

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Application for Renewal of  
Third-Party Proposition Player Services  
License Regarding:

Remar Jonah Moscardon

Applicant.

BGC Case No. BGC-HQ2013-00014SL  
CGCC Case No. CGCC-2013-0627-9B

**DEFAULT DECISION AND ORDER**

Hearing Date: September 25, 2015  
Time: 2:00 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 September 25, 2015.

2. Remar Jonah Moscardon (Applicant) failed to appear and was not represented at the hearing.

**FINDINGS OF FACT**

3. On or about April 3, 2013, the Commission received an Application for Renewal of Third-Party Proposition Player Services License for Supervisor, Player or Other Employee from Applicant.

4. On or about May 30, 2013, the Bureau of Gambling Control (Bureau) issued a Third-Party Provider of Proposition Player Services Renewal Report detailing negative criminal history information.

5. On or about June 27, 2013, the Commission considered Applicant's application and voted to refer the matter to an evidentiary hearing. On or about June 27, 2013, the Commission's Executive Director referred Applicant's application to an evidentiary hearing pursuant to Title 4, CCR section 12050, subdivision (b).

6. Applicant received notice of Commission consideration of Applicant's application. Commission staff mailed an evidentiary hearing referral letter via certified mail to Applicant's

1 address of record on July 15, 2013. On or about March 11, 2015, Commission staff received a  
2 signed Notice of Defense form from Applicant. (Exhibit A)

3 7. A notice of the hearing was sent via certified mail on April 8, 2015 to Applicant's  
4 address of record and stated that the hearing was set to occur on September 25, 2015 at 2:00 p.m.  
5 A copy of the letter was also mailed to Applicant's Designated Agent. Commission staff received  
6 the notice of hearing package back because it went unclaimed and was returned to sender.

7 **DETERMINATION OF ISSUES**

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

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

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

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

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

21 \* \* \*

22 (2) If the application is to be scheduled at an evidentiary  
23 hearing, pursuant to subsections (a) or (b) of Section 12060, the  
24 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  
28 to appear at an evidentiary hearing, may result in:

1. 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 might be provided to the Commission . . . .



1 request reconsideration by the Commission within 30 calendar days of service of  
2 the decision, or before the effective date specified in the decision, whichever is  
later.

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

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

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

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

9 A decision of the commission denying a license or approval, or imposing any  
10 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  
11 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  
12 the court finds that the action of the commission was arbitrary and capricious, or  
that the action exceeded the commission's jurisdiction.

13 Title 4, CCR section 12066, subdivision (c) provides:

14 A decision of the Commission denying an application or imposing conditions on a  
15 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  
16 review nor the time for filing the petition shall be affected by failure to seek  
reconsideration.

**ORDER**

1  
2 1. Remar Jonah Moscardon's Application for Renewal of Third-Party Proposition  
3 Player Services License for Supervisor, Player or Other Employee is DENIED.

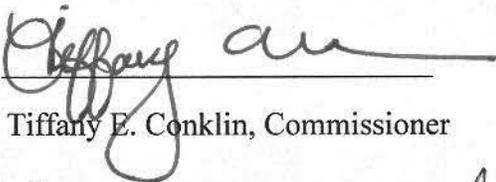
4 2. Remar Jonah Moscardon may not apply to the Commission or the Bureau for any  
5 type of license, registration or work permit for one (1) year after the effective date of this Order.

6  
7 This Order is effective on November 9, 2015.

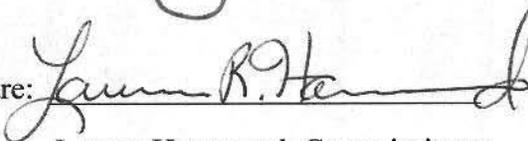
8  
9 Dated: 10/8/15

Signature:   
Jim Evans, Chairman

10  
11  
12 Dated: Oct. 8, 2015

Signature:   
Tiffany E. Conklin, Commissioner

13  
14  
15 Dated: Oct. 8, 2015

Signature:   
Lauren Hammond, Commissioner