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BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. CGCC-2013-11-21-16C

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

**DEFAULT DECISION AND ORDER**

ASHLEY JACK

Applicant.

Hearing Date: July 9, 2015  
Time: 1:30 p.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 June 11, 2015.

2. Ashley Jack (Applicant) failed to appear and was not represented at the hearing.

**FINDINGS OF FACT**

3. On or about August 8, 2012, the Commission received an Application for Finding of Suitability Tribal Key Employee from Applicant.

4. On or about May 21, 2013, the Bureau of Gambling Control (Bureau) issued its Tribal Key Employee Background Investigation Report in which it concluded that Applicant was unqualified for licensure pursuant to Business and Profession Code section 19857 and disqualified for licensure pursuant to Business and Profession Code section 19859. The Bureau recommended that the Commission deny Applicant's application.

5. On or about November 21, 2013, the Commission considered Applicant's application and voted to refer the matter to an evidentiary hearing pursuant to Title 4, CCR section 12050, subdivision (b).

6. Applicant received notice of Commission consideration of her application in four ways. First, Commission staff mailed an evidentiary hearing referral letter via certified mail to Applicant's address of record on November 27, 2013. Second, the Bureau, through Deputy

1 Attorney General Timothy Muscat's legal secretary Paula Corral, sent a letter on January 14,  
2 2015 which included a blank Notice of Defense form with instructions to return it to the  
3 Commission within 15 days of receipt or else the Commission may issue a default decision.  
4 Deputy Attorney General Muscat confirmed on March 27, 2015 that the Applicant had not  
5 returned the form and he had had no communications with her. (Exhibit A)

6 7. Third, Applicant further received notice of the hearing through a hearing notice  
7 sent certified mail on April 8, 2015 to Applicant's address of record which included Exhibit A  
8 and stated that the hearing was set to occur on June 11, 2015 at 1:30 pm. Commission staff  
9 received the notice of hearing package back returned to sender because Applicant had moved and  
10 left no forwarding address.

11 8. Fourth, Applicant further received notice of the hearing through a notice of  
12 rescheduled hearing sent certified mail on June 9, 2015 which stated the hearing was set to occur  
13 on Thursday, July 9, 2015. Commission staff received the notice of hearing package back  
14 returned to sender because Applicant had moved and left no forwarding address.

#### 15 DETERMINATION OF ISSUES

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

19 10. In addition, the burden of proving his or her qualifications to receive any license  
20 from the Commission is on the applicant. (Bus. & Prof. Code § 19856, subd. (a).)

21 11. At an evidentiary hearing pursuant to Business and Professions Code sections  
22 19870 and 19871 and Title 4, CCR section 12060 the burden of proof rests with the applicant to  
23 demonstrate why a license should be issued. (Cal. Code Regs., tit. 4, § 12060, subd. (i).)

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

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

\* \* \*

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

4 \* \* \*

5 (F) The waiver of an evidentiary hearing, or failure of  
6 the applicant to submit a Notice of Defense, or failure of an  
7 applicant to appear at an evidentiary hearing, may result in:

8 1. A default decision being issued by the  
9 Commission based upon the Bureau report, any  
10 supplemental reports by the Bureau and any other  
11 documents or testimony already provided or which might  
12 be provided to the Commission . . . .

13 13. The Commission takes official notice of the Bureau report, any supplemental  
14 reports by the Bureau and any other documents or testimony already provided to it in this matter  
15 as required by Business and Professions Code section 19870(a) and Title 4, CCR section 12052,  
16 subdivision (c)(2)(F)(1).

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

18 15. The Commission may deny Applicant's application based upon the Bureau report,  
19 any supplemental reports by the Bureau and any other documents or testimony already provided  
20 to it, pursuant to CCR section 12052, subdivision (c)(2)(F)(1), and Business and Professions  
21 Code sections 19857 and 19859.

22 16. The Commission may further also deny Applicant's application based upon  
23 Applicant's failure to prove to the Commission she is qualified to receive either a work permit or  
24 a key employee license, as required by Business and Profession Code section 19856(a) and Title  
25 4, CCR section 12060(i).

26 17. Therefore, as the Applicant failed to return her Notice of Defense form, did not  
27 attend the default hearing, and did not submit any information or evidence in favor of granting her  
28 Application, she did not meet her burden of demonstrating why a finding of suitability should be  
issued pursuant to Business and Professions Code section 19856(a) and Title 4, CCR section  
12060(i). The Commission further finds that pursuant to California Code of Regulations, title 4,  
section 12052, subdivision (c)(2)(F)(1), her Application is subject to denial.

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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, subsection (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 within 30 calendar days of service of the decision, or before the effective date specified in the decision, whichever is later.

(b) A request for reconsideration shall be made in writing to the Commission, copied to the Bureau, and shall 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, subsection (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**

1  
2 1. Ashley Jack's Application for Approval of Initial Tribal-State Compact Key  
3 Employee Finding of Suitability is DENIED.

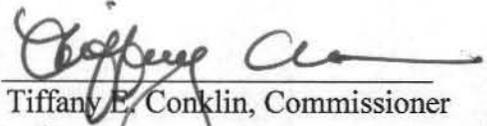
4 2. Ashley Jack may not apply to the Commission or the Bureau for any type of  
5 license, registration or work permit for one (1) year after the effective date of this Order.  
6

7 This Order is effective on August 24, 2015

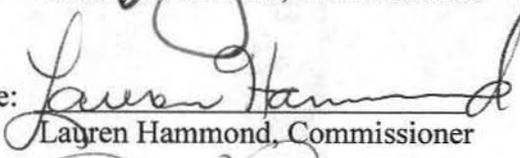
8 Dated: July 30, 2015

9 Signature:   
Jim Evans, Chairman

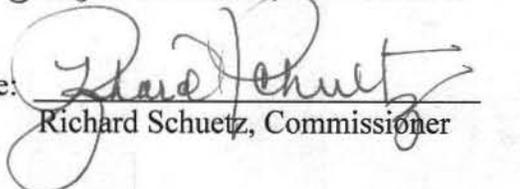
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11 Dated: July 30, 2015

12 Signature:   
Tiffany E. Conklin, Commissioner

13 Dated: July 30, 2015

14 Signature:   
Lauren Hammond, Commissioner

15 Dated: July 30, 2015

16 Signature:   
Richard Schuetz, Commissioner  
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KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



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March 27, 2015

Todd Vlaanderen  
Chief Counsel  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 100  
Sacramento, CA 95833-4231

RE: In the Matter of the Statement of Reasons Against: Ashley Jack  
CGCC Case No. CGCC-2013-1121-16C / BGC Case No. BGC-HQ2013-0010SL

Dear Mr. Vlaanderen:

The Bureau of Gambling Control requests that the Commission issue a default decision denying Ashley Jack's application for Finding of Suitability-Tribal Key Employee pursuant to California Code of Regulations, title 4, section 12052, subdivision (c)(2)(F)(1). Enclosed for consideration by the Commission are:

- A January 14, 2015 letter to Ashley Jack, with enclosed Notice of Defense form, a copy of California Code of Regulations, title 4, section 12052, and a Declaration of Service;
- February 6, 2015 – February 10, 2015, email correspondence between Legal Secretary, Paula Corral and Pam Mathauser, Administrative Hearings Coordinator, confirming Ashley Jack's current address on file with the California Gambling Control Commission; and
- A Notice of Defense has NOT been received and we have had no communications as of this date with Respondent, Ashley Jack.

RECEIVED BY  
CGCC LEGAL DIVISION  
2015 MAR 30 PM 4:15

Todd Vlaanderen  
March 27, 2015  
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If you have any questions or if you require any further information, please do not hesitate to contact me.

Sincerely,



TIMOTHY M. MUSCAT  
Deputy Attorney General

For KAMALA D. HARRIS  
Attorney General

TMM/pc  
Enclosures

cc: Ashley Jack  
Stacey Luna Baxter, Assistant Bureau Chief, Bureau  
Tina Littleton, Executive Director, Commission