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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. GCADS-GEWP002664

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

AMANDA JEAN OLSON

Applicant.

DEFAULT DECISION AND ORDER

Hearing Date: November 1, 2018
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 November 1, 2018 at 10:00 a.m.

2. Amanda Jean Olson (Applicant) failed to appear and was not represented at the hearing.

FINDINGS OF FACT

3. On or about October 11, 2017, the Bureau received an Initial Regular Work Permit/Temporary Work Permit Application from Applicant.

4. On or about March 15, 2018, 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. The Bureau recommended that the Commission deny Applicant's application.

5. On or about April 13, 2018, 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 two ways. First, Commission staff mailed an evidentiary hearing referral letter via certified mail on April 13, 2018 which included a blank Notice of Defense form with instructions to return

1 it to the Commission within 15 days of receipt or else the Commission may issue a default
2 decision. A copy of the letter was mailed to Applicant's Designated Agent. Commission staff
3 received no response from Applicant including a Notice of Defense form or otherwise as of May
4 22, 2018. (Exhibit A)

5 7. Second, Applicant further received notice of the hearing through a hearing notice
6 sent certified mail on June 1, 2018 to Applicant's address of record which included Exhibit A and
7 stated that the hearing was set to occur on September 6, 2018, 2018 at 10:00 a.m. A copy of the
8 letter was mailed to Applicant's Designated Agent. Commission staff received the notice of
9 hearing package back return to sender, insufficient address. A review of the address on record
10 versus the address indicated on the initial Commission mailing indicated a discrepancy in
11 Applicant's address. In an abundance caution, Commission staff removed the decision from
12 consideration at the September 6, 2018 meeting and sent out a new notice of the hearing.

13 8. This new notice of hearing was sent certified mail on July 18, 2018 to Applicant's
14 address as reflected in the initial April 13, 2018 mailing which included Exhibit A and stated that
15 the hearing was set to occur on November 1, 2018 at 10:00 a.m. A copy of the letter was mailed
16 to Applicant's Designated Agent. Commission staff received the notice of hearing package back
17 unclaimed.

18 **DETERMINATION OF ISSUES**

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

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

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

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1 Applicant's Application, Applicant did not meet Applicant's burden of demonstrating why a work
2 permit should be issued pursuant to Business and Professions Code section 19856(a) and Title 4,
3 CCR section 12060(i). The Commission further finds that pursuant to California Code of
4 Regulations, Title 4, section 12052, subdivision (c)(2)(F)(1), Applicant's Application is subject to
5 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. AMANDA JEAN OLSON's application for Initial Regular Work
4 Permit/Temporary Work Permit is DENIED.

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

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9 This Order is effective on November 1, 2018.

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12 Dated: 11/1/18

Signature: 
Jim Evans, Chairman

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15 Dated: 11/1/18

Signature: 
Paula LaBrie, Commissioner

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18 Dated: 11/1/18

Signature: 
Gareth Lacy, Commissioner

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20
21 Dated: 11/1/18

Signature: 
Trang To, Commissioner

DECLARATION OF STEPHANIE CLARK

I, Stephanie Clark, declare as follows:

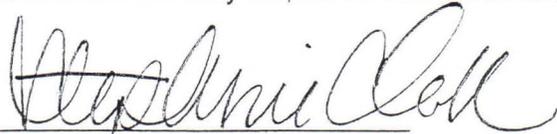
I am employed by the California Gambling Control Commission as an analyst in the Commission's Licensing Division. Amanda Olson's case has been assigned to me for processing.

On April 13, 2018, I mailed a Gambling Control Act hearing referral letter to Amanda Olson at [REDACTED] by certified mail pursuant to California Code of Regulations (CCR) Title 4, Division 18, Chapter 1, section 12006. This letter provided notice to Amanda Olson 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(a). 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 May 22, 2018 and I have not received the Notice of Defense form or any communication from Amanda Olson 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 May 22, 2018 in Sacramento, California.



Stephanie Clark