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9 **BEFORE THE**
10 **CALIFORNIA GAMBLING CONTROL COMMISSION**
11 **STATE OF CALIFORNIA**

12
13 **In the Matter of the Renewal Application**
14 **for Gambling Establishment Key Employee**
15 **of:**

16 **TRAVIS EDMUND SEILER**
17 

18 **GEKE-001694**

Applicant.

BGC Case No. BGC-HQ2013-00004SL

CGCC Case No. CGCC-2013-0930-8A

STATEMENT OF PARTICULARS

Hearing Date: February 17, 2016
Hearing Time: 10:00 a.m.

19
20 **PARTIES**

21 1. Wayne J. Quint, Jr. (Complainant) submits this Statement of Particulars solely in his
22 official capacity as the Chief of the California Department of Justice, Bureau of Gambling
23 Control (Bureau).

24 2. Travis Edmund Seiler (Applicant) was issued a key employee license (GEKE-
25 001694) on May 16, 2013. On May 31, 2013, the California Gambling Control Commission
26 (Commission) received from Applicant an application for renewal of his key employee license.
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are conducted in a manner that is inimical to the public health, safety, or welfare.

(b) For the purposes of this section, "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.

8. Business and Professions Code section 19824 provides in part:

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

* * *

(b) For any cause deemed reasonable by the commission, deny any application for a license, permit, or approval provided for in this chapter or regulations adopted pursuant to this chapter, limit, condition, or restrict any license, permit, or approval, or impose any fine upon any person licensed or approved. The commission may condition, restrict, discipline, or take action against the license of an individual owner endorsed on the license certificate of the gambling enterprise whether or not the commission takes action against the license of the gambling enterprise.

* * *

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

9. Business and Professions Code section 19854, subdivision (a), provides:

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

10. Business and Professions Code section 19870 provides:

(a) The commission, after considering the recommendation of the [Bureau] chief and any other testimony and written comments as may be presented at the meeting, or as may have been submitted in writing to the commission prior to the meeting, may either deny the

1 application or grant a license to an applicant who it determines to be
2 qualified to hold the license.

3 (b) When the commission grants an application for a license or
4 approval, the commission may limit or place restrictions thereon as it
5 may deem necessary in the public interest, consistent with the policies
6 described in this chapter.

7 (c) When an application is denied, the commission shall prepare
8 and file a detailed statement of its reasons for the denial.

9 (d) All proceedings at a meeting of the commission relating to a
10 license application shall be recorded stenographically or by audio or
11 video recording.

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

20 11. Business and Professions Code section 19871 provides:

21 (a) The commission meeting described in Section 19870 shall be
22 conducted in accordance with regulations of the commission and as
23 follows:

24 (1) Oral evidence shall be taken only upon oath or affirmation.

25 (2) Each party shall have all of the following rights:

26 (A) To call and examine witnesses.

27 (B) To introduce exhibits relevant to the issues of the
28 case.

(C) To cross-examine opposing witnesses on any matters
relevant to the issues, even though the matter was not covered
on direct examination.

(D) To impeach any witness, regardless of which party
first called the witness to testify.

(E) To offer rebuttal evidence.

1
2 (3) If the applicant does not testify in his or her own behalf, he
or she may be called and examined as if under cross-examination.

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4 (4) The meeting need not be conducted according to technical
rules relating to evidence and witnesses. Any relevant evidence
5 may be considered, and is sufficient in itself to support a finding, if
6 it is the sort of evidence on which responsible persons are
7 accustomed to rely in the conduct of serious affairs, regardless of
the existence of any common law or statutory rule that might make
improper the admission of that evidence over objection in a civil
8 action.

9 (b) Nothing in this section confers upon an applicant a right to
discovery of the department's² investigative reports or to require
10 disclosure of any document or information the disclosure of which is
otherwise prohibited by any other provision of this chapter.

11
12 **SPECIFIC STATUTORY AND REGULATORY PROVISIONS**

13 12. Business and Professions Code section 19856, subdivision (a) provides in part:

14 The burden of proving his or her qualifications to receive any license
15 is on the applicant.

16 13. Business and Professions Code section 19854, subdivision (b) provides:

17 No person may be issued a key employee license unless the person
18 would qualify for a state gambling license.

19 14. Business and Professions Code section 19857 provides in part:

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

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

23 (b) A person whose prior activities, criminal record, if any,
24 reputation, habits, and associations do not pose a threat to the public
25 interest of this state, or to the effective regulation and control of
26 controlled gambling, or create or enhance the dangers of unsuitable,
unfair, or illegal practices, methods, and activities in the conduct of

27 ² "Department" refers to the Department of Justice, Bureau of Gambling Control. (Bus.
& Prof. Code, § 19805, subd. (h).)

1 controlled gambling or in the carrying on of the business and financial
2 arrangements incidental thereto.

3 **LICENSURE CONSIDERATIONS AND BASIS FOR DENIAL**

4 **(Misdemeanor Criminal Conviction and Sheriff's Report)**

5 15. On June 4, 2013, pursuant to a plea agreement, the Placer County Superior Court
6 convicted Applicant of multiple misdemeanor counts: one count of violating Health and Safety
7 Code section 11357(A) for concentrated cannabis possession; and three counts of violating Penal
8 Code section 273a, subdivision (b), for child endangerment. The court sentenced him to 48
9 months probation, 180 days of alternative sentencing, and a fine of approximately \$1,750. The
10 Applicant provided the Bureau with a written explanation in which he took responsibility for his
11 actions and reported that he had tested negative for drugs since May 2011.

12 16. The details underlying the convictions were disclosed in a Placer County Sheriff's
13 Department report that stated, among other things, deputies found and seized ⁹¹ marijuana plants,
corrected at hearing 14 as well as growing equipment and chemicals, from Applicant's home in May 2011. Neither the
15 Bureau nor the Commission had a copy of the Placer County Sheriff's Department report before
16 Applicant's renewal application was considered.

17 17. The facts alleged above in paragraphs 15 and 16 show that Applicant is not suitable
18 for renewal of his license pursuant to Business and Professions Code section 19857, subdivisions
19 (a) and (b). He is not a person of good character, honesty, and integrity. Applicant's prior
20 activities, criminal record, habits, and associations pose a threat to the public interest of this state.

21 **BUREAU MADE NO PRIOR RECOMMENDATION**

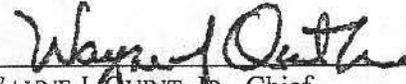
22 18. On September 11, 2013, the Bureau issued its Background Investigation Report, and
23 based on its investigation and knowledge at that time, the Bureau made no recommendation. At
24 the time the Bureau issued its Background Investigation Report, it had not received a copy of the
25 Placer County Sheriff's Department report.

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CONCLUSION

WHEREFORE, based upon the after-acquired information set forth above, Complainant recommends that Applicant's key employee license renewal application be denied.

Dated: January 5, 2016



WAYNE J. QUINE, JR., Chief
Bureau of Gambling Control
California Department of Justice