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BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

BGC Case No. BGC-HQ2015-00015SL  
CGCC Case No. CGCC-2015-0429-8

In the Matter of the Statement of Reasons for  
Denial of License Application and Cancellation  
of Registration Regarding:

VANESSA ELISE GARCIA  
Registration No. TPPL-010978

Respondent.

**DECISION AND ORDER**

Hearing Date: February 9, 2016  
Time: 10:00 a.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 February 9, 2016.

T. Michelle Laird, Deputy Attorney General, State of California, represented complainant Wayne J. Quint, Jr., Chief of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Vanessa Elisa Garcia (Garcia) failed to appear and was not represented at the hearing.

During the administrative hearing, Presiding Officer Jason Pope took official notice of the following:

- (a) August 14, 2015 Notice of Hearing and Prehearing Conference, with enclosures, served by certified mail, return receipt requested;
- (b) September 14, 2015 Updated Notice of Hearing and Prehearing Conference, served by certified mail, return receipt requested;
- (c) November 30, 2015 Statement of Reasons;
- (d) December 11, 2015, letter regarding Conclusion of Prehearing Conference;

During the administrative hearing, Presiding Officer Jason Pope accepted into evidence the following exhibits offered by the Bureau:

- (1) Statement of Reasons filed and served by the Bureau;
- (2) Notice of Defense;

- 1 (3) Notices from the Commission: (a) February 12, 2015 Notice of Scheduled  
2 Commission Meeting; (b) March 2, 2015 letter confirming “no action  
3 taken” at February 25, 2015 Commission meeting and providing Garcia 30  
4 days to provide requested information; (c) April 10, 2015 Notice of  
5 Scheduled Commission Meeting; (d) April 29, 2015 Referral of  
6 Application for Conversion of Third Party Provider of Proposition Player  
7 Services Registration to a license to an Evidentiary Hearing; (e) August 14,  
8 2015 Notice of Hearing and Prehearing Conference, with Attachments A  
9 and B; and (f) September 14, 2015 Updated Notice of Hearing and  
10 Prehearing Conference;
- 11 (4) Garcia’s Application for Third-Party Player Services License For  
12 Supervisor, Player or Other Employee executed December 12, 2012;
- 13 (5) Garcia’s Renewal Application for Third Party Proposition Player Services  
14 Registration, executed October 8, 2014, with Supplemental Information  
15 and copy of California Driver’s License;
- 16 (6) Certified copy of criminal complaint dated August 30, 2013 charging  
17 Garcia with violating California Vehicle Code section 23152, subdivisions  
18 (a) and (b), in *People of the State of California v. Vanessa Elise Garcia*  
19 (Monterey County Superior Court Case NO. MS314833A)(“*People v.*  
20 *Garcia*”);
- 21 (7) Certified Copy of Pre-Trial Conference Minutes dated October 4, 2013 in  
22 *People v. Garcia*;
- 23 (8) Certified Copy of Waiver of Rights for Plea of No Contest for violating  
24 California Vehicle Code section 23152, subdivision (b), driving while  
25 having a .08% or higher blood alcohol, dated October 4, 2013 in *People v.*  
26 *Garcia*;
- 27 (9) March 12, 2014 email from Garcia to Bureau providing work and residence  
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- history and work transportation information;
- (10) May 14, 2014 email from Garcia to Bureau regarding non-completion of sentencing requirements resulting from her misdemeanor conviction in *People v. Garcia*;
- (11) Copy of June 23, 2014 Modification of Sentence and Re-Referral to Alcohol Program in *People v. Garcia*;
- (12) Copy of August 25, 2014 email from Bureau to Cary Cauley, Designated Agent for Certified Players, Inc. requesting information regarding Garcia's completion of court-ordered Alcohol Program for her misdemeanor conviction in *People v. Garcia*;
- (13) March 27, 2015 Bureau Supplemental Report;
- (14) December 11, 2015 Conclusion of Prehearing Conference notice by the Commission;
- (15) Transcript from CGCC Meeting February 25, 2015;
- (16) Transcript from CGCC Meeting April 24, 2015.

The matter was submitted on February 9, 2016.

FINDINGS OF FACT

1. Garcia holds a registration as a third-party proposition player, registration number TPPL-010978.
2. Garcia worked as a third-party proposition player for Certified Players, Inc., a provider of third-party proposition player services licensed by the Commission.
3. On or about December 20, 2012, the Commission received an Application for a Third-Party Proposition Player Services License for Supervisor, Player or Other Employee (Application) from Garcia to convert her registration as a third-party proposition player to a license.
4. On or about October 4, 2013, Respondent was convicted of violating California Vehicle Code section 23152, subdivisions (a) and (b), driving under the influence of alcohol/.08

1 percent or more, a misdemeanor offense not considered to be a crime of moral turpitude or  
2 dishonesty.

3 5. On or about December 1, 2014, the Bureau submitted to the Commission the Bureau's  
4 background Investigation Report recommending Garcia's application for licensure be denied.

5 6. At its February 25, 2015 meeting, the Commission took no action on Garcia's  
6 application and allowed her thirty days to provide additional information to establish her  
7 eligibility and qualification to be licensed as a third-party proposition player. Specifically, the  
8 Commission requested that Garcia submit proof to the Bureau that she completed the First  
9 Offender Alcohol Program and fully paid the fine required as part of her sentence. Garcia  
10 promised to provide the aforementioned documents to the Bureau within thirty days.<sup>1</sup>

11 7. On or about March 27, 2015, the Bureau submitted a supplement to its Background  
12 Investigation Report advising the Commission that Garcia did not provide the required  
13 information and documentation within thirty days.

14 8. At the April 24, 2015 Commission meeting, Garcia appeared and stated that she  
15 had not yet completed the First Offender Alcohol Program or paid the fine required as part of her  
16 sentence.

17 9. At the April 24, 2015 Commission meeting, the Commission referred consideration of  
18 Garcia's suitability for licensure to an evidentiary hearing.

19 10. On or about December 1, 2015, the Bureau filed a Statement of Reasons with the  
20 Commission recommending the denial of Garcia's Application and the cancellation of her  
21 registration as a third-party proposition player. A copy was served on Garcia by certified mail.

22 11. On or about May 14, 2015, Garcia sent a notice of defense to the Commission  
23 requesting an evidentiary hearing.

24 12. On or about August 14, 2015, the Commission served a Notice of Hearing and  
25 Prehearing Conference on Garcia, Cary Cauley of Certified Players, Inc., and the Bureau.

26 \_\_\_\_\_  
27 <sup>1</sup> Garcia also agreed to provide proof that she obtained a work permit from the local  
28 jurisdiction. However, the Bureau confirmed at the Commission meeting on April 24, 2015, that  
the local jurisdiction that Garcia currently worked in did not require a work permit.



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

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

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

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

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

20           27. An applicant shall be ineligible for registration if the application is for registration as  
21 an owner, supervisor, or player, and the applicant has been subject to a final administrative or  
22 judicial adjudication revoking a registration under Chapter 2.1 of Division 18 of Title 4 of the  
23 California Code of Regulations or a state gambling license, key employee license, work permit,  
24 finding of suitability or has had an application denied under Chapter 2.1 of Division 18 of Title 4  
25 of the California Code of Regulations or the [Gambling Control] Act. Title 4, CCR section  
26 12204(d).

27           28. Any regular registration issued in accordance with Chapter 2.1 of Division 18 of  
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1 Title 4 of the California Code of Regulations shall be subject to cancellation if the Commission  
2 determines after a noticed hearing that the registrant is ineligible for registration, has failed in the  
3 application for registration to reveal any fact material to the holder's qualification for registration,  
4 or has supplied information in the registration application that is untrue or misleading as to a  
5 material fact pertaining to the criteria for issuance of registration. Title 4, CCR section 12205(a).

6 29. A requestor shall be ineligible for licensing if the request to convert is for licensing as  
7 an owner, supervisor, or player, the requestor has been subject to a final administrative or judicial  
8 adjudication revoking a registration or license under Chapter 2.1 of Division 18 of Title 4 of the  
9 California Code of Regulations or a state gambling license, key employee license, work permit or  
10 finding of suitability or has had an application denied under Chapter 2.1 of Division 18 of Title 4  
11 of the California Code of Regulations or the [Gambling Control] Act. Title 4, CCR section  
12 12218.11(d).

13 30. A requestor shall be ineligible for licensing if the requestor has failed to meet the  
14 requirements of Business and Professions Code sections 19856 or 19857. Title 4, CCR section  
15 12218.11(e).

16 31. A requestor shall be ineligible for licensing if the requestor would be ineligible for a  
17 state gambling license under any of the criteria set forth in Business and Professions Code section  
18 19859, subdivisions (b), (e), or (f). Title 4, CCR section 12218.11(f).

19 32. Garcia has not met her burden of proving that she is a person of good character,  
20 honesty, and integrity. Therefore, Garcia is unqualified for licensure pursuant to Business and  
21 Professions Code section 19857(a) and ineligible for licensing as a third-party provider of  
22 proposition player services pursuant to Title 4, CCR section 12218.11(e).

23 33. Given that Garcia is ineligible for registration pursuant to Title 4, CCR section  
24 12204(e), her regular registration is subject to cancellation pursuant to Title 4, CCR section  
25 12205(a).

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27 NOTICE OF APPLICANT'S APPEAL RIGHTS

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

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

3 An applicant denied a license, permit, registration, or finding of suitability, or whose  
4 license, permit, registration, or finding of suitability has had conditions, restrictions,  
5 or limitations imposed upon it, may request reconsideration by the Commission  
6 within 30 calendar days of service of the decision, or before the effective date  
7 specified in the decision, whichever is later. The request shall be made in writing to  
8 the Commission, copied to the Bureau, and shall state the reasons for the request,  
9 which must be based upon either newly discovered evidence or legal authorities that  
10 could not reasonably have been presented before the Commission's issuance of the  
11 decision or at the hearing on the matter, or upon other good cause which the  
12 Commission may decide, in its sole discretion, merits reconsideration.

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

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

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

22 A decision of the Commission denying an application or imposing conditions on license  
23 shall be subject to judicial review as provided in Business and Professions Code section  
24 19870, subdivision (e). Neither the right to petition for judicial review nor the time for  
25 filing the petition shall be affected by failure to seek reconsideration.  
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ORDER

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2 1. Vanessa Garcia's Application for a Third-Party Proposition Player Services  
3 License for Supervisor, Player or Other Employee is DENIED.

4 2. Vanessa Garcia's regular registration as a third-party proposition player,  
5 Registration Number TPPL-010978, is CANCELLED.

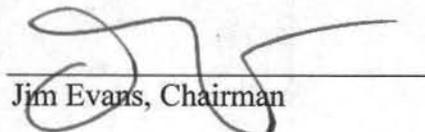
6 3. Vanessa Garcia may not apply to the Commission or Bureau for a license,  
7 registration, or work permit for one (1) year after the effective date of this Order.

8 4. No costs are to be awarded.

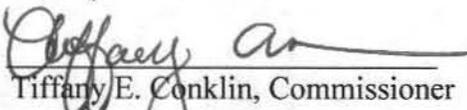
9 5. Each side to pay its own attorneys' fees.

10 This Order is effective on March 28, 2016

11 Dated: 2/25/16

Signature:   
Jim Evans, Chairman

13 Dated: 2/25/2016

Signature:   
Tiffany E. Conklin, Commissioner

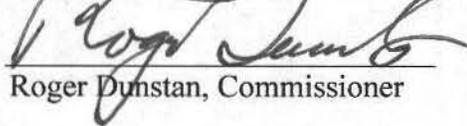
15 Dated: 2/25/2016

Signature:   
Lauren Hammond, Commissioner

17 Dated: 2/25/2016

Signature:   
Trang To, Commissioner

19 Dated: 2/25/2016

Signature:   
Roger Dunstan, Commissioner