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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 Regarding:

JACQUELINE TORY WATCHMAN

Applicant.

CGCC Case No. CGCC-2020-0611-8B

DEFAULT DECISION AND ORDER

Hearing Date: Thursday, January 21, 2021
Time: 10:00 a.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 Thursday, January 21, 2021 at 10:00 a.m.

2. Jacqueline Tory Watchman (Applicant) failed to appear and was not represented at the hearing.

FINDINGS OF FACT

3. On or about March 28, 2019, the Bureau of Gambling Control (Bureau) received an Application for Third-Party Proposition Player Services License for Supervisor, Player or Other Employee from Applicant.

4. Applicant has a valid Third-Party Player Registration, Registration No. TPPPL-022891, which expires on March 31, 2021.

5. On or about April 24, 2020, the Bureau issued its Third-Party Player Background Investigation Report in which it recommended that the Commission approve the Applicant's application.

6. On June 11, 2020, the Commission considered Applicant's application and elected to refer it to an evidentiary hearing pursuant to Title 4, CCR section 12054, subdivision (a).

7. Applicant received notice of the Commission's consideration of Applicant's application when Commission staff sent an evidentiary hearing referral letter by certified mail to

1 Applicant's address of record on or about June 15, 2020, which included a blank Notice of
2 Defense form with instructions to return it to the Commission within 21 days of receipt or the
3 Commission may issue a default decision.

4 8. Applicant timely submitted a signed Notice of Defense form requesting an
5 evidentiary hearing on the consideration of her application.

6 9. On October 13, 2020, prior to the scheduling of Applicant's evidentiary hearing,
7 Applicant made a written request to withdraw her request for an evidentiary hearing, thereby
8 waiving the rights listed under Title 4, CCR sections 12052(c)(2)(D) and 12060. A copy of the
9 October 13, 2020 correspondence from Applicant withdrawing her request for a hearing is
10 attached hereto as Exhibit A.

11 10. On November 19, 2020, the Commission considered Applicant's request to
12 withdraw her request for an evidentiary hearing. The Commission elected to proceed with
13 scheduling a default hearing on the application.

14 11. As a result of Applicant's withdrawal of her request for a hearing, on September 8,
15 2020, Commission staff notified Applicant that a default hearing was scheduled on the
16 application for January 21, 2021 by means of video conference using Zoom and provided
17 information on how to participate in or view the hearing.

18 **DETERMINATION OF ISSUES**

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

22 13. The burden of proving Applicant's qualifications to receive any license from the
23 Commission is on the applicant. (Bus. & Prof. Code § 19856, subd. (a).)

24 14. In addition, at an evidentiary hearing pursuant to Business and Professions Code
25 sections 19870 and 19871 and Title 4, CCR section 12060 the burden of proof always rests with
26 the applicant to demonstrate why a license should be issued. (Cal. Code Regs., tit. 4, § 12060,
27 subd. (i).)

28

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

2 (c) An applicant for any license, permit, finding of suitability,
3 renewal, or other approval shall be given notice of the meeting at
4 which the application is scheduled to be heard. Notice shall be given
5 pursuant to Section 12006.

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

9 (F) The waiver of an evidentiary hearing, failure of the
10 applicant to submit a Notice of Defense, or failure by the applicant to
11 appear at an evidentiary hearing, may result in a default decision or a
12 hearing without applicant participation in accordance with Section
13 12057.

14 16. Title 4, CCR section 12057, subdivision (a), provides in pertinent part:

15 (a) When an applicant fails to submit a completed Notice of Defense, CGCC-ND-
16 002 (Rev. 12/18) according to the timelines on the form, affirmatively waives his,
17 her, or its right to an evidentiary hearing, or he, she, or it fails to appear at an
18 evidentiary hearing, the Commission will, based on the interests of justice and
19 judicial economy:

20 (1) Issue a default decision after the consideration of the Bureau report, any
21 supplemental reports by the Bureau, and any other documents or testimony
22 provided or which may be provided to the Commission before the decision is issued;

23 17. The Commission has jurisdiction to adjudicate this case by default.

24 18. A TPPPS registration includes all conditions of a temporary license provided in
25 subsections (a), (b), and subsections (d) and (e) of Section 12122. (Cal. Code Regs., tit. 4, §
26 12130, subd. (d).)

27 19. Upon issuance or denial of a license by the Commission, the temporary license
28 will become void and cannot be used thereafter. (Cal. Code Regs., tit. 4, § 12122, subd. (d).)

 20. 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 Title 4, CCR sections 12052, subdivision (c)(2)(F) and 12057, and Business and
Professions Code sections 19857 and 19859.

 21. The Commission may further also deny Applicant's application based upon

1 Applicant's failure to prove to the Commission Applicant is qualified to receive a license or other
2 approval as required by Business and Profession Code section 19856, subdivision (a) and Title 4,
3 CCR section 12060, subdivision (i).

4 22. Therefore, as the Applicant withdrew her request for a hearing, did not attend the
5 default hearing, and did not submit any information or evidence in favor of granting Applicant's
6 application, Applicant did not meet the burden of demonstrating why a license should be issued
7 pursuant to Business and Professions Code section 19856, subdivision (a) and Title 4, CCR
8 section 12060, subdivision (i). The Commission further finds that pursuant to California Code of
9 Regulations, Title 4, sections 12052, subdivision (c)(2)(F) and 12057, Applicant's application is
10 subject to denial.

11 23. In addition, as Applicant's application is subject to denial, Applicant's current
12 registration is void pursuant to Title 4, CCR section 12122, subdivision (d).

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NOTICE OF APPLICANT’S APPEAL RIGHTS

Applicant has the following appeal rights available under state law:

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

(a) After the Commission issues a decision following a GCA hearing conducted pursuant to Section 12060, 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. A request for reconsideration must be:

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

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

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

(1) 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,

(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 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.

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

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

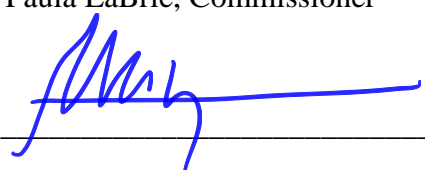
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2 1. JACQUELINE WATCHMAN’S Application for Approval of Third-Party
3 Proposition Player Services License is DENIED.

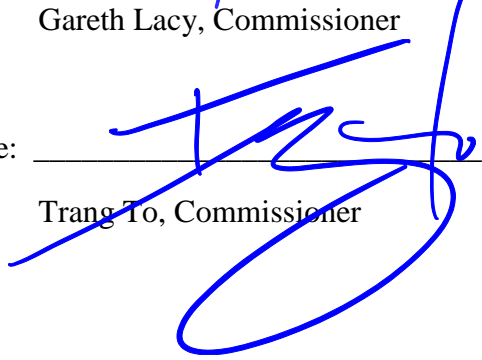
4 2. JACQUELINE WATCHMAN’S Third-Party Player Registration, No. TPPL-
5 022891 is void and cannot be used hereafter.

6 3. JACQUELINE WATCHMAN may not apply to the Commission or the Bureau for
7 any type of license, registration, or work permit for one (1) year after the effective date of this
8 Order.

9 This Order is effective on Monday, February 22, 2021.

10 Dated: 1/21/21 Signature: 
11
12 Paula LaBrie, Commissioner

13 Dated: 1/21/21 Signature: 
14
15 Gareth Lacy, Commissioner

16 Dated: 1/21/21 Signature: 
17
18 Trang To, Commissioner

Mathauser, Pamela

From: Jacqueline Watchman <[REDACTED]>
Sent: Monday, October 12, 2020 8:40 PM
To: Mathauser, Pamela
Subject: Re: Evidentiary Hearing for Jacqueline Watchman

I will withdraw, for I'm not going to work with the casino ever again. Ive had the experience and I want to further my education & career goals. Thank you! I appreciate it.

On Mon, Oct 12, 2020, 16:30 Mathauser, Pamela <pmathauser@cgcc.ca.gov> wrote:

Ms. Watchmen,

I am following-up with you concerning your pending hearing. I need to know if you wish to continue with your hearing or if you have decided to withdraw your request for a hearing. Please send a response indicating which way you wish to proceed.

Thank you

Pam Mathauser

Senior Legal Analyst

California Gambling Control Commission

pmathauser@cgcc.ca.gov

(916) 263-8111