

BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. 2012-080302

In the Matter of the Application for Approval
of Initial Tribal-State Compact Key Employee
Finding of Suitability Regarding:

DECISION AND ORDER

STEVEN JAMES WILLIAMSON

Hearing Date: November 5, 2013
Time: 10:00 am

Applicant.

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 12050(b)(2), in Sacramento, California, on November 5, 2013.

Ronald L. Diedrich, Deputy Attorney General, Department of Justice, State of California, represented Wayne J. Quint, Jr., Chief of the Bureau of Gambling Control (Complainant).

Steven James Williamson represented himself.

The matter was submitted on November 5, 2013.

FACTUAL FINDINGS

1. The Morongo Band of Mission Indians (Morongo) operates the Morongo Casino Resort and Spa as the Tribal Gaming Agency (TGA) under the authority of a Tribal-State Gaming Compact executed on October 12, 1999, and amended on August 29, 2006, between Morongo and the State of California.

2. Steven James Williamson has been employed at the Morongo Casino Resort and Spa since March 2004.

3. Mr. Williamson has been a key employee at the Morongo Casino Resort and Spa since January 2007. However, it was not until the 2011 Compliance Inspection, when the TGA was advised that the Commission deemed Mr. Williamson's position to be that of a key employee,

1 that the TGA understood that Mr. Williamson had to submit an application for a finding of
2 suitability.

3 4. On or about September 22, 2011, Mr. Williamson submitted an Application for
4 Finding of Suitability Tribal Key Employee (Application) with the Commission.

5 5. At its August 30, 2012 meeting, the Commission voted to preliminarily deny Mr.
6 Williamson's Application. Mr. Williamson requested an administrative hearing.

7 6. On or about September 6, 2012, the Executive Director of the Commission set the
8 matter for a *de novo* administrative hearing to be conducted according to the provisions of the
9 Administrative Procedure Act pursuant to Business and Professions Code Section 19825 and
10 CCR Section 12050(b)(1).

11 7. On or about December 18, 2012, the Executive Director of the Commission re-set the
12 matter for a *de novo* hearing to be conducted pursuant to Business and Professions Code Sections
13 19870 and 19871 and CCR Section 12050(b)(2).

14 8. On May 8, 2013, the Commission served a Notice of Hearing and Prehearing
15 Conference, which included Mr. Williamson's Application and the Bureau of Gambling Control's
16 Background Investigation Report, in Case No. CGCC-2012-080302, on Mr. Williamson and
17 Complainant.

18 9. On August 9, 2013, the Commission served an amended Notice of Hearing and
19 Prehearing Conference on Mr. Williamson and Complainant.

20 10. On October 1, 2013, a prehearing conference was held before Presiding Officer Jason
21 Pope, Staff Counsel III of the Commission. Ronald Diedrich, Deputy Attorney General, appeared
22 on behalf of Complainant. Mr. Williamson did not attend the Prehearing Conference.

23 11. The Commission heard Case No. CGCC-2012-080302 on November 5, 2013. On
24 November 5, 2013, the matter was submitted for Commission consideration. The following
25 factual findings are based on the documentary and testimonial evidence received during the
26 administrative hearing.

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FACTUAL FINDINGS

12. Mr. Williamson was convicted upon his plea of *nolo contendere* on or about September 17, 2001, of violating California Vehicle Code Section 23152(b), driving under the influence, a misdemeanor, in the case of People of the State of California v. Steven James Williamson (Super. Ct. San Bernardino County, 2001, Case No. TRE32887).

13. Mr. Williamson was convicted upon his plea of guilty on or about November 14, 2005, of violating California Penal Code Section 647(f), disorderly conduct, under the influence in a public place, a misdemeanor, in the case of People of the State of California v. Steven James Williamson (Super. Ct. San Bernardino County, 2005, Case No. G092545).

14. Mr. Williamson was convicted upon his plea of *nolo contendere* on or about June 25, 2007, of violating California Vehicle Code Section 23152(b), driving under the influence, a misdemeanor, in the case of People of the State of California v. Steven James Williamson (Super. Ct. San Bernardino County, 2007, Case No. TSB700290).

15. Mr. Williamson was convicted upon his plea of *nolo contendere* on or about March 7, 2012, of violating California Vehicle Code Section 23152(b), driving under the influence, a misdemeanor, in the case of People of the State of California v. Steven James Williamson (Super. Ct. San Bernardino County, 2012, Case No. TSB1102686).

16. The facts and circumstances surrounding Mr. Williamson's convictions for driving under the influence each involved a motor vehicle accident. In 2001, Mr. Williamson was involved in a single vehicle accident. In 2007, Mr. Williamson drove up an embankment and crashed his vehicle. In 2012, Mr. Williamson rear-ended another vehicle on the freeway.

17. Driving under the influence of alcohol and engaging in disorderly conduct in public while under the influence of alcohol are activities that present a risk to the citizens of the State of California.

18. While Mr. Williamson testified that he has stopped consuming alcohol since March 2012, not enough time has elapsed to show that Mr. Williamson has developed a sufficient plan to secure his long-term sobriety and adequately address his habit of consuming alcohol and

1 engaging in activities that result in motor vehicle accidents and violations of the California Penal
2 Code and California Vehicle Code, which present a risk to the citizens of the State of California.

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4 LEGAL CONCLUSIONS

5 1. Except for an applicant for licensing as a non-key Gaming Employee as defined by
6 agreement between the TGA and the State Gaming Agency [Commission], the TGA shall require
7 the applicant also to file an application with the State Gaming Agency for a determination of
8 suitability for licensure under the Gambling Control Act. Investigation and disposition of that
9 application shall be governed entirely by state law and the State Gaming Agency shall determine
10 whether the applicant would be found suitable for licensure in a gambling establishment subject
11 to that Agency's jurisdiction. Tribal-State Gaming Compact Section 6.5.6(a).

12 2. "Finding of suitability" means a finding that the person meets the qualification criteria
13 described in subsections (a) and (b) of Section 19857 of the Business and Professions Code, and
14 that the person would not be disqualified from holding a state gambling license on any of the
15 grounds specified in Section 19859 of the Business and Professions Code. Business and
16 Professions Code Section 19805(j).

17 3. The burden of proving his or her qualifications to receive any license from the
18 Commission is on the applicant. Business and Professions Code Section 19856(a).

19 4. 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. Business and Professions Code Section 19856(b).

22 5. In reviewing an application for any license, the Commission shall consider whether
23 issuance of the license is inimical to public health, safety, or welfare, and whether issuance of the
24 license will undermine public trust that the gambling operations with respect to which the license
25 would be issued are free from criminal and dishonest elements and would be conducted honestly.
26 Business and Professions Code Section 19856(c).

27 6. The Commission has the responsibility of assuring that licenses, approvals, and
28 permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose

1 operations are conducted in a manner that is inimical to the public health, safety, or welfare.

2 Business and Professions Code Section 19823(a)(1).

3 7. An "unqualified person" means a person who is found to be unqualified pursuant to
4 the criteria set forth in Business and Professions Code Section 19857. Business and Professions
5 Code Section 19823(b).

6 8. Division 1.5 of the Business and Professions Code, the provisions of which govern the
7 denial of licenses on various grounds, does not apply to licensure decisions made by the
8 Commission under the Gambling Control Act. Business and Professions Code Section 476(a).

9 9. 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 10. The Commission shall not issue a gambling license unless, based on all of the
13 information and documents submitted, the Commission is satisfied that the applicant is all of the
14 following: (a) A person of good character, honesty and integrity; (b) A person whose prior
15 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the
16 public interest of this state, or to the effective regulation and control of controlled gambling, or
17 create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in
18 the conduct of controlled gambling or in the carrying on of the business and financial
19 arrangements thereto; (c) A person that is in all other respects qualified to be licensed as provided
20 in this chapter. Business and Professions Code Section 19857.

21 11. As set forth in the Factual Findings, Mr. Williamson has four misdemeanor
22 convictions, each of which resulted from Mr. Williamson performing certain actions while under
23 the influence of alcohol.

24 12. Mr. Williamson's prior activities, criminal record and habit of consuming alcohol and
25 engaging in activities (such as driving and disorderly conduct) that result in motor vehicle
26 accidents and violations of the California Penal Code and California Vehicle Code present a risk
27 to the citizens of the State of California.

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1 Business and Professions Code section 19870, subdivision (e)). Neither the right to
2 petition for judicial review nor the time for filing the petition shall be affected by failure
3 to seek reconsideration.

4 Title 4, California Code of Regulations (CCR) section 12050, subsection (c)(6) provides,
5 in part:

6 (6) An applicant denied a license, permit, registration, or finding of suitability, or
7 whose license, permit, registration, or finding of suitability has had conditions imposed
8 upon it may request reconsideration by the Commission within 30 days of notice of the
9 decision. The request shall be in writing and shall outline the reasons for the request,
10 which must be based upon either newly discovered evidence or legal authorities that could
11 not reasonably have been presented before the Commission's issuance of the decision or
12 at the hearing on the matter, or upon other good cause for which the Commission in its
13 discretion decides merits reconsideration.

14 ORDER

15 1. Steven Williamson's Application for Finding of Suitability Tribal Key Employee is
16 DENIED.

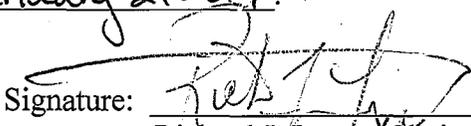
17 2. Mr. Williamson may reapply for a license and/or finding of suitability one (1) year
18 after the effective date of this Order.

19 3. No costs are to be awarded.

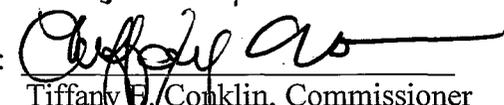
20 4. Each side to pay its own attorneys' fees.

21 This Order is effective on January 2, 2014.

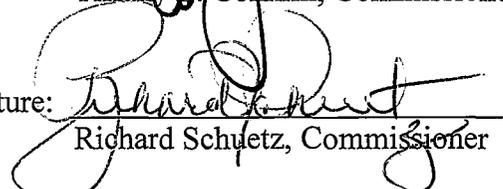
22 Dated: 11/22/2013

23 Signature: 
Richard J. Lopes, Chairman

24 Dated: 11/25/2013

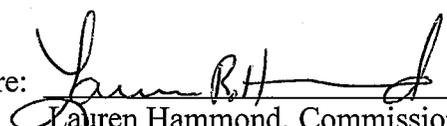
25 Signature: 
Tiffany E. Conklin, Commissioner

26 Dated: 11/25/2013

27 Signature: 
Richard Schuetz, Commissioner

1 Commissioner Hammond did not support the conclusion to deny Mr. Williamson's Application.
2 However, Commissioner Hammond concurred with the decision not to award costs and for each
3 side to pay its own attorneys' fees.

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5 Dated: 12/3/13

Signature: 
Lauren Hammond, Commissioner

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