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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

Amber Cadena

Applicant.

BGC Case No. BGC-HQ2016-00003SL
CGCC Case No. CGCC-2016-0211-9

DECISION AND ORDER

Hearing Date: October 12, 2016
Time: 1:30 p.m.

9 This matter was heard by the California Gambling Control Commission (Commission)
10 pursuant to Business and Professions Code sections 19870 and 19871 and Title 4, California
11 Code of Regulations (CCR) section 12060, in Sacramento, California, on October 12, 2016.

12 James Waian, Deputy Attorney General, State of California, represented complainant
13 Wayne J. Quint, Jr., Chief of the Bureau of Gambling Control (Bureau), Department of Justice,
14 State of California (Complainant).

15 Applicant Amber Cadena (Applicant) was not present and no one appeared on her behalf.

16 During the administrative hearing, Presiding Officer Russell Johnson, Attorney III with
17 the Commission, took official notice of the Notice of Hearing and Prehearing Conference, with
18 enclosures, sent by the Commission to Applicant and Complainant on June 14, 2016 which
19 included Applicant's application and the Bureau's Investigation Report. Presiding Officer
20 Johnson also took notice of Applicant's Notice of Defense and the Conclusion of Prehearing
21 Conference Letter.

22 During the administrative hearing, Presiding Officer Johnson accepted into evidence the
23 following exhibits offered by the Complainant:

- 24 (1) Statement of Reasons; Statement to Respondent; copies of Bus. & Prof.
25 Code §§ 19870 & 19871; copy of Cal. Code. Regs., tit. 4, § 12060; and
26 August 22, 2016, Certificate of Service by Overnight Mail Service, Bates
27 Nos. 001 - 020;

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- (2) March 8, 2016, Executed Notice of Defense form for Amber Cadena, signed February 27, 2016; Bates Nos. 021 - 022;
- (3) Notices from the Commission:
 - a. June 14, 2016, Notice of Hearing, with attachments; Bates Nos. 023 – 045; and
 - b. February 16, 2016, Referral of Application for Third-Party Proposition Player Services License to an Evidentiary Hearing; Bates Nos. 046 – 048;
- (4) March 4, 2014, Application for Third-Party Proposition Player Services License for Amber Cadena, signed February 20, 2014; Bates Nos. 049 – 064;
- (5) February 28, 2014, Commission Letter Approving Third-Party Proposition Player Services Registration for Amber Cadena; Bates Nos. 065;
- (6) February 11, 2014, Application for Third-Party Proposition Player Services Registration for Amber Cadena, signed February 5, 2014; Bates Nos. 066 – 070;
- (7) Certified copy of the court records regarding Amber Jeanine Cadena’s misdemeanor conviction for violation of Vehicle Code section 14601.1, driving when privilege suspended or revoked, in the case of *People v. Amber Jeanine Cadena* (Super. Ct. Riverside County, 2006, No. SWM042689); Bates Nos. 071 – 095;
- (8) Certified copy of the court records regarding Amber Jeanine Cadena’s misdemeanor conviction for violation of Vehicle Code section 14601.1, driving when privilege suspended or revoked, in the case of *People v. Amber Jeanine Cadena* (Super. Ct. Riverside County, 2005, No. SWM039115); Bates Nos. 096 – 108;
- (9) Riverside Superior Court Public Access Criminal Case Report dated

1 August 17, 2016, regarding Amber Jeanine Cadena's misdemeanor
2 conviction for violation of Vehicle Code section 14601.1, driving when
3 privilege suspended or revoked, in the case of *People v. Amber Jeanine*
4 *Cadena* (Super. Ct. Riverside County, 2005, No. SWM039115); Bates
5 Nos. 109 – 127;

6 (10) Certified copy of the court records regarding Amber Jeanine Cadena's
7 misdemeanor conviction for violation of Vehicle Code section 12500,
8 subdivision (a), driving without a license, in the case of *People v. Amber*
9 *Jeanine Cadena* (Super. Ct. Riverside County, 2004, No. SWM030800);
10 Bates Nos. 128 – 133;

11 (11) Riverside Superior Court Public Access Criminal Case Report dated
12 August 17, 2016, regarding Amber Jeanine Cadena's misdemeanor
13 conviction for violation of Vehicle Code section 12500, subdivision (a),
14 driving without a license, in the case of *People v. Amber Jeanine Cadena*
15 (Super. Ct. Riverside County, 2004, No. SWM030800); Bates Nos. 134 –
16 140;

17 (12) Certified copy of the judgment and the court records regarding Amber
18 Jeanine Cadena's misdemeanor conviction for violation of Penal Code
19 section 484, theft, and Penal Code section 490.5, theft of retail
20 merchandise, in the case of *People v. Amber Jeanine Cadena* (Super. Ct.
21 Riverside County, 2003, No. CN160017); Bates Nos. 141 – 157;

22 (13) Certified copy of the court records regarding Amber Jeanine Cadena's
23 conviction for violation of Vehicle Code section 27315, failure to wear a
24 seat belt; Bates Nos. 158 – 160;

25 (14) Bureau additional information request letter dated June 2, 2015, with
26 response by Amber Jeanine Cadena; Bates Nos. 161 – 169;

27 (15) Bureau additional information request letter dated May 8, 2015, with
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1 response by Amber Jeanine Cadena; Bates Nos. 170 – 172; and
2 (16) Bureau Additional information request letter dated March 4, 2015, with
3 response by Amber Jeanine Cadena; Bates Nos. 173 – 181.

4 The matter was submitted on October 12, 2016.

5 FINDINGS OF FACT

6 1. On or about February 11, 2014, Applicant submitted an Application for Third-Party
7 Proposition Player Services Registration to the Complainant.

8 2. On or about February 20, 2014, Applicant submitted an Application for Third-Party
9 Proposition Player Services License for Supervisor, Player or Other Employee to the
10 Complainant.

11 3. On or about February 28, 2014, the Commission issued a third-party proposition
12 player services registration number TPPL-013174 to Applicant.

13 4. On February 11, 2016, the Commission voted to refer consideration of Applicant’s
14 Applicant submitted an Application for Third-Party Proposition Player Services License for
15 Supervisor, Player or Other Employee to an evidentiary hearing.

16 5. On or about February 16, 2016, the Commission sent notice with a Notice of Defense
17 to Applicant that her application had been referred to an evidentiary hearing.

18 6. On or about March 8, 2016 Applicant returned the Notice of Defense to the
19 Commission requesting an evidentiary hearing.

20 7. On or about June 14, 2016, the Commission served a Notice of Hearing and
21 Prehearing Conference on Applicant and Complainant.

22 8. On or about August 22, 2016, the Complainant filed a Statement of Reasons with the
23 Commission and served the Statement of Reasons on Applicant via overnight mail service. In its
24 Statement of Reasons, the Complainant recommended the denial of Applicant’s Application.

25 9. On or about September 1, 2016, the noticed Prehearing Conference was held before
26 Presiding Officer Johnson. James Waian, Deputy Attorney General, attended telephonically on
27 behalf of the Complainant. Applicant was not present and no one appeared on her behalf.
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1 10. On or about September 2, 2016, the Commission served a Conclusion of Prehearing
2 Conference letter on the parties.

3 11. The Commission heard Case No. CGCC-2016-0211-9 on October 12, 2016. The
4 Complainant was represented throughout the hearing by Deputy Attorney General James Waian.
5 Applicant was not present and no one appeared on her behalf. At the conclusion of the hearing,
6 the record was closed and the parties notified that the Commission would issue a written decision
7 within 75 days.

8 12. On or about December 12, 2003, Respondent was convicted, upon a plea of guilty, of
9 violating Penal Code section 484/490.5, theft, a misdemeanor, in the case of *People v. Amber*
10 *Jeanine Cadena* (Super. Ct. San Diego County, 2003, NO. CN160017)

11 13. On or about October 1, 2004, Respondent was convicted, upon a plea of guilty, of
12 violating Vehicle Code section 12500, subdivision (a), driving without a license, a misdemeanor,
13 in the case of *People v. Amber Jeanine Cadena* (Super. Ct. Riverside County, 2004, No.
14 SWM030800)

15 14. On or about September 2, 2005, Applicant was convicted, upon a plea of guilty, of
16 violating Vehicle Code section 14601.1, driving when privilege suspended or revoked, a
17 misdemeanor, in the case of *People v. Amber Jeanine Cadena* (Super. Ct. Riverside County,
18 2006, No. SWM039115)

19 15. On or about February 22, 2006, Applicant was convicted, upon a plea of guilty, of
20 violating Vehicle Code section 14601.1, driving when privilege suspended or revoked, a
21 misdemeanor, in the case of *People v. Amber Jeanine Cadena* (Super. Ct. Riverside County,
22 2006, No. SWM042689)

23 16. On or about February 20, 2014 Applicant submitted a signed Supplemental
24 Information Form to the Complainant. This form contained questions and requests for
25 information necessary for the Complainant's background investigation of Applicant.

26 17. On Applicant's Supplemental Information Form, page 7, Section 4. Criminal History
27 Information, question (2), Applicant was asked in pertinent part "Have you been convicted of a
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1 misdemeanor within the last 10 years?” Applicant checked the box “yes.”

2 18. On Applicant’s Supplemental Information Form, page 7, Section 4. Criminal History
3 Information, question (4), Applicant was asked “Have you **ever** engaged in any act involving
4 dishonesty or moral turpitude charged or chargeable as a criminal offense?” Applicant checked
5 the box “no.”

6 19. On Applicant’s Supplemental Information Form, page 7, Section 4. Criminal History
7 Information Applicant, question (5) Applicant was asked “Have you **ever** been convicted of an
8 offense involving dishonesty or moral turpitude?” Applicant checked the box “no.”

9 20. On Applicant’s Supplemental Information Form, page 8, Section 4. Criminal History
10 Information Applicant, Applicant was asked to list the criminal convictions she answered yes to
11 under questions 2, 4 & 5 in a table. Applicant only listed the conviction from Riverside County
12 for driving on a suspended driver’s license from 2005, presumably the conviction for violating
13 Vehicle Code section 14601.1, in the case of *People v. Amber Jeanine Cadena* (Super. Ct.
14 Riverside County, 2005, No. SWM039115).

15 21. Applicant did not disclose the conviction for violating Vehicle Code section 12500,
16 subdivision (a), driving without a license, a misdemeanor, in the case of *People v. Amber Jeanine*
17 *Cadena* (Super. Ct. Riverside County, 2004, No. SWM030800) or the conviction for violating
18 Vehicle Code section 14601.1, driving when privilege suspended or revoked, a misdemeanor, in
19 the case of *People v. Amber Jeanine Cadena* (Super. Ct. Riverside County, 2006, No.
20 SWM042689). Both of these convictions were within the 10 years immediately preceding
21 Applicant’s application.

22 22. Applicant also did not list the conviction for violating Penal Code section 484/490.5,
23 theft, a misdemeanor, in the case of *People v. Amber Jeanine Cadena* (Super. Ct. San Diego
24 County, 2003, NO. CN160017) which is an act, and a crime, involving moral turpitude and
25 dishonesty.¹

26 _____
27 ¹ The Commission makes no determination as to whether Applicant’s Penal Code
28 484/490.5 conviction and the conduct underlying that conviction would serve as a separate basis
for denial under Business and Professions Code section 19857.

1 23. Based upon Applicant’s failure to attend the hearing and offer any evidence in support
2 of her application, Applicant did not prove that she is qualified to receive a state license and that
3 she has the general character, integrity, and ability to participate in, engage in, or be associated
4 with, controlled gambling.

5 24. Furthermore, Applicant failed to disclose two misdemeanor convictions for violating
6 Vehicle Code section 14601.1 in the case of *People v. Amber Jeanine Cadena* (Super. Ct.
7 Riverside County, 2006, No. SWM042689) and for violating Vehicle Code section 12500 in the
8 case of *People v. Amber Jeanine Cadena* (Super. Ct. Riverside County, 2004, No. SWM030800)
9 on her Supplemental Information Form which were material to qualification and requested by the
10 Complainant.

11 25. Applicant also failed to disclose that she engaged an act, and a crime, involving moral
12 turpitude and dishonesty for her misdemeanor conviction for violating Penal Code section
13 484/490.5, in the case of *People v. Amber Jeanine Cadena* (Super. Ct. San Diego County, 2003,
14 NO. CN160017) on her Supplemental Information Form, which was material to qualification and
15 requested by the Complainant.

16 26. All documentary and testimonial evidence submitted by the parties that is not
17 specifically addressed in this Decision and Order was considered but not used by the Commission
18 in making its determination on Applicant’s Application.

19 27. The matter was submitted for Commission consideration on October 12, 2016.

20 LEGAL CONCLUSIONS

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

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

1 30. At an evidentiary hearing pursuant to Business and Professions Code sections 19870
2 and 19871 and CCR section 12060(b), the burden of proof rests with the applicant to prove his or
3 her qualifications to receive any license under the Gambling Control Act. Business and
4 Professions Code section 19856(a) & CCR section 12060(i).

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

9 32. An “unqualified person” means a person who is found to be unqualified pursuant to
10 the criteria set forth in Section 19857. Business and Professions Code section 19823(b).

11 33. The Commission has the power to deny any application for a license, permit, or
12 approval for any cause deemed reasonable by the Commission. Business and Professions Code
13 section 19824(b).

14 34. An applicant is required to prove to the Commission that they have the character,
15 integrity, and ability to participate in, engage in, or be associated with, controlled gambling and.
16 are therefore qualified to receive a state license. Business and Professions Code section 19856

17 35. The Commission is required to deny a license to an applicant who fails to provide
18 information, documentation, or assurances required by the Complainant or who fails to reveal
19 facts material to the applicant’s qualification. Business and Professions Code section 19859(b).

20 36. Therefore, Applicant has failed to meet her burden of demonstrating that she is
21 qualified to receive a license under Business and Professions Code section 19856. Furthermore,
22 Applicant’s applicant is disqualified for licensure due to her failure to disclose material
23 information and facts required to be disclosed under Business and Professions Code section
24 19859(b).

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NOTICE OF APPLICANT’S APPEAL RIGHTS

Applicant has the following appeal rights available under state law:

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

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. The request 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 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 upon 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.

CCR section 12066, subsection (c) provides:

A decision of the Commission denying an application or imposing conditions on 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.

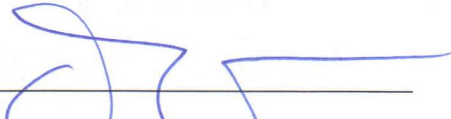
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ORDER

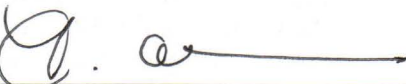
1. Amber Jeanine Cadena's Application for Third-Party Proposition Player Services License for Supervisor, Player or Other Employee is DENIED.
2. No costs are to be awarded.
3. Each side to pay its own attorneys' fees.

This Order is effective on Monday, December 19, 2016.

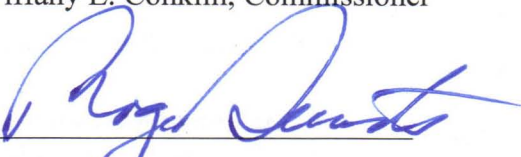
Dated: 11/17/16

Signature: 
Jim Evans, Chairman

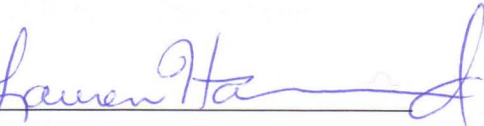
Dated: 11/17/2016

Signature: 
Tiffany E. Conklin, Commissioner

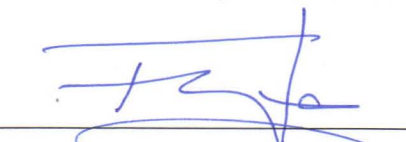
Dated: 11/17/16

Signature: 
Roger Dunstan, Commissioner

Dated: 11/17/16

Signature: 
Lauren Hammond, Commissioner

Dated: 11/17/16

Signature: 
Trang To, Commissioner