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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

BRITNEY LA'SHAE COOPER

Applicant.

BGC Case No. BGC-HQ2019-00034SL
CGCC Case No. CGCC-2019-0926-14B

DECISION AND ORDER

Hearing Date: January 29, 2021
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, in Sacramento, California, and held via Zoom video conference, on January 29, 2021.

Noel Fischer, Deputy Attorney General, State of California (DAG Fischer), represented complainant Stephanie Shimazu, Director of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Applicant Brittney Cooper (Applicant) did not attend the evidentiary hearing.

During the evidentiary hearing, Presiding Officer Russell Johnson took official notice of the January 29, 2021 Notice and Agenda of Commission Hearing, the Commission's Conclusion of Prehearing Conference Letter, the Notice of Hearing with enclosures, the Commission's two Notices of Continued Hearing, the Bureau's Statement of Reasons, and Applicant's signed Notice of Defense.

During the evidentiary hearing, Presiding Officer Russell Johnson accepted into evidence the following exhibits offered by the Bureau:

- (1) Statement of Reasons; Statement to Respondent; copy of Bus. & Prof. Code, §§ 19870 & 19871; copy of Cal. Code. Regs., tit. 4, §12060, Bates Nos. 001-018;
- (2) (Redacted) Renewal Application for Third-Party Proposition Services

- 1 License, Bates Nos. 019-022;
- 2 (3) (Redacted) Third-Party Provider of Proposition Services Level III Player
3 Renewal Report, Bates Nos. 023-028;
- 4 (4) Notice of Scheduled Commission Meeting, Bates Nos. 029-030;
- 5 (5) Licensing Division Memorandum, Bates Nos. 031-033;
- 6 (6) Notice of Referral of Third-Party Proposition Player Services License to an
7 Evidentiary Hearing and Interim License Issued for Britney Cooper,
8 (CGCC-2019-0926-14B), Bates Nos. 034-038;
- 9 (7) Notice of Defense, Bates Nos. 039-041;
- 10 (8) Certified License and Registration History, Bates Nos. 042-044;
- 11 (9) Court Documents, Case Number 8IN012528 (Certified), Bates Nos. 045-
12 055;
- 13 (10) (Redacted) Police Report (Certified), Arrest Date: 04/06/2018, Booking
14 Number: 005277912, Bates Nos. 056-059;
- 15 (11) Correspondence, Bates Nos. 060-071;
- 16 (12) May 1, 2020, Notice of Continued Hearing, Bates Nos. 072-074;
- 17 (13) September 14, 2020, Notice of Continued Hearing, Bates Nos. 075-078

18 The record was closed and the matter was submitted on January 29, 2021.

19 FINDINGS OF FACT

20 **Procedural History**

21 1. On or about December 29, 2015 the Commission issued Applicant a registration
22 number, TPPL-016435, as a third-party player for her employment with Blackstone Gaming,
23 LLC. This registration was superseded by a license on September 21, 2017.

24 2. On June 3, 2019, the Bureau received a renewal application for Third-Party
25 Proposition Player Services License for Supervisor, Player or Other Employee, dated April 26,
26 2019 (Application) from Applicant.

27 3. On or about August 5, 2019, the Bureau submitted a Third-Party Provider of
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1 Proposition Player Services Level III Player Renewal Report to the Commission. In this report,
2 the Bureau recommends that the Commission deny the Application.

3 4. On or about September 26, 2019, the Commission referred the consideration of the
4 Application to a Gambling Control Act evidentiary hearing to be held pursuant to CCR section
5 12060(a). In addition, the Commission issued an Interim Renewal License pursuant to California
6 Code of Regulations, title 4, section 12035(a)(1), which is valid through September 30, 2021 or
7 the conclusion of the evidentiary hearing process, whichever occurs first.

8 5. On or about September 27, 2019, the Commission notified Applicant by regular and
9 certified mail that the Application was referred to an evidentiary hearing and enclosing a Notice
10 of Defense form for Applicant to sign and return if she requested an evidentiary hearing on her
11 Application.

12 6. The Commission received a Notice of Defense form signed by Applicant, dated
13 October 11, 2019, requesting an evidentiary hearing on the consideration of her Application.

14 7. On or about December 11, 2019, the Commission sent a Notice of Hearing, via
15 certified mail, to Applicant notifying that the hearing on her Application was set for April 20,
16 2020 and a Prehearing Conference was scheduled for March 2, 2020.

17 8. On or about March 2, 2020, the noticed Prehearing Conference was held before
18 Presiding Officer Russell Johnson, Attorney III of the Commission. DAG Fisher attended on
19 behalf of the Bureau. Applicant did not attend. On or about March 2, 2020, the Commission sent
20 a Conclusion of Prehearing Conference letter, via U.S. Mail and e-mail, to Applicant and DAG
21 Fischer.

22 9. On April 20, 2020, the evidentiary hearing on Ms. Cooper's Application was called to
23 order. DAG Fischer attended on behalf of the Bureau but Ms. Cooper did not attend. In light of
24 Ms. Cooper's submission of a signed Notice of Defense requesting an evidentiary hearing and her
25 April 8, 2020 email in which she stated that she had been laid off from Blackstone Gaming due to
26 the COVID-19 pandemic, and to provide Ms. Cooper with an additional opportunity to attend a
27 hearing and pursue her Application, the Commission continued the hearing.
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1 10. On May 5, 2020, the Commission sent a Notice of Continued Hearing to the parties
2 informing them that the hearing had been continued to September 8, 2020.

3 11. On September 8, 2020, the continued evidentiary hearing was called to order. DAG
4 Fischer attended on behalf of the Bureau but Ms. Cooper did not attend. The Commission
5 continued the hearing on this matter for a second time to provide Ms. Cooper with an additional
6 opportunity to attend a hearing and pursue her Application.

7 12. On September 14, 2020, the Commission sent a Notice of Continued Hearing via
8 certified mail to the parties, informing them that the hearing would take place on January 29,
9 2021 via Zoom video conference.

10 13. The Commission heard this matter via Zoom video conference on January 29, 2021.
11 The Bureau was represented throughout the hearing by DAG Fischer. Applicant did not attend the
12 hearing.

13 14. Applicant did not submit any information or evidence in support of her Application
14 during the hearing.

15 **Assessment of Applicant’s Suitability for Licensure**

16 *Failure to Meet Burden of Proving Qualifications for Licensure*

17 15. The burden of proving his or her qualifications to receive any license is on the
18 applicant. Applicant did not attend the evidentiary hearing or submit any information or evidence
19 in support of her Application during the hearing. As a result of Applicant’s lack of attendance and
20 participation in the evidentiary hearing, and her failure to submit any information or evidence in
21 support of her Application during the hearing, Applicant failed to meet her burden of proving her
22 qualifications for licensure.

23 16. All documentary and testimonial evidence submitted by the parties that is not
24 specifically addressed in this Decision and Order was considered but not used by the Commission
25 in making its determination on the Application.

26 17. The matter was submitted for Commission consideration on January 29, 2021.

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1 LEGAL CONCLUSIONS

2 18. 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 19. 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 20. The Commission has the power to deny any application for a license, permit, or
10 approval for any cause deemed reasonable by the Commission. Business and Professions Code
11 section 19824(b).

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

14 22. At an evidentiary hearing pursuant to Business and Professions Code sections 19870
15 and 19871, and CCR section 12060(b), the burden of proof rests with the applicant to prove his or
16 her qualifications to receive any license under the Gambling Control Act. CCR section 12060(i).

17 23. 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 that is in all other
19 respects qualified to be licensed as provided in this chapter. Business and Professions Code
20 section 19859(c).

21 24. An application will be denied if the Commission finds that the applicant has not
22 satisfied the requirements of Business and Professions Code section 19857. CCR section
23 12040(a)(1).

24 25. Applicant did not attend the evidentiary hearing or submit any information or evidence
25 in support of her Application during the hearing. As a result, Applicant did not meet her burden
26 of proving her qualifications to receive a Third-Party Proposition Player Services Player License
27 pursuant to Business and Professions Code section 19856(a) and CCR section 12060(i). By
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1 failing to meet her burden of proving her qualifications for licensure, Applicant failed to satisfy
2 the Commission that she is a person that is in all other respects qualified to be licensed pursuant
3 to Business and Professions Code section 19857(c). As a result, the Application must be denied
4 pursuant to CCR section 12040(a)(1) because Applicant has not satisfied the requirements of
5 Business and Professions Code section 19857.

6 NOTICE OF APPLICANT'S APPEAL RIGHTS

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

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

9 (a) After the Commission issues a decision following a GCA hearing conducted
10 pursuant to Section 12060, an applicant denied a license, permit, registration, or
11 finding of suitability, or whose license, permit, registration, or finding of
12 suitability has had conditions, restrictions, or limitations imposed upon it, may
13 request reconsideration by the Commission. A request for reconsideration must
14 be:

15 (1) Made in writing to the Commission, copied to the Complainant. The
16 Bureau may provide a written response to the Commission within 10 calendar days
17 of receipt of the request; and

18 (2) Received by the Commission and Complainant within 30 calendar days of
19 service of the decision, or before the effective date specified in the decision,
20 whichever is earlier.

21 (b) A request for reconsideration must state the reasons for the request, which
22 must be based upon either:

23 (1) Newly discovered evidence or legal authorities that could not reasonably
24 have been presented before the Commission's issuance of the decision or at the
25 hearing on the matter; or,

26 (2) Other good cause which the Commission may decide, in its sole discretion,
27 merits reconsideration.

28 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

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review nor the time for filing the petition shall be affected by failure to seek reconsideration.

ORDER


- 1. Britney Cooper’s Application for Third-Party Proposition Player License is DENIED.
- 2. No costs are awarded.
- 3. Each side to pay its own attorneys’ fees.

This Order is effective on March 22, 2021.

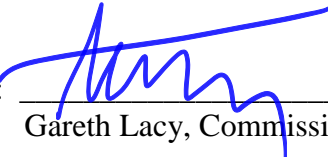
Dated: 2/18/21

Signature: 
Paula LaBrie, Chair

Dated: February 18, 2021

Signature: 
Eric Heins, Commissioner

Dated: 2/18/21

Signature: 
Gareth Lacy, Commissioner