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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. GCADS-GEWP-002276

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

GRANT DOIRON

Applicant.

DEFAULT DECISION AND ORDER

Hearing Date: February 22, 2017
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 February 22, 2017.

2. The Bureau of Gambling Control (Bureau) was represented by Deputy Attorney General Ronald Diedrich with the Indian and Gaming Law Section, Department of Justice Attorney General's Office.

3. Grant Doiron (Applicant) failed to appear and was not represented at the hearing.

4. During the administrative hearing, Presiding Officer Russell Johnson took official notice of the following:

(a) Notice of Hearing and Prehearing Conference with enclosures including Applicant's Application and the Bureau Report, dated October 7, 2016, served by certified mail, return receipt requested;

(b) Conclusion of Prehearing Conference letter dated January 1, 2017; and

(c) Amended Statement of Reasons dated October 27, 2016

5. During the administrative hearing, Presiding Officer Russell Johnson accepted into evidence the following exhibits offered by the Bureau:

1) Amended Statement of Reasons, with Certificate of Service; Statement of Reasons; Statement to Respondent; copies of Bus. & Prof. Code, §§ 19870

1 & 19871; copy of Cal. Code. Regs., tit. 4, § 12060; August 16, 2016,
2 Certificate of Service by Certified Mail Service; and Notice of Defense,
3 dated August 5, 2016;

4 2) Notices sent by the Commission:

5 a. July 20, 2016, letter from Executive Director Stacey Luna Baxter
6 notifying Grant Doiron that consideration of his application has
7 been referred to a hearing before the Commission.

8 b. October 7, 2016, Notice of Hearing and Prehearing Conference,
9 with Attachments A & B, and Proof of Service.

10 c. January 6, 2017, Conclusion of Prehearing Conference;

11 3) February 6, 2017, e-mail from Grant Doiron to Jeanine Velasquez, Bureau
12 of Gambling Control, advising of non-participation at hearing scheduled
13 for February 22, 2017;

14 4) Application for Initial Regular Work Permit/Temporary Work Permit, with
15 Work Permit Questionnaire and attachments, submitted by Grant Doiron to
16 the Bureau on April 1, 2015, which is dated March 14, 2015;

17 5) San Luis Obispo Superior Court Records regarding the case of *People v.*
18 *Grant James Doiron* (Super. Ct. San Luis Obispo County, 1999, No.
19 F289168), consisting of:

20 a. Complaint; October 8, 1999, Felony Sentencing Minute Order; and
21 October 15, 1999, Order of Probation.

22 b. November 29, 2010, Report of Probation Officer & Order on
23 Reduction to a Misdemeanor (PC 17b); and November 29, 2010,
24 Minute Order granting the motion to reduce the felony conviction
25 to a misdemeanor pursuant to Penal Code, section 17, subdivision
26 (b), and granting the motion to set aside the conviction pursuant to
27 Penal Code, section 1203.4;
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- 1 6) San Luis Obispo County Sheriff's Department Incident Report dated
2 March 10, 2016, regarding the incident that resulted in the October 15,
3 1999, felony conviction in the case of *People v. Grant James Doiron*
4 (Super. Ct. San Luis Obispo County, 1999, No. F289168), and subsequent
5 arrests;
- 6 7) Department of Justice criminal history records report;
- 7 8) Documentation regarding statements made by Grant Doiron to the Bureau
8 regarding his various arrests and convictions;
- 9 9) Certified court records from New Hampshire 8th Circuit regarding Grant
10 Doiron's April 12, 2005 conviction of two counts of harassment in the case
11 of *State v. Grant Doiron* (N.H. 8th Cir., 2005, NO. 449-2005-CR-01120);
- 12 10) Chesterfield [New Hampshire] Police Department's Discovery Submission
13 and Complaint regarding the incidents that resulted in the convictions in
14 the 2005 case of *State v. Grant Doiron* (N.H. 8th Cir., 2005, No. 499-2005-
15 CR-01120). And, the Chesterfield [New Hampshire] Police Department's
16 records regarding the incidents that resulted in those convictions;
- 17 11) Certified court records from New Hampshire 9th Circuit regarding Grant
18 Doiron's March 16, 2004 conviction of theft in the case of *State v. Grant*
19 *Doiron* (N.H. 8th Cir., 2004, No. 449-2004-CR-01000);
- 20 12) Marlborough [New Hampshire] Police Department's records regarding the
21 incidents that resulted in the 2004 conviction in the case of *State v. Grant*
22 *Doiron* (N.H. 8th Cir., 2004, No. 449-2004-CR-01000);
- 23 13) Pismo Beach Police Department's Citation Reports records regarding the
24 incidents that resulted in June 28, 2001, conviction in San Luis Obispo
25 County of violating Vehicle Code, section 12500, subdivision (a);
- 26 14) Certified court records from New Hampshire 8th Circuit regarding Grant
27 Doiron's February 23, 2001, convictions from receiving stolen property in
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1 the case of *State v. Grant Doiron* (N.H. 8th Cir., 1998, No. 449-1998-CR-
2 00303-00306); and

3 15) Keene [New Hampshire] Police Department's records regarding the
4 circumstances that resulted in the 1998 conviction in the case of *State v.*
5 *Grant Doiron* (N.H. 8th Cir., 1998, No. 449-1998-CR-00303-00306).

6 6. The matter was submitted on February 22, 2017

7 **FINDINGS OF FACT**

8 7. On or about April 1, 2015, the Bureau received an Initial Regular Work
9 Permit/Temporary Work Permit Application from Applicant.

10 8. On or about June 7, 2016, the Bureau issued its Work Permit Employee
11 Background Investigation Report in which it concluded that Applicant was unqualified for
12 licensure pursuant to Business and Professions Code section 19857 and disqualified for licensure
13 pursuant to Business and Professions Code section 19859. The Bureau recommended that the
14 Commission deny Applicant's application.

15 9. On or about July 20, 2016, the Commission's Executive Director referred
16 Applicant's application to an evidentiary hearing pursuant to Title 4, CCR section 12060,
17 subdivision (a). Commission staff mailed an evidentiary hearing referral letter via certified mail
18 to Applicant's address of record which included a blank Notice of Defense form with instructions
19 to return it to the Commission within 15 days of receipt or else the Commission may issue a
20 default decision. A copy of the letter was mailed to Applicant's Designated Agent.

21 10. Commission staff received a signed Notice of Defense form from Applicant on
22 August 9, 2016 requesting an evidentiary hearing signed August 5, 2016. (Exhibit A)

23 11. Commission staff mailed a Notice of the Hearing sent certified mail on October 7,
24 2016 to Applicant's address of record which included Exhibit A and stated that the hearing was
25 set to occur on February 22, 2017 at 10:00 a.m. A copy of the letter was mailed to Applicant's
26 Designated Agent. Commission staff received the confirmation receipt signed by Applicant.

27 12. On October 27, 2016, the Bureau submitted an Amended Statement of Reasons in
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1 preparation for the forthcoming evidentiary hearing.

2 13. On January 5, 2017, Russell Johnson, Presiding Officer for the forthcoming
3 hearing, conducted a pre-hearing conference with Deputy Attorney General Ronald Diedrich in
4 attendance. Applicant was not present and no one appeared on his behalf. On January 6, 2017, a
5 letter confirming this conference was mailed out to the parties.

6 14. On or about February 6, 2017, Applicant sent an email to the Bureau stating, “Hi
7 this is grant Doiron I’m giving up 1 the card room burned down and 2 the lawyers I’ve talked to
8 showed no hope...so I’m not gonna fight it and won’t be coming to Sacramento...”

9 15. At the February 22, 2017 hearing, Applicant was not present, and submitted no
10 evidence on behalf of his application.

11 **DETERMINATION OF ISSUES**

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

15 17. In addition, the burden of proving Applicant’s qualifications to receive any license
16 from the Commission is on the applicant. (Bus. & Prof. Code § 19856, subd. (a).)

17 18. At an evidentiary hearing pursuant to Business and Professions Code sections
18 19870 and 19871 and Title 4, CCR section 12060 the burden of proof rests with the applicant to
19 demonstrate why a license or other approval should be issued. (Cal. Code Regs., tit. 4, § 12060,
20 subd. (i).)

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

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

25 * * *

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

28 * * *

1 (F) The waiver of an evidentiary hearing, or failure of
2 the applicant to submit a Notice of Defense, or failure of an
3 applicant 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
6 supplemental reports by the Bureau and any other
7 documents or testimony already provided or which might
8 be provided to the Commission

9 20. The Commission took official notice of the items identified under paragraph 4, and
10 received into evidence Bureau Exhibits 1-11 identified under paragraph 5 which were provided to
11 it in this matter pursuant to Business and Professions Code section 19870, subdivision (a) and
12 Title 4, CCR section 12052, subdivision (c)(2)(F)(1).

13 21. The Commission has jurisdiction to adjudicate this case by default.

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

18 23. The Commission may further also deny Applicant's application based upon
19 Applicant's failure to prove to the Commission Applicant is qualified to receive either a work
20 permit, as required by Business and Professions Code section 19856(a) and Title 4, CCR section
21 12060, subdivision (i).

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

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NOTICE OF APPLICANT’S APPEAL RIGHTS

Applicant has the following appeal rights available under state law:

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

(a) After the Commission issues a decision following a GCA hearing conducted pursuant to Section 12060, an applicant denied a license, permit, registration, or finding of suitability, or whose license, permit, registration, or finding of suitability has had conditions, restrictions, or limitations imposed upon it, may 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 later.

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

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

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

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

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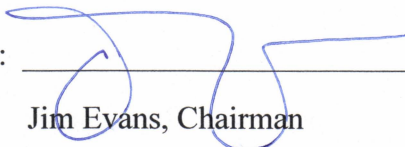
ORDER

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3 1. GRANT DOIRON'S application for Initial Regular Work Permit/Temporary
4 Work Permit is DENIED.


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

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8 This Order is effective on March 27, 2017.

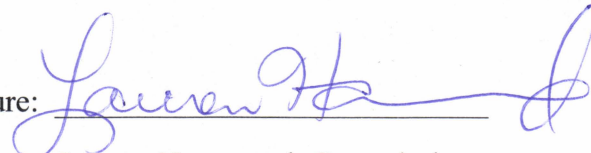
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11 Dated: 2/23/17

Signature: 
Jim Evans, Chairman

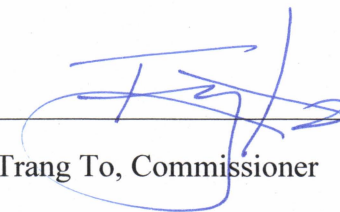
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14 Dated: 2/23/17

Signature: 
Paula Labrie, Commissioner

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Signature: 
Lauren Hammond, Commissioner

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Signature: 
Trang To, Commissioner