

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. CGCC-2017-1019-6C

In the Matter of the Application for Approval
of Initial Gambling Establishment Key
Employee License Regarding:

DEFAULT DECISION AND ORDER

PATRICIA ANN HERNANDEZ

Applicant.

Hearing Date: Thursday, March 8, 2018
Time: 10:00 A.M.

1. This matter was scheduled for hearing before 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, on Thursday, March 8, 2018 at 10:00 A.M.

2. Patricia Ann Hernandez (Applicant) failed to appear and was not represented at the hearing.

FINDINGS OF FACT

3. On or about May 3, 2016, the Bureau of Gambling Control (Bureau) received an Application for Gambling Establishment Key Employee License from Applicant.

4. Applicant has a valid Interim Key Employee License, GEKE-002185 and is valid until March 31, 2018.

5. On or about September 8, 2017, the Bureau issued its Cardroom Key Employee Background Investigation Report (Bureau Report) in which it concluded that Applicant was unqualified for licensure pursuant to Business and Professions Code section 19857 and disqualified for licensure pursuant to Business and Professions Code section 19859. The Bureau recommended that the Commission deny Applicant's application

6. On or about October 19, 2017, the Commission considered Applicant's application and voted to refer the matter to an evidentiary hearing pursuant to Title 4, CCR section 12050, subdivision (b).

1 (F) The waiver of an evidentiary hearing, or failure of
2 the applicant to submit a Notice of Defense, or failure of an applicant
3 to appear at an evidentiary hearing, may result in:

4 1. A default decision being issued by the
5 Commission based upon the Bureau report, any supplemental reports
6 by the Bureau and any other documents or testimony already
7 provided or which might be provided to the Commission

8 13. When an applicant's application for a regular key employee license is denied by
9 the Commission, any associated interim key employee license becomes invalid and shall not be
10 used by an applicant. (Cal. Code Regs., tit. 4, § 12354, subd. (d).)

11 14. The Commission takes official notice of the Bureau Report, any supplemental
12 reports by the Bureau and any other documents or testimony already provided to it in this matter
13 as required by Business and Professions Code section 19870, subdivision (a) and Title 4, CCR
14 section 12052, subdivision (c)(2)(F)(1).

15 15. The Commission has jurisdiction to adjudicate this case by default.

16 16. The Commission may deny Applicant's application based upon the Bureau report,
17 any supplemental reports by the Bureau and any other documents or testimony already provided
18 to it, pursuant to CCR section 12052, subdivision (c)(2)(F)(1), and Business and Professions
19 Code sections 19857 and 19859.

20 17. The Commission may further also deny Applicant's application based upon
21 Applicant's failure to prove to the Commission Applicant is qualified to receive a license or other
22 approval as required by Business and Professions Code section 19856, subdivision (a) and Title 4,
23 CCR section 12060(i).

24 18. Therefore, as the Applicant failed to return a Notice of Defense form, did not
25 attend the default hearing, and did not submit any information or evidence in favor of granting
26 Applicant's Application, Applicant did not meet Applicant's burden of demonstrating why a
27 license should be issued pursuant to Business and Professions Code section 19856(a) and Title 4,
28 CCR section 12060(i). The Commission further finds that pursuant to California Code of
Regulations, Title 4, section 12052, subdivision (c)(2)(F)(1), Applicant's Application is subject to
denial.

ORDER


1
2
3 1. Patricia Ann Hernandez' Application for Gambling Establishment Key Employee
4 License is DENIED.

5 2. Patricia Ann Hernandez' interim key employee license, No. GEKE-002185 is
6 rendered invalid and shall not be used by Applicant.


7 3. Patricia Ann Hernandez' may not apply to the Commission or the Bureau for any
8 type of license, registration or work permit for one (1) year after the effective date of this Order.

9
10 This Order is effective on 3/9/18.


11
12 Dated: 3/8/18

Signature: 
13 Jim Evans, Chairman

14
15 Dated: 3/8/2018

Signature: 
16 Paula LaBrie, Commissioner

17
18 Dated: 3/8/18

Signature: 
19 Trang To, Commissioner

DECLARATION OF AMY ARNDT

I, Amy Arndt, declare as follows:


I am employed by the California Gambling Control Commission as an analyst in the Commission's Licensing Division. Patricia Hernandez's case has been assigned to me for processing.

On October 20, 2017, I mailed a Gambling Control Act hearing referral letter to Patricia Hernandez at [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] by certified mail pursuant to California Code of Regulations (CCR) Title 4, Division 18, Chapter 1, section 12006. This letter provided notice to Patricia Hernandez that consideration of her application was being referred to a Gambling Control Act hearing pursuant to CCR, Title 4, Division 18, Chapter 1, section 12060(b). This letter included a Notice of Defense form (CGCC-ND-002) with instructions to return the Notice of Defense to the Commission within 15 days of receipt in order to preserve their right to an administrative hearing.

Today is November 27, 2017 and I have not received the Notice of Defense form or any communication from Patricia Hernandez regarding a request for a Gambling Control Act hearing.

I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

Executed on November 27, 2017, in Sacramento, California.



Amy Arndt