

BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION

In the Matter of the Application for a Tribal
Key Employee Finding of Suitability
Regarding:

TONY GRANT CORKHILL

Respondent.

BGC Case No. BGC-HQ2017-00014SL
CGCC Case No. CGCC-2017-0828-14D1

DECISION AND ORDER

Hearing Date: January 4, 2018
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, on January 4, 2018.

Ron Diedrich (Diedrich), Deputy Attorney General, State of California, represented complainant Nathan DaValle, Acting Director of the Bureau of Gambling Control (Bureau), Department of Justice, State of California.

Bruce Corkhill represented Respondent Tony Corkhill (Corkhill).

During the evidentiary hearing, Presiding Officer Jason Pope took official notice of the Notice of Hearing, with enclosures, sent by the Commission to Corkhill and Diedrich, via certified mail, on October 12, 2017.

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

- (1) Statement of Particulars; Statement to Applicant; copies of Bus. & Prof. Code, §§ 19870 & 19871; copy of Cal. Code. Regs., tit. 4, § 12060; October 25, 2017, Certificate of Service by Certified Mail Service with delivery confirmation; and Notice of Defense, dated September 11, 2017, Bates Nos. 001-025;
- (2) California Gambling Control Commission Notices and Memorandum:
 - a. August 1, 2017 Commission's Licensing Division's Memorandum

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regarding Tony Corkhill for the August 28, 2017 meeting, Bates Nos. 026-027;

- b. August 30, 2017, letter, sans enclosure, from Adrianna Alcala-Beshara, Deputy Director, Licensing Division to Mr. Corkhill notifying him of the Commission’s referral of consideration of his application for a Finding of Suitability to an evidentiary hearing, Bates Nos. 028-029;
- c. October 12, 2017, Notice of Hearing, sans Attachments A & B, and with Proof of Service, Bates Nos. 030-033; and
- d. November 14, 2017, Conclusion of Prehearing Conference, Bates Nos. 034-039;

(3) Redacted copies of Mr. Corkhill’s initial Application for Finding of Suitability Tribal Key Employee, dated February 11, 2016; and Tribal Key Employee Supplemental Background Investigative Information, dated February 25, 2016, Bates Nos. 040-048;

(4) Redacted copies of Mr. Corkhill’s renewal Application for Finding of Suitability Tribal Key Employee, dated February 21, 2017, Bates Nos. 049-051;

(5) A redacted copy of the Bureau’s June 2017 Tribal Key Employee Background Investigation Report regarding Mr. Corkhill, Bates Nos. 052-062;

(6) Copies of September 16, 2016, October 3, 2016, and December 22, 2016, letters from Melissa Avent to Mr. Corkhill, requesting information regarding his past due accounts, Bates Nos. 063-066;

(7) Copies of March 7, 2016, September 22, 2016, October 10, 2016, and October 17, 2016 letters, the last two with redacted attachments, from Mr. Corkhill to the Bureau regarding his banking circumstances and his past due accounts, Bates Nos. 067-072;

- 1 (8) Redacted copies of the April 12, 2016, and August 10, 2016, criminal
2 history check, Bates Nos. 073-075;
- 3 (9) Redacted copy of the August 10, 2016, Equifax Credit Report, Bates Nos.
4 076-082;
- 5 (10) Federal Bankruptcy Court records regarding Mr. Corkhill's 2008, Chapter
6 7, Bankruptcy, Bates Nos. 083-093;
- 7 (11) Redacted copies of the March 3, 2016, Graton Gaming Commission's
8 eligibility determination, with attached State Gaming Agency Tribal Key
9 Employee Background Investigation Checklist, with attachment, Bates
10 Nos. 094-097; and
- 11 (12) Sonoma County Superior Court records regarding Tony Corkhill's 2011
12 and 2002 criminal convictions, Bates Nos. 098-108.

13 During the evidentiary hearing, Presiding Officer Jason Pope accepted into evidence the
14 following exhibit offered by Corkhill:

- 15 (A) Bank of America checking account summary and activity (redacted) of
16 Tony Corkhill.

17 The matter was submitted on January 4, 2018.

18 FINDINGS OF FACT

- 19 1. On or about February 25, 2016, Corkhill submitted an Application for Finding of
20 Suitability – Tribal Key Employee and Tribal Key Employee Supplemental Background
21 Investigation Information form (collectively, Application) to the Bureau to hold a key employee
22 position as a Security Supervisor at the Graton Resort & Casino (Graton Casino), which is owned
23 and operated by the Federated Indians of Graton Rancheria (Tribe) pursuant to a tribal-state
24 compact. The Tribe had issued Corkhill a tribal key employee license on or about March 3, 2015.
- 25 2. Corkhill is not a member of the Tribe.
- 26 3. On or about June 6, 2017, the Bureau submitted a Tribal Key Employee Background
27 Investigation Report to the Commission. In this report, the Bureau recommends that the
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1 Commission approve Corkhill's Application.

2 4. At its August 28, 2017 meeting, the Commission voted to refer the consideration of
3 Corkhill's Application to a Gambling Control Act evidentiary hearing.

4 5. On or about September 11, 2017, Corkhill submitted a Notice of Defense to the
5 Commission requesting an evidentiary hearing on the consideration of his Application.

6 6. On or about October 12, 2017, the Commission sent a Notice of Hearing, via certified
7 mail, to Corkhill and Diedrich.

8 7. On or about October 25, 2017, the Bureau filed a Statement of Particulars with the
9 Commission and served the Statement of Particulars on Corkhill via certified mail and on Graton
10 Casino via US mail. In its Statement of Particulars, the Bureau did not make a recommendation
11 regarding Corkhill's Application.

12 8. On or about November 13, 2017, the noticed Prehearing Conference was held before
13 Presiding Officer Jason Pope, Attorney III of the Commission. Ron Diedrich, Deputy Attorney
14 General, attended on behalf of the Bureau. Respondent Tony Corkhill did not attend the
15 Prehearing Conference. Corkhill later indicated that he had the wrong date for the prehearing
16 conference.

17 9. On or about November 14, 2017, the Commission sent a Conclusion of Prehearing
18 Conference letter to Corkhill and Diedrich.

19 10. The Commission heard CGCC Case No. CGCC-2017-0828-14D1 on January 4, 2018.
20 The Bureau was represented throughout the hearing by Deputy Attorney General Ron Diedrich.
21 Respondent Tony Corkhill appeared and was represented throughout the hearing by personal
22 representative Bruce Corkhill.

23 11. Corkhill worked for River Rock Casino from October 2002 to June 2013 as a Dual
24 Rate Security Officer. Corkhill has worked for Graton Casino since June 2013 and is currently a
25 Security Supervisor.

26 12. On or about June 25, 2002, Corkhill was convicted of violating California Penal Code
27 section 243(e)(1), spousal battery, a misdemeanor, in the case of *People of the State of California*
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1 v. *Tony Grant Corkhill* (Super. Ct. Sonoma County, 2002, Case No. MCR390313). Corkhill was
2 given credit for time served and was not placed on probation. Corkhill was ordered to complete
3 anger management classes. Corkhill completed his anger management classes and obtained
4 counseling on his own. Corkhill disclosed the conviction on his Application.

5 13. During the evidentiary hearing, Corkhill testified regarding the circumstances
6 surrounding his 2002 misdemeanor conviction for spousal battery. Corkhill testified that he got
7 into an argument with his ex-wife while picking up their son. Corkhill placed their son into a car
8 seat in the back seat of his vehicle. Corkhill's ex-wife attempted to remove their son from
9 Corkhill's vehicle, but ended up choking their son with the seatbelt in the process. Corkhill
10 pushed his ex-wife away from the vehicle to prevent the further choking of their son, and she
11 tripped over the curb. Corkhill attempted to help her get up off the ground, but she pushed him
12 away and ran inside the house. Her husband came out of the house and got into an argument with
13 Corkhill. Corkhill's ex-wife called the police. The police officer spoke with Corkhill's ex-wife
14 and she decided to press charges against Corkhill, who was arrested. Corkhill further testified that
15 he should not have engaged in the argument with his ex-wife and that he did not mean to cause
16 her any physical harm.

17 14. On or about July 15, 2011, Corkhill was convicted of violating California Vehicle
18 Code section 23152(b), driving under the influence of alcohol/.08 percent (DUI), a misdemeanor,
19 in the case of *People of the State of California v. Tony Grant Corkhill* (Super. Ct. Sonoma
20 County, 2011, Case No. SCR600507). Corkhill was sentenced to 36 months of probation and
21 ordered to pay a fine. Corkhill successfully completed probation and paid the fine in full. Corkhill
22 disclosed the conviction on his Application.

23 15. During the evidentiary hearing, Corkhill testified regarding the circumstances
24 surrounding his 2011 DUI conviction. Corkhill went to a bar to pick up some friends who had
25 been drinking. Corkhill went inside the bar intending to consume one beer; however, Corkhill
26 ended up consuming more alcohol beverages. On the way home, Corkhill was pulled over
27 because his vehicle lacked a front license plate. Although he passed the sobriety tests, he failed
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1 the breathalyzer test and was cited for driving under the influence of alcohol. Corkhill accepted
2 full responsibility for the DUI conviction and has stopped drinking alcohol since the 2011 DUI
3 conviction.

4 16. On or about October 29, 2007, Corkhill filed for Chapter 7 Bankruptcy and discharged
5 approximately \$49,514 in debt. Corkhill disclosed the bankruptcy on his Application. Subsequent
6 to discharging that debt, Corkhill amassed approximately \$1,376 in additional delinquent debt,
7 consisting of approximately \$571 owed to Portfolio and \$805 owed to Midland. This debt
8 originated from two credit cards that Corkhill obtained to start rebuilding his credit. Corkhill has
9 set up an automatic payment plan to address both delinquent debt obligations.

10 17. During the evidentiary hearing, Corkhill testified that he had forgot about his credit
11 card debt. Corkhill testified that he pays more attention to his bills now and that he no longer has
12 any credit cards.

13 18. Bruce Corkhill, Tony Corkhill's father, testified on behalf of Tony Corkhill during the
14 evidentiary hearing. Bruce Corkhill testified that he is proud of his son, and that Tony Corkhill is
15 a good father, demonstrates professionalism and stability, and deserves to receive a finding of
16 suitability from the Commission. Bruce Corkhill's testimony appeared credible and was very
17 favorable regarding Tony Corkhill's character and fitness for a finding of suitability.

18 19. Spousal battery is a serious crime and Corkhill's 2002 misdemeanor conviction for
19 spousal battery reflects poorly upon his character and integrity. Corkhill's 2011 DUI conviction
20 also reflects poorly upon his character. Corkhill's bankruptcy and subsequent delinquent debt
21 reflect a relative lack of control over his finances.

22 20. However, Corkhill's testimony regarding the circumstances surrounding his 2002
23 misdemeanor conviction for spousal battery appears credible and the spousal battery was not
24 based on any malicious action. The spousal battery appears to have been primarily caused by
25 Corkhill's attempt to protect his child from being choked by the seatbelt. Corkhill was not
26 sentenced to probation, and he completed his court ordered anger management classes and
27 obtained counseling on his own. A significant amount of time (15 years) has passed since the
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1 conviction and there was no evidence presented during the hearing that Corkhill has had any
2 subsequent criminal convictions involving violence. Corkhill also testified that he and his ex-wife
3 had a positive, professional relationship until her death in 2007. Corkhill also disclosed the
4 conviction on his Application.

5 21. Corkhill successfully completed his probation and paid the fine arising out of his 2011
6 DUI conviction. Corkhill took full responsibility for the DUI and testified that he no longer
7 consumes alcohol. There was no evidence presented during the hearing that Corkhill has ever had
8 a problem with alcohol or has had any prior or subsequent criminal convictions involving alcohol.
9 Corkhill also disclosed the conviction on his Application.

10 22. Corkhill has successfully addressed his delinquent debt obligations by setting up an
11 automatic payment plan. Corkhill has further taken control of his finances by eliminating his use
12 of credit cards.

13 23. Corkhill demonstrated honesty and candor by disclosing his criminal convictions and
14 bankruptcy on his Application and his testimony regarding the circumstances surrounding his
15 criminal convictions and bankruptcy appeared honest and credible.

16 24. There was no evidence presented during the evidentiary hearing that Corkhill has had
17 any subsequent criminal convictions.

18 25. There was no evidence presented during the evidentiary hearing that Corkhill has had
19 any employment-related issues during his approximately 15 year career in controlled gambling.

20 26. Corkhill's successful completion of anger management classes and voluntary
21 counseling, his taking full responsibility for the 2011 DUI conviction, the steps that he has taken
22 to take better control of his finances, his disclosure of the criminal convictions and bankruptcy on
23 his Application, his candid and honest testimony during the hearing, the supportive testimony by
24 his father, and his lengthy work history in controlled gambling without any employment-related
25 issues all reflect positively upon Corkhill's character, honesty, and integrity.

26 27. In light of the foregoing, Corkhill has met his burden of demonstrating that he is a
27 person of good character, honesty, and integrity.
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1 35. The Commission has the responsibility of assuring that licenses, approvals, and
2 permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose
3 operations are conducted in a manner that is inimical to the public health, safety, or welfare.
4 Business and Professions Code section 19823(a)(1).

5 36. An “unqualified person” means a person who is found to be unqualified pursuant to
6 the criteria set forth in Section 19857, and “disqualified person” means a person who is found to
7 be disqualified pursuant to the criteria set forth in Section 19859. Business and Professions Code
8 section 19823(b).

9 37. 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 38. The Commission has the power to take actions deemed to be reasonable to ensure that
13 no ineligible, unqualified, disqualified, or unsuitable persons are associated with controlled
14 gambling activities. Business and Professions Code section 19824(d).

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

17 40. At an evidentiary hearing pursuant to Business and Professions Code sections 19870
18 and 19871 and CCR section 12060(b), the burden of proof rests with the applicant to prove his or
19 her qualifications to receive any license under the Gambling Control Act. CCR section 12060(i).

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

23 42. No gambling license shall be issued unless, based on all of the information and
24 documents submitted, the commission is satisfied that the applicant is a person whose prior
25 activities, criminal record, if any, reputation, habits, and associations do not pose a threat to the
26 public interest of this state, or to the effective regulation and control of controlled gambling, or
27 create or enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in
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1 the conduct of controlled gambling or in the carrying on of the business and financial
2 arrangements incidental thereto. Business and Professions Code section 19857(b).

3 43. The commission shall deny a license to any applicant who is disqualified for licensure.
4 Business and Professions Code section 19859.

5 44. Every Gaming Employee shall obtain, and thereafter maintain current, a valid tribal
6 gaming license, and except as provided in subdivision (b), shall obtain, and thereafter maintain
7 current, a State Gaming Agency determination of suitability, which license and determination
8 shall be subject to biennial renewal. Tribal State Compact between the State of California and the
9 Federated Indians of Graton Rancheria section 6.4.3(a).

10 45. If the State Gaming Agency determines that the person would be unsuitable for
11 issuance of a license or permit for a similar level of employment in a gambling establishment
12 subject to the jurisdiction of the State, it shall notify the Tribal Gaming Agency of that
13 determination. Upon receipt of such notification, the Tribal Gaming Agency, in accordance with
14 section 6.5.1, subdivision (d), shall deny that person a tribal gaming license and shall promptly
15 revoke any tribal gaming license theretofore issued to that person. Tribal State Compact between
16 the State of California and the Federated Indians of Graton Rancheria section 6.4.3(c).

17 46. Investigation and disposition of applications for a determination of suitability shall be
18 governed entirely by State law, and the State Gaming Agency shall determine whether the
19 Applicant would be found suitable for licensure in a gambling establishment subject to the State
20 Gaming Agency's jurisdiction. Tribal State Compact between the State of California and the
21 Federated Indians of Graton Rancheria section 6.5.6(d).

22 47. Corkhill has met his burden of proving that he is a person of good character, honesty,
23 and integrity. As a result, Corkhill is qualified to receive a finding of suitability under Business
24 and Professions Code section 19857(a).

25 48. Corkhill has met his burden of proving that he is a person whose prior activities,
26 criminal record, if any, reputation, habits, and associations do not pose a threat to the public
27 interest of this state, or to the effective regulation and control of controlled gambling, or create or
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1 enhance the dangers of unsuitable, unfair, or illegal practices, methods, and activities in the
2 conduct of controlled gambling or in the carrying on of the business and financial arrangements
3 incidental thereto. As a result, Corkhill is qualified to receive a finding of suitability pursuant to
4 Business and Professions Code section 19857(b).

5 49. Corkhill has met his burden of proving that he is not disqualified from licensure
6 pursuant to Business and Professions Code section 19859.

7 ORDER

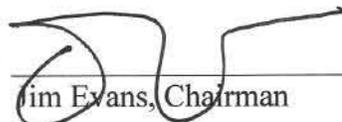
8 1. Respondent Tony Corkhill's Application for Finding of Suitability – Tribal Key
9 Employee is APPROVED.

10 2. No costs are to be awarded.

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

12 This Order is effective on January 23, 2018.

13
14 Dated: 1/23/18

14 Signature: 
Jim Evans, Chairman

15
16 Dated: 1/23/18

16 Signature: 
Paula LaBrie, Commissioner

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18 Dated: 1/23/18

18 Signature: 
Trang To, Commissioner