

BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

KARINA PATRICIA CORONA

Registration No. TPPL-011145

Respondent.

BGC Case No. BGC-HQ2014-00002AL
CGCC Case No. CGCC-2014-0724-10

DECISION AND ORDER

Hearing Date: January 6, 2015
Time: 2:00 p.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 January 6, 2015.

Ronald Diedrich, 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.

David Tierney (Tierney) represented respondent Karina Patricia Corona (Corona).

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

- (a) Notice of Hearing and Prehearing Conference, dated October 8, 2014, served by certified mail, return receipt requested.

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) January 2, 2013 letter from the Commission to Corona approving her Third-Party Proposition Player Services registration, badge number TPPL-011145;
- (3) Copies of the July 24, 2014 letter from Katherine Ellis notifying the parties that the Commission voted to refer consideration of Corona's application to

- 1 a hearing; October 8, 2014 Notice of Hearing and Prehearing Conference;
2 and November 19, 2014 Conclusion of Prehearing Conference letter;
- 3 (4) Copy of Corona's Application for Third-Party Proposition Player Services
4 License for Supervisor, Player or Other Employee and her Level 1
5 Supplemental Information, with Appointment of Designated Agent for
6 Owners and Proposition Players and Authorization to Release Information;
- 7 (5) Certified copy of the court records regarding Corona's August 15, 2002
8 misdemeanor convictions for two counts of violating California Penal Code
9 section 245, subdivision (a)(1), assault with a deadly weapon – not a
10 firearm, in the case of *People v. Karina Patricia Corona* (Super. Ct. Kern
11 County, 2002, No. BM624039A); and January 27, 2011 granting of relief
12 from these convictions pursuant to California Penal Code section 1203.4;
- 13 (6) Redacted certified copy of Bakersfield Police Department's Crime Report,
14 case number 02-28325, regarding the circumstances that gave rise to
15 Corona's August 15, 2002 misdemeanor convictions for two counts of
16 violating California Penal Code section 245, subdivision (a)(1), assault
17 with a deadly weapon – not a firearm, in the case of *People v. Karina
18 Patricia Corona* (Super. Ct. Kern County, 2002, No. BM624039A);
- 19 (7) Certified copy of the court records regarding Corona's March 15, 2013
20 misdemeanor conviction for violating California Vehicle Code section
21 23152, subdivision (a), driving under the influence of alcohol/drugs, in the
22 case of *People v. Karina Patricia Corona* (Super. Ct. Kern County, 2013,
23 No. BM816693A); and
- 24 (8) Records regarding Corona's completion of the court ordered T.A.A.S.K.
25 (Traffic and Alcohol Awareness School of Kern, Inc.) and Western
26 Corrections' DUI – Victim Impact Panel, and Kern County records and
27 Bureau phone contact records regarding her payment history for the fine
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1 imposed in the case of *People v. Karina Patricia Corona* (Super. Ct. Kern
2 County, 2013, No. BM816693A).

3 During the administrative hearing, Presiding Officer Jason Pope accepted into evidence
4 the following exhibit offered by Corona:

- 5 (a) Copies of the December 19, 2014 letter from Rev. Chummar Chirayath,
6 O.S.J., Associate Pastor of Our Lady of Guadalupe Church, in support of
7 Corona's application; undated letter from Andrew Reynolds, Supervisor
8 with PT Gaming, LLC, (PT) in support of Corona's application; December
9 19, 2014 letter from Oscar Maradiaga, Supervisor with PT, in support of
10 Corona's application; December 19, 2014 letter from Jim Stidham, owner
11 of Howcool.com, in support of Corona's application; December 23, 2014
12 letter from Andrea M. Patino, Administrative Specialist with Chevron
13 Environmental Management Company and Corona's cousin, in support of
14 Corona's application; and December 19, 2014 Counter Transaction Receipt
15 No. 0643 from the Superior Court, Metropolitan Division, County of Kern,
16 State of California, showing amount paid in full for Citation Number
17 BM816693A, Docket Number BM816693A.

18 The matter was submitted on January 6, 2015.

19 FINDINGS OF FACT

- 20 1. On or about January 2, 2013, the Commission granted Corona a Third-Party
21 Proposition Player Services registration, registration number TPPL-011145 (Registration).
- 22 2. Corona is currently employed as a third-party proposition player for PT, a licensed
23 provider of third-party proposition player services.
- 24 3. On or about January 30, 2013, the Commission received Corona's Application for a
25 Third-Party Proposition Player Services License (Application) to convert her Registration to a
26 license.
- 27 4. At its July 24, 2014 meeting, the Commission voted to refer the matter of Corona's
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1 Application to an evidentiary hearing.

2 5. On or about July 24, 2014, the Executive Director of the Commission set the
3 matter for an administrative hearing to be conducted pursuant to Business and Professions Code
4 sections 19870 and 19871 and Title 4, CCR section 12050(b)(2).

5 6. On or about September 16, 2014, the Bureau filed a Statement of Reasons with the
6 Commission recommending the denial of Corona's Application and the cancellation of her
7 Registration.

8 7. On or about October 8, 2014, the Commission served a Notice of Hearing and
9 Prehearing Conference on Corona, Tierney and the Bureau.

10 8. On or about November 18, 2014, the noticed Prehearing Conference was held before
11 Presiding Officer Jason Pope, Attorney III of the Commission. Ronald Diedrich, Deputy
12 Attorney General, attended on behalf of the Bureau. Corona appeared on her own behalf.

13 9. On or about November 19, 2014, the Commission served a Conclusion of Prehearing
14 Conference letter on Corona, Tierney and the Bureau.

15 10. The Commission heard Case No. CGCC-2014-0724-10 on January 6, 2015. The
16 Bureau was represented throughout the pendency of the hearing by Deputy Attorney General
17 Ronald Diedrich. Corona appeared and was represented throughout the pendency of the hearing
18 by Tierney.

19 11. On or about August 15, 2002, Corona was convicted of two counts of violating
20 California Penal Code section 245(A)(1), assault with a deadly weapon (an automobile) other
21 than a firearm, both misdemeanors, in the case *People v. Karina Patricia Corona* (Super. Ct.
22 Kern County, 2002, No. BM624039A). Corona was sentenced to 30 days in jail and three years'
23 probation, and ordered to complete a Work Release Program and a counseling program.

24 12. According to the Bakersfield Police Department's Crime Report (Crime Report),
25 Corona was in a spousal-type relationship with a cohabitant (Fiancé)¹. On or about July 8, 2002,
26 Corona observed Fiancé kissing another individual (Individual) in the front yard of Individual's

27 ¹ Corona used the term "fiancé" to describe the cohabitant with whom she was in a spousal-type relationship
28 in her testimony during the hearing.

1 residence. Corona drove her vehicle at a high rate of speed attempting to cause injury to Fiancé
2 and Individual. Corona's vehicle clipped Individual's vehicle, which stopped Corona's vehicle
3 from striking Fiancé and Individual.

4 13. The Crime Report is a reliable and accurate record regarding the circumstances
5 surrounding the July 8, 2002 incident.

6 14. The Bakersfield Police Department Special Report (Special Report) goes into further
7 detail regarding the circumstances surrounding the July 8, 2002 incident. According to the
8 Special Report, Fiancé noticed Corona sitting in her vehicle approximately one block away while
9 Fiancé was with Individual in the front yard of Individual's residence. When Corona saw that
10 Fiancé had noticed her, Corona exited her vehicle, approached Fiancé, and struck Fiancé on the
11 left side of Fiancé's head with a closed fist. Individual intervened and pulled Corona off of
12 Fiancé. Corona ran back to her vehicle.

13 Corona entered her vehicle, started the engine, and accelerated, passing Individual's
14 vehicle and turning into the yard, causing the left front tire of Corona's vehicle to blow out.
15 Corona then drove her vehicle off the lawn, made a 360-degree turn, and accelerated her vehicle
16 directly at Fiancé and Individual. Corona's vehicle clipped the front end of Individual's vehicle.
17 Police officers were called and arrived at the scene.

18 15. According to the Special Report, Fiancé said that if Individual's vehicle had not been
19 in the way, Corona would have definitely run them over. One neighbor stated she saw Corona
20 drive her vehicle into Individual's vehicle, but could not tell if Corona was trying to hit the car or
21 the victims. Another neighbor stated that he saw Corona drive her vehicle into Individual's
22 vehicle, but it appeared to the neighbor that Corona was driving more in the direction of striking
23 the victims rather than the other vehicle. Based on the reported path taken by Corona's vehicle,
24 the investigating police officer concluded that "it appeared that Corona was attempting to strike
25 [the victims], but accidentally hit the victim vehicle instead."

26 16. In light of the statements of Fiancé and various witnesses, and the reported path taken
27 by Corona's vehicle, the investigating police officer's conclusion that "it appeared that Corona
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1 was attempting to strike [the victims], but accidentally hit the victim vehicle instead” is the most
2 accurate and credible conclusion regarding the facts surrounding the July 8, 2002 incident.

3 17. Also according to the Special Report, Corona told the investigating police officer that
4 she did not mean to hit the victim vehicle with her vehicle. When the investigating police officer
5 expressed a belief that it did not appear to be a random accident, Corona stated that she “was just
6 trying to hit [the victim’s] car.” The investigating police officer reported that this statement was
7 not consistent with the witness statements regarding the path taken by Corona’s vehicle.

8 18. The Special Report is a reliable and accurate record regarding the circumstances
9 surrounding the July 8, 2002 incident.

10 19. Corona showed an intentional and wanton disregard for the safety of Fiancé and
11 Individual by attempting to strike them with her vehicle.

12 20. Assault with a deadly weapon (an automobile) is a very serious criminal offense that
13 poses a substantial threat to the safety and well-being of others and indicates a lack of good
14 character.

15 21. Corona testified regarding the circumstances surrounding the July 8, 2002 incident.
16 Corona, who was 19 years old at the time of the incident, states that she was in an unstable
17 relationship with Fiancé, who was having affairs. Corona drove around looking for Fiancé,
18 finding Fiancé with Individual on the lawn of Individual’s residence. After Corona saw
19 Individual kiss Fiancé on the cheek, Corona went into “rage mode,” got out of her vehicle, ran up
20 on the lawn toward Fiancé, and struck Fiancé in the head once or twice with a closed fist. After
21 Individual intervened, Corona went back to her vehicle, got in, and “floored” it, aiming the
22 vehicle toward Individual’s 1967 Chevy Nova, which was parked in front of the residence. When
23 Corona noticed Fiancé and Individual standing near Individual’s vehicle, Corona changed her
24 mind and the vehicle’s direction. Corona lost control of the vehicle and ended up driving onto a
25 neighbor’s sidewalk, which blew out one of her tires. Corona made a u-turn and “floored” the
26 vehicle straight at Individual’s 1967 Chevy Nova, striking it with her vehicle. She then waited
27 for the police to show up.
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1 22. Corona testified that she did not intend to strike Fiancé and Individual with her
2 vehicle. She further testified that she intended to drive her vehicle into Individual's 1967 Chevy
3 Nova.

4 23. Corona's testimony regarding the circumstances surrounding the July 8, 2002 incident
5 appears credible except where Corona testifies that she did not intend to strike Fiancé and
6 Individual with her vehicle.

7 24. Corona appeared remorseful while testifying. She testified that she was young at the
8 time and not in the right state of mind. She testified that the incident was out of character and that
9 she used the experience to chart a better direction for her life.

10 25. On or about January 27, 2011, Corona's August 25, 2002 convictions for assault with
11 a deadly weapon (an automobile) were dismissed pursuant to California Penal Code section
12 1203.4.

13 26. On or about March 15, 2013, Corona was convicted of violating California Vehicle
14 Code section 23152(a), driving under the influence of alcohol/drugs (DUI), a misdemeanor, in the
15 case *People v. Karina Patricia Corona* (Super. Ct. Kern County, 2013, No. BM816693A).
16 Corona was sentenced to two days in jail and 3 years' probation, and ordered to attend a three
17 month alcohol program, complete a Victim Impact Panel and pay a fine of \$1,930.

18 27. Corona testified regarding the circumstances surrounding her DUI conviction. Corona
19 testified that she started drinking heavily after the sudden death of her best friend, which occurred
20 three months prior to the DUI incident. On the night of the incident, Corona was out drinking
21 alcohol with a friend. She decided to drive home and was pulled over by the police for running
22 her vehicle through a red light. Police arrested her.

23 28. Corona showed a reckless disregard for her safety and the safety of others by driving
24 while under the influence of alcohol.

25 29. Corona's DUI was not the result of an immediate reaction to the sudden death of her
26 best friend. Rather, the DUI took place following three months of heavy consumption of alcohol
27 after the death of Corona's best friend.

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1 30. Corona acknowledged that she should not have been driving that night and that she
2 was putting the lives of herself and others at risk.

3 31. On or about October 11, 2013, Corona completed the three month alcohol program.

4 32. On or about October 17, 2013, Corona completed the Victim Impact Panel.

5 33. Corona has been and is currently making payments on the fine, reducing the fine
6 amount to \$635 as of May 16, 2014.

7 34. Corona is still on probation resulting from her March 15, 2013 DUI conviction.

8 35. Corona testified that she stopped consuming alcohol for a few months after the DUI
9 conviction. Corona currently still consumes alcohol, but not habitually, and is no longer using
10 alcohol to deal with pain.

11 36. Since the DUI incident, Corona has attempted to rehabilitate herself through a focus
12 on working, participation in therapy, and ending relationships that lead to self-destructive
13 behavior. Corona appears sincere about her attempts at rehabilitation.

14 37. Although her convictions for assault with a deadly weapon (an automobile) and DUI
15 took place 11 years apart, each conviction took place following an incident stemming from a
16 stressful situation and resulted in destructive behavior that could have resulted in substantial
17 bodily harm to others.

18 38. The recency of Corona's DUI conviction, and the fact that the DUI took place three
19 months after the initial cause of Corona's reliance upon the heavy consumption of alcohol to deal
20 with the pain of her best friend's death, demonstrates that she lacks the ability to cope with
21 stressful situations without engaging in destructive behavior at this time.

22 39. Corona's criminal convictions demonstrate a habit of engaging in destructive behavior
23 following extremely stressful situations.

24 40. During the hearing, Corona was asked if she had any other run-ins with the law and/or
25 police. Corona disclosed that she had been arrested for felony battery and armed robbery in 2008,
26 which resulted from a relative of hers stealing a disposable cell phone from Rite-Aid. Corona's
27 relative was convicted of shoplifting. Charges against Corona were dropped.

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1 41. The 2008 incident shows that Corona was associating with someone who committed a
2 theft crime in her presence.

3 42. Corona also testified that she has had two speeding tickets in the past ten years.

4 43. Corona was very candid and forthright in disclosing the 2008 incident and her two
5 speeding tickets.

6 44. Given her convictions for assault with a deadly weapon (an automobile) and DUI, the
7 fact that Corona has also received two speeding tickets demonstrates a lack of responsibility
8 while in the operation of an automobile and for the safety of others.

9 45. Corona submitted a letter written by Rev. Chummar Chirayath, O.S.J. (Chirayath),
10 Associate Pastor of Our Lady of Guadalupe Church, in support of her Application. Chirayath has
11 known Corona for 18 years and is aware of her August 15, 2002 convictions for assault with a
12 deadly weapon (an automobile). Chirayath states that he has seen a remarkable change in
13 Corona's character and conduct since the August 15, 2002 convictions. Chirayath describes
14 Corona as charitable and recommends the approval of her Application.

15 46. The content of Chirayath's letter is favorable toward Corona's character and in
16 support of her Application. However, Chirayath was not aware of Corona's recent DUI.
17 Therefore, the portion of the letter referring to a "remarkable change in Corona's character" is not
18 persuasive.

19 47. Corona submitted a letter from Andrew Reynolds (Reynolds), Supervisor with PT, in
20 support of her Application. Reynolds describes Corona as a good employee and valued member
21 of PT who has proven to be dependable, dedicated, trustworthy and helpful.

22 48. Corona submitted a letter from Oscar Maradiaga (Maradiaga), Supervisor with PT, in
23 support of her Application. Maradiaga has been Corona's supervisor for the past two years.
24 Maradiaga describes Corona as dependable, available at a moment's notice and someone who
25 consistently works overtime. He states that Corona represents PT well with casino staff and
26 customers, and that she has been a great asset for the company.

27 49. Corona submitted a letter from Jim Stidham (Stidham), owner of Howcool.com, in
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1 support of her Application. Corona started working for Howcool.com in 2006 at a customer
2 service position, but quickly rose to become Assistant Manager. Stidham describes Corona as a
3 very trusted employee who could be counted on to run the department when the manager was out
4 due to recurring illness.

5 50. The letters from Reynolds, Maradiaga and Stidham, and the lack of any evidence to
6 the contrary, is persuasive that Corona is hard-working, dependable and a valuable employee.

7 51. Corona submitted a letter from Andrea M. Patino (Patino), Administrative Specialist
8 with Chevron Environmental Management Company and her cousin. Patino states that she was
9 aware of Corona's past troubles with the law, but that Corona has overcome those times and
10 grown stronger as a person. Patino describes Corona as a person of good moral character and
11 integrity.

12 52. The content of Patino's letter is favorable toward Corona's character and in support of
13 her Application. However, given the recency of Corona's DUI, the portion of Patino's letter
14 referring to "overcoming those times" is not persuasive.

15 53. Overall, Corona's criminal history, which includes three misdemeanor convictions, all
16 of which involved the operation of a vehicle in a criminal manner that could have led to the
17 substantial bodily harm of others, and two speeding tickets, and the recency of the DUI
18 conviction, demonstrate a flagrant disregard for the law and the safety of others.

19 54. Given the brief amount of time since Corona's March 15, 2013 DUI conviction, and
20 the fact that she is still on probation, Corona has not demonstrated a sufficient level of
21 rehabilitation from her prior criminal behavior.

22 55. As a result of her criminal history, Corona has failed to demonstrate that she is a
23 person of good character.

24 56. Given her past criminal behavior, Corona has failed to demonstrate that her prior
25 activities, criminal record and habits do not pose a threat to the public interest of the State of
26 California.

27 57. The matter was submitted for Commission consideration on January 6, 2015.
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1 LEGAL CONCLUSIONS

2 58. Division 1.5 of the Business and Professions Code, the provisions of which govern the
3 denial of licenses on various grounds, does not apply to licensure decisions made by the
4 Commission under the Gambling Control Act. Business and Professions Code section 476(a).

5 59. Public trust and confidence can only be maintained by strict and comprehensive
6 regulation of all persons, locations, practices, associations, and activities related to the operation
7 of lawful gambling establishments and the manufacture and distribution of permissible gambling
8 equipment. Business and Professions Code section 19801(h).

9 60. At an evidentiary hearing pursuant to Business and Professions Code sections 19870
10 and 19871 and Title 4, CCR section 12060(b), the burden of proof rests with the applicant to
11 prove his or her qualifications to receive any license under the Gambling Control Act. Title 4,
12 CCR section 12060(i).

13 61. The burden of proving his or her qualifications to receive any license from the
14 Commission is on the applicant. Business and Professions Code section 19856(a).

15 62. An application to receive a license constitutes a request for a determination of the
16 applicant's general character, integrity, and ability to participate in, engage in, or be associated
17 with, controlled gambling. Business and Professions Code section 19856(b).

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

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

27 65. An "unqualified person" means a person who is found to be unqualified pursuant to
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1 the criteria set forth in Business and Professions Code section 19857, and “disqualified person”
2 means a person who is found to be disqualified pursuant to the criteria set forth in Business and
3 Professions Code section 19859. Business and Professions Code section 19823(b).

4 66. The Commission has the power to deny any application for a license, permit, or
5 approval for any cause deemed reasonable by the Commission. Business and Professions Code
6 section 19824(b).

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

10 68. No gambling license shall be issued unless, based on all of the information and
11 documents submitted, the commission is satisfied that the applicant is a person whose prior
12 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the
13 public interest of this state, or to the effective regulation and control of controlled gambling, or
14 create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in
15 the conduct of controlled gambling or in the carrying on of the business and financial
16 arrangements incidental thereto. Business and Professions Code section 19857(b).

17 69. An applicant shall be ineligible for registration if the application is for registration as
18 an owner, supervisor, or player, the applicant has been subject to a final administrative or judicial
19 adjudication revoking a registration under this chapter or a state gambling license, key employee
20 license, work permit, finding of suitability or has had an application denied under this chapter or
21 the [Gambling Control] Act. Title 4, CCR section 12204(d).

22 70. Any regular registration issued in accordance with this chapter shall be subject to
23 cancellation pursuant to this section. A registration shall be cancelled if the Commission
24 determines after a noticed hearing that the registrant is ineligible for registration, has failed in the
25 application for registration to reveal any fact material to the holder’s qualification for registration,
26 or has supplied information in the registration application that is untrue or misleading as to a
27 material fact pertaining to the criteria for issuance of registration. Title 4, CCR section 12205(a).

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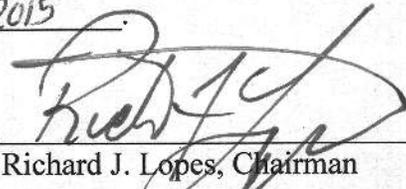
1 A decision of the Commission denying an application or imposing conditions on license
2 shall be subject to judicial review as provided in Business and Professions Code section
3 19870, subdivision (e). Neither the right to petition for judicial review nor the time for
4 filing the petition shall be affected by failure to seek reconsideration.

5 ORDER

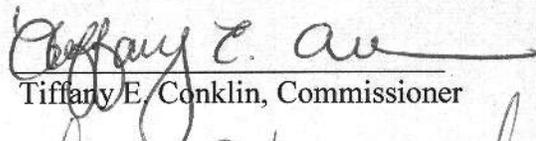
- 6 1. Karina Patricia Corona's Application for a Third-Party Proposition Player Services
7 License is DENIED.
- 8 2. Karina Patricia Corona's registration as a third party proposition player, Registration
9 Number TPPL-011145, is CANCELLED.²
- 10 3. No costs are to be awarded.
- 11 4. Each side to pay its own attorneys' fees.

12 This Order is effective on February 25, 2015

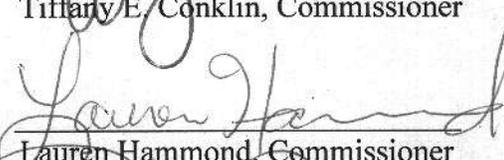
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14 Dated: 1/26/2015

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14 Signature: 
Richard J. Lopes, Chairman

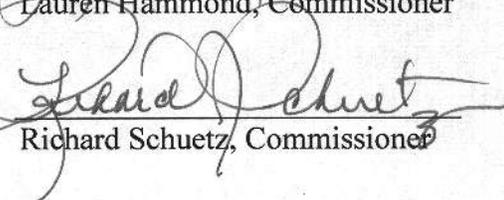
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16 Dated: Jan. 26, 2015

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16 Signature: 
Tiffany E. Conklin, Commissioner

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18 Dated: 1/26/2015

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18 Signature: 
Lauren Hammond, Commissioner

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20 Dated: Jan 26, 2015

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20 Signature: 
Richard Schuetz, Commissioner

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26 ² As a result of the denial of Corona's Application, Corona is ineligible for registration as a third-party
27 provider of proposition player services pursuant to Title 4, CCR section 12204(d). Upon the effective date of the
28 denial of her Application, Corona's Registration shall be subject to immediate cancellation by the Executive Director
of the Commission pursuant to Title 4, CCR section 12205(a).