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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Applications for Approval
of Third-Party Proposition Player Services
License Regarding:

SELAH GAVIN DAVIS

Applicant.

CGCC Case Nos. CGCC-2021-0408-7B
CGCC-2021-0408-7C
BGC Case No. BGC-HQ2021-00023SL

DECISION AND ORDER

Hearing Date: January 24, 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 24, 2022.

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

Applicant Selah Davis (Davis) appeared on her own behalf without representation.

During the evidentiary hearing, Presiding Officer Russell Johnson took official notice of the following documents: the Commission’s Notice and Agenda of Commission Hearing, the Commission’s Conclusion of Prehearing Conference letter, the Commission’s Notice of Hearing with two attachments: (a) Davis’ Applications for Third-Party Proposition Player Services License and (b) the Bureau’s Third-Party Supervisor Initial Background Investigation Report; the Bureau’s Statement of Reasons, and Davis’s signed Notice of Defense.

During the evidentiary hearing, Presiding Officer Russell Johnson accepted into evidence the following exhibits offered by the Bureau:

- 1) Statement of Reasons, Statement to Respondent; copies of Business and Professions Code sections 19870 and 19871; Copy of California Code of Regulations, tit. 4, section 12060; and September 24, 2021, Certificate of

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- Service by Certified Mail Service dated September 24, 2021, Bates Nos. 0001-0021.
- 2) Notice of Defense, dated April 30, 2021, Bates Nos. 0022-0023.
- 3) SUPPLEMENTAL DOCUMENTS OF CALIFORNIA GAMBLING CONTROL COMMISSION: December 9, 2021 letter to Selah Gavin Davis, Amy Banquerigo, Jordan Aman, Candice Berry, and Jeremy Stevens, from Russell Johnson, Presiding Officer, California Gambling Control Commission re: Conclusion of Prehearing Conference, Bates Nos. 24-0001-0011.
- 4) BUREAU OF GAMBLING CONTROL APPLICATIONS AND INVESTIGATIVE REPORTS:
- a. Application for Third-Party Proposition Player Services License for Supervisor, Player or Other Employee, dated May 11, 2018, for Knighted Ventures, LLC, Bates Nos. 0025-0029;
 - b. Level II Supplemental Information, undated; for Knighted Ventures, LLC (pages 1, 17, 24 missing), Bates Nos. 0030-0056;
 - c. Application for Third-Party Proposition Player Services License for Supervisor, Player or Other Employee, dated July 3, 2018, for Majesty Partners, LLC, Bates Nos. 0057-0059;
 - d. Level II Supplemental Information, dated July 3, 2018, for Majesty Partners, LLC, Bates Nos. 0060-0089;
 - e. Department of Justice, Bureau of Gambling Control Third-Party Supervisor, Initial Background Investigation Report, Level III, Selah Lee Gavin Davis, Knighted Ventures, LLC, dated December 2020, with Attachments, Bates Nos. 0090-0098:
 - i. February 25, 2021 email to BGC from Selah Davis re: responses to additional information requested, Bates Nos. 0099-0101;
 - ii. December 11, 2020 email to BGC, Selah Davis, Amy

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Banquerigo re: attached is first page of Level III report for
Knighted Ventures, LLC, Bates Nos. 0102-0103;

iii. March 10, 2021 letter to Dolores Olivarez, Deputy Director,
California Gambling Control Commission from Brian
Gilleland, Manager II, Third Party Licensing Section, BGC re:
Addendum to Third-Party Supervisor Background Investigation
Report-Knighted Ventures, LLC-Selah Lee Gavin Davis-
Application Number 1010985, Bates Nos. 0104-0105;

f. State of California, Department of Justice, Bureau of Gambling Control
Third-Party Supervisor, Initial Background Investigation Report, Level
III Selah Lee Gavin Davis, Majesty Partners, LLC, with attachments,
Bates Nos. 0106-0113:

i. February 25, 2021 email to BGC from Selah Davis re:
responses to additional information requested, Bates Nos. 0114-
0116;

ii. December 11, 2020 email to BGC, Selah Davis, Amy
Banquerigo re: attached is first page of Level III report for
Majesty Partners, LLC w/attached page, Bates Nos. 0117-0118;

iii. March 10, 2021 letter to Dolores Olivarez, Deputy Director,
California Gambling Control Commission from Brian
Gilleland, Manager II, Third Party Licensing Section, BGC re:
Addendum to Third-Party Supervisor Background Investigation
Report –Majesty Partners, LLC – Selah Lee Gavin Davis –
Application Number 104234, Bates Nos. 0119-0120.

5) NOTICES FROM THE CALIFORNIA GAMBLING CONTROL COMMISSION:

a. KNIGHTED VENTURES, LLC

(i) January 25, 2021 letter to Selah Gavin Davis from Sonny

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Xiong, Analyst, Licensing Division, Gambling Control Commission, re: Notice of Scheduled Commission Meeting (App No. 101985) with attachment, Bates Nos. 0121-0123:

1. February 4, 2021 California Gambling Control Commission, Licensing Division Memorandum, Agenda Item # 11D, Application for Initial Third-Party Proposition Player Services License, Knighted Ventures, LLC, Bates Nos. 0124-0128;

(ii) February 10, 2021 letter to Selah Gavin Davis from Sonny Xiong, Analyst, Licensing Division, re: No Action Taken on Application for Initial Third-Party Proposition Player Services License (TPSU-001514), Bates No. 0129;

(iii) March 24, 2021 letter to Selah Gavin Davis from Sonny Xiong, Analyst, Licensing Division, re: Notice of Scheduled Commission Meeting (App No. 101985), Bates No. 0130, with attachment:

1. April 8, 2021 California Gambling Control Commission, Licensing Division Memorandum, Agenda Item # 7B, Application for Initial Third-Party Proposition Player Services License; Knighted Ventures, LLC, Bates Nos. 0131-0137;

(iv) April 14, 2021 letter to Selah Gavin Davis - Referral of Applications for Initial Third-Party Proposition Player Services Supervisor License to an Evidentiary Hearing for Selah Gavin Davis (CGCC-2021-0408-7B & CGCC-2021-0408-7C); and Notice of Defense form, Bates Nos. 0138-0142.

b. MAJESTY PARTNERS, LLC

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(i) January 25, 2021 letter to Selah Gavin Davis from Sonny Xiong, Analyst, Licensing Division, Gambling Control Commission, re: Notice of Scheduled Commission Meeting (App No. 104234) with attachment, Bates Nos. 0143-0144:

1. February 4, 2021 California Gambling Control Commission, Licensing Division Memorandum, Agenda Item #11Ei, Application for Initial Third-Party Proposition Player Services License, Majesty Partners, LLC, Bates Nos. 0145-0149;

(ii) February 10, 2021 letter to Selah Gavin Davis from Sonny Xiong, Analyst, Licensing Division, re: No Action Taken on Application for Initial Third-Party Proposition Player Services License (TPSU-001563), Bates No. 0150;

(iii) March 24, 2021 letter to Selah Gavin Davis from Sonny Xiong, Analyst, Licensing Division, re: Notice of Scheduled Commission Meeting (App No. 104234) with attachment, Bates No. 0151:

1. April 8, 2021 California Gambling Control Commission, Licensing Division Memorandum, Agenda Item #7C, Application for Initial Third-Party Proposition Player Services License; Majesty Partners, LLC, Bates Nos. 0152-0158;

c. April 14, 2021 letter to Selah Gavin Davis-Referral of Applications for Initial Third-Party Proposition Player Services Supervisor License to an Evidentiary Hearing for Selah Gavin Davis (CGCC-2021-0408-7B & CGCC-2021-0408-7C); and Notice of Defense form, Bates Nos. 0159-0163;

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- 6) Registration/License History of Selah Gavin Davis 08/07/2013-07/12/2018, Bates Nos. 0164-0165.
- 7) Certification of Official Records (Evidence Code section 1280) of Selah Gavin Davis, Registration Numbers TPSU-001514 and TPSU-001563, signed by Jared Revak, Manager I, Bureau of Gambling Control; Department of Justice, dated June 24, 2021, Bates No. 0166.
- 8) MISCELLANEOUS BUREAU OF GAMBLING CONTROL CORRESPONDENCE AND EMAILS
 - a. January 16, 2020 Letter to Amy Banquerigo, Designated Agent, Knighted Ventures, LLC from Jared Revak, Manager I, BGC re: Additional Information and/or Documents Required-Applicant number 101985, Bates Nos. 0167-0173;
 - b. February 10, 2020 Final Notice Letter to Amy Banquerigo, Designated Agent, Knighted Ventures, LLC from Jared Revak, Manager I, BGC re: Additional Information and/or Documents Required-Applicant Number 101985, Bates Nos. 0174-0175;
 - c. February 25, 2020 email from Selah Gavin Davis to Travis Endow re: Responses to additional information requested; (EMAIL CHAIN), Bates Nos. 0176-0178;
 - d. February 26, 2020, email from Travis Endow to Selah Davis re: Requesting copies of additional financial information not provided; (EMAIL CHAIN), Bates Nos. 0179-0182;
 - e. May 22, 2020 email from Travis Endow to Selah Davis re: Responses are Past Due. Response required by May 25, 2021; (EMAIL CHAIN), Bates Nos. 0183-0189;
 - f. July 14, 2020 Letter to Amy Banquerigo, Designated Agent, Knighted

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- Ventures, LLC from Jared Revak, Manager I, BGC re: Final Notice re: Additional Information and/or Documents Required – Applicant Number 101985, Bates Nos. 0190-0191;
- g. October 25, 2020, email from Selah Davis to Travis Endow re: I do not know when DD-214 will arrive, Bates Nos. 0192-0194;
 - h. October 25, 2020, email from Selah Davis to Travis Endow re: I did get this from VA, Bates No. 0195;
 - i. October 25, 2020 email from Selah Davis to Travis Endow re: I listed all that was on my credit report, Bates No. 0196.
 - j. October 27, 2020 email from Travis Endow to Selah Davis, Amy Banquerigo – Responses are incomplete, Bates Nos. 0197-0198;
 - k. November 23, 2020 letter to Amy Banquerigo, Designed Agent, Knighted Ventures, LLC from Brian Gilleland, Manager II, BGC re: Recommendation of Denial of Application for a Third-Party Provider of Proposition Player Services – Supervisor License, Bates Nos. 0199-0200;
 - l. February 4, 2021 email from Jared Revak to S Davis, A Banquerigo re Please provide requested information, Bates No. 0201;
 - m. December 10, 2020 letter to Amy Banquerigo , DA from Jared Revak re: completed background investigation and has recommended denial (no enclosure), Bates No. 0202;
 - n. February 24, 2021 email from Jared Revak to Jordan Aman (Knighted Ventures) re no information received. . . please confirm fax number information sent to. (EMAIL CHAIN), Bates Nos. 0203-0207;
 - o. November 23, 2020 letter to Amy Banquerigo, Designed Agent, Majesty Partners, LLC from Brian Gilleland, Manager II, BGC re: Recommendation of Denial of Application for a Third-Party Provider

1 of Proposition Player Services – Supervisor License, Bates Nos. 0208-
2 0210;

3 p. December 10, 2020 letter to Amy Banquerigo, DA from Jared Revak
4 re: Investigative Report for Selah Lee Gavin Davis – Applicant
5 Number 104234 – Recommendation Denial, Bates No. 0211.

6 9) APPOINTMENT OF DESIGNATED AGENT FORMS

7 a. Appointment of Designated Agent (Candice Berry) for Owners and
8 Proposition Players For Selah Gavin Davis - Knighted Ventures, LLC,
9 dated 12/11/2018, Bates Nos. 0212-0214;

10 b. Appointment of Designated Agent (Amy Banquerigo) for Owners and
11 Proposition Players For Selah Gavin Davis - Knighted Ventures, LLC,
12 dated 12/11/2018, Bates No. 0215;

13 c. Appointment of Designated Agent (Jordan Aman, Amy Banquerigo,
14 Candice Berry) For Selah Gavin Davis – Knighted Ventures, LLC,
15 dated 02/17/2021, Bates Nos. 0216-0218;

16 d. Appointment of Designated Agent (Candice Berry) for Owners and
17 Proposition Players For Selah Gavin Davis – Majesty Partners, LLC,
18 dated 12/13/2019, Bates Nos. 0219-0220;

19 e. Appointment of Designated Agent (Amy Banquerigo) for Owners and
20 Proposition Players For Selah Gavin Davis – Majesty Partners, LLC,
21 dated 07/03/2018, Bates No. 0221.

22 During the evidentiary hearing, Presiding Officer Russell Johnson accepted into evidence
23 the following exhibit offered by Davis:

24 A. Letters of Reference:

- 25 1. Letter by Sarandon Bracero, Bates No. APP000001;
26 2. Letter by Kiresha Barkus, Bates No. APP000002.

27 The record closed and the matter was submitted on January 24, 2022.

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FINDINGS OF FACT

Procedural History

1. On April 27, 2018, the Commission issued Third-Party Proposition Player Services Registration, number TPSU-001514 to Davis to allow for her employment with Knighted Ventures, LLC (Knighted), a registered third-party proposition player services provider.

2. On July 12, 2018, the Commission issued Third-Party Proposition Player Services Registration, number TPSU-001563 to Davis to allow for her employment with Majesty Partners, LLC (Majesty), a registered third-party proposition player services provider.

3. On May 18, 2018, the Bureau received an Application for Third-Party Player Services License for Supervisor, Player or Other Employee, and a Level II Supplemental Information form from Davis to allow for her continued employment as a supervisor for Knighted.

4. On October 15, 2018, the Bureau received an Application for Third-Party Player Services License for Supervisor, Player or Other Employee, and a Level II Supplemental Information form from Davis to allow for her continued employment as a supervisor for Majesty. Davis' two applications are collectively referred to herein as her "Applications."

5. On or about December 10, 2020, the Commission received two Level III, Third-Party Player Initial Background Investigation Reports (Reports) on Davis' Applications from the Bureau. In these Reports, the Bureau recommends that the Commission deny Davis' Applications.

6. At its April 8, 2021 meeting, the Commission referred consideration of Davis' Applications to a Gambling Control Act (GCA) evidentiary hearing to be held pursuant to CCR section 12054, subdivision (a)(2).

7. On or about May 4, 2021, the Commission received a Notice of Defense form signed by Davis requesting an evidentiary hearing on the consideration of her Applications.

8. On or about July 30, 2021, the Commission sent a Notice of Hearing to Davis and DAG Stevens, providing that an evidentiary hearing would be held before the Commission on January 24, 2022.

1 9. On September 14, 2021, the Commission received the Bureau’s Statement of Reasons.
2 In the Statement of Reasons, the Bureau requests that the Commission deny Davis’ Applications
3 on the basis that she failed to reveal facts material to qualification.

4 10. The Commission heard this matter via Zoom video conference on January 24, 2022.
5 The Bureau was represented throughout the hearing by DAG Stevens. Davis appeared on her own
6 behalf without representation.

7 **Davis’ Employment History in Controlled Gambling**

8 11. Davis has worked in controlled gaming since June 2013 when she was employed by
9 Knighted as a proposition player. Since April 2018, Davis has worked as a supervisor for
10 Knighted in a Shift Lead position with her primary duties involving overseeing gambling floor
11 operations to ensure the game follows proper protocols and asset protection.

12 12. Davis has been employed by Majesty since approximately October 2018 as a
13 supervisor in a Shift Lead position with her primary duties involving monitoring and making
14 payouts, and looking out for errors and cheating.

15 13. There was no evidence presented that Davis has had any derogatory employment-
16 related issues while working in controlled gambling.

17 **Failure to Disclose Derogatory Financial Information on Applications**

18 14. The Applications filled out by Davis consisted, in part, of a Level II Supplemental
19 Information form (Supplemental). The final page of the Supplemental form submitted for both
20 Applications contain Declarations which Davis signed under the penalty of perjury, that the
21 statements contained therein are true and correct and contain a full and true account of the
22 information requested.

23 15. Section 4 of the Supplemental requires an applicant to provide financial history
24 information. Section (4)(B) on the Supplemental asks, “Have any individuals, businesses, or
25 governmental agencies filed liens against you as an individual, sole proprietor, member of a
26 partnership, or owner of a corporation within the last 10 years? If yes, provide complete details
27 and dates.” Davis responded by checking “No” on both Supplemental forms submitted with her
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1 Applications.

2 16. Section 4(C) on the Supplemental asks, “Have you had any purchase repossessed or
3 debt turned over to collection for any reason within the last ten years?” Davis responded by
4 checking “Yes.” Section 4(C) next asks for “complete details and dates.” Davis wrote that “I had
5 a property that was given back to the bank in 2013.”

6 17. During the course of conducting its background investigation, the Bureau found that
7 there were two State tax liens filed against Davis. The first lien was filed with the State of
8 California on January 30, 2014 in the amount of \$3,206. The second lien was filed with the State
9 of California on July 18, 2016, in the amount of \$2,422.

10 18. Also during the course of conducting its background investigation, the Bureau found
11 that Davis failed to disclose two collection accounts totaling \$3,339 and four charge-off accounts
12 totaling \$1,863.

13 19. At the evidentiary hearing, Davis testified that she did not disclose the liens because
14 she did not understand that liens had been filed against her. Davis understood that her wages were
15 garnished to satisfy delinquent taxes owed, but she did not consider the garnishment to be a
16 “lien.” Davis testified that she believed liens only involved real property.

17 20. Davis also testified that she thought she disclosed to the Bureau that she had accounts
18 in collection and accounts that were charged-off. Davis testified that she disclosed these items on
19 Schedule G, Statement of Liabilities, which is part of the Supplemental. However, neither of the
20 Applications received by the Bureau contained a completed Schedule G.

21 **Failure to Respond to Bureau Requests for Information**

22 21. Throughout the course of the Bureau’s investigation, multiple attempts were made to
23 obtain additional information from Davis regarding her undisclosed tax liens, the six charge-off
24 and collection accounts, copies of her tax returns and related documents, and her Certificate of
25 Release or Discharge from Active Duty Military Service (DD-214), which would identify her
26 conditions of discharge from the California Army National Guard. These Bureau requests were
27 made between the period of approximately January 2020 and March 2021 with the exception of a
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1 period between approximately May 2020 and October 2020 where the investigation was put on
2 hold while Davis was not working due to the COVID-19 pandemic.

3 *State Tax Liens*

4 22. On January 16, 2020, the Bureau requested that Davis provide a signed and dated
5 statement explaining the circumstances that led to each tax lien and why she failed to disclose
6 these liens on her Applications. A response was requested by January 26, 2020. On January 26,
7 2020, Davis emailed Bureau staff indicating that she had not been able to prepare a response by
8 the designated deadline. The Bureau extended the response deadline to February 17, 2020.

9 23. On February 25, 2020, Davis partially responded to the Bureau's request by writing
10 that "I did not recognize the garnishments as a lien." Davis did not respond to the Bureau's
11 inquiry regarding the circumstances leading to the liens. The Bureau sent additional requests for
12 the missing information on February 26, 2020, May 22, 2020, July 14, 2020, and October 19,
13 2020.

14 24. On Wednesday, October 21, 2020, Davis told the Bureau she would provide all
15 requested documents by Friday. However, Davis never provided the Bureau with a signed
16 statement providing the circumstances leading to the filing of the State tax liens as requested.

17 *Charge-off and Collection Accounts*

18 25. On January 16, 2020, the Bureau requested the following information regarding
19 Davis' six charge-off and collection accounts: (1) the reason(s) for the delinquency; (2) the name
20 of the original account; (3) the date the account went to collection; (4) the current status of the
21 account; (5) her intentions to pay off the debt; and (6) why she did not disclose this information
22 on the Supplemental forms submitted with her Applications. A response was requested by
23 January 26, 2020. On January 26, 2020, Davis emailed Bureau staff indicating that she had not
24 been able to prepare a response by the designated deadline. The Bureau extended the response
25 deadline to February 17, 2020.

26 26. On February 25, 2020, Davis provided a partial response that "my husband lost his job
27 and I was not able to carry the family. I was fiscally irresponsible." No other information was
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1 provided. The Bureau sent Davis a further request for the missing information on February 26,
2 2020.

3 27. On October 25, 2020, Davis provided a further response to the Bureau by email. The
4 message contained an attachment that the Bureau was unable to open and stated that “In regards
5 to my entries on the expense form. I listed all that was on my credit report which I believe
6 included the items you are inquiring about.”

7 28. On October 27, 2020, the Bureau notified Davis and her Designated Agent (DA) that
8 the attachment to the October 25, 2020 email could not be opened and requested that the
9 attachment be provided by different means by November 2, 2020. Davis never provided this
10 document to the Bureau by different means so that it could be reviewed and considered.

11 29. On May 22, 2020, July 14, 2020, February 4, 2021, February 16, 2021, and March 1,
12 2021, the Bureau sent to Davis and her DA a simplified request for a statement as to why she did
13 not disclose her charge-off and collection accounts on the Applications. Davis never provided a
14 response to the Bureau’s inquiries.

15 *Tax Documents for 2016-2018*

16 30. On January 16, 2020, the Bureau requested that Davis provide copies of her 2016,
17 2017, and 2018 tax returns, including all W-2s, schedules, and attachments. A response was
18 requested by January 26, 2020, which was then extended to February 17, 2020.

19 31. On February 26, 2020 and May 25, 2020, the Bureau made additional requests for the
20 2016, 2017, and 2018 tax returns and related documents. At some point which is not clear from
21 the evidence offered at the hearing, the Bureau received some, but not all, of the requested
22 information.

23 32. On Wednesday, October 21, 2020, Davis told the Bureau she would provide all
24 requested documents by Friday.

25 33. On October 27, 2020, the Bureau requested Davis’ 2016 tax returns, W-2s, schedules
26 and attachments, and her 2018 W-2. The Bureau also requested that Davis explain a discrepancy
27 between the wages she reported for 2017 and the wages shown on her W-2.
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1 34. On February 4, 2021, the Bureau again requested that Davis submit her tax returns for
2 2016, 2017 and 2018, including W-2s and schedules. On February 16, 2021, the Bureau provided
3 a request for the following missing items: (1) Davis' 2018 W-2 from Knighted; (2) Davis' 2017
4 tax return; and (3) Davis' 2016 W-2s and tax returns. The Bureau requested a response by
5 February 19, 2021.

6 35. On February 25, 2021, Davis provided her 2018 W-2. On March 1, 2021, the Bureau
7 made a final request for Davis' 2016 tax information, but a response was never provided.

8 *DD-214 for Army National Guard Service*

9 36. The Bureau requested a copy of Davis' DD-214 on January 16, 2020. On February 25,
10 2020, Davis told the Bureau that she had requested the DD-214 and will forward it when it
11 arrives.

12 37. The Bureau made additional requests for the DD-214 on February 26, 2020, May 22,
13 2020, and July 14, 2020.

14 38. On October 21, 2020, the Bureau asked Davis when she expected to receive the DD-
15 214. Davis responded the same day that she had not yet received the DD-214.

16 39. On October 25, 2020, Davis provided the Bureau with a document from the Veteran's
17 Affairs Department that provided some information regarding her discharge. Davis stated that she
18 would provide the DD-214 to the Bureau as soon as she received it.

19 40. On May 22, 2020, July 14, 2020, October 27, 2020, and February 4, 2021, the Bureau
20 again requested a copy of the DD-214 from Davis.

21 41. On February 16, 2021, the Bureau made a simplified request for proof that Davis
22 requested the DD-214. Davis did not respond to this request and never provided a copy of the
23 DD-214 or submitted proof to the Bureau that the DD-214 was requested.

24 42. Brian Gilleland, Manager II, of the Bureau's Licensing Section, testified that the
25 Bureau received the form Davis provided from the Veteran's Affairs Department with similar
26 information as the DD-214. Mr. Gilleland testified that the Bureau wanted to verify Davis' status
27 at the time of her separation from the National Guard and this information was not contained in
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1 the form Davis provided. However, Mr. Gilleland testified that based on the information
2 available, he believes that Davis was honorably discharged.

3 **Assessment of Davis' Qualification for Licensure under Business and Professions Code**
4 **Section 19857**

5 43. Section 19857 provides, in part, that no gambling license shall be issued unless the
6 commission is satisfied that the applicant is a person of good character, honesty, and integrity and
7 whose prior activities, criminal record, if any, reputation, habits, and associations do not pose a
8 threat to the public interest of this state, or to the effective regulation and control of controlled
9 gambling.

10 44. Davis offered two character reference letters that were admitted into evidence at the
11 hearing. The first is a letter from Sarandon Bracero stating that she has known Davis for more
12 than 20 years. Ms. Bracero asserts that Davis is hardworking, focused, ambitious, honest,
13 dedicated to her family, and is a loyal and compassionate friend. Ms. Bracero wrote that when she
14 was diagnosed with cancer, Davis checked on her daily, sent care packages, assisted with Ms.
15 Bracero's children, and provided emotional support.

16 45. The second character reference letter was authored by Davis' second cousin, Kiresha
17 Barkus. Ms. Barkus wrote that Davis is a good role model. Throughout Davis' life she has held
18 various jobs that required her to safeguard personal information and been entrusted with large
19 sums of money. Ms. Barkus wrote that Davis is trustworthy, honest, a person of high integrity and
20 ethical standards, and possesses good moral character. The letters of reference offered by Davis
21 were individualized and candid, and reflect positively on Davis' character.

22 46. Davis testified at the hearing that she previously worked in the financial services
23 industry as an internal auditor for a credit union. Davis held this position from approximately
24 April 1995 until July 2011 when she was laid off due to her position being eliminated.

25 47. Davis testified that she started working at Knighted approximately eight years ago.
26 Davis testified that when she attended her interview with Knighted as a gaming associate
27 position, she did not know anything about the industry. However, Davis learned all of the games
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1 and after four years she was promoted to a Senior Associate position and began training newly
2 hired associates. Shortly after that she was moved to the operations side where she is currently an
3 Operations Lead. Davis testified that she is a hard worker and a loyal employee. Davis testified
4 that she likes to see others succeed and she likes to train associates in the games and how to work
5 well on the tables and do their job efficiently.

6 48. Davis' successful work in the gaming and financial services industries, with no
7 derogatory employment information, reflects positively on her character and her ability to
8 participate in controlled gambling.

9 49. Davis testified that she is an honest person, her conscience sits on her shoulder, and
10 she is the kind of person who owns up to her mistakes. Davis appeared remorseful while
11 testifying and admitted that she did not provide all of the information requested by the Bureau.

12 50. Davis testified about her many responsibilities outside of work and her dedication to
13 her immediate and extended family members. Davis has two children living at home that are very
14 busy with activities and sports. Davis also has a daughter attending college. Davis also cares for
15 her 97 year old grandmother-in-law who lives with Davis. Additionally, Davis cares for her
16 parents, including grocery shopping, driving them to doctor's appointments, and assisting with
17 paying bills. Davis testified that she has a lot of responsibilities relating to her kids activities and
18 emotional needs, caring for her parents and grandmother-in-law, and she juggles these
19 responsibilities while also working. Davis' efforts to care for her family are commendable and
20 also indicates that she has good character and integrity.

21 51. While Davis' application must be denied for reasons discussed in the next section, the
22 Commission is satisfied that Davis is qualified for licensure under section 19857. For that reason,
23 the Commission is including a provision in the Order allowing Davis to immediately reapply for
24 licensure and hopefully Davis will provide more timely and thorough disclosures on any future
25 applications and to any follow-up inquiries made by the Bureau.

26 **Assessment of Disqualification Criteria under Business and Professions Code Section 19859**

27 52. Section 19859 provides, in part, that the commission *shall* deny a license to any
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1 applicant who is disqualified for failure to provide information, documentation, and assurances
2 required by the GCA or requested by the Bureau, or failure of the applicant to reveal any fact
3 material to qualification, or the supplying of information that is untrue or misleading as to a
4 material fact pertaining to the qualification criteria.

5 53. There are two significant areas of concern indicating that Davis is disqualified from
6 licensure under Section 19859 based on: (1) her failure to disclose two tax liens, and six charge-
7 off and collection accounts on her Applications; and (2) her failure to respond to Bureau inquiries
8 for additional information during the course of the background investigation process.

9 *Failure to Disclose Tax Liens, Charge-Off Accounts, and Collections Accounts*

10 54. Applications for licensure by the Commission are submitted on forms furnished by the
11 Bureau. An applicant for licensing shall make full and true disclosure of all information to the
12 Bureau and Commission as necessary to carry out the policies of this state relating to licensing,
13 registration, and control of gambling.

14 55. An application consists of two parts. The first part is two pages and consists of five
15 sections, including instructions, applicant information, and job title/description. The application's
16 instructions provide that the applicant "must provide truthful information in all your responses in
17 this application." The application's instructions also provide that "any misrepresentation or
18 failure to disclose information required on this application may constitute sufficient cause for
19 denial or revocation."

20 56. The second part of an application is the Supplemental, which requests detailed
21 financial information from the applicant, amongst other things. All of the information requested
22 on the Application and Supplemental has been considered through the legislative and regulatory
23 processes and determined necessary in order for the Commission to discharge its duties properly.
24 An applicant is neither expected, nor permitted, to determine the importance of the information
25 requested, and instead is required to provide full and complete information as requested.

26 57. The Bureau relies, in large part, on the applicant's disclosures while conducting a
27 background investigation. The failure to accurately disclose complete information on an
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1 application subverts the Bureau's efforts to conduct a thorough and complete investigation. Both
2 the substance of an applicant's disclosures, and the truthfulness and thoroughness of an
3 applicant's disclosures, are considered by the Bureau in making a recommendation as to the
4 applicant's suitability for licensure, and by the Commission in making a determination whether to
5 approve or deny a license application.

6 58. The Supplemental, Section 4(B), specifically inquires whether any liens have been
7 filed against the applicant within the last 10 years. Davis responded by checking "No." The
8 Supplemental, section 4(C), also inquires whether any of the applicant's debts have been turned
9 over to a collection agency and requests complete details and dates. Davis disclosed that she had a
10 property repossessed, but that was the extent of her disclosure. Davis should have disclosed two
11 tax liens, and six charge-off and collection accounts on these portions of the Supplemental.

12 59. The Commission found Davis' testimony that she did not understand that two tax liens
13 were filed against her to be credible because real property was not involved. Davis did not
14 intentionally withhold this information on her Application; rather, when she indicated that she
15 had no liens filed against her, she was disclosing what she believed to be complete and truthful
16 information when she filled out the Application. Therefore, Davis' non-disclosure of the tax liens
17 on the Application is not a failure to disclose and does not disqualify her from licensure.

18 60. However, Davis' failure to disclose the six collection and charge-off accounts on the
19 Application disqualifies her from licensure and requires that her application be denied. The
20 Commission did not find Davis' testimony that she thought she disclosed the collection and
21 charge-off accounts on the Applications to be credible. Davis testified that she thought she
22 included this information on the Supplemental, Schedule G, Statement of Liabilities, but this
23 contention is not supported by the evidence.

24 61. Schedule G asks the applicant to "list all accounts payable (e.g., revolving accounts,
25 credit cards, leases, lines of credit, etc.)" and contains a column to list the name and address of
26 each creditor, the account number, credit limit, monthly payment, interest rate, date of unpaid
27 balance, and unpaid balance. Davis submitted a Schedule G with her Majesty Application,
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1 however, under Name and Address of Creditor, she wrote “N/A” and did not disclose any
2 accounts payable on the form. Davis did not submit a Schedule G with her Knighted application.

3 *Failure to Respond to Bureau Inquiries Throughout the Background Investigation*

4 62. In addition to an applicant’s responsibility in completing their application, an
5 applicant is required to provide timely, accurate, truthful, and complete responses to subsequent
6 Bureau inquiries in order for the Bureau to be able to complete its background investigation and
7 issue its background investigation report and recommendation to the applicant and the
8 Commission. The failure of an applicant to provide information, documentation, and assurances
9 requested by the Bureau requires the Commission to deny a license.

10 63. The Bureau sent at least six requests to Davis for additional information regarding the
11 six collection and charge-off accounts. Davis never provided a complete response to the
12 information requested.

13 64. The Bureau sent at least five requests for Davis’ tax documents for the years 2016 to
14 2018, including W-2s, schedules, and attachments. Despite multiple requests, Davis never
15 provided the information sought for 2016. Further, Davis did not provide full information for
16 2017 and 2018 until the Bureau made multiple requests for the information over a period
17 spanning more than a year.

18 65. Davis never provided the DD-214 for her Army National Guard service despite
19 multiple requests by the Bureau. Davis repeatedly told the Bureau that she requested the DD-214,
20 but had not yet received it. Eventually, the Bureau simplified the request by asking Davis to
21 provide proof that she requested the DD-214. However, Davis did not respond to this simplified
22 inquiry or provide a copy of the DD-214.

23 66. The evidence indicates that the Bureau was exceptionally patient with Davis, offering
24 her multiple extensions, simplifying their requests over time, and even putting Davis’ background
25 investigation on hold for a period when the cardroom was closed due to Covid-19. The Bureau
26 even continued to contact Davis to give her the opportunity to submit the missing information
27 after submission of the Bureau report in December 2020. Yet, Davis seemed to mostly disregard
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1 the Bureau's inquiries by providing only partial responses to some items and completely
2 disregarding others. Davis' failure to fully respond to Bureau inquiries during the investigation
3 process disqualifies her from licensure and requires the Commission to deny the application.

4 67. All documentary and testimonial evidence submitted by the parties that is not
5 specifically addressed in this Decision and Order was considered but not used by the Commission
6 in making its determination on Davis' Application.

7 LEGAL CONCLUSIONS

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

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

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

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

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

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

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

4 75. At an evidentiary hearing pursuant to Business and Professions Code sections 19870
5 and 19871 and CCR section 12060(b), the burden of proof rests with the applicant to prove his or
6 her qualifications to receive any license under the GCA. CCR section 12060(i).

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

10 77. No gambling license shall be issued unless, based on all of the information and
11 documents submitted, the commission is satisfied that the applicant is a person whose prior
12 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the
13 public interest of this state, or to the effective regulation and control of controlled gambling, or
14 create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in
15 the conduct of controlled gambling or in the carrying on of the business and financial
16 arrangements incidental thereto. Business and Professions Code section 19857(b).

17 78. The Commission is satisfied that Davis is a person of good character, honesty, and
18 integrity. The Commission is further satisfied that Davis does not pose a threat to the public
19 interest of this state, or to the effective regulation and control of controlled gambling, or create or
20 enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the
21 conduct of controlled gambling or in the carrying on of the business and financial arrangements
22 incidental thereto. Therefore, Davis is qualified for a license under Business and Professions
23 Code section 19857.

24 79. An application for a license will be denied if the Commission finds that the
25 applicant has not satisfied the requirements of Business and Professions Code section 19859.
26 CCR section 12040(a)(1).

27 80. The Commission shall deny a license to any applicant who is disqualified for
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1 failure of the applicant to clearly establish eligibility and qualification in accordance with this
2 chapter. Business and Professions Code section 19859(a).

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

8 82. Throughout the course of conducting its background investigation on Davis's
9 Applications, the Bureau made multiple requests for additional information. Davis never provided
10 a complete response to numerous requests by the Bureau for information regarding her collection
11 and charge-off accounts, her 2016 tax documents, and her DD-214. Davis provided tax
12 documents for 2017 and 2018, but only after multiple requests were made over the period of a
13 year. Therefore, Davis failed to provide information, documentation, and assurances required by
14 this chapter or requested by the chief. As a result, Davis is disqualified for licensure pursuant to
15 Business and Professions Code section 19859(b). Based on the foregoing, Davis' Application
16 must be denied pursuant to CCR section 12040(a)(1).

17 83. Davis also failed to disclose charge-off and collection accounts on her Application,
18 despite the Supplemental specifically asking for this information. Therefore, Davis further failed
19 to reveal facts material to qualification, which is an additional basis for finding that Davis is
20 disqualified for licensure pursuant to Business and Professions Code section 19859(b), which
21 requires that her application be denied pursuant to CCR section 12040(a)(1).

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NOTICE OF APPLICANT’S APPEAL RIGHTS

Davis has the following appeal rights available under state law:

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

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

A decision of the commission 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 described in the foregoing sentence, 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 shall be affected by failure to seek reconsideration.

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ORDER

- 1. Selah Gavin Davis’ Application for Third-Party Proposition Player Services License is DENIED.
- 2. Selah Gavin Davis may immediately reapply for a license or work permit.
- 3. No costs are awarded.
- 4. Each side to pay its own attorneys’ fees.

This Order is effective on May 7, 2022.

Dated: 4/7/2022 Signature: 
38D0AB38C651466...
 Paula LaBrie, Chair

Dated: 4/7/2022 Signature: 
3D1DB086F9274AA...
 Cathleen Galgiani, Commissioner

Dated: 4/7/2022 Signature: 
2B4CE9520F8845C...
 Eric Heins, Commissioner

Dated: 4/7/2022 Signature: 
7722F4571120449...
 William Liu, Commissioner

Dated: 4/7/2022 Signature: 
14B4AD3B90F8462...
 Edward Yee, Commissioner