1	BEFORE THE
2	CALIFORNIA GAMBLING CONTROL COMMISSION
3	In the Matter of the Application for Approval of Initial Gambling Establishment Key Employee License Regarding: CGCC Case No. CGCC-2017-1019-6C DEFAULT DECISION AND ORDER
5	PATRICIA ANN HERNANDEZ
67	Applicant. Hearing Date: Thursday, March 8, 2018 Time: 10:00 A.M.
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9	This matter was scheduled for hearing before the California Gambling Control
10	Commission (Commission) pursuant to Business and Professions Code sections 19870 and 19871
11	and Title 4, California Code of Regulations (CCR) section 12060, in Sacramento, California, on
12	Thursday, March 8, 2018 at 10:00 A.M.
13	2. Patricia Ann Hernandez (Applicant) failed to appear and was not represented at the
14	hearing.
15	<u>FINDINGS OF FACT</u>
16	3. On or about May 3, 2016, the Bureau of Gambling Control (Bureau) received an
17	Application for Gambling Establishment Key Employee License from Applicant.
18	4. Applicant has a valid Interim Key Employee License, GEKE-002185 and is valid
19	until March 31, 2018.
20	5. On or about September 8, 2017, the Bureau issued its Cardroom Key Employee
21	Background Investigation Report (Bureau Report) in which it concluded that Applicant was
22	unqualified for licensure pursuant to Business and Professions Code section 19857 and
23	disqualified for licensure pursuant to Business and Professions Code section 19859. The Bureau
24	recommended that the Commission deny Applicant's application
25	6. On or about October 19, 2017, the Commission considered Applicant's application
26	and voted to refer the matter to an evidentiary hearing pursuant to Title 4, CCR section 12050,
27	subdivision (b).
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- (F) The waiver of an evidentiary hearing, or failure of the applicant to submit a Notice of Defense, or failure of an applicant to appear at an evidentiary hearing, may result in:
- 1. A default decision being issued by the Commission based upon the Bureau report, any supplemental reports by the Bureau and any other documents or testimony already provided or which might be provided to the Commission
- 13. When an applicant's application for a regular key employee license is denied by the Commission, any associated interim key employee license becomes invalid and shall not be used by an applicant. (Cal. Code Regs., tit. 4, § 12354, subd. (d).)
- 14. The Commission takes official notice of the Bureau Report, any supplemental reports by the Bureau and any other documents or testimony already provided to it in this matter as required by Business and Professions Code section 19870, subdivision (a) and Title 4, CCR section 12052, subdivision (c)(2)(F)(1).
 - 15. The Commission has jurisdiction to adjudicate this case by default.
- 16. The Commission may deny Applicant's application based upon the Bureau report, any supplemental reports by the Bureau and any other documents or testimony already provided to it, pursuant to CCR section 12052, subdivision (c)(2)(F)(1), and Business and Professions Code sections 19857 and 19859.
- 17. The Commission may further also deny Applicant's application based upon Applicant's failure to prove to the Commission Applicant is qualified to receive a license or other approval as required by Business and Professions Code section 19856, subdivision (a) and Title 4, CCR section 12060(i).
- 18. Therefore, as the Applicant failed to return a Notice of Defense form, did not attend the default hearing, and did not submit any information or evidence in favor of granting Applicant's Applicant, Applicant did not meet Applicant's burden of demonstrating why a license should be issued pursuant to Business and Professions Code section 19856(a) and Title 4, 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.

1	19. In addition, as Applicant's application is subject to denial, Applicant's interim key
2	employee license shall become invalid and not be used by Applicant under Title 4, CCR section
3	12354, subdivision (d).
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5	NOTICE OF APPLICANT'S APPEAL RIGHTS
6	Applicant has the following appeal rights available under state law:
7	Title 4, CCR section 12064, subdivision (a) and (b) provide, in part:
8	(a) After the Commission issues a decision following a GCA hearing conducted
9	pursuant to Section 12060, an applicant denied a license, permit, registration, or finding of suitability, or whose license, permit, registration, or finding of
10	suitability has had conditions, restrictions, or limitations imposed upon it, may
11	request reconsideration by the Commission within 30 calendar days of service of the decision, or before the effective date specified in the decision, whichever is
12	later. (b) A request for reconsideration shall be made in writing to the Commission,
13	copied to the Bureau, and shall state the reasons for the request, which must be based upon either:
14	(1) Newly discovered evidence or legal authorities that could not
15	reasonably have been presented before the Commission's issuance of the decision or at the hearing on the matter; or,
16	(2) Other good cause which the Commission may decide, in its sole discretion, merits reconsideration.
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18	Business and Professions Code section 19870, subdivision (e) provides:
19	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
20	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
21	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
22	that the action exceeded the commission's jurisdiction. Title 4, CCR section 12066, subdivision (c) provides:
23	Title 4, CCR section 12000, subdivision (c) provides.
24	A decision of the Commission denying an application or imposing conditions on a license shall be subject to judicial review as provided in Business and Professions
25	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
26	reconsideration.
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ORDER Patricia Ann Hernandez' Application for Gambling Establishment Key Employee 1. License is DENIED. Patricia Ann Hernandez' interim key employee license, No. GEKE-002185 is 2. rendered invalid and shall not be used by Applicant. Patricia Ann Hernandez' may not apply to the Commission or the Bureau for any 3. type of license, registration or work permit for one (1) year after the effective date of this Order. This Order is effective on __ Signature: Jim Evans, Chairman Signature: Paula LaBrie, Commissioner Signature: Trang To, Commissioner

DECLARATION OF AMY ARNOT

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 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