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BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Application for Third-Party  
Proposition Player Services Employee Type  
License for:  
  
**Wyatt Edward Rowe**  
  
Applicant.

CGCC Case No. CGCC-2022-1103-8D

**DEFAULT DECISION AND ORDER**

Hearing Date: June 22, 2023  
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, and held via Zoom video conference, on June 22, 2023, at 10:00 a.m.

2. Wyatt Edward Rowe (Applicant) failed to appear and was not represented at the hearing.

**FINDINGS OF FACT**

3. On or about January 26, 2022, the Bureau of Gambling Control (Bureau) received an Application for Third-Party Proposition Player Services Worker Type License (Application) from Applicant.

4. Applicant was issued a temporary license, License No. TPWK-003355, which expires on January 31, 2024.

5. On or about August 30, 2022, the Commission received the Bureau’s Third-Party Worker Initial Background Investigation Report in which it concluded that Applicant is not qualified for licensure pursuant to Business and Professions Code sections 19857, subdivision (a), and 19859, subdivision (b). The Bureau recommends that the Commission deny the Application.

6. On November 3, 2022, the Commission considered Applicant’s Application and elected to refer it to an evidentiary hearing pursuant to title 4, CCR section 12054, subdivision (a)(4).

1           7.       Applicant received notice of the Commission's consideration of the Application.  
2 Commission staff mailed an evidentiary hearing referral letter to Applicant's address of record via  
3 regular mail and certified mail on November 4, 2022, which included a blank Notice of Defense  
4 form with instructions to return it to the Commission within 30 days of service or else the  
5 Commission may issue a default decision. The Commission's staff received a timely Notice of  
6 Defense form from the Applicant.

7           8.       On March 29, 2023, the Commission's staff and Bureau's counsel received notice  
8 from Applicant waiving his right to an evidentiary hearing. (Exhibit A.) The Commission served  
9 a notice by certified mail on May 8, 2023, to Applicant's address of record, with Exhibit A,  
10 notifying Applicant that due to his voluntary waiver of his right to an evidentiary hearing a  
11 hearing via Zoom video conference will be conducted on June 22, 2023, at 10:00 a.m., where the  
12 Commission may issue a default decision without his participation.

### **DETERMINATION OF ISSUES**

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

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

19           11.      At an evidentiary hearing pursuant to Business and Professions Code sections  
20 19870 and 19871 and title 4, CCR section 12060 the burden of proof rests with the applicant to  
21 demonstrate why a license should be issued. (Cal. Code Regs., tit. 4, § 12060, subd. (j).)

22           12.      An application will be denied if the Commission finds that the applicant has not  
23 satisfied the requirements of Business and Professions Code section 19857. (Cal. Code Regs., tit.  
24 4, § 12040, subd. (a)(1).)

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

26 (c) An applicant for any license, permit, finding of suitability, renewal, or  
27 other approval shall be given notice of the meeting at which the  
28 application is scheduled to be heard. Notice shall be given pursuant to

1 Section 12006.

2 \* \* \*

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

6 \* \* \*

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

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

13 (a) When an applicant fails to submit a completed Notice of Defense,  
14 CGCC-CH1-03 according to the timelines on the form, affirmatively  
15 waives his, her, or its right to an evidentiary hearing, or fails to appear at  
16 an evidentiary hearing, the Commission will, based on the interests of  
17 justice and judicial economy:

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

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

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

27 17. The Commission may deny Applicant’s Application based upon the Bureau report,  
28 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 section 19857.

18. The Commission may also deny Applicant’s Application based upon failure to  
prove to the Commission that Applicant is qualified to receive a license or other approval as  
required by Business and Profession Code section 19856, subdivision (a), and title 4, CCR

1 section 12060, subdivision (j).

2 19. A temporary license will be associated with an application for an initial license.  
3 Upon issuance or denial of an initial license by the Commission, the temporary license will  
4 become void and cannot be used thereafter pursuant to title 4, CCR section 12122, subdivisions  
5 (a) and (d).

6 20. Therefore, as the Applicant waived his right to an evidentiary hearing, did not  
7 attend the default hearing, and did not submit any information or evidence in favor of granting the  
8 Application, Applicant's burden of demonstrating why a license should be issued pursuant to  
9 Business and Professions Code section 19856, subdivision (a), and title 4, CCR section 12060,  
10 subdivision (j), was not met. By failing to meet the burden of proving qualifications for licensure,  
11 Applicant has failed to satisfy the Commission that Applicant is a person that is in all other  
12 respects qualified to be licensed pursuant to Business and Professions Code section 19857,  
13 subdivision (c). As a result, the Commission finds that pursuant to title 4, CCR sections 12040,  
14 subdivision (a)(1), 12052, subdivision (c)(2)(F), and 12057, Applicant's Application is subject to  
15 denial.

16 21. In addition, as the Application is subject to denial, Applicant's temporary license  
17 is void pursuant to title 4, CCR section 12122, subdivision (d), and cannot be used hereafter.

18 **NOTICE OF APPLICANT'S APPEAL RIGHTS**

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

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

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

25 (1) Made in writing to the Commission, copied to the complainant. The  
26 Bureau may provide a written response to the Commission within 10 calendar  
27 days of receipt of the request; and,  
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(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 (f) 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, in part:

Neither the right to petition for judicial review nor the time for filing the petition will be affected by failure to seek reconsideration.

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**ORDER**

1. WYATT EDWARD ROWE’S Application for Third-Party Proposition Player Services Worker Type License is DENIED.

2. WYATT EDWARD ROWE’S temporary license, Number TPWK-003355 is void and cannot be used hereafter.

3. WYATT EDWARD ROWE may not apply to the Commission or the Bureau for any type of license or work permit for one (1) year after the effective date of this Order.

This Order is effective on July 24, 2023.

Dated: 6/22/2023 Signature:   
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Paula LaBrie, Chair

Dated: 6/22/2023 Signature:   
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Cathleen Galgiani, Commissioner

Dated: 6/22/2023 Signature:   
2B4CE9620F8846C...

Eric Heins, Commissioner

Dated: 6/22/2023 Signature:   
7722F4571120449...

William Liu, Commissioner

**From:** [Wyatt Rowe](#)  
**To:** [Mathauser, Pamela](#)  
**Cc:** [Neil Houston](#); [Linda Thorpe](#)  
**Subject:** Re: Hearing to Set for Wyatt Rowe  
**Date:** Wednesday, March 29, 2023 12:22:14 PM

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I, Wyatt Rowe, waive my right to an evidentiary hearing on my Application for Third-Party Proposition Player Services Employee Type License, CGCC Case No. CGCC-2022-1103-8D and all associated rights as identified in my previously signed Notice of Defense.

I have resigned the position, and everything proceeded as I was instructed by L.E Gaming. Thank you for your time and insuring I did this properly.