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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

JOLYN CABAIS GARRIDO

Applicant.

CGCC Case No. CGCC-2020-00028SL

DECISION AND ORDER

Hearing Date: June 23, 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 June 23, 2021.

James Waian, Deputy Attorney General, State of California (DAG Waian), represented complainant Yolanda Morrow, Acting Director of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Applicant Jolyn Garrido (Garrido) appeared on her own behalf without representation.

During the evidentiary hearing, Presiding Officer Kate Patterson took official notice of the following documents: the Notice and Agenda of Commission Hearing; the Commission’s Conclusion of Prehearing Conference letter; the Commission’s Notice of Hearing with two attachments (a) Jolyn Garrido’s application for proposition player services license; and (b) the Bureau’s initial Background Investigation Report; and Garrido’s signed Notice of Defense.

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

- (1) Statement to Respondent, Statement of Reasons, Business and Professions Code sections 19870 and 19871, California Code of Regulations, title 4, section 12060; and May 6, 2021 Declaration of Service by Overnight Carrier, Bates Nos. BGC 001-019;

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- (2) November 25, 2020 Executed Notice of Defense form for Jolyn Cabais Garrido, Bates Nos. BGC 020-022;
- (3) Commission Notices:
 - a. February 18, 2021 Notice of Hearing (without enclosures), Bates Nos. BGC 023-028;
 - b. November 3, 2020 Referral of Third-Party Proposition Player Services License to an Evidentiary Hearing for Garrido (without enclosure), Bates Nos. BGC 029-031;
 - c. October 5, 2020 Notice of Scheduled Commission Meeting (App. No. 11158) (without enclosure), Bates Nos. BGC 032-033;
- (4) August 20, 2020, Bureau’s Third-Party Player Initial Background Investigation Report, Level III (with attachments), Bates Nos. BGC 034-044;
- (5) Correspondence regarding Garrido, and between the Bureau and Garrido, Bates Nos. BGC 045-057;
- (6) December 31, 2019 Appointment of Designated Agent for Owners and Proposition Players, for Garrido, Bates Nos. BGC 058-059;
- (7) December 4, 2019 Application for Third-Party Proposition Player Services License for Supervisor, Player or Other Employee, for Garrido (including Level I Supplemental Information form), Bates Nos. BGC 060-073;
- (8) Registration history for Garrido, Bates No. BGC 074-075;
- (9) Certification of the registration history for Garrido, Bates Nos. BGC 076-077;
- (10) Documents Regarding Battery Conviction:
 - a. Certified Copy of the (subsequently redacted) court records regarding Garrido’s misdemeanor conviction for violation of Penal Code section 242, battery, a misdemeanor, in the case of *People of the State of*

1 *California v. Jolyn Cabains Garrido* (Super. Ct. San Joaquin County,
2 2013, Case No. SM283356A), Bates Nos. BGC 078-087;

- 3 b. Copy of the (subsequently redacted) Lodi Police Department
4 Incident/Investigation Report, regarding the incident that gave rise to
5 Garrido's misdemeanor conviction for violation of Penal Code section
6 242, battery, a misdemeanor, in the case of *People of the State of*
7 *California v. Jolyn Cabais Garrido* (Super. Ct. San Joaquin County,
8 2013, Case No. SM283356A), Bates Nos. BGC 088-093;

9 The record was closed and the matter was submitted on June 23, 2021.

10 FINDINGS OF FACT

11 **Procedural History**

12 1. On or about October 7, 2019, the Commission issued Third-Party Proposition Player
13 Services Registration, number TPPL-024369 to Garrido to allow for her employment as a third-
14 party proposition player for Knighted Ventures, LLC.

15 2. On or about December 4, 2019, the Bureau received an Application for Third-Party
16 Proposition Player Services License for Supervisor, Player or Other Employee, and a Level I
17 Supplemental Information form (collectively, Application) from Garrido.

18 3. On or about August 20, 2020, the Commission received a Level III Third-Party Player
19 Initial Background Investigation Report on Garrido from the Bureau. In this report, the Bureau
20 recommends that the Commission deny Garrido's Application.

21 4. At its October 15, 2020 meeting, the Commission referred consideration of Garrido's
22 Application to a Gambling Control Act (GCA) evidentiary hearing to be held pursuant to CCR
23 section 12054, subdivision (a)(2).

24 5. On or about November 25, 2020, the Commission received a Notice of Defense form
25 signed by Garrido requesting an evidentiary hearing on the consideration of her Application.

26 6. On or about February 18, 2021, the Commission sent a Notice of Hearing to Garrido
27 and her Designated Agent Jordan Aman of Knighted Ventures, LLC, and DAG Waian, providing
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1 that an evidentiary hearing would be held before the Commission on June 23, 2021.

2 7. On May 6, 2021, The Bureau served its Statement of Reasons and related documents
3 on the Commission and Garrido. In the Statement of Reasons, the Bureau requests that the
4 Commission deny Garrido's Application on the basis that she was convicted of misdemeanor
5 battery and failed to disclose the conviction on her Application.

6 8. The Commission heard this matter via Zoom video conference on June 23, 2021. The
7 Bureau was represented throughout the hearing by DAG Waian. Garrido appeared on her own
8 behalf without representation.

9 **Garrido's Criminal History**

10 9. A criminal conviction, and the facts and circumstances surrounding the incident
11 leading to the conviction, can have a negative impact on an applicant's suitability for licensure.
12 First, the conviction, and facts and circumstances of the incident leading to the conviction, may
13 lead to a determination that the applicant lacks good character, honesty, and integrity. Second, the
14 conviction, and facts and circumstances of the incident leading to the conviction, may lead to a
15 determination that the applicant poses a risk to the public interest of the state or to the effective
16 regulation and control of controlled gambling.

17 10. On or about May 6, 2013, Garrido was convicted of violating California Penal Code
18 section 242, battery, a misdemeanor. Garrido was sentenced to ten days in jail, three years of
19 probation, and ordered to pay a fine and restitution. Garrido did not disclose this conviction on
20 her Application.

21 11. On March 4, 2020, in response to Bureau inquiry, Garrido provided a written
22 statement regarding the conviction and her failure to disclose it on the Application. Garrido
23 described the incident as stemming from a physical altercation between Garrido and her ex-
24 husband's girlfriend¹ that occurred while Garrido was dropping her daughter off at her ex-
25 husband's residence.

26 12. Garrido also testified before the Commission regarding the circumstances of the

27 ¹ Garrido testified that her ex-husband and his girlfriend are now married. However, since
28 they were not married at the time of the incident, she will be referred to as Garrido's ex-
husband's "girlfriend" herein.

1 altercation leading to her conviction. Garrido's testimony was consistent with her March 4 written
2 statement.

3 13. Garrido testified that when she went to her ex-husband's house to drop her daughter
4 off, she had no intention of starting a fight or getting into a dispute. Garrido and her ex-husband
5 were dealing with custody court hearings at the time and it was a stressful situation.

6 14. After the incident leading to Garrido's conviction, she and her ex-husband went to
7 mediation and counseling and came to an agreement to pick neutral locations to meet for custody
8 exchanges rather than meeting at their residences to avoid further conflict. Garrido believed when
9 they went through mediation and counseling it resulted in the battery charges against her being
10 dropped. Garrido testified that she was confused by the process.

11 15. Garrido testified that she previously worked for Taco Bell. In approximately 2016, she
12 applied for a management position at Taco Bell. Garrido did not disclose the conviction on her
13 Taco Bell application because she did not believe she had a conviction on her record. Garrido
14 underwent a background investigation for that position and received the job without issue. This
15 furthered Garrido's belief that she did not have a conviction on her criminal history.

16 **Failure to Disclose Battery Conviction**

17 16. The failure of an applicant to provide accurate, complete, and truthful information on
18 an application for licensure, in response to Bureau inquiries, and while testifying at an evidentiary
19 hearing, can also have a negative impact on the applicant's suitability for licensure. Garrido did
20 not disclose the 2013 battery conviction on her Application.

21 17. In Garrido's March 4, 2020 written statement to the Bureau, she explained that she did
22 not disclose the conviction because "to my knowledge I thought I was to list any felonies." On
23 June 12, 2020, Applicant provided a further written statement in response to Bureau inquiry
24 regarding her failure to disclose the conviction. Garrido explained that she did not disclose the
25 conviction because she and her ex-husband went to counseling and mediation through the court
26 and she was under the impression it was "removed and didn't get charged with the conviction."

27 18. Garrido also testified before the Commission regarding her failure to disclose the
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1 conviction. Garrido's testimony was consistent with her March 4, 2020 and June 12, 2020 written
2 statements. However, while testifying, Garrido clarified that when she used the term "felonies" in
3 her March 4, 2020 statement, she did not mean to imply that she did not disclose the conviction
4 because it was a misdemeanor and not a felony. Garrido testified that she did not understand there
5 to be a difference between a misdemeanor and a felony and associated both terms with the
6 existence of a criminal conviction. Garrido believed she had no convictions to disclose on the
7 Application.

8 19. During her testimony, Garrido was apologetic and took responsibility for not
9 disclosing the conviction.

10 **Assessment of Suitability for Licensure**

11 20. As a result of the Bureau's background investigation, there are two issues of concern
12 regarding Garrido's suitability for licensure. The first concern arises from the fact that Garrido
13 was convicted of misdemeanor battery. The second concern involves Garrido's failure to disclose
14 the conviction on her Application.

15 *First Concern: Misdemeanor Conviction*

16 21. During the evidentiary hearing, Garrido expressed genuine remorse for the incident
17 leading to her conviction. Garrido testified that she has taken steps to avoid further conflict
18 between Garrido, her ex-husband, and his girlfriend and that they now effectively co-parent. The
19 altercation that led to Garrido's conviction was an isolated incident predicated on stressful court
20 proceedings relating to custody of children shared with her ex-husband.

21 22. Garrido testified that she has worked for Knighted Ventures for two years and during
22 that time has demonstrated a positive work ethic and professionalism. No evidence was presented
23 to indicate that Garrido has any derogatory employment history.

24 23. Based on the foregoing factual findings, Garrido's criminal conviction is insufficient
25 to demonstrate a lack of good character, honesty, or integrity, or that she poses a risk to the public
26 interest of this state or to the effective regulation and control of controlled gambling.

27 24. Garrido has met her burden of demonstrating that she is a person of good character,
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1 honesty, and integrity. Garrido demonstrated good character, honesty, and integrity by accepting
2 responsibility and expressing remorse for the incident that led to her conviction; by her actions
3 taken after the incident to ensure she could effectively co-parent with her ex-husband and his
4 girlfriend; and by her positive work history.

5 *Second Concern: Failure to Disclose Conviction*

6 25. The Commission found Garrido's testimony that she believed the completion of
7 mediation and counseling with her ex-husband and his girlfriend resolved her battery conviction
8 to be credible.

9 26. Upon inquiry by the Bureau, Garrido readily admitted to the conviction and provided a
10 written statement describing the incident leading to the conviction. Thereafter, the Bureau
11 obtained a copy of the Lodi Police Department report, which substantiated Garrido's written
12 statement as far as the description of the events leading to the conviction. Garrido's written
13 explanation to the Bureau was also consistent with her testimony at the hearing regarding her
14 reason for not disclosing the conviction on her Application.

15 27. Garrido disclosed what she believed was accurate criminal history information when
16 she filled out the Application. Based on the foregoing, Garrido's failure to disclose the conviction
17 was due to inadvertence and not due to an intent to deceive the Bureau. Therefore she is not
18 disqualified from licensure for failing to disclose the conviction on the Application.

19 28. All documentary and testimonial evidence submitted by the parties that is not
20 specifically addressed in this Decision and Order was considered but not used by the Commission
21 in making its determination on Garrido's Application.

22 **LEGAL CONCLUSIONS**

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

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

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

7 32. The Commission has the power to deny any application for a license, permit, or
8 approval for any cause deemed reasonable by the Commission. Business and Professions Code
9 section 19824(b).

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

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

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

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

22 37. An "unqualified person" means a person who is found to be unqualified pursuant to
23 the criteria set forth in Business and Professions Code section 19857, and "disqualified person"
24 means a person who is found to be disqualified pursuant to the criteria set forth in Business and
25 Professions Code section 19859. Business and Professions Code section 19823(b).

26 38. The Commission has the power to limit, condition, or restrict any license for any cause
27 deemed reasonable by the Commission. Business and Professions Code section 10982(b).

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

4 40. An application for a license will be denied if the Commission finds that the applicant
5 has not satisfied the requirements of Business and Professions Code section 19857. CCR section
6 12040(a)(1).

7 41. The Commission shall deny a license to any applicant who is disqualified for failure of
8 the applicant to provide information, documentation, and assurances required by this chapter or
9 requested by the chief, or failure of the applicant to reveal any fact material to qualification, or the
10 supplying of information that is untrue or misleading as to a material fact pertaining to the
11 qualification criteria. Business and Professions Code section 19859(b).

12 42. An application for a license will be denied if the Commission finds that any of the
13 provisions of Business and Professions Code section 19859 apply to the applicant. CCR section
14 12040(a)(2).

15 43. Garrido met her burden of demonstrating that she is a person of good character,
16 honesty and integrity pursuant to Business and Professions Code section 19857(a). Therefore,
17 Garrido is qualified to receive a Third-Party Proposition Player License pursuant to Business and
18 Professions Code section 19857(a) and not subject to denial pursuant to CCR section 12040(a)(1).

19 44. Garrido has also met her burden of demonstrating that she is a person whose prior
20 activities, reputation, habits, and associations do not pose a threat to the public interest of this
21 state, or to the effective regulation and control of controlled gambling, or create or enhance the
22 dangers of unsuitable, unfair, or illegal practices, methods, and activities in the conduct of
23 controlled gambling or in the carrying on of the business and financial arrangements incidental
24 thereto. Therefore, Garrido is qualified to receive a Third-Party Proposition Player License
25 pursuant to Business and Professions Code section 19857(b) and not subject to denial pursuant to
26 CCR section 12040(a)(1).

27 45. Finally, Garrido has met her burden of demonstrating that she is not disqualified from
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1 receiving a Third-Party Proposition Player Services License pursuant to Business and Professions
2 Code section 19859 and not subject to denial pursuant to CCR section 12040(a)(2).

3 46. Based on the foregoing, Garrido is qualified to receive a Third-Party Proposition
4 Player Services License.

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NOTICE OF APPLICANT’S APPEAL RIGHTS

Garrido has the following appeal rights available under state law:

CCR section 12064, subsections (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.

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

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2 1. Jolyn Cabais Garrido’s Application for Third-Party Proposition Player License is
3 APPROVED.

4 2. No costs are awarded.

5 3. Each side to pay its own attorneys’ fees.

6 This Order is effective on August 26, 2021.

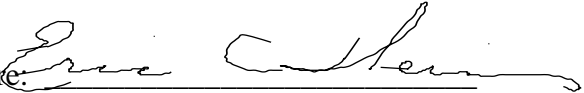
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8 Dated: 8/26/21

Signature: 
Paula LaBrie, Chair

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11 Dated: 8/26/21

Signature: 
Cathleen Galgiani, Commissioner

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14 Dated: 08/26/21

Signature: 
Eric Heins, Commissioner

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17 Dated: 8/26/21

Signature: 
William Liu, Commissioner

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20 Dated: 8/26/21

Signature: 
Edward Yee, Commissioner