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BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Application for Approval  
of Initial Work Permit Regarding:  
  
ARIEL MARRERO  
  
Applicant.

CGCC Case No. CGCC-2020-0227-16

**DEFAULT DECISION AND ORDER**

Hearing Date: Thursday, July 23, 2020  
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 Thursday, July 20, 2020 at 10:00 a.m.

2. Ariel Marrero (Applicant) failed to appear and was not represented at the hearing.

**FINDINGS OF FACT**

3. On or about January 22, 2019, the Bureau received an Application for Initial Regular Work Permit/Temporary Work Permit from Applicant.

4. On or about December 23, 2019, the Bureau of Gambling Control (Bureau) issued its Work Permit Initial 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 February 27, 2020, the Commission referred Applicant's application to an evidentiary hearing pursuant to Title 4, CCR section 12060, subdivision (b).

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 to Applicant's address of record on April 9, 2020 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. Commission staff received no response from Applicant including a Notice of  
3 Defense form or otherwise as of May 8, 2020. (Exhibit A)

4 7. Second, Applicant further received notice of the hearing through a hearing notice  
5 sent certified mail on June 1, 2020 to Applicant's address of record which included Exhibit A and  
6 stated that the hearing was set to occur on Thursday, July 23, 2020 at 10:00 a.m. A copy of the  
7 letter was mailed to Applicant's Designated Agent.

### 8 **DETERMINATION OF ISSUES**

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

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

14 10. At an evidentiary hearing pursuant to Business and Professions Code sections  
15 19870 and 19871 and Title 4, CCR section 12060 the burden of proof rests with the applicant to  
16 demonstrate why a license or other approval should be issued. (Cal. Code Regs., tit. 4, § 12060,  
17 subd. (i).)

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

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

22 \* \* \*

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

25 \* \* \*

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

28 1. A default decision being issued by the

1 Commission based upon the Bureau report, any  
2 supplemental reports by the Bureau and any other  
3 documents or testimony already provided or which might  
4 be provided to the Commission . . . .

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

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

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

14 15. The Commission may further also deny Applicant's application based upon  
15 Applicant's failure to prove to the Commission Applicant is qualified to receive either a work  
16 permit, as required by Business and Professions Code section 19856(a) and Title 4, CCR section  
17 12060, subdivision (i).

18 16. Therefore, as the Applicant failed to return a Notice of Defense form, did not  
19 attend the default hearing, and did not submit any information or evidence in favor of granting  
20 Applicant's Application, Applicant did not meet Applicant's burden of demonstrating why a work  
21 permit should be issued pursuant to Business and Professions Code section 19856(a) and Title 4,  
22 CCR section 12060(i). The Commission further finds that pursuant to California Code of  
23 Regulations, Title 4, section 12052, subdivision (c)(2)(F)(1), Applicant's Application is subject to  
24 denial.

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28 NOTICE OF APPLICANT'S APPEAL RIGHTS

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

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

3 (a) After the Commission issues a decision following a GCA hearing conducted  
4 pursuant to Section 12060, an applicant denied a license, permit, registration, or  
5 finding of suitability, or whose license, permit, registration, or finding of  
6 suitability has had conditions, restrictions, or limitations imposed upon it, may  
7 request reconsideration by the Commission within 30 calendar days of service of  
8 the decision, or before the effective date specified in the decision, whichever is  
9 later.

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

13 (1) Newly discovered evidence or legal authorities that could not  
14 reasonably have been presented before the Commission's issuance of the  
15 decision or at the hearing on the matter; or,

16 (2) Other good cause which the Commission may decide, in its sole  
17 discretion, merits reconsideration.

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

19 A decision of the commission denying a license or approval, or imposing any  
20 condition or restriction on the grant of a license or approval may be reviewed by  
21 petition pursuant to Section 1085 of the Code of Civil Procedure. Section 1094.5 of  
22 the Code of Civil Procedure shall not apply to any judicial proceeding described in  
23 the foregoing sentence, and the court may grant the petition only if the court finds  
24 that the action of the commission was arbitrary and capricious, or that the action  
25 exceeded the commission's jurisdiction.

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

27 A decision of the Commission denying an application or imposing conditions on a  
28 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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1. ARIEL MARRERO's application for Initial Regular Work Permit/Temporary Work Permit is DENIED.

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

This Order is effective on Aug 24, 2020

Dated: 7-23-2020

Signature: 

Jim Evans, Chairman

Dated: 7-23-20

Signature: 

Paula LaBrie, Commissioner

Dated: 7.23.20

Signature: 

Gareth Lacy, Commissioner

Dated: 7-23-20

Signature: 

Trang To, Commissioner

**DECLARATION OF STEPHANIE CLARK**

I, Stephanie Clark, declare as follows:

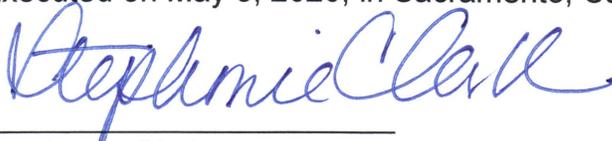
I am employed by the California Gambling Control Commission as an analyst in the Commission's Licensing Division. Ariel Marrero's case has been assigned to me for processing.

On April 9, 2020, I mailed a Gambling Control Act hearing referral letter to Ariel Marrero at [REDACTED] by regular mail and certified mail pursuant to California Code of Regulations (CCR) Title 4, Division 18, Chapter 1, section 12006. This letter provided notice to Ariel Marrero 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(b). 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 8, 2020 and I have not received the Notice of Defense form or any communication from Ariel Marrero 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 8, 2020, in Sacramento, California.



Stephanie Clark