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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:

NICOLE SEIULI

Respondent.

BGC Case No. BGC-HQ2021-00021SL  
CGCC Case No. CGCC-2021-0506-5

**DECISION AND ORDER**

Hearing Date: January 28, 2022  
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 January 28, 2022.

James Waian, Deputy Attorney General, State of California (DAG Waian), represented complainant Yolanda Morrow, Acting Director of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Attorney Tiffany Lichtig (Attorney Lichtig) represented respondent Nicole Seiuli (Seiuli).

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

During the evidentiary hearing, Presiding Officer Kate Patterson accepted into evidence the following exhibits<sup>1</sup> offered by the Bureau pursuant to a written stipulation between the parties:

- (1) Statement to Respondent; Statement of Reasons; copies of Business & Professions Code sections 19870 and 19871; copy of California Code of Regulations, title 4, section 12060; and December 10, 2021 Declaration of

<sup>1</sup> The missing bates numbers in the exhibit list refer to pages containing only exhibit numbers.

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- Service by E-mail, Bates Nos. BGC 002-024;
- (2) Executed Notice of Defense form for Nicole Dominique Seiuli, dated June 11, 2021, Bates Nos. BGC 026-027;
  - (3) Notices from the California Gambling Control Commission:
    - (a) June 24, 2021 Notice of Hearing (without enclosures), Bates Nos. BGC 029-034;
    - (b) May 10, 2021 Referral of Key Employee Application to an Evidentiary Hearing for Nicole Seiuli (without enclosure), Bates Nos. BGC 035-036;
    - (c) April 22, 2021 Notification of Scheduled Commission Meeting (GEKE-002491) (with enclosure), Bates Nos. 037-046;
  - (4) January 17, 2019 Application for Interim Key Employee License and February 8, 2019 Application for Gambling Establishment Key Employee License for Nicole Dominique Seiuli (including Key Employee Supplemental Background Investigation Information), Bates Nos. BGC 048-064;
  - (5) February 25, 2021 Gambling Establishment Key Employee Initial Background Investigation Report, Level III, Nicole Dominique Seiuli, Marina Club (with attachments), Bates Nos. BGC 066-082;
  - (6) License history for Nicole Dominique Seiuli, Bates No. BGC 084;
  - (7) Certification of the license history for Nicole Dominique Seiuli, Bates No. BGC 086;
  - (8) Court records, police reports, and fingerprint results, Bates Nos. BGC 088-293, regarding:
    - (a) Nicole Dominique Seiuli’s misdemeanor conviction for violation of Penal Code section 653m, subdivision (c)(2), annoying spouse/other at work, a misdemeanor, in the case of *People of the State of California v.*

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*Nicole Dominique Seiuli* (Mun. Ct. Monterey County, 1998, Case No. MM082183A);

(b) Nicole Dominique Seiuli’s misdemeanor conviction for violation of Penal Code section 484, subdivision (a), theft, a misdemeanor, in the case of *People of the State of California v. Nicole Dominique Seiuli* (Super. Ct. Monterey County, 2006, Case No. MS251195B);

(c) Nicole Dominique Seiuli’s misdemeanor conviction for violation of Vehicle Code section 23152, subdivision (a), driving under the influence of alcohol or drugs, a misdemeanor, in the case of *People of the State of California v. Nicole Dominique Seiuli* (Super. Ct. Monterey County, 2007, Case No. MS252655A);

(d) Nicole Dominique Seiuli’s misdemeanor conviction for violation of Vehicle Code section 14601.2, subdivision (a), driving with a suspended or revoked license, a misdemeanor, in the case of *People of the State of California v. Nicole Dominique Seiuli* (Super. Ct. Monterey County, 2008, Case No. MS255501A);

(e) Nicole Dominique Seiuli’s misdemeanor conviction for violation of Penal Code section 594, subdivision (b)(2)(A), vandalism less than \$400, a misdemeanor, in the case of *People of the State of California v. Nicole Dominique Seiuli* (Super. Ct. Monterey County, 2008, Case No. MS253819A);

(f) Nicole Dominique Seiuli’s misdemeanor convictions for violation of Vehicle Code section 23152, subdivision (b), driving under the influence of alcohol or drugs with a blood alcohol level of 0.08 or higher, a misdemeanor, and Penal Code section 242, battery, a misdemeanor, in the case of *People of the State of California v. Nicole Dominique Seiuli* (Super. Ct. Monterey County, 2011, Case No.

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MS291150A);

(g) Nicole Dominique Seiuli’s misdemeanor conviction for violation of Vehicle Code section 14601.2, subdivision (a), driving with a suspended or revoked license, a misdemeanor, in the case of *People of the State of California v. Nicole Dominique Seiuli* (Super. Ct. Monterey County, 2013, Case No. MS314077A);

(h) Nicole Dominique Seiuli’s misdemeanor conviction for violation of Vehicle Code section 14601.2, subdivision (a), driving with a suspended or revoked license, a misdemeanor, in the case of *People of the State of California v. Nicole Dominique Seiuli* (Super. Ct. Monterey County, 2015, Case No. MS325078A); and

(9) Correspondence regarding Nicole Dominique Seiuli, and between the Bureau of Gambling Control and Nicole Dominique Seiuli, Bates Nos. BGC 295-372.

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

- (A) Official Receipt: Superior Court of California, County of Monterey, dated January 14, 2019, Bates No. NDS 001;
- (B) Letter of Recommendation from Amarjit Singh, dated June 20, 2021, Bates No. NDS 002;
- (C) Letter of Recommendation from Frank Calamia, dated September 15, 2021, Bates No. NDS 003; and
- (D) Letter of Recommendation from Felefele Tautolo, dated May 25, 2021, Bates No. NDS 004.

At the conclusion of the hearing on January 28, 2022, the Commissioners kept the administrative record open and requested that Seiuli submit a copy of her work permit application with the City of Marina. Seiuli submitted a copy of her work permit application with the City of

1 Marina to the Commission. On or about February 2, 2022, Presiding Officer Kate Patterson  
2 accepted into evidence the following exhibit offered by Seiuli without objection from the Bureau:

3 (E) City of Marina Card Room Employee Application of Nicole Seiuli, dated  
4 July 28, 2017, without bates numbers.

5 The record was closed and the matter was submitted on February 11, 2022.

6 **FINDINGS OF FACT**

7 **Procedural History**

8 1. In January 2019, Seiuli assumed key employee duties at Marina Club and Casino  
9 (Marina Club), a gambling establishment located in Marina, California.

10 2. On or about January 17, 2019, the Bureau received an Application for Interim Key  
11 Employee License from Seiuli.

12 3. On or about January 23, 2019, the Commission issued interim key employee license  
13 GEKE-002491 to Seiuli.

14 4. On or about February 8, 2019, the Bureau received an Application for Gambling  
15 Establishment Key Employee License and Key Employee Supplemental Background  
16 Investigation Information form (Supplemental) (collectively, Application) from Seiuli to work as  
17 a Floor Manager, a key employee position, at Marina Club.

18 5. On or about March 3, 2021, the Commission received a Level III Gambling  
19 Establishment Key Employee Initial Background Investigation Report on Seiuli from the Bureau.  
20 In this report, the Bureau recommends that the Commission deny Seiuli's Application.

21 6. On or about May 6, 2021, the Commission voted to refer the consideration of  
22 Seiuli's Application to a Gambling Control Act evidentiary hearing pursuant to CCR section  
23 12054(a)(2) to be conducted pursuant to CCR section 12060.

24 7. On or about May 10, 2021, the Commission sent a letter, via certified and regular  
25 mail, to Seiuli notifying her that the Commission referred the consideration of her Application to  
26 an evidentiary hearing.

27 8. On or about June 11, 2021, the Bureau received a signed Notice of Defense from  
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1 Seiuli requesting an evidentiary hearing on the consideration of her Application.

2 9. On or about June 24, 2021, the Commission sent a Notice of Hearing, via e-mail, to  
3 Attorney Lichtig and DAG Waian. The hearing was set for January 28, 2022.

4 10. On or about December 10, 2021, the Bureau sent a Statement of Reasons to Attorney  
5 Lichtig via e-mail. The Commission received the Statement of Reasons on or about December 10,  
6 2021. In the Statement of Reasons, the Bureau requests that the Commission deny Seiuli's  
7 Application.

8 11. On or about December 13, 2021, the noticed Prehearing Conference was held before  
9 Presiding Officer Kate Patterson, Attorney III of the Commission. DAG Waian attended on  
10 behalf of the Bureau. Attorney Lichtig attended on behalf of Seiuli, who did not attend.

11 12. On or about December 20, 2021, the Commission sent a Conclusion of Prehearing  
12 Conference letter, via e-mail, to Attorney Lichtig and DAG Waian.

13 13. The Commission heard this matter via Zoom video conference on January 28, 2022.  
14 The Bureau was represented by DAG Waian. Attorney Lichtig represented Seiuli, who also  
15 attended.

16 **Seiuli's Employment History in Controlled Gambling**

17 14. Seiuli has worked as a cashier, dealer, cashier manager, and floor manager for Marina  
18 Club from August 2017 to the present.

19 15. Frank Calamia (Calamia), owner of Marina Club and Seiuli's supervisor, testified on  
20 behalf of Seiuli during the evidentiary hearing. Calamia testified that Seiuli is dependable,  
21 trustworthy, loyal, and a valuable employee. Calamia also testified that Seiuli has not had any  
22 discipline in her five plus years working at Marina Club.

23 16. There was no evidence presented of any derogatory information relating to Seiuli's  
24 work history in controlled gambling.

25 **Seiuli's Criminal History**

26 17. Between July 17, 1998 and January 22, 2015, Seiuli was convicted of nine  
27 misdemeanors as follows:  
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- 1 (a) On or about July 17, 1998, Seiuli was convicted by the Monterey County Superior  
2 Court of violating Penal Code section 653M(c)(2), annoying a spouse/other at  
3 work, a misdemeanor, in the case of *People of the State of California v. Seiuli*  
4 (Super. Ct. Monterey County, 1998, Case No. MM082183A). Seiuli was sentenced  
5 to 20 days in jail, 36 months of probation, and ordered to pay a fine.
- 6 (b) On or about December 13, 2006, Seiuli was convicted by the Monterey County  
7 Superior Court of violating Penal Code section 484(a), theft, a misdemeanor, in the  
8 case of *People of the State of California v. Seiuli* (Super. Ct. Monterey County,  
9 2006, Case No. MS251195B). Seiuli was sentenced to five days in jail, three years  
10 of probation, and ordered to enroll in a Theft Offender Program, stay away from  
11 JC Penney for one year, and pay a fine.
- 12 (c) On or about February 22, 2007, Seiuli was convicted by the Monterey County  
13 Superior Court of violating Vehicle Code section 23152(a), driving under the  
14 influence of alcohol/drugs (DUI), a misdemeanor, in the case of *People of the*  
15 *State of California v. Seiuli* (Super. Ct. Monterey County, 2007, Case No.  
16 MS252655A). Seiuli was sentenced to six days in jail, five years of probation, and  
17 ordered to enroll in a First Offender Alcohol Program and pay a fine.
- 18 (d) On or about October 30, 2008, Seiuli was convicted by the Monterey County  
19 Superior Court of violating Vehicle Code section 14601.2(a), driving on a  
20 suspended/revoked license, a misdemeanor, in the case of *People of the State of*  
21 *California v. Seiuli* (Super. Ct. Monterey County, 2008 Case No. MS255501A).  
22 Seiuli was sentenced to ten days in jail, three years of probation, and ordered to  
23 install a Guardian Interlock Device on her vehicle and pay a fine.
- 24 (e) On or about October 30, 2008, Seiuli was also convicted by the Monterey County  
25 Superior Court of violating Penal Code section 594(b)(2)(a), vandalism less than  
26 \$400, a misdemeanor, in the case of *People of the State of California v. Seiuli*  
27 (Super. Ct. Monterey County, 2008, Case No. MS253819A). Seiuli was sentenced  
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1 to 20 days in jail, three years of probation, and ordered to attend 12 weeks of  
2 Anger Management classes, pay a fine, and pay restitution.

3 (f) On or about January 21, 2011, Seiuli was convicted by the Monterey County  
4 Superior Court of two misdemeanors: (1) violation of Vehicle Code section  
5 23152(b), DUI with blood alcohol level of .08% or higher; and (2) violation of  
6 Penal Code section 242, battery, in the case of *People of the State of California v.*  
7 *Seiuli* (Super. Ct. Monterey County, 2011, Case No. MS291150A). Seiuli was  
8 sentenced to 60 days in jail, five years of probation, and ordered to install a  
9 Guardian Interlock Device on her vehicle, enroll in a SB38 Program, and pay a  
10 fine.

11 (g) On or about August 22, 2013, Seiuli was convicted by the Monterey County  
12 Superior Court of violating Vehicle Code section 14601.2(a), driving on a  
13 suspended/revoked license, a misdemeanor, in the case of *People of the State of*  
14 *California v. Seiuli* (Super. Ct. Monterey County, 2013, Case No. MS314077A).  
15 Seiuli was sentenced to 10 days in jail, one year of probation, and ordered to install  
16 a Guardian Interlock Device on her vehicle and pay a fine.

17 (h) On or about January 22, 2015, Seiuli was convicted by the Monterey County  
18 Superior Court of violating Vehicle Code section 14601.2(a), driving on a  
19 suspended/revoked license, a misdemeanor, in the case of *People of the State of*  
20 *California v. Seiuli*, (Super. Ct. Monterey County, 2015, Case No. MS325078A).  
21 Seiuli was sentenced to 40 days in jail, three years of probation, and ordered to pay  
22 a fine.

23 18. During the evidentiary hearing, Seiuli testified that she has complied with all of the  
24 court obligations arising out of her convictions.

25 19. There was no evidence that Seiuli has had any criminal convictions since January 22,  
26 2015, a period of over seven years.

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1 **Seiuli's Application**

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

6 21. Seiuli's Application consists of two parts. The first part is two pages and contains five  
7 sections, including applicant information. The second part is the Supplemental, which is 14 pages  
8 and contains 12 sections. The Supplemental requires that the applicant disclose, among other  
9 things, their criminal history information. All of the information requested on the Application and  
10 Supplemental has been considered through the legislative and regulatory processes and  
11 determined necessary in order for the Commission to discharge its duties properly.

12 22. The first page of the Supplemental informs the applicant that the purpose of the  
13 Supplemental "is to obtain information from you that is necessary to determine whether you meet  
14 the requirements for licensure under state law." The Supplemental requires the applicant to  
15 "provide truthful information in all your responses in this application." The Supplemental  
16 contains a warning that "any misrepresentation or failure to disclose information required on this  
17 application may constitute sufficient cause for denial or revocation." The Supplemental also  
18 expressly provides that "if the space available is insufficient, use a separate sheet of paper and  
19 precede each answer with the applicable section number."

20 23. The Bureau relies, in large part, on the applicant's disclosures while conducting a  
21 background investigation. The failure to honestly and accurately disclose information on an  
22 application subverts the Bureau's efforts to conduct a thorough and complete investigation.

23 24. Both the substance of an applicant's disclosures, and the truthfulness and  
24 thoroughness of an applicant's disclosures, are considered by the Bureau in making a  
25 recommendation as to the applicant's suitability for licensure, and by the Commission in making  
26 a determination whether to approve or disapprove a license application.

27 25. The last portion of the Supplemental is a Declaration to be signed under the penalty of  
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1 perjury that all of the information contained in the Supplemental is “true, correct, and complete.”  
2 Seiuli signed the Declaration on January 13, 2019.

3 26. Section (6) of the Supplemental required Seiuli to disclose her criminal history  
4 information. Seiuli checked the box marked “yes” to the question “Have you ever been convicted  
5 of a crime or pled guilty, or pled nolo contendere (no contest) to a crime? Include any convictions  
6 reduced or expunged, unless the records have been sealed pursuant to a court order.” Seiuli’s  
7 answer was accurate because she had been convicted of nine misdemeanors. There is space on the  
8 Supplemental to include three different dates of convictions. On her Supplemental, Seiuli  
9 disclosed four of her nine misdemeanor convictions in those three spaces as follows:

- 10 a. DUI, dated February 22, 2007, in Case No. MS252655A;
- 11 b. Driving on a suspended license, dated October 30, 2008, in Case No.  
12 MS255501A;
- 13 c. DUI, dated January 21, 2011, in Case No. MS291150A; and
- 14 d. Battery, dated January 21, 2011, in Case No. MS291150A.

15 27. During the evidentiary hearing, Seiuli testified that she knew that all of her criminal  
16 convictions had to be disclosed on the Supplemental. However, Seiuli failed to disclose the  
17 following convictions on her Supplemental:

- 18 a. Annoying a spouse/other at work, July 17, 1998, in Case No. MM082183A;
- 19 b. Theft, December 13, 2006, in Case No. MS251195B;
- 20 c. Vandalism less than \$400, October 30, 2008, in Case No. MS253819A;
- 21 d. Driving on a suspended license, August 22, 2013, in Case No. MS314077A;  
22 and
- 23 e. Driving on a suspended license, January 22, 2015, in Case No. MS325078A.

24 28. On or about January 14, 2019, Seiuli paid \$9.00 for copies of court documents related  
25 to her criminal history to the Superior Court of California, County of Monterey, Salinas  
26 Courthouse. The only case number listed on the official receipt is MS291150A, in which Seiuli  
27 was convicted of a DUI and battery. Seiuli had disclosed both convictions arising out of Case No.  
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1 MS291150A on her Supplemental.

2 29. On or about October 22, 2019, the Bureau sent a letter to Seiuli requesting additional  
3 information for its background investigation, including a detailed account of the circumstances  
4 that led to each of her convictions and an explanation why she did not disclose all of her  
5 convictions on her Supplemental.

6 30. Seiuli responded to the Bureau's October 22, 2019 letter by submitting a list of eight  
7 misdemeanor convictions. The only conviction missing from her submission was her January 21,  
8 2011 DUI (which she disclosed on her Supplemental). Seiuli provided a brief summary of the  
9 circumstances relating to six of her convictions, but only provided case numbers for two of her  
10 convictions. Seiuli did not provide any information regarding why she failed to disclose all of her  
11 criminal convictions on the Supplemental.

12 31. On or about November 26, 2019, the Bureau sent a letter to Seiuli as a second request  
13 inquiring why she failed to disclose all of her convictions on her Supplemental.

14 32. On or about December 14, 2019, Seiuli faxed to the Bureau a written statement and  
15 the following documents: (1) Arraignment: Complaint for her December 13, 2006 theft  
16 conviction in Case No. MM082183A; (2) Arraignment: Warrant for her October 30, 2008  
17 vandalism conviction in Case No. MS253819A; (3) Arraignment: Warrant for her August 22,  
18 2013 driving on a suspended license conviction in Case No. MS314077A; and (4) Pre-Trial  
19 Conference for her January 22, 2015 driving on a suspended/revoked license in Case No.  
20 MS325078A. In her written statement, Seiuli stated "all documents re-faxed are copies of/from  
21 my original application."

22 33. On or about December 11, 2020, the Bureau sent a letter to Seiuli requesting more  
23 details regarding the factual circumstances relating to several of her criminal convictions and an  
24 explanation regarding why she did not disclose all of her convictions on her Supplemental.

25 34. On or about December 21, 2020, Seiuli sent a letter to the Bureau providing additional  
26 details regarding the factual circumstances relating to several of her criminal convictions.

27 35. During the evidentiary hearing, Seiuli testified that she personally filled out her  
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1 Application. Seiuli testified that she listed three of her nine criminal convictions based on her  
2 memory and went to the court to obtain additional information on her other criminal convictions.  
3 Seiuli testified that she did not list all of her criminal convictions on the Supplemental because  
4 there was insufficient space. She testified that she included the additional convictions in the form  
5 of minute orders that she received from the court and provided the Application and minute orders  
6 to Calamia. She testified that she thought Calamia had sent all of the documents to the Bureau but  
7 subsequently learned that the Bureau never received the additional documents regarding her  
8 criminal convictions.

9 36. During the evidentiary hearing, Calamia testified that he submitted Seiuli's  
10 Application to the Bureau and that he knew there were court documents included in the  
11 Application. He testified that Seiuli's Application included some minute orders but that he did not  
12 know specifically which minute orders because he just took the documents and put them in the  
13 folder to be mailed. Calamia also testified that the packet of materials was provided by Seiuli and  
14 that he signed them and mailed them to the Bureau without looking at the documents.

15 37. There was no evidence presented that the Bureau ever received any court documents,  
16 including minute orders, related to Seiuli's criminal convictions when it received Seiuli's  
17 Application.

### 18 **Seiuli's Card Room Employee Application with the City of Marina**

19 38. On or about July 28, 2017, Seiuli submitted a Card Room Employee Application with  
20 the City of Marina (City of Marina Application) to work as a cashier and dealer for Marina Club.  
21 Section 5 of the City of Marina Application required Seiuli to "list all criminal convictions on the  
22 'Criminal History' form, with the exception of conviction [sic] for Vehicle Code infraction and  
23 misdemeanor convictions, except those related to drugs, alcohol, theft, fraud, false identification  
24 to a police officer, or any other conviction involving dishonesty, moral turpitude." Seiuli signed  
25 the City of Marina Application under oath and penalty of perjury that the statements in the  
26 application were "true, complete, and correct to the best of my knowledge."

27 39. Seiuli was required to disclose six of her nine misdemeanor convictions on her City  
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1 of Marina Application as follows:

- 2 a. Annoying a spouse/other at work, dated July 17, 1998;
- 3 b. Theft, dated December 13, 2006;
- 4 c. DUI, dated February 22, 2007;
- 5 d. Vandalism under \$400, dated October 30, 2008;
- 6 e. DUI, dated January 21, 2011; and
- 7 f. Battery, dated January 21, 2011.

8 40. Seiuli disclosed four of her nine misdemeanor convictions on her City of Marina  
9 Application as follows:

- 10 a. DUI, dated February 22, 2007;
- 11 b. DUI, dated January 21, 2011;
- 12 c. Driving on a suspended license, dated August 22, 2013; and
- 13 d. Driving on a suspended license, dated January 22, 2015.

14 41. Seiuli was not required to disclose her three driving on a suspended license  
15 convictions on the City of Marina Application because they are Vehicle Code misdemeanor  
16 convictions unrelated to drugs, alcohol, theft, fraud, or false identification to a police officer, and  
17 do not involve dishonesty or moral turpitude.

18 42. However, Seiuli was required to disclose, and failed to disclose, four of her nine  
19 misdemeanor convictions: (1) annoying a spouse/other at work; (2) theft; (3) vandalism under  
20 \$400; and (4) battery.

21 43. There was sufficient space on the City of Marina Application for Seiuli to list all of  
22 the convictions that she was required to disclose.

23 **Seiuli's Letters of Reference**

24 44. Seiuli submitted three letters of reference in support of her Application:

- 25 a. Amarjit Singh (Singh) was Seiuli's employer at Broadway Market. Singh  
26 states that he has known Seiuli for two years. Singh states that Seiuli was  
27 responsible for maintaining the smooth operation of the store, which involved  
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1 in-depth communications with customers, interpreting strategy for staff, and  
2 staying on task. Singh states that Seiuli completed her work with warmth,  
3 insight, and professionalism. Singh describes Seiuli as highly competent, well-  
4 organized, trustworthy, and an excellent communicator.

5 b. Frank Calamia (Calamia) is the owner of Marina Club. Calamia states that he  
6 has known Seiuli for four years as her supervisor. Calamia states that Seiuli  
7 excels at cage operations and management, and that she has leadership and  
8 training skills. Calamia states that Seiuli has always displayed outstanding  
9 character and integrity. Calamia also states that Seiuli is honest, loyal,  
10 punctual, and hard working.

11 c. Felefele Tautolo (Tautolo) is the Executive Director of Soul'd Out Christian  
12 Youth Program (the "Program"). Tautolo states that Seiuli has a longstanding  
13 working relationship with the Program. Tautolo states that Seiuli has  
14 participated and performed her roles with confidence and efficiency as staff for  
15 young girls and as a mentor for youths. Tautolo describes Seiuli as a valuable,  
16 hands-on asset for the Program who has performed various tasks with  
17 commitment and enthusiasm. Tautolo states that Seiuli's interpersonal and  
18 communication skills have enabled her to develop good working relationships  
19 with her colleagues, superiors, and within the community. Tautolo states that  
20 Seiuli is a great person inside and out.

### 21 **Assessment of Seiuli's Suitability for Licensure**

22 45. Seiuli's letters of reference were individualized and candid, and relate to Seiuli's work  
23 in and out of controlled gambling, and her personal attributes outside of work. These attributes  
24 include Seiuli's professionalism, character, integrity, and trustworthiness. Seiuli's employer and  
25 supervisor, Calamia, also testified on her behalf during the evidentiary hearing. Calamia testified  
26 that Seiuli is dependable, trustworthy, loyal, and a valuable employee. The content of these letters  
27 and Calamia's testimony, and the lack of any derogatory employment-related issues while  
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1 working at Marina Club, is persuasive that Seiuli has demonstrated many positive attributes in her  
2 five plus years at Marina Club. These characteristics reflect positively on Seiuli's character,  
3 honesty, integrity, and her ability to participate in controlled gambling.

4 46. However, there is a significant area of concern regarding Seiuli's suitability  
5 for licensure because she failed to disclose several criminal convictions on her Supplemental.  
6 *Failure to Disclose Several Criminal Convictions on her Supplemental*

7 47. It is undisputed that Seiuli failed to disclose five misdemeanor convictions on her  
8 Supplemental. An unexcused failure to disclose information on an application, particularly an  
9 applicant's criminal history,<sup>2</sup> is itself material to an applicant's qualification for licensure.  
10 Additionally, one of Seiuli's misdemeanor convictions is for theft, which is a crime involving  
11 dishonesty and moral turpitude. Another of Seiuli's misdemeanor convictions is for vandalism,  
12 which is a crime involving moral turpitude. Seiuli failed to disclose these misdemeanor  
13 convictions on both her Supplemental and her City of Marina Application. Theft and vandalism  
14 are both serious crimes involving dishonesty and/or moral turpitude that are especially material to  
15 her qualifications for licensure. Seiuli also failed to disclose her two most recent criminal  
16 convictions, both for driving on a suspended license, even though she disclosed these two  
17 convictions less than two years earlier on her City of Marina Application.

18 48. Seiuli's explanations for failing to disclose several convictions on her Supplemental  
19 are that there was not enough space to include all of her convictions on the Supplemental, and  
20 that she obtained and provided court documents of the convictions she did not list on the  
21 Supplemental and included them with her Application.

22 49. Seiuli is correct that there was not enough space on the Supplemental for her to  
23 include all of her criminal convictions. However, the Supplemental expressly provides that "if the  
24 space available is insufficient, use a separate sheet of paper and precede each answer with the  
25 applicable section number." There was no evidence presented that Seiuli included a separate sheet

26 \_\_\_\_\_  
27 <sup>2</sup> The importance of an applicant disclosing their criminal history is further demonstrated by Business and  
28 Professions Code section 19857(b), which specifically requires that the Commission must be satisfied that an  
applicant's "criminal record" does not pose a threat to the public interest of this state or to the effective regulation  
and control of controlled gambling before the Commission may issue a gambling license to an applicant.

1 of paper identifying her remaining criminal convictions. Additionally, Seiuli failed to disclose  
2 four criminal convictions on her City of Marina Application even though there was ample space  
3 to do so. As a result, Seiuli's explanation that she failed to disclose her required criminal history  
4 on the Supplemental due to the lack of sufficient space lacks credibility and is insufficient to  
5 excuse her failure to disclose five misdemeanor convictions.

6 50. Seiuli's explanation that she obtained and provided court documents of the convictions  
7 she did not list on the Supplemental and included them with her Application lacks sufficient  
8 evidentiary support to excuse her failure to disclose. The instructions on the Supplemental require  
9 the applicant to disclose their criminal history on the form and to provide an additional sheet of  
10 paper with section numbers pertaining to the appropriate sections of the Application as necessary.  
11 Instead of doing so, Seiuli testified that she included the convictions missing from her  
12 Supplemental in the form of minute orders that she received from the court and provided the  
13 Application and minute orders to Calamia. She testified that she thought Calamia had sent all of  
14 the documents to the Bureau. Calamia testified that he knew there were court documents in the  
15 Application, although he did not know specifically what court documents were included, and that  
16 he took the packet of documents from Seiuli, signed them, put in them in a folder, and mailed  
17 them to the Bureau. It is unclear whether court documents were ever included with Seiuli's  
18 Application, or if so, what happened to them. However, ultimately there was no evidence  
19 presented that the Bureau ever received any court documents related to Seiuli's criminal  
20 convictions when it received Seiuli's Application.

21 51. Based on the foregoing, Seiuli has failed to provide information required by the  
22 Gambling Control Act and the Bureau by failing to disclose five of her misdemeanor convictions  
23 on her Application.

24 52. Seiuli has also failed to reveal facts material to qualification by failing to disclose  
25 five of her misdemeanor convictions on her Application, including the more serious crimes of  
26 theft and vandalism, crimes involving dishonesty and/or moral turpitude.

27 53. All documentary and testimonial evidence submitted by the parties that is not  
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1 specifically addressed in this Decision and Order was considered but not used by the Commission  
2 in making its determination on Seiuli’s Application.

3 54. The matter was submitted for Commission consideration on February 11, 2022.

4 LEGAL CONCLUSIONS

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

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

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

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

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

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

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

3 62. Every key employee shall apply for and obtain a key employee license. Business and  
4 Professions Code section 19854(a).

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

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

9 65. The burden of proof is always on the applicant to prove his, her, or its  
10 qualifications to receive any license or other approval under the Gambling Control Act. CCR  
11 section 12060(j).

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

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

20 68. The Commission shall deny a license to any applicant who is disqualified for failure of  
21 the applicant to provide information, documentation, and assurances required by this chapter or  
22 requested by the chief, or failure of the applicant to reveal any fact material to qualification, or the  
23 supplying of information that is untrue or misleading as to a material fact pertaining to the  
24 qualification criteria. Business and Professions Code section 19859(b).

25 69. An application will be denied if the Commission finds that any of the provisions of  
26 Business and Professions Code section 19859 apply to the applicant. CCR section 12040(a)(2).

27 70. By failing to disclose five misdemeanor convictions on her Application, Seiuli has  
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1 failed to provide information and assurances required by the Gambling Control Act and the  
2 Bureau. Therefore, Seiuli is disqualified from licensure pursuant to Business and Professions  
3 Code section 19859(b) and her Application must be denied pursuant to CCR section 12040(a)(2).

4 71. Seiuli’s entire criminal history, and particularly her convictions for theft and  
5 vandalism, crimes involving dishonesty and/or moral turpitude, is material to her qualifications  
6 for licensure. By failing to disclose five misdemeanor convictions on her Supplemental, including  
7 the more serious crimes of theft and vandalism, Seiuli failed to reveal facts material to her  
8 qualifications for licensure. Therefore, Seiuli is disqualified from licensure pursuant to Business  
9 and Professions Code section 19859(b) and her Application must be denied pursuant to CCR  
10 section 12040(a)(2).

11 NOTICE OF APPLICANT’S APPEAL RIGHTS

12 Seiuli has the following appeal rights available under state law:

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

14 (a) After the Commission issues a decision following a GCA hearing conducted  
15 pursuant to Section 12060, an applicant denied a license, permit, registration, or  
16 finding of suitability, or whose license, permit, registration, or finding of  
17 suitability has had conditions, restrictions, or limitations imposed upon it, may  
18 request reconsideration by the Commission. A request for reconsideration must  
19 be:

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

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

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

28 (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

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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 or restrictions on a license after an evidentiary hearing 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 will be affected by failure to seek reconsideration.

**ORDER**

- 1. Nicole Seiuli’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 May 23, 2022.

Dated: 4/21/2022 Signature:   
38D0AB38C651466  
 Paula LaBrie, Chair

Dated: 4/21/2022 Signature:   
3D1DB086F9274AA  
 Cathleen Galgiani, Commissioner

Dated: 4/21/2022 Signature:   
2B4CE9520F8945C  
 Eric Heins, Commissioner

Dated: 4/21/2022 Signature:   
7722F4571120449  
 William Liu, Commissioner

Dated: 4/21/2022 Signature:   
14B4AD3B90F8462  
 Edward Yee, Commissioner