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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. GCADS-TPPL-014032

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

DEFAULT DECISION AND ORDER

DOMINICA ORTIZ

Applicant.

Hearing Date: August 27, 2015
Time: 1:30 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 August 27, 2015.

2. Dominica Ortiz (Applicant) failed to appear and was not represented at the hearing.

FINDINGS OF FACT

3. On or about August 21, 2014, the Bureau of Gambling Control (Bureau) received an Application for Approval of Initial Third-Party Proposition Player Services License from Applicant.

4. Applicant has a valid Third-Party Player Registration, Registration No. TPPL-014032 which is valid until July 31, 2016.

5. On or about February 17, 2015, the Bureau issued its Third-Party Player Background Investigation Report in which it concluded that Applicant was unqualified for licensure pursuant to Business and Profession Code section 19857 and disqualified for licensure pursuant to Business and Profession Code section 19859. The Bureau recommended that the Commission deny Applicant's application and cancel her registration pursuant to Title 4, CCR 12218.11, subdivisions (c) and (e).

6. On or about March 10, 2015, the Commission's Executive Director referred

1 Applicant's application to an evidentiary hearing pursuant to Title 4, CCR section 12060,
2 subdivision (a).

3 7. Applicant received notice of Commission consideration of her application in two
4 ways. First, Commission staff mailed an evidentiary hearing referral letter via certified mail to
5 Applicant's address of record on March 10, 2015 which included a blank Notice of Defense form
6 with instructions to return it to the Commission within 15 days of receipt or else the Commission
7 may issue a default decision. A copy of the letter was mailed to Applicant's Designated Agent
8 David Tierney. Commission staff received no response from Applicant including a Notice of
9 Defense form or otherwise as of April 17, 2015. (Exhibit A)

10 8. Second, Applicant further received notice of the hearing through a hearing notice
11 sent certified mail on May 14, 2015 to Applicant's address of record which included Exhibit A
12 and stated that the hearing was set to occur on Tuesday, August 27, 2015 at 1:30 pm. A copy of
13 the letter was mailed to Applicant's Designated Agent David Tierney. Commission staff received
14 the notice of hearing package back returned to sender because it was undeliverable as addressed
15 and the forwarding order had expired.

16 DETERMINATION OF ISSUES

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

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

22 11. At an evidentiary hearing pursuant to Business and Professions Code sections
23 19870 and 19871 and Title 4, CCR section 12060 the burden of proof rests with the applicant to
24 demonstrate why a license or other approval should be issued. (Cal. Code Regs., tit. 4, § 12060,
25 subd. (i).)

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

27 (c) An applicant for any license, permit, finding of suitability,
28 renewal, or other approval shall be given notice of the meeting at

1 which the application is scheduled to be heard. Notice shall be given
2 pursuant to Section 12006.

3 * * *

4 (2) If the application is to be scheduled at an evidentiary
5 hearing, pursuant to subsections (a) or (b) of Section 12060, the
6 notice of hearing shall inform the applicant of the following:

7 * * *

8 (F) The waiver of an evidentiary hearing, or failure of
9 the applicant to submit a Notice of Defense, or failure of an applicant
10 to appear at an evidentiary hearing, may result in:

11 1. A default decision being issued by the
12 Commission based upon the Bureau report, any supplemental reports
13 by the Bureau and any other documents or testimony already
14 provided or which might be provided to the Commission

15 13. An applicant for an owner, supervisor or player registration is ineligible for a
16 registration if they have had an application denied under Title 4, CCR Chapter 2.1 or the
17 Gambling Control Act. (Cal. Code Regs., tit. 4, § 12204, subd. (d).)

18 14. Title 4, CCR section 12205, subdivision (a) states in pertinent part:

19 Any regular registration issued in accordance with this chapter shall be
20 subject to cancellation pursuant this this section. A registration shall
21 be cancelled if the Commission determines after a noticed hearing that
22 the registration is ineligible for registration...

23 15. The Commission takes official notice of the Bureau report, any supplemental
24 reports by the Bureau and any other documents or testimony already provided to it in this matter
25 as required by Business and Professions Code section 19870, subdivision (a) and Title 4, CCR
26 section 12052, subdivision (c)(2)(F)(1).

27 16. The Commission has jurisdiction to adjudicate this case by default.

28 17. The Commission may deny Applicant's application based upon the Bureau report,
any supplemental reports by the Bureau and any other documents or testimony already provided
to it, pursuant to CCR section 12052, subdivision (c)(2)(F)(1), and Business and Professions
Code sections 19857 and 19859.

18. The Commission may further also deny Applicant's application based upon
Applicant's failure to prove to the Commission she is qualified to receive a license or other

1 approval as required by Business and Profession Code section 19856, subdivision (a) and Title 4,
2 CCR section 12060(i).

3 19. Therefore, as the Applicant failed to return her Notice of Defense form, did not
4 attend the default hearing, and did not submit any information or evidence in favor of granting her
5 Application, she did not meet her burden of demonstrating why a finding of suitability should be
6 issued pursuant to Business and Professions Code section 19856, subdivision (a) and Title 4,
7 CCR section 12060, subdivision (i). The Commission further finds that pursuant to California
8 Code of Regulations, title 4, section 12052, subdivision (c)(2)(F)(1), her Application is subject to
9 denial.

10 20. In addition, as Applicant's application is subject to denial, she would no longer be
11 eligible for a registration under Title 4, CCR section 12204, subdivision (d) and her current
12 registration is subject to cancellation pursuant to Title 4, CCR section 12205, subdivision (a).

14 NOTICE OF APPLICANT'S APPEAL RIGHTS

15 Applicant has the following appeal rights available under state law:

16 Title 4, CCR section 12064, subdivision (a) and (b) provide, in part:

17 (a) After the Commission issues a decision following a GCA hearing conducted
18 pursuant to Section 12060, an applicant denied a license, permit, registration, or
19 finding of suitability, or whose license, permit, registration, or finding of
20 suitability has had conditions, restrictions, or limitations imposed upon it, may
21 request reconsideration by the Commission within 30 calendar days of service of
22 the decision, or before the effective date specified in the decision, whichever is
23 later.

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

27 (1) Newly discovered evidence or legal authorities that could not
28 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

1 petition pursuant to Section 1085 of the Code of Civil Procedure. Section 1094.5 of
2 the Code of Civil Procedure shall not apply to any judicial proceeding described in
3 the foregoing sentence, and the court may grant the petition only if the court finds
4 that the action of the commission was arbitrary and capricious, or that the action
5 exceeded the commission's jurisdiction.

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

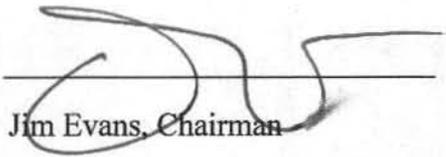
7 A decision of the Commission denying an application or imposing conditions on a
8 license shall be subject to judicial review as provided in Business and Professions
9 Code section 19870, subdivision (e). Neither the right to petition for judicial
10 review nor the time for filing the petition shall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

1. Dominica Ortiz's Application for Approval of Initial Third-Party Proposition Player Services License is DENIED.
2. Dominica Ortiz's Third-Party Player Registration, TPPL-014032 is cancelled.
3. Dominica Ortiz may not apply to the Commission or the Bureau for any type of license, registration or work permit for one (1) year after the effective date of this Order.

This Order is effective on 9/28/15.

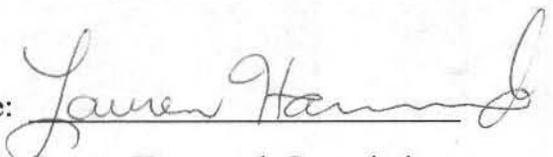
Dated: 8.27.15

Signature: 
Jim Evans, Chairman

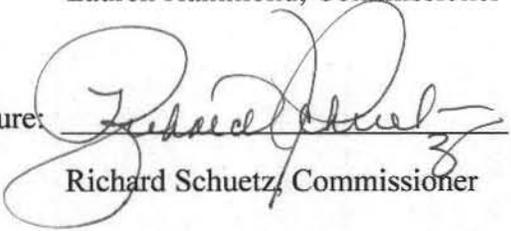
Dated: _____

Signature: _____
Tiffany E. Conklin, Commissioner

Dated: 8-27-15

Signature: 
Lauren Hammond, Commissioner

Dated: Aug 27, 2015

Signature: 
Richard Schuetz, Commissioner

DECLARATION OF QUINN HEDGES

I, Quinn Hedges, declare as follows:

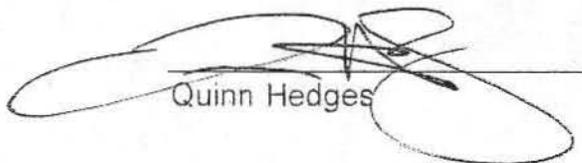
I am employed by the California Gambling Control Commission as an analyst in the Commission's Licensing Division. Dominica Ortiz's case has been assigned to me for processing.

On March 10, 2015, I mailed a Gambling Control Act hearing referral letter to Dominica Ortiz at [REDACTED], by certified mail pursuant to California Code of Regulations (CCR) Title 4, Division 18, Chapter 1, section 12006. This letter provided notice to Dominica Ortiz that consideration of her application was being referred to a Gambling Control Act hearing pursuant to CCR, Title 4, Division 18, Chapter 1, section 12060(a). This letter included a Notice of Defense form (CGCC-ND-002) with instructions to return the Notice of Defense to the Commission within 15 days of receipt in order to preserve their right to an administrative hearing.

Today is April 17, 2015 and I have not received the Notice of Defense form or any communication from Dominica Ortiz regarding a request for a Gambling Control Act hearing.

I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct.

Executed on April 17, 2015, in Sacramento, California.


Quinn Hedges