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NEVADA GAMING COMMISSION  
LAS VEGAS, NEVADA

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STATE OF NEVADA

5

BEFORE THE NEVADA GAMING COMMISSION

6

STATE GAMING CONTROL BOARD,

7

Complainant,

8

vs.

**FIRST AMENDED  
COMPLAINT**

9

ALBERT D. SEENO, JR, Licensee and  
Director of Peppermill Casinos, Inc. and  
Applicant

10

11

Respondent.

12

Office of the Attorney General  
Gaming Division  
100 North Carson Street  
Carson City, Nevada 89701

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The State of Nevada, on relation of its State Gaming Control Board (BOARD),  
Complainant herein, by and through its counsel, BRIAN SANDOVAL, Attorney General, by  
CHARLES T. MEREDITH, Deputy Attorney General, hereby files this Complaint for  
disciplinary action against the Respondents pursuant to Nevada Revised Statute (NRS)  
463.310(2) and alleges as follows:

18

1. Complainant, BOARD, is an administrative agency of the State of Nevada duly  
organized and existing under and by virtue of chapter 463 of NRS and is charged with the  
administration and enforcement of the gaming laws of this state as set forth in Title 41 of NRS  
and the Regulations of the Nevada Gaming Commission.

22

2. Respondent, Albert D. Seeno, Jr., is currently a licensee with Peppermill Casinos,  
Inc., which operates five nonrestricted gaming properties in Nevada. Peppermill Casinos, Inc.  
is also a licensed manufacturer and distributor.

25

3. Respondent Albert D. Seeno, Jr., is licensed as a Director of Peppermill Casinos,  
Inc., and as a trustee and beneficiary of the Albert D. Seeno, Jr., 1999 Living Trust, which is a  
15.49% shareholder of Peppermill Casinos, Inc.

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.....



1 **licensees to the end that licenses shall not be held by**  
2 **unqualified or disqualified persons or unsuitable persons or**  
3 **persons whose operations are conducted in an unsuitable**  
4 **manner.**

5 Nev. Gaming Comm'n Reg. 5.040 (emphasis added).

6 9. Nevada Gaming Commission Regulation 5.010(2) provides as follows:

7 "Responsibility for the employment and maintenance of suitable methods of operation rests  
8 with the licensee, and willful or persistent use or toleration of methods of operation deemed  
9 unsuitable will constitute grounds for license revocation or other disciplinary action." Nev.  
10 Gaming Comm'n Reg. 5.010(2).

11 10. Nevada Gaming Commission Regulation 5.011 states in relevant part as follows:

12 **The board and the commission deem any activity on the**  
13 **part of any licensee, his agents or employees, that is inimical to**  
14 **the public health, safety, morals, good order and general welfare of**  
15 **the people of the State of Nevada, or that would reflect or tend**  
16 **to reflect discredit upon the State of Nevada or the gaming**  
17 **industry, to be an unsuitable method of operation and shall be**  
18 **grounds for disciplinary action by the board and the**  
19 **commission in accordance with the Nevada Gaming Control**  
20 **Act and the regulations of the board and the commission.**  
21 Without limiting the generality of the foregoing, the following acts or  
22 omissions may be determined to be unsuitable methods of  
23 operation:

24 1. Failure to exercise discretion and sound judgment to  
25 prevent incidents which might reflect on the repute of the State of  
26 Nevada and act as a detriment to the development of the industry.

27 Nev. Gaming Comm'n Reg. 5.011(1) (emphasis added).

28 11. Nevada Gaming Commission Regulation 5.030 provides as follows:

**Violation of any provision of the Nevada Gaming**  
**Control Act or of these regulations by a licensee, his agent or**  
**employee shall be deemed contrary to the public health, safety,**  
**morals, good order and general welfare of the inhabitants of the**  
**State of Nevada and grounds for suspension or revocation of a**  
**license. Acceptance of a state gaming license or renewal thereof**  
**by a licensee constitutes an agreement on the part of the licensee**  
**to be bound by all of the regulations of the commission as the**  
**same now are or may hereafter be amended or promulgated. It is**  
**the responsibility of the licensee to keep himself informed of**  
**the content of all such regulations, and ignorance thereof will**  
**not excuse violations.**

Nev. Gaming Comm'n Reg. 5.030 (emphasis added).

1 12. NRS 463.310 states in relevant part as follows:

2 1. The Board shall make appropriate investigations:

3 (a) To determine whether there has been any violation of  
4 this chapter or chapter 462, 464, 465 or 466 of NRS or any  
5 regulations adopted thereunder.

6 (b) To determine any facts, conditions, practices or matters,  
7 which it may deem necessary or proper to aid in the enforcement  
8 of any such law or regulation.

9 .....

10 2. If, after any investigation the Board is satisfied that a  
11 license, registration, finding of suitability, pari-mutuel license or  
12 prior approval by the Commission of any transaction for which the  
13 approval was required or permitted under the provisions of this  
14 chapter or chapter 462, 464 or 466 of NRS should be limited,  
15 conditioned, suspended or revoked, it shall initiate a hearing before  
16 the Commission by filing a complaint with the Commission in  
17 accordance with NRS 463.312 and transmit therewith a summary  
18 of evidence in its possession bearing on the matter and the  
19 transcript of testimony at any investigative hearing conducted by or  
20 on behalf of the Board.

21 3. Upon receipt of the complaint of the Board, the  
22 Commission shall review it and all matter presented in support  
23 thereof, and shall conduct further proceedings in accordance with  
24 NRS 463.3125 to NRS 463.3145, inclusive.

25 4. After the provisions of subsections 1, 2, and have been  
26 complied with, the Commission may:

27 (a) Limit, condition, suspend or revoke the license of  
28 any licensed gaming establishment or the individual license of any  
licensee without effecting the license of the establishment;

(b) Limit, condition, suspend or revoke registration,  
finding of suitability, pari-mutuel license, or prior approval given or  
granted to any applicant of the Commission;

(c) Order a licensed gaming establishment to keep  
an individual licensee from the premises of the licensed gaming  
establishment or not to pay the licensee any remuneration for  
services or any profits, income or accruals on his investment in the  
licensed gaming establishment; and

(d) Fine each person or entity or both, who was  
licensed, registered or found suitable pursuant to this chapter or  
chapter 464 of NRS or who previously obtained approval for any  
act or transaction for which Commission approval was required of  
permitted under the provisions of this chapter or chapter 464 of  
NRS:

.....

(2) Except as otherwise provided in  
subparagraph (1) of the paragraph, not more than \$100,000 for  
each separate violation of the provisions of this chapter or chapter  
464 or 465 of NRS or of the regulations of the Commission which

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Gaming Division  
100 North Carson Street  
Carson City, Nevada 89701

1 is the subject of an initial complaint and not more than \$250,000  
2 for each separate violation of the provisions of the chapter or  
3 chapter 464 or 465 of NRS of the regulations of the commission  
which is the subject of any subsequent complaint. All fines must  
be paid to the state treasurer for deposit in the state general fund.

4 NRS 463.310(1)(a) and (b), (2), (4).

5 13. NRS 463.339 states as follows:

6 An applicant for licensing, registration, finding of suitability,  
7 work permit or any approval or consent required by this chapter or  
8 chapter 462 of NRS shall make full and true disclosure of all  
9 information to the Board, Commission or other relevant  
10 governmental authority as necessary or appropriate in the public  
interest or as required in order to carry out the policies of this state  
relating to licensing and control of the gaming industry and the  
operation of charitable lotteries.

11 NRS 463.339.

12 14. Nevada Gaming Commission Regulation 4.040 provides in relevant part as follows:

13 1. Every application, statement, notice or report must be  
14 filed on forms furnished or approved by the board or the  
15 commission and must contain and be accompanied and  
16 supplemented by such documents and information as may be  
specified or required. Failure to supply the information requested  
within 5 days after the request has been received by the applicant  
constitutes grounds for delaying consideration of the application.

17 **2. It is grounds for denial of an application or**  
18 **disciplinary action for any person to make any untrue**  
19 **statement of material fact in any application, notice, statement**  
20 **or report filed with the board or commission in compliance**  
21 **with the provisions of law and regulations referred to in**  
22 **paragraph 1, or willfully to omit to state in any such**  
23 **application, notice, statement or report any material fact**  
24 **which is required to be stated therein or omit to state a**  
25 **material fact necessary to make the facts stated in view of the**  
26 **circumstances under which they were stated, not misleading.**

27 3. All information required to be included in an application  
must be true and complete as of the dates of the board and  
commission action sought by such application; and an applicant  
shall promptly supply by amendment prior to such date any  
information based on facts occurring after the original  
application so as to make such information not misleading as  
of the dates of such action by the board and the commission.

28 Nev. Gaming Comm'n Reg. 4.040 (1), (2), and (3) (emphasis added).

**COUNT ONE:**

**VIOLATION OF NEVEDA GAMING COMMISSION REGULATION 5.011(1)**

15. Complainant BOARD incorporates herein by reference paragraphs 1 through 14 above.

16. Respondent Albert D. Seeno, Jr. and Thomas A. Seeno, through their respective trusts, own 50% each of the voting stock of West Coast Homebuilders, Inc.

17. Respondent Albert D. Seeno, Jr., is President and a Director of West Coast Homebuilders, Inc.

18. At all times relevant, West Coast Homebuilders, Inc., was developing land in Pittsburg, California for residential and commercial development known as the San Marco Development.

19. On this site, two siltation ponds were created during construction of this project for water runoff.

20. In January 2001, the California Department of Fish and Game informed Grant Sungar, an employee of a company owned or controlled by Albert D. Seeno, Jr., that the two ponds on the San Marco site were potential habitat for the California Red-legged frogs.

21. On or about February 5, 2001, West Coast Homebuilders hired environmental consultant Jeff Olberding to conduct a California Red-legged frog survey. Mr. Olberding subcontracted the survey work to Mark Jennings, PhD.

22. On or about March 27, 2001, Mark Jennings conducted a survey at the San Marco site and found the California Red-legged frog to be present at the site.

23. On or about March 29, 2001, Mark Jennings and Jeff Olberding informed Respondent Albert D. Seeno, Jr. of the existence of the California Red-legged frog at the San Marco site and the ramifications of their findings. Respondent Albert D. Seeno, Jr. was told he would have to consult with the U.S. Fish and Wildlife Service because of the California Red-legged frog's threatened status before continuing with any further work on the project.

24. On or about April 9, 2001, Mark Jennings and Jeff Olberding met with Respondent Albert D. Seeno, Jr., and again informed him that the California Red-legged frog existed on

1 the San Marco site and further development could result in a fine and one year imprisonment  
2 for an Endangered Species Act violation.

3 25. On or about April 9, 2001, Respondent Albert D. Seeno, Jr., instructed Frank  
4 Briggs to drain the ponds with the knowledge that the California Red-legged frogs, a federally  
5 threatened species, were in the ponds.

6 26. In April 2001, Frank Briggs drained the ponds at the direction of Respondent Albert  
7 D. Seeno, Jr., thus destroying the habitat of the California Red-legged frog, knowing that this  
8 was a violation of the Federal Endangered Species Act.

9 27. On or about July 19, 2002, West Coast Homebuilders, Inc. pled guilty to two  
10 misdemeanor counts of knowingly and unlawfully taking a species listed as threatened under  
11 the Endangered Species Act (the California Red-legged frog), in violation of 16 U.S.C. 1538  
12 and 1540.

13 28. Concurrently to the Information for Violation being filed, West Coast Homebuilders  
14 entered into a Plea Agreement, whereby it plead guilty to two counts of knowingly and  
15 unlawfully taking a species listed as "threatened" under the Endangered Species Act, that is  
16 the California Red-legged frog, in violation of 16 U.S.C. 1538(a)(1)(G) and 1540 (b)(1).

17 29. As part of the Plea Agreement, West Coast Home Builders, Inc. was placed on  
18 probation for a period of three years and agreed to the following:

- 19 a. Pay a criminal fine in the amount of \$300,000.00;  
20 b. Pay a state of California civil penalty in the amount of  
\$300,000.00;  
21 c. Pay restitution to Save Mt. Diablo in the amount of  
\$300,000.00;  
22 d. Pay \$75,000.00 to the California Department of Fish and  
Game Preservation Fund;  
23 e. Pay \$25,000.00 to the Alameda County "Hazardous  
Materials Program training and resources trust account";  
24 f. Pay a special assessment fee in the amount of \$50 per  
count;  
25 g. Enter into a separate conservation easement with the  
California Department of Fish and Game; and  
26 h. A senior corporate officer of West Coast Homebuilders,  
Inc. will sign and publish an apology in the Contra Costa times.

27 . . . .

28 . . . .

1           30. On or about July 19, 2002, Respondent Albert D. Seeno, Jr., signed an apology  
2 stating he intentionally destroyed the California Red-legged frog habitat at his construction  
3 site. Specifically, the apology letter stated in relevant part:

4                               As President and owner of West Coast Home Builders, I  
5 take full responsibility for the destruction of these protected  
6 species and their habitat. Prior to directing the destruction of the  
7 ponds, I had been informed by an environmental consultant that  
8 the ponds contained a breeding population of California Red-  
9 legged frogs. This consultant told me that the frogs were a  
protected species under federal law. I made the decision to then  
direct an employee to drain these ponds in order to proceed with  
my housing development. My decision was wrong and caused the  
destruction of these valuable frogs and their habitat.

10           31. As a Nevada gaming licensee, Respondent Albert D. Seeno, Jr.'s actions, which  
11 resulted in a willful violation of the Federal Endangered Species Act (16 U.S.C. 1538 and  
12 1540), demonstrated a failure to exercise discretion and sound judgment and reflected  
13 negatively upon the reputation of the State of Nevada and is detrimental to the Nevada  
14 gaming industry and is a violation of Nevada Gaming Commission Regulation 5.011(1), and  
15 as such, is grounds for disciplinary action. See Nev. Gaming Comm'n Regs. 5.010(2) and  
16 5.030.

17                               **COUNT TWO:**

18                               **VIOLATION OF NEVADA GAMING COMMISSION REGULATION 5.011(1)**

19           32. Complainant BOARD realleges and incorporates by reference as though set forth  
20 in full herein paragraphs 1 through 31 of this Complaint.

21           33. On or about July 23, 2002, in conjunction with the aforementioned Plea  
22 Agreement, a Complaint for Civil Penalties and Injunctive Relief was filed against West Coast  
23 Home Builders, Inc. by the Contra Costa County District Attorney's office for violations of  
24 California's Fish and Game Code 1603.1 and Business and Professions Code section 17206.

25           34. Concurrently with the Complaint being filed, a Stipulation between the parties was  
26 entered in Contra Costa County Superior Court whereby West Coast Home Builders, Inc.  
27 agreed to the following:  
28 .....

- 1 a. Pay \$550,000.00 in civil penalties and partial restitution  
2 for the loss of natural resources; and  
3 b. The granting of a Conservation Easement for the benefit  
4 of wildlife resources to property owned by Respondent Albert D.  
5 Seeno, Jr., known as the Morgan Territory Property. See Exhibit  
6 5, Final Judgment, pursuant to Stipulation, dated July 23, 2002.

7 35. As a Nevada gaming licensee, Respondent Albert D. Seeno, Jr.'s actions, which  
8 resulted in a willful violation of California Fish and Game Code 1603.1 and Business  
9 Professional Section 17206, demonstrated a failure to exercise discretion and sound judgment  
10 and reflected negatively upon the reputation of the State of Nevada and is detrimental to the  
11 Nevada gaming industry and is a violation of Nevada Gaming Commission Regulation  
12 5.011(1), and as such, is grounds for disciplinary action. See Nev. Gaming Comm'n Regs.  
13 5.010(2) and 5.030.

14 **COUNT THREE:**

15 **VIOLATION OF NRS 463.339**

16 36. Complainant BOARD realleges and incorporates by reference as though set forth  
17 in full herein paragraphs 1 through 35 of this Complaint.

18 37. Upon information and belief, the BOARD alleges that, on July 9, 2001, Respondent  
19 Albert D. Seeno, Jr. was questioned by the U.S. Fish and Wildlife Service regarding the  
20 existence of the California Red-legged frog, a federally threatened species, on his San Marco  
21 development site.

22 38. As previously alleged, on or about May 10, 2002, Respondent Albert D. Seeno, Jr.,  
23 filed an application with the BOARD.

24 39. As part of the application process, Respondent Albert D. Seeno, Jr. was required  
25 to file a Personal History Record.

26 40. Question 6C of the Personal History Record asked, "Have you ever been  
27 questioned or deposed by a city, state, federal, or law enforcement agency, Commission or  
28 Committee. If yes, furnish details on page 10."

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1           41. In response to Question 6C, Respondent Albert D. Seeno, Jr. stated "Yes, Same  
2 as above", which references his disclosure about a California Fish and Game obstruction  
3 violation in January 1996 in Question 6A.

4           42. In addition, Respondent Albert D. Seeno, Jr. failed to furnish further details on  
5 page 10.

6           43. At that time the application was signed, notarized and filed with the BOARD,  
7 Respondent Albert D. Seeno, Jr. acknowledged the statement on page 9 of the Personal  
8 History Record which stated:

9                           I, Albert D. Seeno, Jr. being duly sworn, depose and say  
10                          that I have read the foregoing application and know the contents  
11                          thereof; that the statements herein are true and correct and contain  
12                          a full and true account of the information requested; that I executed  
13                          this statement with the knowledge that misrepresentation or failure  
14                          to reveal information requested may be deemed sufficient cause  
15                          for denial or revocation of a state gaming license. . . .

16           44. Respondent Albert D. Seeno, Jr. willfully omitted the fact that he was questioned  
17 by U.S. Fish and Wildlife Service on or about July 9, 2001 regarding the California Red-legged  
18 frogs on his San Marco development site and possible violations of the Endangered Species  
19 Act on his Personal History Record.

20           45. That such questioning by U.S Fish and Wildlife Service, a federal law enforcement  
21 agency, was a material fact with respect to Respondent Albert D. Seeno, Jr.'s application for a  
22 gaming license.

23           46. As a Nevada gaming applicant, Respondent Albert D. Seeno, Jr.'s intentional and  
24 willful omission and failure to make a full and truthful disclosure about the questioning by the  
25 U.S. Fish and Wildlife Service on or about July 9, 2001 regarding the California Red-legged  
26 frogs on his San Marco development site and possible violations of the Endangered Species  
27 Act on his Personal History Record was in violation of NRS 463.339 and Nevada Gaming  
28 Commission Regulation 4.040(2) and as such, is grounds for disciplinary action. See NRS  
463.339, and Nev. Gaming Comm'n Regs. 4.040(2) and 5.030.

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**COUNT FOUR:**

**VIOLATION OF NRS 463.339**

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2  
3 47. Complainant BOARD realleges and incorporates by reference as though set forth  
4 in full herein paragraphs 1 through 46 of this Complaint.

5 48. Upon information and belief, the BOARD alleges that, on or about June 12, 2001  
6 and July 9, 2001, Respondent Albert D. Seeno, Jr. was questioned by the California  
7 Department of Fish & Game, regarding the existence of the California Red-Legged frog, a  
8 federally threatened species, on his San Marco development site.

9 49. On or about October 3, 2001, Respondent Albert D. Seeno, Jr.'s California  
10 attorneys provided him with legal research regarding the ramifications of disclosure or non-  
11 disclosure of the California Red-legged frog issue to the BOARD.

12 50. Respondent Albert D. Seeno, Jr. failed to disclose in his aforementioned gaming  
13 application the fact that he was questioned by the California Department of Fish and Game on  
14 or about June 12, 2001 and July 9, 2001 concerning the California Red-legged frogs on his  
15 San Marco development site and possible violations of the Endangered Species Act on his  
16 Personal History Record.

17 51. On April 29, 2003, Respondent Albert D. Seeno, Jr., admitted to BOARD agents  
18 during an Investigative hearing that he was questioned by the California Department of Fish &  
19 Game regarding the California Red-legged frogs on his San Marco development site prior to  
20 the filing of his May 10, 2002 application.

21 52. Respondent Albert D. Seeno, Jr., admitted to BOARD agents on April 29, 2003,  
22 during an Investigative hearing that he had conversations with his California attorneys  
23 regarding the ramifications a guilty plea, in the aforementioned criminal action, would have on  
24 his gaming license.

25 53. Respondent Albert D. Seeno, Jr., intentionally and willfully failed to disclose, with  
26 knowledge of the ramifications of non-disclosure, the questioning by the California Department  
27 of Fish and Game on or about June 12, 2001 and July 9, 2001 regarding possible violations of  
28 state law and the Endangered Species Act on his gaming application.



1 Red-legged frog, a federally threatened species, on his San Marco property and possible  
2 violations of the Endangered Species Act.

3 60. On May 3, 2002, during his initial investigative interview, Respondent Albert D.  
4 Seeno, Jr. failed to disclose the fact that on or about July 9, 2001, he was questioned by U.S.  
5 Fish and Wildlife, regarding the existence of the California Red-legged frog, a federally  
6 threatened species, on his San Marco property and possible violations of the Endangered  
7 Species Act.

8 61. On May 24, 2002, BOARD agents questioned Respondent Albert D. Seeno, Jr.  
9 again regarding his application. At that time and only after BOARD agents further  
10 questioning, did Respondent Albert D. Seeno, Jr. finally disclose the fact there was a pending  
11 Endangered Species Act violation and settlement discussions with state and federal law  
12 enforcement agencies.

13 62. As a Nevada gaming applicant, Respondent Albert D. Seeno, Jr.'s, intentional and  
14 willful failure to disclose, with knowledge of the ramifications of non-disclosure, questioning by  
15 state and federal law enforcement agencies during his initial investigative interview on May 3,  
16 2002, and was in violation of NRS 463.339 and Nevada Gaming Commission Regulation  
17 4.040(2) and as such, is grounds for disciplinary action. See NRS 463.339, and Nev. Gaming  
18 Comm'n Regs. 4.040(2) and 5.030.

19 **COUNT SEVEN:**

20 **VIOLATION OF NEVADA GAMING COMMISSION REGULATIONS 5.011(1)**

21 63. Complainant BOARD realleges and incorporates by reference as though set forth  
22 in full herein paragraphs 1 through 62 of this Complaint.

23 64. On or about August 20, 1997, Victor Bustos was arrested by the Martinez,  
24 California Police Department for:

- 25 a. Sale or Transportation of a Non-Narcotic Controlled  
26 Substance;  
27 b. Possession for Sale of a Non-Narcotic Controlled  
28 Substance;  
c. Possession of a Non-Narcotic Controlled Substance;  
d. Use/Under the Influence of a Controlled Substance; and  
e. Driving Under the Influence of Alcohol or Drugs.

1           65. On or about March 25, 1999, Victor Bustos was indicted by a Federal Grand Jury  
2 in the United States District Court, Northern District of California for:

3                   a. Knowingly and intentionally conspiring to distribute  
4 Methamphetamine, in violation of Title 21, United States Code,  
5 Section 841(a)(1); and

6                   b. Knowingly and Intentionally possess with the intent to  
7 distribute approximately 238 grams of methamphetamine, in  
8 violation of Title 21, United States Code, section 841(a)(1), and  
9 Title 18, United States Code, Section 2.

10           66. On or about April 1, 1999, Victor Bustos was arrested by the Federal Bureau of  
11 Investigation on the charges listed in the aforementioned Indictment, dated March 25, 1999.

12           67. On or about February 9, 2001, an "Information for Violations" was filed against  
13 Victor Bustos in the United States District Court, Northern District of California, for violation of  
14 Title 21, United States Code, Section 843(b):

15                   Illegal Use of a Communication Facility by knowingly and  
16 intentionally using a telephone for the purpose of facilitating the  
17 distribution of between 20 and 40 grams of methamphetamine.

18           68. On or about February 12, 2001, Victor Bustos signed a Plea Agreement in *United*  
19 *States of America v. Victor Bustos*, No., CR99-40063 CW, United States District Court,  
20 Northern District of California, in which he acknowledged:

21                   I agree that I am guilty of the offense to which I plead guilty,  
22 and I agree that the following facts are true: On August 18, 1997 I  
23 knowingly and intentionally used a telephone for the purpose of  
24 facilitating the distribution of at least 20 grams but less than 40  
25 grams of methamphetamine. I knew that I was facilitating the sale  
26 of methamphetamine, a controlled substance.

27           69. On or about February 26, 2001, Victor Bustos pled guilty to Illegal Use of a  
28 Communication Facility for the purpose of facilitating the Distribution of between 20 and 40  
grams of Methamphetamine, a felony.

          70. On or about December 12, 2001, Victor Bustos was sentenced to 12 months plus  
one day; one year suspended release and 300 hours of community service.

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1           71. On or about April 12, 2001, Respondent Albert D. Seeno, Jr., wrote a character  
2 reference letter to the U.S. District Court Judge on behalf of Victor Bustos, in which he stated,  
3 "Victor unfortunately fell in with the wrong crowd and made some bad decisions."

4           72. Victor Bustos has been employed by Albert D. Seeno Construction Co., Inc. since  
5 the late 1970's.

6           73. Victor Bustos is a current employee Albert D. Seeno Construction Co., Inc.

7           74. Respondent Albert D. Seeno, Jr., considers Victor Bustos as an extended family  
8 member.

9           75. Respondent Albert D. Seeno, Jr., admitted to BOARD agents on April 29, 2003 at  
10 an Investigative hearing that he knew convicted felon Arthur Carasis was a friend of Victor  
11 Bustos.

12           76. Victor Bustos associates socially with Respondent Albert D. Seeno, Jr. at Oakland  
13 Raider Football games where he has been present on numerous occasions in the Seeno's  
14 skybox.

15           77. Respondent Albert D. Seeno, Jr., has provided Victor Bustos complimentary room,  
16 food and beverages at the Reno Peppermill Casino.

17           78. Upon information and belief, Victor Bustos was an invited guest each year to  
18 Respondent Albert D. Seeno, Jr.'s Christmas Party, even after he pled guilty to a felony.

19           79. Upon information and belief, Respondent Albert D. Seeno, Jr. loaned Victor Bustos  
20 \$27,000.00 for attorney's fees through Norsan Development, and has not required any portion  
21 of this loan to be paid back and the unpaid balance plus accrued interest is in excess of  
22 \$30,000.00.

23           80. Respondent Albert D. Seeno, Jr., admitted to BOARD agents on April 29, 2003 at  
24 an Investigative hearing that Victor Bustos was still an employee of Albert D. Seeno  
25 Construction Co., Inc., and he knew that Victor Bustos was a convicted felon.

26           81. As a Nevada gaming licensee, Respondent Albert D. Seeno, Jr., admitted to  
27 BOARD agents on April 29, 2003 at an Investigative hearing that he was not supposed to  
28 .....

1 "hang around, so to speak, or associate with underworld figures or people of ill repute,  
2 including people with criminal records."

3 82. As a Nevada gaming licensee, Respondent Albert D. Seeno, Jr.'s failure to  
4 exercise discretion and sound judgment reflected negatively upon the reputation of the State  
5 of Nevada and is detrimental to the Nevada gaming industry and is in violation of Nevada  
6 Gaming Commission Regulation 5.011(1), and as such, is grounds for disciplinary action. See  
7 Nev. Gaming Comm'n Regs. 5.010(2) and 5.030.

8 **COUNT EIGHT:**

9 **VIOLATION OF NEVADA GAMING COMMISSION REGULATIONS 5.011(1)**

10 83. Complainant BOARD realleges and incorporates by reference as though set forth  
11 in full herein paragraphs 1 through 825 of this Complaint.

12 84. Arthur Carasis, a convicted felon, has an extensive criminal history.

13 85. At all times relevant, Arthur Carasis was a member of the Richmond, California  
14 Chapter of the Hell's Angels Motorcycle Club (Hell's Angels).

15 86. According to California Department of Justice and other state and federal law  
16 enforcement agencies, the Hell's Angels are one of the most prolific criminal enterprises in the  
17 United States and are recognized by law enforcement authorities as the largest, richest, most  
18 sophisticated, and best organized and most feared outlaw motorcycle gang in the world.

19 87. On or about April 30, 1998, Arthur Carasis was arrested by the Contra Costa  
20 County District Attorney's Office for:

- 21 a. Three counts of Presenting a False Claim to a Public  
22 Board; and  
23 b. Three counts of Grand Theft.

24 88. On or about June 17, 1998, Arthur Carasis pled "No Contest" to three counts of  
25 False Use of a Contractors License Number, which are felonies, in Contra Costa Superior  
26 Court.

26 . . . .

27 . . . .

28 . . . .

1 89. On or about March 25, 1999, Arthur Carasis was indicted by a Federal Grand Jury  
2 in the United States District Court, Northern District of California for the following:

3 a. Knowingly and intentionally conspired to distribute  
4 methamphetamine, in violation of Title 21, United States Code,  
5 Section 841(a)(1); and

6 b. Knowingly and intentionally distributed 223.5 grams of  
7 methamphetamine, in violation of Title 21, United States Code,  
8 Section 841(a)(1) and Title 18, United States Code, Section 2.

9 90. On or about April 1, 1999, Arthur Carasis was arrested by the Federal Bureau of  
10 Investigation on the charges listed in the aforementioned Indictment dated, March 25, 1999.

11 91. On or about February 26, 2001, Arthur Carasis pled guilty to knowingly and  
12 intentionally possessing and distributing methamphetamine in the United States District Court,  
13 Oakland, California.

14 92. On or about September 24, 2001, Arthur Carasis was sentenced to 72 months in  
15 prison to be served at Lompoc Federal Prison. In addition, Arthur Carasis was required to  
16 participate in the Bureau of Prisons' 500-hour intensive drug treatment program.

17 93. On or about July 17, 1997, Sandra Seeno, Respondent Albert D. Seeno, Jr.'s wife,  
18 wrote a personal check to Arthur Carasis for \$500.00 during the same time frame Arthur  
19 Carasis was committing state and federal felony drug crimes.

20 94. Arthur Carasis and his wife were guests in Respondent Albert D. Seeno, Jr.'s  
21 Oakland Raider Box on or about December 6, 1998, six months after Arthur Carasis pled  
22 guilty to three felony charges in Contra Costa County Superior Court.

23 95. When questioned why Arthur Carasis would have been in his Oakland Raider Box,  
24 Respondent Albert D. Seeno, Jr., stated to BOARD agents on April 29, 2003 at an  
25 Investigative hearing "... I don't have an answer that is acceptable to myself, let alone one that  
26 would be acceptable to you."

27 96. Upon information and belief, Arthur Carasis was on the guest list for Respondent  
28 Albert D. Seeno, Jr.'s annual Christmas Party in 1997 and 1998. The 1998 Christmas Party  
took place after Arthur Carasis was convicted of three felony counts of False Use of a  
Contractor's License Number.



1 "were going across the country" and were charged and convicted with methamphetamine  
2 distribution in Missouri.

3 106. Respondent Albert D. Seeno, Jr., further admitted to BOARD agents on April 29,  
4 2003 at an Investigative hearing that he knew Mark Davis was a member of the Hell's Angels  
5 and a convicted felon.

6 107. Upon information and belief, Mark Davis has been an invited guest at  
7 Respondent Albert D. Seeno, Jr.'s, annual Christmas Party in 1997, 1998, 1999, and 2000.

8 108. Respondent Albert D. Seeno, Jr., admitted to BOARD agents on April 29, 2003 at  
9 an Investigative hearing that Mark Davis was an invited guest to his Christmas parties.

10 109. In or about June 1998, Mark Davis and the aforementioned Victor Bustos were  
11 given a complimentary room at the Reno Peppermill Casino by Respondent Albert D. Seeno,  
12 Jr.

13 110. In or about November 1998, Respondent Albert D. Seeno, Jr., and his wife  
14 attended the wedding of Mark Davis.

15 111. In or about November 14, 1998, Sandra Seeno wrote a check to Mark and Karen  
16 Davis for \$500.00. This was a wedding present for Mark and Karen Davis.

17 112. As a Nevada gaming licensee, Respondent Albert D. Seeno, Jr.'s failure to  
18 exercise discretion and sound judgment reflected negatively upon the reputation of the State  
19 of Nevada and is detrimental to the Nevada gaming industry and is in violation of Nevada  
20 Gaming Commission Regulation 5.011(1), and as such, is grounds for disciplinary action. See  
21 Nev. Gaming Comm'n Regs. 5.010(2) and 5.030.

22 **COUNT TEN:**

23 **VIOLATION OF NEVADA GAMING COMMISSION REGULATIONS 5.011(1)**

24 113. Complainant BOARD realleges and incorporates by reference as though set forth  
25 in full herein paragraphs 1 through 112 of this Complaint.

26 114. On or about April 21, 1998, James Couchman was arrested for two counts of  
27 Financial Conflict of Interest for having a financial interest in contracts made by him in his  
28 . . . .

1 official capacity for the City of Pittsburg Public Services Department from March 1997 to  
2 September 1997.

3 115. On or about December 22, 1997, during the time of a felony investigation by  
4 Contra Costa County, James Couchman phoned Respondent Albert D. Seeno, Jr. and left a  
5 message stating that he was on his way to see him and that is was "an emergency".

6 116. Respondent Albert D. Seeno, Jr. admitted to BOARD agents on April 29, 2003 at  
7 an Investigative hearing that he provided advice to James Couchman regarding his legal  
8 problems.

9 117. BOARD Agents discovered that Respondent Albert D. Seeno, Jr., had a "Jim  
10 Couchman" file in his office with 1998 (March 2, 1998; April 21, 1998; April 22, 1998 and April  
11 23, 1998) newspaper clippings of James Couchman's criminal issues and James Couchman's  
12 association with the aforementioned convicted felon Art Carasis.

13 118. Respondent Albert D. Seeno, Jr., admitted to BOARD agents on April 29, 2003 at  
14 an Investigative hearing that he knew that James Couchman and Arthur Carasis "had legal  
15 problems together".

16 119. Upon information and belief, James Couchman was an invited guest at  
17 Respondent Albert D. Seeno, Jr.'s annual Christmas party in 1998. At which time, James  
18 Couchman had previously been convicted of two felonies in April 1998.

19 120. As a Nevada gaming licensee, Respondent Albert D. Seeno, Jr.'s failure to  
20 exercise discretion and sound judgment reflected negatively upon the reputation of the State  
21 of Nevada and is detrimental to the Nevada gaming industry and is in violation of Nevada  
22 Gaming Commission Regulation 5.011(1), and as such, is grounds for disciplinary action. See  
23 Nev. Gaming Comm'n Regs. 5.010(2) and 5.030.

24 WHEREFORE, based upon the allegations contained herein which constitute  
25 reasonable cause for disciplinary action against Respondents, pursuant to NRS 463.310 and  
26 463.339, and Nevada Gaming Commission Regulations 4.040, 5.010, 5.011, 5.030, the  
27 STATE GAMING CONTROL BOARD prays for the relief as follows:

28 . . . .

