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BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. GCADS-GEWP-001984

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

**DEFAULT DECISION AND ORDER**

Thomas Moore

Applicant.

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 Thursday, November 19, 2015.

2. Thomas Moore (Applicant) failed to appear and was not represented at the hearing.

**FINDINGS OF FACT**

3. On or about May 31, 2013, the Commission received an Initial Regular Work Permit/Temporary Work Permit Application from Applicant.

4. On or about December 2, 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 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.

5. On or about January 22, 2015, the Commission's Executive Director referred Applicant's application to an evidentiary hearing pursuant to Title 4, CCR section 12060, subdivision (a).

6. Applicant received notice of Commission consideration of Applicant's application in several ways. First, Commission staff mailed an evidentiary hearing referral letter via certified mail to Applicant's address of record on January 22, 2015 which included a blank Notice of Defense form with instructions to return it to the Commission within 15 days of receipt or else the

1 Commission may issue a default decision. A copy of the letter was mailed to Applicant's  
2 Designated Agent Monica Dreher. Commission staff received a signed Notice of Defense form  
3 from Applicant requesting an evidentiary hearing dated March 11, 2015. (Exhibit A)

4 7. Second, Applicant further received notice of the hearing through a hearing notice  
5 sent certified mail on May 20, 2015 to Applicant's address of record which included Exhibit A  
6 and stated that the hearing was set to occur on Tuesday, November 17, 2015 at 10:00 a.m. A  
7 copy of the letter was mailed to Applicant's Designated Agent Monica Dreher. Commission staff  
8 received the certified mail receipt back but signed for with an illegible signature.

9 8. Third, Applicant contacted Administrative Hearing Coordinator Pam Mathauser  
10 via e-mail indicating that he wished to withdraw his request for an evidentiary hearing. Pam  
11 Mathauser sent an email in response confirming his request and that the evidentiary hearing  
12 previously set for November 17, 2015 at 10:00 a.m. would be taken off calendar and another  
13 hearing without applicant participation would be scheduled. (Exhibit B)

14 9. Fourth and finally, Applicant received notice of the hearing through a hearing  
15 notice sent certified mail on July 10, 2015 to Applicant's address of record which included  
16 Exhibit B and stated that the hearing without applicant participation was set to occur on  
17 Thursday, November 19, 2015 at 1:30 p.m. A copy of the letter was mailed to Applicant's  
18 Designated Agent Monica Dreher. Commission staff has not received anything in return.

#### 19 DETERMINATION OF ISSUES

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

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

25 12. At an evidentiary hearing pursuant to Business and Professions Code sections  
26 19870 and 19871 and Title 4, CCR section 12060 the burden of proof rests with the applicant to  
27 demonstrate why a license or other approval should be issued. (Cal. Code Regs., tit. 4, § 12060,  
28

1 subd. (i).)

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

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

7 \* \* \*

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

11 \* \* \*

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

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

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

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

25 16. The Commission may deny Applicant's application based upon the Bureau report,  
26 any supplemental reports by the Bureau and any other documents or testimony already provided  
27 to it, pursuant to CCR section 12052, subdivision (c)(2)(F)(1), and Business and Professions  
28 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 either a work  
permit, as required by Business and Professions Code section 19856(a) and Title 4, CCR section  
12060, subdivision (i).

18. Therefore, as the Applicant waived Applicant's right to a hearing, did not attend

1 the default hearing, and did not submit any information or evidence in favor of granting  
2 Applicant's Application, Applicant did not meet Applicant's burden of demonstrating why a work  
3 permit should be issued pursuant to Business and Professions Code section 19856(a) and Title 4,  
4 CCR section 12060(i). The Commission further finds that pursuant to California Code of  
5 Regulations, Title 4, section 12052, subdivision (c)(2)(F)(1), Applicant's Application is subject to  
6 denial.

#### 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.

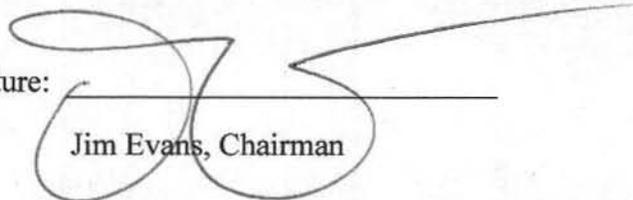
3 **ORDER**

4 1. Thomas Moore's application for Initial Regular Work Permit/Temporary Work  
5 Permit is DENIED.

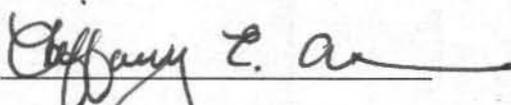
6 2. Thomas Moore may not apply to the Commission or the Bureau for any type of  
7 license, registration or work permit for one (1) year after the effective date of this Order.  
8

9 This Order is effective on December 21, 2015

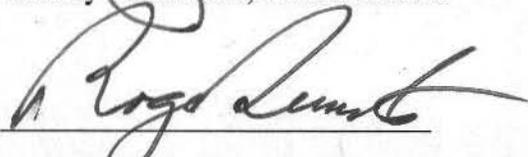
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12 Dated: 11/19/15

Signature:   
13 Jim Evans, Chairman

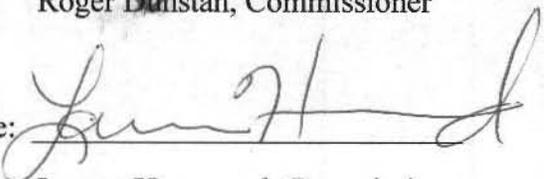
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15 Dated: Nov. 19, 2015

Signature:   
16 Tiffany E. Conklin, Commissioner

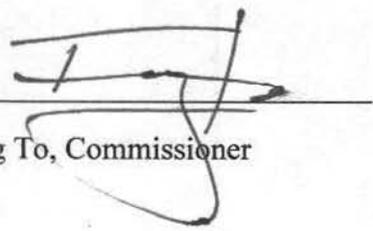
17  
18 Dated: 11/19/15

Signature:   
19 Roger Dunstan, Commissioner

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21 Dated: 11-19-15

Signature:   
22 Lauren Hammond, Commissioner

23  
24 Dated: 11/19/15

Signature:   
25 Trang To, Commissioner  
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27  
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CALIFORNIA GAMBLING  
CONTROL COMMISSION

2015 MAR 11 PM 12:51



State of California  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 220  
Sacramento, CA 95833-4231  
(916) 263-0700; Fax: (916) 263-0452  
www.cgcc.ca.gov

**NOTICE OF DEFENSE**  
**CGCC - ND - 002 (New 01/14)**

In the Matter of:

CGCC No. 

Failure to submit this Notice of Defense to the California Gambling Control Commission (Commission) and the Bureau of Gambling Control (Bureau) may result in a default decision being issued by the Commission. The Notice of Defense is due:

- Within 15 calendar days of receipt, if provided by Commission staff or the Bureau; or,
- Within 15 calendar days of the date of service, if provided with the Notice of Hearing.

(Please select one of the following:)										
1	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center; vertical-align: top;">A</td> <td style="width: 5%; text-align: center; vertical-align: top;"><input type="checkbox"/></td> <td style="padding: 2px;">I acknowledge and accept that the conditions, limitations and restrictions attached to the notice will be placed on my license, registration, finding of suitability or other approval, and waive my right to an evidentiary hearing. (See Box 2)</td> </tr> <tr> <td style="text-align: center; vertical-align: top;">B</td> <td style="text-align: center; vertical-align: top;"><input type="checkbox"/></td> <td style="padding: 2px;">I waive my right to an evidentiary hearing. (See Box 2)</td> </tr> <tr> <td style="text-align: center; vertical-align: top;">C</td> <td style="text-align: center; vertical-align: top;"><input checked="" type="checkbox"/></td> <td style="padding: 2px;">I request an evidentiary hearing where the Commission will consider the merits of my application and any recommendation of the Bureau.</td> </tr> </table>	A	<input type="checkbox"/>	I acknowledge and accept that the conditions, limitations and restrictions attached to the notice will be placed on my license, registration, finding of suitability or other approval, and waive my right to an evidentiary hearing. (See Box 2)	B	<input type="checkbox"/>	I waive my right to an evidentiary hearing. (See Box 2)	C	<input checked="" type="checkbox"/>	I request an evidentiary hearing where the Commission will consider the merits of my application and any recommendation of the Bureau.
A	<input type="checkbox"/>	I acknowledge and accept that the conditions, limitations and restrictions attached to the notice will be placed on my license, registration, finding of suitability or other approval, and waive my right to an evidentiary hearing. (See Box 2)								
B	<input type="checkbox"/>	I waive my right to an evidentiary hearing. (See Box 2)								
C	<input checked="" type="checkbox"/>	I request an evidentiary hearing where the Commission will consider the merits of my application and any recommendation of the Bureau.								
2	<p>The waiver of my right to an evidentiary hearing includes a waiver of the following associated rights:</p> <ul style="list-style-type: none"> <li>The right to be heard at the hearing</li> <li>The right to a copy of the hearing's governing procedure</li> <li>The right to discovery</li> <li>The right to present oral evidence</li> <li>The right to present and examine witnesses</li> <li>The right to introduce relevant exhibits</li> <li>The right to cross-examine opposing witnesses</li> <li>The right to impeach witnesses</li> <li>The right to offer rebuttal evidence</li> <li>The right to challenge evidence used against me</li> <li>The right to request reconsideration following the decision's issuance</li> <li>The right to petition for review of the decision under Section 1085 of the Code of Civil Procedure</li> </ul> <p>The waiver of an evidentiary hearing may result in 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 may be provided to the Commission, or that the hearing may continue to occur on the originally noticed date without applicant participation.</p>									
3	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%; text-align: center; vertical-align: top;"><input checked="" type="checkbox"/></td> <td style="padding: 2px;">I understand English or have had an interpreter read and explain this form to me in _____</td> </tr> </table>	<input checked="" type="checkbox"/>	I understand English or have had an interpreter read and explain this form to me in _____							
<input checked="" type="checkbox"/>	I understand English or have had an interpreter read and explain this form to me in _____									

NOTICE OF DEFENSE

2015 MAR 11 PM 12:51

(Please select one of the following:)	
A	<input type="checkbox"/> I am represented by counsel, whose name, address and telephone number appear below:
	Name:
	Mailing Address:
	City, State and Zip Code:
	Telephone Number:
B	<input checked="" type="checkbox"/> I am not represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be provided to the Commission and the Bureau so that counsel will be on the record to receive legal notices, pleadings, and other papers.

Signature: \_\_\_\_\_

Date: 2/9/15

Relationship to Gambling Enterprise: \_\_\_\_\_

(N/A if Individual signing on own behalf)

I received this information on 2/4/15 from my place of employment. I was not notified until then. This is why I am sending papers back so late.

Thank you

**Mathauser, Pamela**

---

**From:** Mathauser, Pamela  
**Sent:** Wednesday, June 24, 2015 4:27 PM  
**To:** 'Thomas Moore'  
**Cc:** Ronald Diedrich; Pope, Jason  
**Subject:** RE: withdraw request for hearing

This email acknowledges that I have received notice that you are withdrawing your request for an evidentiary hearing before the Commission. As a result of your request, the hearing scheduled for November 17, 2015 will be taken off calendar and your pending work permit application will be scheduled for a default hearing without your participation which may result in a decision of denial being issued by the Commission either by default or on the merits of the case.

You will be sent a new notice of hearing without applicant participation in the next few weeks.

Please contact me if you have any questions concerning this email.

Regards,

**Pam Mathauser**  
Senior Legal Analyst  
California Gambling Control Commission  
[pmathauser@cgcc.ca.gov](mailto:pmathauser@cgcc.ca.gov)  
(916) 263-8111

**From:** Thomas Moore [<mailto:zacktom61@gmail.com>]  
**Sent:** Wednesday, June 24, 2015 3:45 PM  
**To:** Mathauser, Pamela  
**Subject:** withdraw request for hearing

I Thomas Moore do hereby withdraw my request for a hearing in regards to work permit for lake bowl card room. Thank you