BEFORE THE 1 CALIFORNIA GAMBLING CONTROL COMMISSION 2 3 CGCC Case No. CGCC-2013-1212-13E In the Matter of the Application for Approval 4 of Initial Third-Party Proposition Player Services License Regarding: DEFAULT DECISION AND ORDER 5 MARY MATI 6 Applicant. Hearing Date: July 30, 2015 7 1:30 p.m. Time: 8 9 1. This matter was scheduled for hearing before the California Gambling Control 10 Commission (Commission) pursuant to Business and Professions Code sections 19870 and 19871 11 and Title 4, California Code of Regulations (CCR) section 12060, in Sacramento, California, on 12 July 30, 2015. 13 2 Mary Mati (Applicant) failed to appear and was not represented at the hearing. 14 FINDINGS OF FACT 15 3. On or about August 30, 2012, the Commission received an Application for 16 Approval of Third-Party Proposition Player Services License from Applicant. 17 4. The expiration of Applicant's Third-Party Player Registration, Registration No. 18 TPPL-010733 has been stayed pending resolution of this hearing. 19 5. On or about October 25, 2013, the Bureau issued its Third-Party Player 20 Background Investigation Report in which in which it concluded that Applicant was unqualified 21 for licensure pursuant to Business and Profession Code section 19857 and disqualified for 22 licensure pursuant to Business and Profession Code section 19859. The Bureau recommended

 On or about December 12, 2013, the Commission considered Applicant's application and voted to refer the matter to an evidentiary hearing pursuant to Title 4, CCR section 12050, subdivision (b).

that the Commission deny Applicant's application

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7. Applicant received notice of Commission consideration of Applicant's application

in three ways. First, Commission staff mailed an evidentiary hearing referral letter via certified
mail to Applicant's address of record on December 19, 2013 indicating that Application would
able to continue to work with her Third-Party Proposition player Registration while the hearing
was pending. Applicant was also advised that Applicant would be contacted by the Attorney
General on behalf of the Bureau regarding the hearing. A copy of the letter was mailed to
Applicant's Designated Agent Robert Furman.

- 8. Second, Applicant further received notice of the hearing through a letter mailed by Deputy Attorney General Ronald Diedrich on February 25, 2015. This letter included a Notice of Defense form with instructions to return it within 15 days or else the Commission may issue a default decision. Deputy Attorney General Ronald Diedrich sent the Commission a letter on April 7, 2015 which indicated that he had not received the Notice of Defense form and had had no Communication with Applicant. (Exhibit A) Copies of both letters were mailed to Applicant's Designated Agent Robert Furman.
- 9. Third, Applicant further received notice of the hearing through a hearing notice sent certified mail on April 24, 2015 to Applicant's address of record which included Exhibit A and stated that the hearing was set to occur on Thursday, July 30, 2015, at 1:30 p.m. A copy of the letter was mailed to Applicant's Designated Agent Tiffany Perry. Commission Staff have received no response in return or the certified mail receipt.

DETERMINATION OF ISSUES

- 10. An application to receive a license constitutes a request for a determination of the applicant's general character, integrity, and ability to participate in, engage in, or be associated with, controlled gambling. (Bus. & Prof. Code § 19856, subd. (b).)
- 11. In addition, the burden of proving Applicant's qualifications to receive any license from the Commission is on the applicant. (Bus. & Prof. Code § 19856, subd. (a).)
- 12. At an evidentiary hearing pursuant to Business and Professions Code sections 19870 and 19871 and Title 4, CCR section 12060 the burden of proof rests with the applicant to demonstrate why a license should be issued. (Cal. Code Regs., tit. 4, § 12060, subd. (i).)

- 19. The Commission may further also deny Applicant's application based upon Applicant's failure to prove to the Commission Applicant is qualified to receive a license or other approval as required by Business and Profession Code section 19856, subdivision (a) and Title 4, CCR section 12060(i).
- 20. Therefore, as the Applicant failed to return a Notice of Defense form, did not attend the default hearing, and did not submit any information or evidence in favor of granting Applicant's Applicant, Applicant did not meet Applicant's burden of demonstrating why a license should be issued pursuant to Business and Professions Code section 19856(a) and Title 4, CCR section 12060(i). The Commission further finds that pursuant to California Code of Regulations, Title 4, section 12052, subdivision (c)(2)(F)(1), Applicant's Application is subject to denial.
- 21. In addition, as Applicant's application is subject to denial, Applicant would no longer be eligible for a registration under Title 4, CCR section 12204, subdivision (d) and Applicant's current registration is subject to cancellation pursuant to Title 4, CCR section 12205, subdivision (a).

NOTICE OF APPLICANT'S APPEAL RIGHTS

Applicant has the following appeal rights available under state law:

Title 4, CCR section 12064, subdivision (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, subdivision (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.

1 ORDER 2 3 Mary Mati's Application for Approval of Initial Third-Party Proposition Player 1. Services License is DENIED. 4 Mary Mati's Third-Party Player Registration, No. TPPL-010733 is cancelled. 5 2. 3. 6 Mary Mati may not apply to the Commission or the Bureau for any type of license, 7 registration or work permit for one (1) year after the effective date of this Order. 8 This Order is effective on September 14, 2015. 9 10 Dated: 4-13-15 Signature: 11 12 13 Signature: 14 Tiffany E. Conklin, Commissioner 15 16 Dated: 8-13 17 Signature: Lauren Hammond, Commissioner 18 19 Dated: (13, 2015 20 Signature: 21 Richard Schuetz, Commissioner 22 23 24 25 26

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State of California DEPARTMENT OF JUSTICE



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April 7, 2014

Todd Vlaanderen Chief Counsel California Gambling Control Commission 2399 Gateway Oaks Drive, Suite 100 Sacramento, CA 95833-4231

RE: In the Matter of the Statement of Reasons Against: Mary Mati CGCC Case No. CGCC-2013-1212-13E / BGC Case No. BGC-HQ2014-00002SL

Dear Mr. Vlaanderen:

The Bureau of Gambling Control requests that the Commission issue a default decision denying Mary Mati's application for a Third-Party Proposition Player Services License pursuant to California Code of Regulations, title 4, section 12052, subdivision (c)(2)(F).

Enclosed for consideration by the Commission is a February 25, 2015 letter to Mary Mati, with enclosed Notice of Defense form, a signed return receipt, a copy of California Code of Regulations, title 4, section 12052, and a Declaration of Service;

A Notice of Defense has not been received and we have had no communications as of this date with Ms. Mati.

Todd Vlaanderen April 7, 2015 Page 2

If you have any questions or if you require any further information, please do not hesitate to contact me.

Sincerely,

RONALD DIEDRICH Deputy Attorney General

For KAMALA D. HARRIS Attorney General

RLD:lit Enclosures

cc: Mary Mati

Robert Furman, Designated Agent

Stacey Luna Baxter, Assistant Bureau Chief, Bureau Tina Littleton, Executive Director, Commission