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11 **BEFORE THE**  
12 **CALIFORNIA GAMBLING CONTROL COMMISSION**  
13 **STATE OF CALIFORNIA**

15 In the Matter of the Statement of Reasons for  
16 Denial of Application for a Gambling  
Establishment Key Employee License for:  
17 **NICOLE DOMINIQUE SEIULI**  
18 [REDACTED]  
19 [REDACTED]  
20 **Respondent.**

**BGC Case No. BGC-HQ2021-00021SL**  
**CGCC Case No. CGCC-2021-0506-5**  
**STATEMENT OF REASONS**  
Hearing Date: January 28, 2022  
Hearing Time: 10:00 a.m.  
Hearing Place: Via Zoom Video Conference

22 Complainant alleges as follows:

23 **PARTIES**

24 1. Yolanda Morrow (Complainant) brings this Statement of Reasons for Denial of  
25 Application for a Gambling Establishment Key Employee License solely in her official capacity  
26 as the Acting Director of the California Department of Justice, Bureau of Gambling Control  
27 (Bureau).



1 **BURDEN OF PROOF**

2 9. Respondent has the burden of proving that she is qualified to receive a license. (Bus.  
3 & Prof. Code, § 19856, subd. (a).)

4 **FIRST CAUSE FOR DENIAL**

5 **(Misdemeanor Convictions - Unsuitable for Licensure)**

6 10. Respondent's Application is subject to denial because Respondent has engaged in  
7 illegal behavior, demonstrating a pattern and practice of an inherent willingness to violate the law  
8 and a conscious disregard for the health, safety, and welfare of others. Respondent's convictions  
9 include:

10 a. On or about July 17, 1998, Respondent was convicted of violating Penal  
11 Code section 653m, subdivision (c)(2), annoying spouse at work, a misdemeanor, in  
12 the case of *People of the State of California v. Nicole Dominique Seiuli* (Mun. Ct.  
13 Monterey County, 1998, Case No. MM082183A);

14 b. On or about December 13, 2006, Respondent was convicted, upon a plea  
15 of guilty, of violating Penal Code section 484, subdivision (a), theft, a misdemeanor,  
16 in the case of *People of the State of California v. Nicole Dominique Seiuli* (Super. Ct.  
17 Monterey County, 2006, Case No. MS251195B);

18 c. On or about February 22, 2007, Respondent was convicted, upon a plea  
19 of guilty, of violating Vehicle Code section 23152, subdivision (a), driving under the  
20 influence of alcohol or drugs, a misdemeanor, in the case of *People of the State of*  
21 *California v. Nicole Dominique Seiuli* (Super. Ct. Monterey County, 2007, Case No.  
22 MS252655A);

23 d. On or about October 30, 2008, Respondent was convicted, upon a plea of  
24 guilty, of violating Vehicle Code section 14601.2, subdivision (a), driving with a  
25 suspended or revoked license, a misdemeanor, in the case of *People of the State of*  
26 *California v. Nicole Dominique Seiuli* (Super. Ct. Monterey County, 2008, Case No.  
27 MS25501A);  
28

1 e. On or about October 30, 2008, Respondent was convicted, upon a plea of  
2 guilty, of violating Penal Code section 594, subdivision (b)(2)(A), vandalism less  
3 than \$400, a misdemeanor, in the case of *People of the State of California v. Nicole*  
4 *Dominique Seiuli* (Super. Ct. Monterey County, 2008, Case No. MS253819A);

5 f. On or about January 21, 2011, Respondent was convicted of violating  
6 Vehicle Code section 23152, subdivision (b), driving under the influence of alcohol  
7 or drugs with a blood alcohol level of 0.08 or higher, a misdemeanor, and of violating  
8 Penal Code section 242, battery, a misdemeanor, in the case of *People of the State of*  
9 *California v. Nicole Dominique Seiuli* (Super. Ct. Monterey County, 2011, Case No.  
10 MS291150A);

11 g. On or about August 22, 2013, Respondent was convicted of violating  
12 Vehicle Code section 14601.2, subdivision (a), driving with a suspended or revoked  
13 license, a misdemeanor, in the case of *People of the State of California v. Nicole*  
14 *Dominique Seiuli* (Super. Ct. Monterey County, 2013, Case No. MS314077A); and

15 h. On or about January 22, 2015, Respondent was convicted of violating  
16 Vehicle Code section 14601.2, subdivision (a), driving with a suspended or revoked  
17 license, a misdemeanor, in the case of *People of the State of California v. Nicole*  
18 *Dominique Seiuli* (Super. Ct. Monterey County, 2015, Case No. MS325078A).

19 (Bus. & Prof. Code, §§ 19856, 19857, 19859, subd. (a) [mandatory denial]; Cal. Code. Regs., tit.  
20 4, § 12040, subds. (a)(1) [mandatory denial] & (a)(2) [mandatory denial].)

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**SECOND CAUSE FOR DENIAL**

**(Failure to Accurately and Honestly  
Disclose Required Material Information)**

11. Respondent’s Application is subject to denial because Respondent, under penalty of perjury, failed to disclose on her Application the misdemeanor convictions that are alleged in paragraph 10a, 10b, 10e, 10g, and 10h, above. By not disclosing the misdemeanor convictions, Respondent failed to disclose required information that is material to her Application. (Bus. & Prof. Code, §§ 19856, 19857, 19859, subds. (a) & (b) [mandatory denial], 19866; Cal. Code. Regs., tit. 4, § 12040, subds. (a)(1) [mandatory denial] & (a)(2) [mandatory denial].)

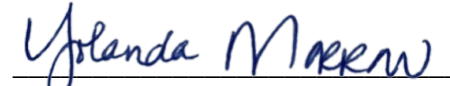
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**PRAYER**

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

1. Denying Respondent’s Application for licensure as a key employee; and
2. Taking such other and further action as the Commission may deem appropriate.

Dated: December 9, 2021



\_\_\_\_\_  
Yolanda Morrow, Acting Director  
Bureau of Gambling Control  
California Department of Justice  
Complainant

1 **APPENDIX A – STATUTORY AND REGULATORY PROVISIONS**

2 **STATUTES**

3 1. Business and Professions Code section 19805 provides, in part:

4 (x) “Key employee” means any natural person employed in the  
5 operation of a gambling enterprise in a supervisory capacity or  
6 empowered to make discretionary decisions that regulate gambling  
7 operations, including, without limitation . . . cashier operations  
8 supervisors . . . or any other natural person designated as a key  
9 employee by the department<sup>[2]</sup> for reasons consistent with the policies  
10 of this chapter.<sup>[3]</sup>

11 2. Business and Professions Code section 19811, subdivision (b), provides:

12 Jurisdiction, including jurisdiction over operation and  
13 concentration, and supervision over gambling establishments in this  
14 state and over all persons or things having to do with the operation of  
15 gambling establishments is vested in the commission.

16 3. Business and Professions Code, section 19823 provides:

17 (a) The responsibilities of the commission include, without  
18 limitation, all of the following:

19 (1) Assuring that licenses, approvals, and permits are  
20 not issued to, or held by, unqualified or disqualified persons,  
21 or by persons are conducted in a manner that is inimical to  
22 the public health, safety, or welfare.

23 (2) Assuring that there is no material involvement,  
24 directly or indirectly, with a licensed gambling operation, or  
25 the ownership or management thereof, by unqualified or  
26 disqualified persons, or by persons whose operations are  
27 conducted in a manner that is inimical to the public health,  
28 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.

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

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25 <sup>2</sup> “Department” refers to the Department of Justice. (Bus. & Prof. Code, § 19805, subd.  
26 (h).)

27 <sup>3</sup> “Chapter” refers to Business and Professions Code, division 8, chapter 5, (commencing  
28 with section 19800), also known as the Gambling Control Act.





1 (c) In reviewing an application for any license, the  
2 commission shall consider whether issuance of the license is inimical  
3 to public health, safety, or welfare, and whether issuance of the  
4 license will undermine public trust that the gambling operations with  
5 respect to which the license would be issued are free from criminal  
6 and dishonest elements and would be conducted honestly.

7  
8 8. Business and Professions Code, section 19857 provides:

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

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

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

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

22 9. Business and Professions Code section 19859 provides, in part:

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

25 (a) Failure of the applicant to clearly establish eligibility and  
26 qualification in accordance with this chapter.

27 (b) Failure of the applicant to provide information,  
28 documentation, and assurances required by this chapter or requested  
by the chief,<sup>4</sup> or failure of the applicant to reveal any fact material to  
qualification, or the supplying of information that is untrue or  
misleading as to a material fact pertaining to the qualification criteria.

10. Business and Professions Code section 19866 provides:

An applicant for licensing or for any approval or consent  
required by this chapter, shall make full and true disclosure of all  
information to the department and the commission as necessary to  
carry out the policies of this state relating to licensing, registration,  
and control of gambling.

11. Business and Professions Code, section 19870 provides:

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<sup>4</sup> “Chief” refers to the Director of the Bureau. (Bus. & Prof. Code, § 19805, subd. (d).)

1 (a) The commission, after considering the recommendation of  
2 the chief and any other testimony and written comments as may be  
3 presented at the meeting, or as may have been submitted in writing to  
4 the commission prior to the meeting, may either deny the application  
5 or grant a license to an applicant who it determines to be qualified to  
6 hold the license.

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

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

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

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

24 12. Business and Professions Code, section 19871 provides:

25 (a) The commission meeting described in Section 19870 shall  
26 be conducted in accordance with regulations of the commission and as  
27 follows:

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

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

(A) To call and examine witnesses.

(B) To introduce exhibits relevant to the  
issues of the 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 (3) If the applicant does not testify in his or her own  
2 behalf, he or she may be called and examined as if under cross-  
examination.

3 (4) The meeting need not be conducted according to  
4 technical rules relating to evidence and witnesses. Any relevant  
5 evidence may be considered, and is sufficient in itself to support  
6 a finding, if it is the sort of evidence on which responsible  
7 persons are 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 action.

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

10 **REGULATIONS**

11 13. California Code of Regulations, title 4, section 12040 provides, in part:

12 (a) An application for an initial or renewal license:

13 (1) Will be denied if the Commission finds that the  
14 applicant has not satisfied the requirements of Business and  
Professions Code section 19857; or,

15 (2) Will be denied if the Commission finds that any of the  
16 provisions of Business and Professions Code section 19859  
apply to the applicant.

17 14. California Code of Regulations, title 4, section 12054, subdivision (a) provides, in  
18 part:

19 (a) At a non-evidentiary hearing meeting, the Commission may  
20 take, but is not limited to taking, one of the following actions:

21 \* \* \*

22 (2) Elect to hold an evidentiary hearing in accordance with  
23 Section 12056 and, when for a renewal application, issue an  
24 interim renewal license pursuant to Section 12035. The  
25 Commission will identify those issues for which it requires  
additional information or consideration related to the applicant's  
suitability.

26 15. California Code of Regulations, title 4, section 12056, subdivision (a) provides, in  
27 part:

1 If the Commission elects to hold an evidentiary hearing, the  
2 hearing will be conducted as a GCA hearing under Section 12060,  
3 unless the Executive Director or the Commission determines the  
4 hearing should be conducted as an APA hearing under Section  
5 12058.

6 16. California Code of Regulations, title 4, section 12060, provides:

7 (a) If the Executive Director determines it is appropriate, he or  
8 she may set an application for consideration at a GCA hearing in  
9 advance of a meeting pursuant to Section 12054. The Executive  
10 Director will give notice to the applicant, pursuant to paragraph (2)  
11 subsection (c) of Section 12052, to the Office of the Attorney General,  
12 and to the Bureau no later than 90 calendar days in advance of the  
13 GCA hearing. The Executive Director's determination will be based  
14 on information contained in the Bureau's report or other appropriate  
15 sources including, without limitation, a request from the Bureau or  
16 applicant as well as the Commission's operational considerations.

17 (b) When the Commission has elected to hold a GCA hearing,  
18 the Executive Director will give notice to the applicant, pursuant to  
19 paragraph (2) subsection (c) of Section 12052, to the Office of the  
20 Attorney General, and to the Bureau no later than 60 calendar days in  
21 advance of the GCA hearing.

22 (c) The presiding officer and her or his support staff will have  
23 no communication with the Commission or Commission staff upon the  
24 merits of an application prior to the evidentiary hearing. The  
25 Executive Director will designate a presiding officer which will be:

- 26 (1) A member of the Commission's legal staff; or,
- 27 (2) An Administrative Law Judge.

28 (d) The applicant or the complainant, or the applicant and the  
complainant, may request a continuance in writing to the Executive  
Director stating the reason for the continuance and any proposed  
future hearing dates. The Executive Director or Commission may  
approve the request.

(e) The complainant will provide to the applicant, subject to  
subsection (b) of Section 12056, at least 45 calendar days prior to the  
GCA hearing, and the applicant must provide to the complainant, at  
least 30 calendar days prior to the GCA hearing, the following items:

- (1) A list of potential witnesses with the general subject of  
the testimony of each witness;
- (2) Copies of all documentary evidence intended to be  
introduced at the hearing and not previously provided;
- (3) Reports or statements of parties and witnesses, if  
available; and

1 (4) All other written comments or writings containing  
2 relevant evidence.

3 (f) A presiding officer will rule on the admissibility of evidence  
4 and on any objections raised except for objections raised under  
5 subsection (g). A ruling by the presiding officer is final.

6 (1) In advance of the GCA hearing, upon a motion of a  
7 party or by order of the presiding officer, the presiding officer  
8 may conduct a pre-hearing conference, either in person, via  
9 teleconference, or by email exchange, subject to the presiding  
10 officer's availability and will issue a pre-hearing order if  
11 appropriate or requested by either party. The pre-hearing  
12 conference and order may address the following:

13 (A) Evidentiary issues;

14 (B) Witness and exhibit lists;

15 (C) Alterations in the Bureau recommendation;

16 (D) Stipulations for undisputed facts and/or the  
17 admission of evidence including without limitation the  
18 Bureau's report;

19 (E) Authorizing offsite livestreaming appearances for  
20 parties or witnesses if good cause has been presented and  
21 only if the process for offsite livestreaming has been  
22 approved by the Executive Director; and,

23 (F) Other issues that may be deemed appropriate to  
24 promote the orderly and prompt conduct of the hearing.

25 (2) The GCA hearing need not be conducted according to  
26 technical rules of evidence. Any relevant evidence may be  
27 considered, and is sufficient in itself to support findings if it is  
28 the sort of evidence on which reasonable persons are 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  
action.

(g) The Commission may, at any time upon a showing of  
prejudice by the objecting party:

(1) Prohibit the testimony of any witness or the  
introduction of any documentary evidence that has not been  
disclosed pursuant to subsection (e); or

(2) Continue any meeting or hearing as necessary to  
mitigate any prejudice.

(h) The complainant shall present all facts and information in  
the Bureau report, if any, and the results of the Bureau's background  
investigation, and the basis for any recommendation, if the Bureau

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filed one with the Commission according to Business and Professions Code section 19868, to enable the Commission to make an informed decision on whether the applicant has met his, her, or its burden of proof. The complainant may but is not required to recommend or seek any particular outcome during the evidentiary hearing, unless it so chooses.

(i) The burden of proof is always on the applicant to prove his, her, or its qualifications to receive any license or other approval under the Act.

(j) The applicant may choose to represent himself, herself, or itself, or may retain an attorney or lay representative. Lay representatives may assist the applicant but are not authorized to serve as an attorney as otherwise defined and regulated by state law.

(k) Except as otherwise provided in subsection (g), the complainant and applicant will have the right to call and examine witnesses under oath; to introduce relevant exhibits and documentary evidence; to cross-examine opposing witnesses on any relevant matter, even if the matter was not covered in direct examination; to impeach any witness, regardless of which party first called the witness to testify; and to offer rebuttal evidence. If the applicant does not testify on his, her or its behalf, the applicant may be called and examined, under oath, as if under cross-examination.

(l) Oral evidence will be taken upon oath or affirmation, which may be administered by the Executive Director, a member of the Commission, or the presiding officer if an Administrative Law Judge.

(m) At the conclusion of the evidentiary hearing, the members of the Commission will take the matter under submission, may discuss the matter in a closed session meeting, and may schedule future closed session meetings for deliberation.