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BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

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

GLORIA GEORGINA SIBBALD

Respondent.

BGC Case No. BGC-HQ2017-0018SL  
CGCC Case No. CGADS-GEWP-002559

**DECISION AND ORDER**

Hearing Date: April 18, 2018  
Time: 1:30 p.m.

This matter was heard by 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(b), in Sacramento, California, on April 18, 2018.

Ronald Diedrich, Deputy Attorney General, State of California, represented complainant Stephanie Shimazu, Chief of the Bureau of Gambling Control, Department of Justice, State of California (Complainant).

Gloria Georgina Sibbald (Applicant) was not present and no one appeared on her behalf at the hearing.

During the administrative hearing, Presiding Officer Kate Patterson took official notice of the following jurisdictional documents:

- (1) January 12, 2018 Notice of Hearing with;
  - a. Applicant's application dated January 31, 2017, and
  - b. Bureau Background Investigation Report dated September 11, 2017
- (2) March 2, 2018 Conclusion of Prehearing Conference letter;
- (3) January 22, 2018 Statement of Reasons filed and served by the Bureau; and
- (4) October 16, 2017 Notice of Defense signed by Thomas.

During the administrative hearing, Presiding Officer Kate Patterson accepted into evidence the following exhibits offered by the Complainant:

- (1) Statement of Reasons; Statement to Respondent; copies of Bus. & Prof.

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Code, §§ 19870 & 19871; copy of Cal. Code. Regs., tit. 4, § 12060;  
January 23, 2018, Declaration of Service by Certified Mail Service, with  
signed Return Receipt; and Notice of Defense, dated October 16, 2017,  
Bates Nos. 001 – 025;

(2) California Gambling Control Commission Notices and Letters re Initial  
Work Permit:

- a. October 11, 2017, Referral of Initial Work Permit Application to an  
Evidentiary Hearing – GEWP-002559, Bates Nos. 026 – 027;
- b. January 12, 2018, Notice of Hearing and Prehearing Conference, with  
attachments and proof of service, Bates Nos. 028 – 044; and
- c. March 2, 2018, letter regarding the March 1, 2018, Prehearing  
Conference, Bates Nos. 045 – 049.

(3) California Gambling Control Commission Notices and Letters re  
Temporary Work:

- a. February 7, 2017, Approval of Temporary Work Permit  
(GEWP002559), Bates No. 050; and
- b. September 26, 2017, Notice of Cancellation of Temporary Work  
Permit, Bates No. 051.

(4) Redacted copies of Gloria Sibbald’s December 19, 2013, Application for  
Initial Regular Work Permit/Temporary Work Permit and Work Permit  
Questionnaire (collectively, 2013 Application), Bates No. 052 – 055;

(5) Redacted copies of Gloria Sibbald’s February 6, 2017, Application for  
Initial Regular Work Permit/Temporary Work Permit and Work Permit  
Questionnaire, both dated January 31, 2017, (collectively, Application),  
Bates Nos 056 – 061;

(6) A redacted copy of the Bureau’s September 11, 2017 Work Permit  
Renewal Background Investigation Report regarding Gloria Georgina

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- Sibbald, Bates Nos. 062 – 072;
- (7) A redacted copy of April 24, 2017, employment verification and history for Gloria Georgina Sibbald at Empire Sportsmen’s Association, Bates Nos. 073 – 074;
  - (8) A redacted copy of the San Joaquin County Superior Court records regarding the case of People of the State of California v. Gloria Sibbald (Super. Ct. San Joaquin County, 2008, Case No. TM111944), including Gloria Sibbald’s April 14, 2008, informed guilty plea, Bates Nos. 075 – 089;
  - (9) A redacted copy of the Tracy Police Department’s March 12, 2008, Incident Investigation Report regarding Gloria Sibbald’s October 11, 2008, theft at the Target store, which led to her conviction in the case of People of the State of California v. Gloria Sibbald (Super. Ct. San Joaquin County, 2008, Case No. TM111944), Bates Nos. 090 – 095;
  - (10) A copy of the San Joaquin Superior Court records regarding Gloria Sibbald obtaining relief on August 28, 2017, from her conviction in the case of People of the State of California v. Gloria Sibbald (Super. Ct. San Joaquin County, 2008, Case No. TM111944), pursuant to Penal Code, section 1203.4, Bates Nos. 096 – 098;
  - (11) May 8, 2017, email from Gloria Sibbald to the Bureau (Nathan Shipley) describing the theft from Target that led to her conviction in the case of People of the State of California v. Gloria Sibbald (Super. Ct. San Joaquin County, 2008, Case No. TM111944), Bates No. 099;
  - (12) February 16 & 20, 2018, email correspondence, with attachments, between Elijah Zuniga and Ronald Diedrich regarding Elijah Zuniga’s statement that he does not represent Gloria Sibbald, Bates Nos. 100 – 104.

The matter was submitted on April 18, 2018.

FINDINGS OF FACT

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2 1. On or about February 6, 2017, Applicant submitted an Application for an Initial  
3 Regular Work Permit/Temporary Work Permit (Application) and a Work Permit Questionnaire.

4 2. On February 7, 2017, the Commission issued Applicant a temporary work permit,  
5 number GEWP - 002559.

6 3. On or about September 11, 2017, the Bureau submitted to the Commission a Work  
7 Permit Employee Background Investigation Report (Bureau Report), recommending that  
8 Applicant's Application be denied.

9 4. The Commission cancelled Applicant's temporary work permit on September 26, 2017  
10 pursuant to California Code of Regulations, title 4, section 12128, subdivision (b)(2).

11 5. On or about October 11, 2017, the Commission's Executive Director referred  
12 consideration of Applicant's Application to an evidentiary hearing pursuant to California Code of  
13 Regulations, title 4, section 12060, subdivision (a).

14 6. On or about October 16, 2017, Sibbald submitted a signed Notice of Defense to the  
15 Commission requesting an evidentiary hearing.

16 7. On January 12, 2018 the Commission sent out a Notice of Hearing indicating an  
17 evidentiary hearing was set to occur on April 18, 2018 and a pre-hearing conference was set to  
18 occur on March 1, 2018.

19 8. On March 1, 2018, the prehearing was conducted with Ronald Diedrich, Deputy  
20 Attorney General with the Indian and Gaming Law Section in the Office of the Attorney General  
21 on behalf of the Complainant. Applicant was not present and no one appeared on her behalf.

22 9. The Commission heard Case No. CCADS-GEWP-002559 on April 18, 2018.

23 10. The Complainant was represented throughout the pendency of the hearing by Deputy  
24 Attorney General Ronald Diedrich. Applicant was not present and no one appeared on her behalf.

25 11. On or about April 14, 2008, Applicant was convicted of petty theft, Penal Code  
26 section 484, subdivision (a), a misdemeanor crime involving moral turpitude, in the case of  
27 *People of the State of California v. Gloria Georgina Sibbald* (Super. Ct. San Joaquin County,  
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1 2008, Case No. TM111944). This conviction was less than ten years before the date of  
2 Applicant's application. The incident involved the theft of various goods from a Target  
3 department store which was witnessed by a Target Loss Prevention agent.

4 12. On Applicant's January 31, 2017 Work Permit Questionnaire, Applicant was asked on  
5 Page 2, Question No. 4. B. "Have you been convicted of a misdemeanor within the past 10 years?  
6 (Convictions dismissed pursuant to Penal Code section 1203.4 must be disclosed.)" In response to  
7 that question, Applicant checked the box marked "No."

8 13. The Bureau subsequently learned of Applicant's conviction and asked her to provide  
9 an explanation. Applicant provided an email statement on May 8, 2017. In that statement, she  
10 stated verbatim:

11 In April 14, 2008 I was caught with small items from target, I did not know those items  
12 were in my daughters stroller do to the father of my child stuck them in there, I was young  
13 and naive that I had taken the blame for him. All fines were paid. It was so long ago; I  
14 never thought that this would be held against me, considering I have worked for empire  
15 sportsmen for 2 years with an actual work permit given by the Gambling bureau. I do  
16 apologized that I did not put this on my application, but I rally was not aware of it. I called  
17 the court office in Tracy they said I could get an expungement; I will get one as soon as I  
18 have the funds.

19 14. The Complainant offered as an exhibit a police report from the Tracy Police  
20 Department which included statements from the Applicant and the Target Loss Prevention agent.  
21 The Loss Prevention agent indicated he recognized Applicant and her male companion from a  
22 previous theft incident. This agent witnessed Applicant's companion place items from the store's  
23 shelves onto the stroller where the Applicant's daughter sat. The agent also witnessed Applicant  
24 take control of the stroller and place face wash and a makeup brush into the stroller just prior to  
25 walking past multiple pay points, making no attempt to pay for the items, and then exiting the  
26 store. The Loss Prevention agent contacted Applicant and her companion outside the store, inside  
27 the mall, near the restrooms.  
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1           15. Applicant told the Tracy Police Department that she had used the stroller to carry the  
2 items, but that she then had to take her child to the bathroom for a diaper change. She stated “she  
3 did not intend to conceal the items and would have paid for the items if she would have  
4 remembered.”

5           16. Applicant’s conduct involving the theft is troubling. While the dollar amounts of the  
6 theft are not great, her lack of accountability and her statements reflect poorly on her application  
7 and her involvement in a cardroom.

8           17. First and foremost, Applicant’s description of the theft to the Bureau in her 2017  
9 statement is inconsistent with her statement to the Tracy Police Department in 2008. She told the  
10 Bureau that the theft was all because of the father of her child. However, in the Police Report she  
11 admitted that she was using the stroller to carry the goods, and that she simply had not  
12 remembered to pay. Additionally, both of her statements are inconsistent with the observations of  
13 the Loss Prevention agent who saw Applicant place items in the stroller before pushing the  
14 stroller past pay points and leaving the store. These misleading statements reflect an intent to  
15 conceal and minimize her actions.

16           18. Second, Applicant’s statement explaining why she did not answer “Yes” to Question  
17 No. 4. B on her Work Permit Questionnaire because she was “young” and “not aware” of it is not  
18 credible. The Complainant offered several exhibits indicating Applicant was a full participant in  
19 her criminal proceeding and plea agreement. Applicant signed a Notice to Appear on March 11,  
20 2008 at the time of the theft indicating she would appear on April 14, 2008 at the Superior Court  
21 of California in Tracy regarding the Penal Code 484(a) charge. Additionally, on April 14, 2008,  
22 Applicant signed a “Misdemeanor Advisement of Rights, Waiver and Plea Form” for the Penal  
23 Code 484(a) conviction and another court document indicating she had to comply with various  
24 terms such as being on probation for three years and the payment of a fine and other penalties. It  
25 strains credulity that Applicant would not remember her conviction from less than ten years ago  
26 when filling out her Work Permit Questionnaire. This omission reflects intent to conceal and a  
27 desire to avoid Bureau and Commission scrutiny of her past conduct which poses a threat to the  
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1 effective regulation and control of controlled gambling.

2 19. Applicant's statements about the events relating to the theft as well as her failure to  
3 disclose the conviction on her Work Permit Questionnaire reflect poorly on her character,  
4 honesty, and integrity, and represent an attempt to provide untrue and misleading material facts.  
5 Simply stated, Applicant attempted to minimize her involvement in the theft at every step instead  
6 of taking responsibility for her actions.

7 20. On or around August 28, 2017, Applicant's conviction in the above matter was  
8 dismissed pursuant to Penal Code section 1203.4, which nominally weighs in her favor.

9 21. The matter was submitted for Commission consideration on April 14, 2018.

### 10 LEGAL CONCLUSIONS

11 1. Division 1.5 of the Business and Professions Code, the provisions of which govern  
12 the denial of licenses on various grounds, does not apply to licensure decisions made by the  
13 Commission under the Gambling Control Act. Business and Professions Code section 476(a).

14 2. Public trust and confidence can only be maintained by strict and comprehensive  
15 regulation of all persons, locations, practices, associations, and activities related to the operation  
16 of lawful gambling establishments and the manufacture and distribution of permissible gambling  
17 equipment. Business and Professions Code section 19801(h).

18 3. At an evidentiary hearing pursuant to Business and Professions Code sections 19870  
19 and 19871 and Title 4, CCR section 12060(b), the burden of proof rests with the applicant to  
20 prove her qualifications to receive any license under the Gambling Control Act. Title 4, CCR  
21 section 12060(i).

22 4. The burden of proving her qualifications to receive any license from the Commission  
23 is on the applicant. Business and Professions Code section 19856(a).

24 5. An application to receive a license constitutes a request for a determination of the  
25 applicant's general character, integrity, and ability to participate in, engage in, or be associated  
26 with, controlled gambling. Business and Professions Code section 19856(b).

27 6. In reviewing an application for any license, the Commission shall consider whether  
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1 issuance of the license is inimical to public health, safety, or welfare, and whether issuance of the  
2 license will undermine public trust that the gambling operations with respect to which the license  
3 would be issued are free from criminal and dishonest elements and would be conducted honestly.  
4 Business and Professions Code section 19856(c).

5 7. The Commission has the responsibility of assuring that licenses, approvals, and  
6 permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose  
7 operations are conducted in a manner that is inimical to the public health, safety, or welfare.  
8 Business and Professions Code section 19823(a)(1).

9 8. An “unqualified person” means a person who is found to be unqualified pursuant to  
10 the criteria set forth in Business and Professions Code section 19857, and “disqualified person”  
11 means a person who is found to be disqualified pursuant to the criteria set forth in Business and  
12 Professions Code section 19859. Business and Professions Code section 19823(b).

13 9. The Commission has the power to deny any application for a license, permit, or  
14 approval for any cause deemed reasonable by the Commission. Business and Professions Code  
15 section 19824(b).

16 10. No gambling license shall be issued unless, based on all of the information and  
17 documents submitted, the commission is satisfied that the applicant is a person of good character,  
18 honesty and integrity. Business and Professions Code section 19857(a).

19 11. No gambling license shall be issued unless, based on all of the information and  
20 documents submitted, the commission is satisfied that the applicant is a person whose prior  
21 activities and criminal record, if any, reputation, habits, and associations do not pose a threat to  
22 the public interest of this state, or to the effective regulation and control of controlled gambling,  
23 or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities  
24 in the conduct of controlled gambling or in the carrying on of the business and financial  
25 arrangements incidental thereto. Business and Professions Code section 19857(b).

26 12. The commission shall deny a license to any applicant who is disqualified for failure  
27 of the applicant to provide information, documentation, and assurances required by this chapter or  
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1 requested by the chief, or failure of the applicant to reveal any fact material to qualification, or the  
2 supplying of information that is untrue or misleading as to a material fact pertaining to the  
3 qualification criteria. Business and Professions Code section 19859(b)

4 13. An application for a work permit shall be denied by the Commission if the applicant  
5 meets any of the criteria for mandatory disqualification under Business and Professions Code  
6 section 19859 or is found unqualified pursuant to the criteria set forth in subdivisions (a) or (b) of  
7 Business and Professions Code section 19857. Title 4 CCR section 12105(a)(2).

8 14. Applicant failed to meet her burden of demonstrating that she is a person of good  
9 character honesty and integrity and that her past activities, habits, and associations do not pose a  
10 threat to the public interest of this state, or to the effective regulation and control of controlled  
11 gambling, or create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and  
12 activities in the conduct of controlled gambling or in the carrying on of the business and financial  
13 arrangements incidental thereto pursuant to Business and Professions Code section 19857 (a) and  
14 (b) and CCR section 12105(a)(2).

15 15. Additionally, Applicant failed to provide material facts regarding her past conviction,  
16 and when confronted with the omission, provided untrue and misleading information to the  
17 Bureau as to material facts in violation of Business and Professions Code section 19859(b).

18 16. For the foregoing reasons, Applicant is unqualified for a work permit under Business  
19 and Professions Code section 19857 (a) and (b) and is disqualified for a work permit under  
20 Business and Professions Code section 19859. Title 4 CCR section 12105(a)(2).

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NOTICE OF APPLICANT’S APPEAL RIGHTS

Thomas has the following appeal rights available under state law:

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

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. The request 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 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 upon 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:

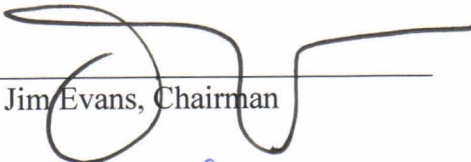
A decision of the Commission denying an application or imposing conditions on license shall be subject to judicial review as provided in Business and Professions Code section 19870, subdivision (e). Neither the right to petition for judicial review nor the time for filing the petition shall be affected by failure to seek reconsideration.

ORDER


1. Gloria Georgina Sibbald's Application for Initial Regular Work Permit is DENIED.
2. Each side to pay its own attorneys' fees.

This Order is effective on June 4, 2018.

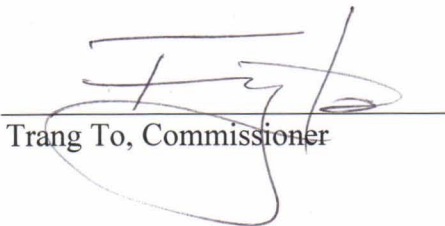
Dated: 5/3/18

Signature:   
Jim Evans, Chairman

Dated: 5/3/18

Signature:   
Paula LaBrie, Commissioner

Dated: 5-3-18

Signature:   
Trang To, Commissioner

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