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BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

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

DEBRA ADELLE ANDERSON


Respondent.

BGC Case No. BGC-HQ2014-00003SL
CGCC Case No. CGCC-2013-1121-16D-1

DECISION AND ORDER

Hearing Date: October 21, 2014
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 12050(b)(2), in Sacramento, California, on October 21, 2014.

Neil Houston, Deputy Attorney General, State of California, represented complainant Wayne J. Quint, Jr., Chief of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Debra Adelle Anderson (Anderson) failed to appear and was not represented at the hearing.

During the administrative hearing, Presiding Officer Jason Pope accepted into evidence the following exhibits offered by the Bureau:

- (1) Statement of Reasons filed and served by the Bureau;
- (2) Copies of the November 27, 2013 letter from Marianne Estes notifying Anderson that the Commission voted to refer consideration of her application to a hearing; August 13, 2014 Notice of Hearing and Prehearing Conference; and September 18, 2014 Conclusion of Prehearing Conference letter;
- (3) Certified copy of the court records regarding Anderson's January 16, 1992 conviction of Aid by Misrepresentation – Over \$400 (a form of welfare fraud), Welfare and Institutions Code section 10980(c)(2), a felony, in the

1 case *People of the State of California v. Debra Adelle Anderson* (Mun. Ct.
2 Butte County, 1992, Case No. CR17697);

3 (4) Copy of the arrest and conviction records regarding Anderson's July 30,
4 1986 conviction of driving under the influence of liquor or drugs and
5 causing bodily injury, Vehicle Code section 23153(a), a misdemeanor, in
6 the case *People of the State of California v. Debra Adelle Anderson* (Mun.
7 Ct. Butte County, 1986, Case No. SP-06035);

8 (5) Certified copy of the court records regarding Anderson's June 30, 1997
9 conviction of driving under the influence of alcohol and a drug, Vehicle
10 Code section 23152(a), a misdemeanor, in the case *People of the State of*
11 *California v. Debra Adelle Anderson* (Mun. Ct. Lake County, 1997, Case
12 No. CR22568.01); and

13 (6) Copy of the court records regarding Anderson's September 13, 1999
14 convictions of driving under the influence of alcohol and a drug, Vehicle
15 Code section 23152(a), a misdemeanor, and driving when license is
16 suspended or revoked, Vehicle Code section 14601.1(a), a misdemeanor, in
17 the case *People of the State of California v. Debra Adelle Anderson* (Sup.
18 Ct. Lake County, 1999, Case No. CR25599.01).

19 The matter was submitted on October 21, 2014.

20 FINDINGS OF FACT

21 1. The Robinson Rancheria Gaming Commission operates the Robinson Rancheria
22 Resort & Casino pursuant to a Tribal-State Gaming Compact between the State of California and
23 the Robinson Rancheria Band of Pomo Indians.

24 2. Anderson works as a Casino Shift Manager at the Robinson Rancheria Resort &
25 Casino, a key employee position that requires the applicant to submit a Finding of Suitability
26 application with the Commission.

27 3. On or about June 24, 2012, Anderson filed an Application for Finding of Suitability
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1 Tribal Key Employee (Application) and State Gaming Agency Tribal Key Employee
2 Supplemental Background Investigation Information form to the Commission.

3 4. At its November 8, 2013 meeting, the Commission voted to refer the matter of
4 Anderson's Application to an evidentiary hearing.

5 5. On or about November 27, 2013, the Executive Director of the Commission set the
6 matter for an administrative hearing to be conducted pursuant to Business and Professions Code
7 sections 19870 and 19871 and Title 4, CCR section 12050(b)(2).

8 6. On or about July 18, 2014, the Bureau filed a Statement of Reasons with the
9 Commission recommending the denial of Anderson's Application.

10 7. On or about August 13, 2014, the Commission served a Notice of Hearing and
11 Prehearing Conference on Anderson and the Bureau.

12 8. On or about September 17, 2014, the noticed Prehearing Conference was held before
13 Presiding Officer Jason Pope, Attorney III of the Commission. Neil Houston, Deputy Attorney
14 General, attended on behalf of the Bureau. Anderson failed to attend the Prehearing Conference.

15 9. On or about September 18, 2014, the Commission served a Conclusion of Prehearing
16 Conference letter on Anderson and the Bureau.

17 10. The Commission heard Case No. CGCC-2013-1121-16D-1 on October 21, 2014. The
18 Bureau was represented throughout the pendency of the hearing by Deputy Attorney General Neil
19 Houston. Anderson failed to appear throughout the pendency of the hearing or make any contact
20 with the Commission or the Bureau.

21 11. On or about October 6, 1986, Anderson was convicted of violating California Vehicle
22 Code section 23153(a), driving under the influence of liquor or drugs and causing bodily injury, a
23 misdemeanor, in the case *People of the State of California v. Debra Adelle Anderson* (Mun. Ct.
24 Butte County, 1986, Case No. SP-06035). Anderson was sentenced to 36 months' probation and
25 30 days in jail.

26 12. On or about January 16, 1992, Anderson was convicted of violating California
27 Welfare and Institutions Code section 10980(c)(2), aid by misrepresentation – over \$400 (a form
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1 of welfare fraud), a felony, in the case *People of the State of California v. Debra Adelle Anderson*
2 (Mun. Ct. Butte County, 1992, Case No. CR17697). Anderson was sentenced to 36 months'
3 probation, 120 days in jail, and ordered to pay a fine and restitution.

4 13. A person who obtains government aid by misrepresentation demonstrates a lack of
5 good character, honesty and integrity.

6 14. On or about August 23, 1995, Anderson was convicted of violating probation and
7 sentenced to 16 months in prison

8 15. On or about June 30, 1997, Anderson was convicted of violating California Vehicle
9 Code section 23152(a), driving under the influence of alcohol/drugs, a misdemeanor, in the case
10 *People of the State of California v. Debra Adelle Anderson* (Mun. Ct. Lake County, 1997, Case
11 No. CR22568.01). Anderson was sentenced to 36 months' probation, 2 days in jail, and ordered
12 to pay a fine.

13 16. On or about September 10, 1999, Anderson was convicted of violating California
14 Vehicle Code sections 23152(a), driving under the influence of alcohol/drugs, a misdemeanor,
15 and 14601.1(a), driving when license is suspended or revoked, a misdemeanor, in the case *People*
16 *of the State of California v. Debra Adelle Anderson* (Sup. Ct. Lake County, 1999, Case No.
17 CR25599.01). Anderson was sentenced to 36 months' probation, 10 days in jail, and ordered to
18 pay a fine.

19 17. Failing to attend the hearing, Anderson did not present or submit any information or
20 evidence in favor of granting her Application.

21 18. Anderson's criminal history, which includes one felony conviction and four
22 misdemeanor convictions, demonstrates a pattern and practice of flagrant disregard for the law
23 and legal authority.

24 19. Anderson's criminal history demonstrates a lack of good character, honesty and
25 integrity.

26 20. The matter was submitted for Commission consideration on October 21, 2014.
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LEGAL CONCLUSIONS

21. Except for an applicant for licensing as a non-key Gaming Employee, the Tribal Gaming Agency [Robinson Rancheria Gaming Commission] shall require an applicant to file an application with the Commission, prior to issuance of a temporary or permanent tribal gaming license, for a determination of suitability for licensure under the California Gambling Control Act. Tribal-State Compact between the State of California and the Robinson Rancheria Band of Pomo Indians section 6.5.6.

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

23. At an evidentiary hearing pursuant to Business and Professions Code sections 19870 and 19871 and Title 4, CCR section 12050(b)(2), the burden of proof rests with the applicant to demonstrate why a license should be issued. Title 4, CCR section 12050(b)(3).

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

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

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

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

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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 12050, subsection (d) provides:

An appeal of a denial or imposition of conditions by the Commission shall be subject to judicial review under Code of Civil Procedure section 1085 (pursuant to 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.

ORDER

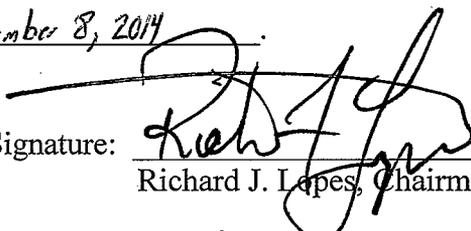
1. Debra Adelle Anderson's Application for Finding of Suitability Tribal Key Employee is DENIED.

2. No costs are to be awarded.

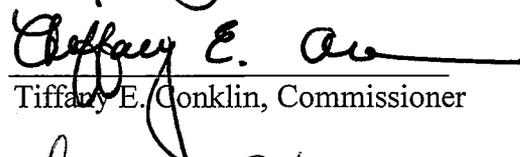
3. Each side to pay its own attorneys' fees.

This Order is effective on December 8, 2014.

Dated: 11/6/2014

Signature: 
Richard J. Lopes, Chairman

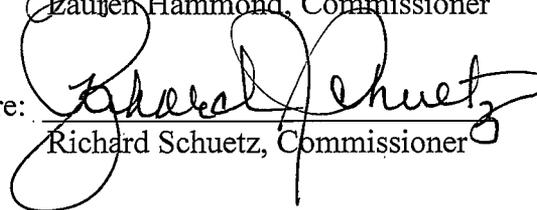
Dated: Nov. 6, 2014

Signature: 
Tiffany E. Conklin, Commissioner

Dated: Nov. 6, 2014

Signature: 
Lauren Hammond, Commissioner

Dated: Nov. 6, 2014

Signature: 
Richard Schuetz, Commissioner