  
10 suspended or revoked, it shall file an accusation with the  
11 commission in accordance with Chapter 5 (commencing with  
Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
Code.

12 8. California Code of Regulations, title 4, section 12554, provides, in part:

13 (a) Upon the filing with the Commission of an accusation  
14 by the Bureau recommending revocation, suspension, or other  
15 discipline of a holder of a license, registration, permit, finding of  
16 suitability, or approval, the Commission shall proceed under  
Chapter 5 (commencing with section 11500) of Part 1 of Division 3  
of Title 2 of the Government Code.

17 \* \* \*

18 (d) Upon a finding of a violation of the Act, any  
19 regulations adopted pursuant thereto, any law related to gambling  
20 or gambling establishments, violation of a previously imposed  
21 disciplinary or license condition, or laws whose violation is  
materially related to suitability for a license, registration, permit, or  
approval, the Commission may do any one or more of the  
following:

22 (1) Revoke the license, registration, permit, finding of  
23 suitability, or approval;

24 \* \* \*

25 (5) Impose any fine or monetary penalty consistent with  
26 Business and Professions Code sections 19930, subdivision (c)....

27 **Specific Statutory and Regulatory Provisions**

28 9. Business and Professions Code section 19850 provides:

Every person who, either as owner, lessee, or employee, whether

1 for hire or not, either solely or in conjunction with others, deals,  
2 operates, carries on, conducts, maintains, or exposes for play any  
3 controlled game in this state, or who receives, directly or indirectly,  
4 any compensation or reward, or any percentage or share of the  
5 money or property played, for keeping, running, or carrying on any  
6 controlled game in this state, shall apply for and obtain from the  
7 commission, and shall thereafter maintain, a valid state gambling  
8 license, key employee license, or work permit, as specified in this  
9 chapter. In any criminal prosecution for violation of this section,  
10 the punishment shall be as provided in Section 337j of the Penal  
11 Code.

12 10. Business and Professions Code section 19857 provides:

13 No gambling license shall be issued unless, based on all of the  
14 information and documents submitted, the commission is satisfied  
15 that the applicant is all of the following:

16 (a) A person of good character, honesty, and integrity.

17 (b) A person whose prior activities, criminal record, if any,  
18 reputation, habits, and associations do not pose a threat to the public  
19 interest of this state, or to the effective regulation and control of  
20 controlled gambling, or create or enhance the dangers of unsuitable,  
21 unfair, or illegal practices, methods, and activities in the conduct of  
22 controlled gambling or in the carrying on of the business and  
23 financial arrangements incidental thereto.

24 (c) A person that is in all other respects qualified to be licensed  
25 as provided in this chapter.

26 11. Business and Professions Code section 19859 provides, in part:

27 The commission shall deny a license to any applicant who is  
28 disqualified for any of the following reasons:

\*\*\*

(d) Conviction of the applicant for any misdemeanor  
involving dishonesty or moral turpitude within the 10-year period  
immediately preceding the submission of the application, unless the  
applicant has been granted relief pursuant to Section 1203.4,  
1203.4a, or 1203.45 of the Penal Code; provided, however, that the  
granting of relief pursuant to Section 1203.4, 1203.4a, or 1203.45  
of the Penal Code shall not constitute a limitation on the discretion  
of the commission under Section 19856 or affect the applicant's  
burden under Section 19857.

12. California Code of Regulations, title 4, section 12568 provides, in pertinent part:

1 (a) A license<sup>[7]</sup> for an individual or any finding of  
2 suitability<sup>[8]</sup> or approval granted by the Commission, . . . shall be  
3 subject to a minimum discipline of suspension for one day of  
4 normal business operation and a maximum of revocation, . . . if the  
5 Commission finds that the holder has:

6 \* \* \*

7 (4) Engaged in any dishonest, fraudulent, or deceptive  
8 activities in connection with controlled gambling....

9 (5) Committed an any act punishable as a crime, . . . which  
10 substantially relates to the duties and qualifications of the licensee  
11 or registrant or which occurred in a gambling establishment....

12 (6) Engaged in any conduct on the premises of the gambling  
13 establishment or in connection with controlled gambling that is  
14 inimical to the health, welfare or safety of the general public.

15 \* \* \*

16 (c) A state gambling license,<sup>[9]</sup> finding of suitability, or  
17 approval granted by the Commission, . . . shall be subject to  
18 revocation by the Commission on any of the following grounds:

19 (1) If the Commission finds the holder to have been convicted  
20 of...a crime of moral turpitude that would disqualify the holder  
21 from licensure,

22 \* \* \*

23 (3) If the Commission finds the holder no longer meets any  
24 criterion for eligibility, qualification, suitability or continued  
25 operation, including those set forth in Business and Professions  
26 code section 19857, 19858, or 19880, as applicable, or

27 (4) If the Commission finds the holder currently meets any of  
28 the criteria for mandatory denial of an application set forth in  
Business and Professions Code sections 19859 or 19860.

22 <sup>7</sup> “‘License’ means a gambling license, key employee license, or any other license issued  
23 by the commission pursuant to this chapter or regulations adopted pursuant to this chapter.” (Bus.  
& Prof. Code, § 19805, subd. (z).)

24 <sup>8</sup> “‘Finding of suitability’ means a finding that a person meets the qualification criteria  
25 described in subdivisions (a) and (b) of Section 19857, and that the person would not be  
26 disqualified from holding a state gambling license on any of the grounds specified in Section  
19859.” (Bus. & Prof. Code, § 19859, subd. (j).)

27 <sup>9</sup> “‘Gambling license’ or ‘state gambling license’ means any license issued by the state  
28 that authorizes the person named therein to conduct a gambling operation.” (Bus. & Prof. Code,  
§ 19805, subd. (p).)