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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. CGCC-2014-0710-6AWP

In the Matter of the Application for Initial
Work Permit for:

CAMERON AUSTIN CLEM

Applicant.

DEFAULT DECISION AND ORDER

Hearing Date: November 19, 2015
Time: 1:30 p.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 November 19, 2015.

2. Cameron Austin Clem (Applicant) failed to appear and was not represented at the hearing.

FINDINGS OF FACT

3. On or about April 2, 2012, Applicant submitted an Initial Regular Work Permit/Temporary Work Permit Application dated March 23, 2012, to the Commission.

4. On or about May 29, 2014, the Bureau of Gambling Control (Bureau) issued its Work Permit Employee Background Investigation Report in which it concluded that Applicant was unqualified for licensure pursuant to Business and Profession Code section 19857 and disqualified for licensure pursuant to Business and Profession Code section 19859. The Bureau recommended that the Commission deny Applicant's applications.

5. On or about July 10, 2014, the Commission considered Applicant's applications and voted to refer the matters to an evidentiary hearing pursuant to California Code of Regulations, Title 4, section 12050, subdivision (b).

6. Applicant received notice of Commission consideration of his application in four ways. First, Commission staff mailed an evidentiary hearing referral letter via certified mail to

1 Applicant's address of record on July 10, 2014. This letter was also sent to Applicant's
2 designated agent Elijah Zuniga.

3 7. Second, Deputy Attorney General Ronald Diedrich with the Indian and Gaming
4 Law Section in the Office of the Attorney General, Department of Justice on behalf of the Bureau
5 mailed an evidentiary hearing referral letter via certified mail to Applicant's address of record on
6 February 25, 2015. This letter included a blank Notice of Defense form with instructions to
7 return within 15 days of receipt or else the Commission may issue a default decision. On April 7,
8 2015, Deputy Attorney General Ronald Diedrich sent the Commission a letter indicating it had
9 received no response from Cameron Clem. (Exhibit A)

10 8. Third, Applicant received notice of the hearing through a hearing notice sent
11 certified mail on April 24, 2015 to Applicant's address of record which included Exhibit A and
12 stated that the hearing was set to occur on July 30, 2015 at 1:30 pm. Commission staff received
13 the package back from United States Postal Service on May 4, 2015 indicating that the package
14 was undeliverable with no forwarding address.

15 9. Fourth, Applicant received notice of the hearing through an amended hearing
16 notice sent certified mail on August 10, 2015 to Applicant's address of record which included
17 Exhibit A and stated that the hearing was set to occur on Thursday, November 19, 2015 at 1:30
18 pm. on his Initial Regular Work Permit/Temporary Work Permit Application in conjunction with
19 Applicant's Application for Gambling Establishment Key Employee License. Commission staff
20 received the package back unclaimed.

21 **DETERMINATION OF ISSUES**

22 10. An application to receive a license constitutes a request for a determination of the
23 applicant's general character, integrity, and ability to participate in, engage in, or be associated
24 with, controlled gambling. (Bus. & Prof. Code § 19856, subd. (b).)

25 11. In addition, the burden of proving Applicant's qualifications to receive any license
26 from the Commission is on the applicant. (Bus. & Prof. Code § 19856, subd. (a).)

27 12. At an evidentiary hearing pursuant to Business and Professions Code
28

1 sections 19870 and 19871 and Title 4, CCR section 12060 the burden of proof rests with
2 the applicant to demonstrate why a license or other approval should be issued. (Cal.
3 Code Regs., tit. 4, § 12060, subd. (i).)

4 13. Title 4, CCR section 12052, subdivision (c) provides in pertinent part:

5 (c) An applicant for any license, permit, finding of suitability,
6 renewal, or other approval shall be given notice of the meeting at which the
7 application is scheduled to be heard. Notice shall be given pursuant to
8 Section 12006.

9 * * *

10 (2) If the application is to be scheduled at an evidentiary
11 hearing, pursuant to subsections (a) or (b) of Section 12060, the notice
12 of hearing shall inform the applicant of the following:

13 * * *

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

17 1. A default decision being issued by the
18 Commission based upon the Bureau report, any
19 supplemental reports by the Bureau and any other
20 documents or testimony already provided or which might
21 be provided to the Commission

22 14. The Commission takes official notice of the Bureau report, any supplemental
23 reports by the Bureau and any other documents or testimony already provided to it in this matter.

24 15. Pursuant to its authority under California Code of Regulations, Title 4, section
25 12052, subdivision (c), the Commission finds Applicant is in default.

26 16. The Commission has jurisdiction to adjudicate this case by default.

27 17. The Commission may deny Applicant's application based upon the Bureau report,
28 any supplemental reports by the Bureau and any other documents or testimony already provided
to it, pursuant to California Code of Regulations, Title 4, section 12052, subdivision (c)(2)(F)(1),
and Business and Professions Code sections 19857 and 19859.

18. The Commission may further also deny Applicant's application based upon
Applicant's failure to prove to the Commission he is qualified to receive either a work permit or a
key employee license, as required by Business and Profession Code section 19856, subdivision

1 (a) and Title 4, CCR section 12060, subdivision (i).

2 19. Therefore, as the Applicant did not return his Notice of Defense form indicating he
3 wanted a hearing on his application, did not attend the default hearing, and did not submit any
4 information or evidence in favor of granting his Application, the Commission finds he did not
5 meet his burden of demonstrating why a finding of suitability should be issued pursuant to
6 Business and Professions Code section 19856, subdivision (a) and Title 4, CCR section 12060,
7 subdivision (i).

8 NOTICE OF APPLICANT'S APPEAL RIGHTS

9 Applicant has the following appeal rights available under state law:

10 Title 4, CCR section 12064, subsection (a) and (b) provide, in part:

11 (a) After the Commission issues a decision following a GCA hearing conducted
12 pursuant to Section 12060, an applicant denied a license, permit, registration, or
13 finding of suitability, or whose license, permit, registration, or finding of
14 suitability has had conditions, restrictions, or limitations imposed upon it, may
15 request reconsideration by the Commission within 30 calendar days of service of
16 the decision, or before the effective date specified in the decision, whichever is
17 later.

18 (b) A request for reconsideration shall be made in writing to the Commission,
19 copied to the Bureau, and shall state the reasons for the request, which must be
20 based upon either:

- 21 (1) Newly discovered evidence or legal authorities that could not
22 reasonably have been presented before the Commission's issuance of the
23 decision or at the hearing on the matter; or,
- 24 (2) Other good cause which the Commission may decide, in its sole
25 discretion, merits reconsideration.

26 Business and Professions Code section 19870, subdivision (e) provides:

27 A decision of the commission denying a license or approval, or imposing any
28 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.

Title 4, CCR section 12066, subsection (c) provides:

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
Code section 19870, subdivision (e). Neither the right to petition for judicial

1 review nor the time for filing the petition shall be affected by failure to seek
2 reconsideration.

3 **ORDER**

4 1. Cameron Austin Clem's Application for Initial Work Permit is DENIED.

5 2. Cameron Austin Clem may not apply to the Commission or the Bureau for any
6 type of license, registration or work permit for one (1) year after the effective date of this Order.
7

8 This Order is effective on December 21, 2015.
9

10
11 Dated: 11-19-15

Signature: _____

12 Jim Evans, Chairman

13
14 Dated: Nov. 19, 2015

Signature: _____

15 Tiffany E. Conklin, Commissioner

16
17 Dated: 11/19/15

Signature: _____

18 Roger Dunstan, Commissioner

19
20 Dated: 11-19-15

Signature: _____

21 Lauren Hammond, Commissioner

22
23 Dated: 11-19-15

Signature: _____

24 Trang To, Commissioner
25
26
27
28

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



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April 7, 2015

Todd Vlaanderen
Chief Counsel
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833-4231

RE: *In the Matter of the Statement of Reasons Against: Cameron Clem*
CGCC Case No. CGCC-2014-0710-6A / BGC Case No. BGC-HQ2014-00013SL

Dear Mr. Vlaanderen:

The Bureau of Gambling Control requests that the Commission issue a default decision denying Cameron Clem's application for a Key Employee License and Work Permit pursuant to California Code of Regulations, title 4, section 12052, subdivision (c)(2)(F)(1). Enclosed for consideration by the Commission are:

- A February 25, 2015 letter to Cameron Clem, with enclosed Notice of Defense form, a copy of California Code of Regulations, title 4, section 12052, and a Declaration of Service;
- A Notice of Defense has NOT been received and we have had no communications as of this date with Respondent, Cameron Clem.

Todd Vlaanderen
April 7, 2015
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If you have any questions or if you require any further information, please do not hesitate to contact me.

Sincerely,

RONALD DIEDRICH
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

RLD:lit
Enclosures

cc: Cameron Clem
Elijah Zuniga, Designated Agent
Stacey Luna Baxter, Assistant Bureau Chief, Bureau
Tina Littleton, Executive Director, Commission