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**BEFORE THE
CALIFORNIA GAMBLING CONTROL COMMISSION
STATE OF CALIFORNIA**

**In the Matter of the First Amended
Accusation Against and Statement of Issues
Regarding:**

**WIZARD GAMING, INC. (GEOW-
000533), doing business as, DIAMOND
JIM'S CASINO (GEGE-000236);**

**GEORGE G. HARDIE JR. (GEOW-
003452); SIGIFREDO S. REVUELTA
(GEOW-000542); DAROLD M. SHIRWO
(GEOW-000538); MARGARITA
REVUELTA (GEOW-000543); GEORGE
T. DEITCH (GEOW-000544); and JOSEPH
ETIENNE (GEOW-003365)**

**118 20th Street West
Rosamond, CA 93560**

Respondents.

BGC Case No. BGC- HQ2017-00002AC

OAH No. _____

**FIRST AMENDED ACCUSATION AND
STATEMENT OF ISSUES**

Hearing Date: TBA

1 Complainant alleges as follows:

2 **PARTIES**

3 1. Wayne J. Quint, Jr. brought the initial Accusation in this case solely in his official
4 capacity as the Director of the California Department of Justice, Bureau of Gambling Control
5 (Bureau). Stephanie Shimazu (Complainant) brings this First Amended Accusation and
6 Statement of Issues solely in her capacity as the Bureau's Director.

7 2. Respondent Diamond Jim's Casino (Casino) is a licensed gambling establishment,
8 California State Gambling License Number GEGE-000236, which is owned and operated by
9 Respondent Wizard Gaming, Inc. (Corporation). The Casino is a 30-table card room presently
10 operating at 118 20th Street West, Rosamond, California.

11 3. Respondent George G. Hardie Jr. (Mr. Hardie), license number GEOW-003452, is
12 endorsed on the Casino's license. Respondents Sigifredo S. Revuelta (license number GEOW-
13 000542), Darold M. Shirwo (license number GEOW-000538), Margarita Revuelta (license
14 number GEOW-000543), George T. Deitch (GEOW-000544), and Joseph Etienne (GEOW-
15 003365) (collectively, Other Shareholders) are also endorsed on the Casino's license. Mr.
16 Hardie and the Other Shareholders are the shareholders of the Corporation, a licensed gambling
17 enterprise, California State Gambling License Number GEOW-000533, which does business as
18 the Casino and is endorsed on its license.

19 4. The Casino, Mr. Hardie, the Other Shareholders, and the Corporation are referred to
20 collectively as "Respondents."

21 5. The California Gambling Control Commission (Commission) issued the above-
22 described licenses to Respondents pursuant to the Gambling Control Act (Act) (Bus. & Prof.
23 Code, § 19800 et seq.). An application for renewal is pending as to each license. On September
24 21, 2017, the Commission considered the renewal applications. At that time, the Commission
25 voted to refer the renewal applications to an evidentiary hearing pursuant to California Code of
26 Regulations, title 4, section 12054, subdivision (a)(2) to be conducted as an Administrative
27 Procedures Act hearing. (Cal. Code Regs., tit. 4, § 12058.) At that time, the Commission
28 issued Interim Renewal State Gambling Licenses to Respondents.

1 **FIRST CAUSE FOR REVOCATION OR DENIAL**

2 **(Unqualified for Continued Licensure)**

3 10. Respondents' gambling licenses are subject to revocation, and their renewal
4 applications are subject to denial, pursuant to Business and Professions Code sections 19823
5 and 19857, subdivisions (a) and (b), and California Code of Regulations, title 4, section 12568,
6 subdivision (c)(3). Respondents' conduct in their dealings with the Commission and the Bureau
7 demonstrate that they are unqualified for licensure. That conduct includes, but is not limited to,
8 the following acts and omissions:

- 9 a. Respondents allowed an unlicensed person to make, or substantially participate
10 in, decisions regarding the card room's operations and policies. This conduct
11 breached Respondents' duties under the Act and made them unqualified for
12 licensing.
- 13 b. Respondents failed to disclose the participation of an unlicensed person in
14 decisions regarding the card room's operations and policies to the Bureau or the
15 Commission. This failure to disclose breached Respondents' duties under the
16 Act and made them unqualified for licensing.
- 17 c. Respondents failed to provide all documents requested by the Bureau acting on
18 behalf of the Director. On March 24, 2017, the Bureau requested documents and
19 information. At Respondents' request, the Bureau extended the time to respond.
20 In May 2017, Respondents provided documents. Respondents, however, did not
21 provide all requested documents. For example, even though the Bureau
22 requested documents sufficient to show telephone, mobile phone, cell phone, or
23 similar communications between Mr. Hardie and Respondents' agent, no
24 responsive documents were provided.
- 25 d. Respondents provided untrue or misleading information to the Bureau. On
26 March 9, 2017, Respondents' agent stated to the Commission and the Bureau
27 that "Mr. Hardie Jr. is calling me twice a week." This was untrue or misleading.
28 The documents provided in response to the Bureau's request did not include

1 records of any telephone, mobile phone, cell phone, or similar communication
2 between Respondents' agent and Mr. Hardie. On March 9, 2017, Respondents'
3 agent also stated to the Commission and the Bureau that "I get emails from [Mr.
4 Hardie] all the time, so he's very engaged in what's going on." The documents
5 provided in response to the Bureau's request included only one email from Mr.
6 Hardie's executive assistant to the agent in 2017, and did not include any emails
7 directly from Mr. Hardie to the agent.

8 **SECOND CAUSE FOR REVOCATION OR DENIAL**

9 **(Disqualified for Failure to Reveal Material Information to the Bureau)**

10 11. Respondents' gambling licenses are subject to revocation, and their renewal
11 applications are subject to denial, pursuant to Business and Professions Code sections 19823,
12 19857, subdivisions (a) and (b), and 19859, subdivisions (a) and (b), and California Code of
13 Regulations, title 4, section 12568, subdivisions (c)(3) and (c)(4). Respondents breached their
14 duty of full and true disclosure to the Commission and the Bureau. Respondents allowed an
15 unlicensed person to make, or substantially participate in, decisions regarding the card room's
16 operations and policies. Respondents failed to disclose this participation to the Bureau and the
17 Commission. This was a fact material to Respondents' qualification for licensure.

18 **THIRD CAUSE FOR REVOCATION OR DENIAL**

19 **(Disqualified for Providing Untrue or Misleading Material Information)**

20 12. Respondents' gambling licenses are subject to revocation, and their renewal
21 applications are subject to denial, pursuant to Business and Professions Code sections 19823,
22 19857, subdivisions (a) and (b), and 19859, subdivisions (a) and (b), and California Code of
23 Regulations, title 4, section 12568, subdivisions (c)(3) and (4). Respondents breached their
24 duty of full and true disclosure to the Commission and the Bureau. Respondents provided
25 untrue or misleading information to the Bureau as to a material fact pertaining to the
26 qualification criteria. On March 9, 2017, Respondents' agent stated to the Commission and the
27 Bureau that "Mr. Hardie Jr. is calling me twice a week." This was untrue or misleading. The
28 documents provided in response to the Bureau's request did not include records of any

1 telephone, mobile phone, cell phone, or similar communication between Respondents' agent
2 and Mr. Hardie. On March 9, 2017, Respondents' agent also stated to the Commission and the
3 Bureau that "I get emails from [Mr. Hardie] all the time, so he's very engaged in what's going
4 on." This was untrue or misleading. The documents provided in response to the Bureau's
5 request included only one email from Mr. Hardie's executive assistant to the agent in 2017 and
6 did not include any emails directly from Mr. Hardie to the agent.

7 **FOURTH CAUSE FOR REVOCATION OR DENIAL**

8 **(Disqualified for Failure to Provide Requested Documents and Information)**

9 13. Respondents' gambling licenses are subject to revocation, and their renewal
10 applications are subject to denial, pursuant to Business and Professions Code sections 19823,
11 19857, subdivisions (a) and (b), and 19859, subdivisions (a) and (b), and California Code of
12 Regulations, title 4, section 12568, subdivisions (c)(3) and (c)(4). Respondents failed to
13 provide all documents requested by the Bureau acting on behalf of the Director. On March 24,
14 2017, the Bureau requested documents and information. At Respondents' request, the Bureau
15 extended the time to respond. In May 2017, Respondents provided documents. Respondents,
16 however, did not provide all requested documents. For example, even though the Bureau
17 requested documents sufficient to show telephone, mobile phone, cell phone, or similar
18 communications between Mr. Hardie and Respondents' agent, no responsive documents were
19 provided.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein
22 alleged, and that following the hearing, the Commission issue a decision:

- 23 1. Revoking, or denying the application to renew, California State Gambling License
24 Number GEGE-000236, issued to Respondent Diamond Jim's Casino;
- 25 2. Revoking, or denying the application to renew, California State Gambling License
26 Number GEOW-000533, issued to Respondent Wizard Gaming, Inc.;
- 27 3. Revoking, or denying the application to renew, California State Gambling License
28 Number GEOW-003452, issued to Respondent George G. Hardie Jr.;

1 4. Revoking, or denying the application to renew, California State Gambling License
2 Number GEOW-000542, issued to Respondent Sigifredo S. Revuelta;

3 5. Revoking, or denying the application to renew, California State Gambling License
4 Number GEOW-000538, issued to Respondent Darold M. Shirwo;

5 6. Revoking, or denying the application to renew, California State Gambling License
6 Number GEOW-000543, issued to Respondent Margarita Revuelta;

7 7. Revoking, or denying the application to renew, California State Gambling License
8 Number GEOW-000544, issued to Respondent George T. Deitch;


9 8. Revoking, or denying the application to renew, California State Gambling License
10 Number GEOW-003365, issued to Respondent Joseph Etienne;

11 9. Imposing fines or monetary penalties against Respondents, jointly and severally,
12 according to proof and to the maximum extent allowed by law;

13 10. Awarding Complainant the costs of investigation and costs of bringing this First
14 Amended Accusation and Statement of Issues before the Commission, pursuant to Business and
15 Professions Code section 19930, subdivisions (d) and (f), in a sum according to proof; and

16 11. Taking such other and further action as the Commission may deem appropriate.

17
18 Dated: March 15, 2019


STEPHANIE SHIMAZU, Director
Bureau of Gambling Control
California Department of Justice

1 (d) Take actions deemed to be reasonable to ensure that no ineligible,
2 unqualified, disqualified, or unsuitable persons are associated with
3 controlled gambling activities.

4 4. Business and Professions Code, section 19825, provides:

5 The commission may require that any matter that the commission is
6 authorized or required to consider in a hearing or meeting of an
7 adjudicative nature regarding the denial, suspension, or revocation of a
8 license, permit, or finding of suitability, be heard and determined in
9 accordance with Chapter 5 (commencing with Section 11500) of Part 1 of
10 Division 3 or Title 2 of the Government Code.

11 5. Business and Professions Code section 19826 provides, in part:

12 The department^[2] . . . shall have all of the following responsibilities:

13 (a) To receive and process applications for any license, permit, or
14 other approval The department shall investigate the qualifications for
15 applicants before any license, permit, or other approval is issued The
16 department may recommend the denial or the limitation, conditioning, or
17 restriction of any license, permit, or other approval.

18 * * *

19 (c) To investigate suspected violations of this chapter or laws of this
20 state relating to gambling

21 * * *

22 (e) To initiate, where appropriate, disciplinary actions as provided in
23 this chapter. In connection with any disciplinary action, the department
24 may seek restriction, limitation, suspension, or revocation of any license or
25 approval, or the imposition of any fine upon any person licensed or
26 approved.

27 6. California Code of Regulations, title 4, section 12058 provides, in part:

28 (a) When the Commission elects to hold an APA hearing the
Commission shall determine whether the APA hearing will be held before
an Administrative Law Judge sitting on behalf of the Commission or
before the Commission itself with an Administrative Law Judge presiding
in accordance with Government Code section 11512. Notice of the APA
hearing will be provided to the applicant pursuant to Government Code
section 11500 et seq.

² “Department” refers to the Department of Justice. (Bus. & Prof. Code, § 19805, subd.
(h).)

1 (b) The burden of proof is on the applicant to prove his, her, or its
2 qualifications to receive any license or other approval under the Act.

3 7. California Code of Regulations, title 4, section 12554 provides, in part:

4 (a) Upon the filing with the Commission of an accusation by the
5 Bureau recommending revocation, suspension, or other discipline of a
6 holder of a license, registration, permit, finding of suitability, or approval,
7 the Commission shall proceed under Chapter 5 (commencing with section
8 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

9 * * *

10 (c) The Administrative Law Judge and Commission shall base their
11 decisions on written findings of fact, including findings concerning any
12 relevant aggravating or mitigating factors. Findings of fact shall be based
13 upon a preponderance of the evidence standard. The “preponderance of
14 the evidence standard” is such evidence as when considered and compared
15 with that opposed to it, has more convincing force, and produces a belief in
16 the mind of the fact-finder that what is sought to be proved is more likely
17 true than not true.

18 (d) Upon a finding of a violation of the Act, any regulations adopted
19 pursuant thereto, any law related to gambling or gambling establishments,
20 violation of a previously imposed disciplinary or license condition, or laws
21 whose violation is materially related to suitability for a license,
22 registration, permit, or approval, the Commission may do any one or more
23 of the following:

24 (1) Revoke the license, registration, permit, finding of suitability,
25 or approval;

26 (2) Suspend the license, registration, or permit;

27 * * *

28 (5) Impose any fine or monetary penalty consistent with
Business and Professions Code sections 19930, subdivision (c), and
19943, subdivision (b)

Cost Recovery Provisions

8. Business and Professions Code section 19930 provides, in part:

(b) If, after any investigation, the department is satisfied that a license,
permit, finding of suitability, or approval should be suspended or revoked, it
shall file an accusation with the commission in accordance with Chapter 5

1 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the
2 Government Code.

3 * * *

4 (d) In any case in which the administrative law judge recommends that
5 the commission revoke, suspend, or deny a license, the administrative law
6 judge may, upon presentation of suitable proof, order the licensee or
7 applicant for a license to pay the department the reasonable costs of the
8 investigation and prosecution of the case.

9 (1) The costs assessed pursuant to this subdivision shall be fixed
10 by the administrative law judge and may not be increased by the
11 commission. When the commission does not adopt a proposed decision
12 and remands the case to the administrative law judge, the administrative
13 law judge may not increase the amount of any costs assessed in the
14 proposed decision.

15 (2) The department may enforce the order for payment in the
16 superior court in the county in which the administrative hearing was
17 held. The right of enforcement shall be in addition to any other rights
18 that the division may have as to any licensee to pay costs.

19 (3) In any judicial action for the recovery of costs, proof of the
20 commission's decision shall be conclusive proof of the validity of the
21 order of payment and the terms for payment.

22 * * *

23 (f) For purposes of this section, "costs" include costs incurred for any
24 of the following:

25 (1) The investigation of the case by the department.

26 (2) The preparation and prosecution of the case by the Office of
27 the Attorney General.

28 **Specific Statutory and Regulatory Provisions**

9. Business and Professions Code, section 19801 provides, in part:

(h) Public trust and confidence can only be maintained by strict
comprehensive regulation of all persons, locations, practices,
associations, and activities related to the operation of lawful gambling
establishments and the manufacture and distribution of permissible
gambling equipment.

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(i) All gambling operations, all persons having a significant involvement in gambling operations, all establishments where gambling is conducted, and all manufacturers, sellers, and distributors of gambling equipment must be licensed and regulated to protect the public health, safety, and general welfare of the residents of this state as an exercise of the police powers of the state.

* * *

(k) In order to effectuate state policy as declared herein, it is necessary that gambling establishments, activities, and equipment be licensed, that persons participating in those activities be licensed or registered, that certain transactions, events, and processes involving gambling establishments and owners of gambling establishments be subject to prior approval or permission, that unsuitable persons not be permitted to associate with gambling activities or gambling establishments Any license or permit issued, or other approval granted pursuant to this chapter, is declared to be a revocable privilege, and no holder acquires any vested right therein or thereunder.

10. Business and Professions Code section 19850 provides, in part:

Every person . . . who receives, directly or indirectly, any compensation or reward, or any percentage or share of the money or property played, for keeping, running, or carrying on any controlled game in this state, shall apply for and obtain from the commission, and shall thereafter maintain, a valid state gambling license, key employee license, or work permit In any criminal prosecution for violation of this section, the punishment shall be as provided in Section 337j of the Penal Code.

11. Business and Professions Code section 19852 provides, in part:

[A]n owner of a gambling enterprise that is not a natural person shall not be eligible for a state gambling license unless each of the following persons individually applies for an obtains a state gambling license:

* * *

(i) Every employee, agent, guardian, personal representative, lender, or holder of indebtedness of the owner who, in the judgment of the commission, has the power to exercise significant influence over the gambling operation.

1 12. Business and Professions Code section 19854, subdivision (a), provides:
2 Every key employee³ shall apply for and obtain a key employee license.

3 13. Business and Professions Code section 19855 provides, in part:
4 [E]very person who, by statute or regulation, is required to hold a state
5 license shall obtain the license prior to engaging in the activity or
6 occupying the position with respect to which the license is required.

6 14. Business and Professions Code section 19856 provides, in part:

7 (a) Any person who the commission determines is qualified to
8 receive a state license, having due consideration for the proper
9 protection of the health, safety, and general welfare of the residents of
10 the State of California and the declared policy of this state, may be
11 issued a license. The burden of proving his or her qualifications to
12 receive any license is on the applicant.

11 (b) An application to receive a license constitutes a request for a
12 determination of the applicant's general character, integrity, and ability
13 to participate in, engage in, or be associated with, controlled gambling.

13 (c) In reviewing an application for any license, the commission
14 shall consider whether issuance of the license is inimical to public
15 health, safety, or welfare, and whether issuance of the license will
16 undermine public trust that the gambling operations with respect to
17 which the license would be issued are free from criminal and dishonest
18 elements and would be conducted honestly.

17 15. Business and Professions Code section 19857 provides:

18 No gambling license shall be issued unless, based on all the
19 information and documents submitted, the commission is satisfied that
20 the applicant is all of the following:

20 (a) A person of good character, honesty and integrity.

21 (b) A person whose prior activities, criminal record, if any,
22 reputation, habits, and associations do not pose a threat to the public
23 interest of this state, or to the effective regulation and control of
24 controlled gambling, or create or enhance the dangers of unsuitable,
25 unfair, or illegal practices, methods, and activities in the conduct of
26 controlled gambling or in the carrying on of the business and financial
27 arrangements incidental thereto.

26 _____
27 ³ A key employee is any natural person employed in the operation of a gambling
28 enterprise in a supervisory capacity or empowered to make discretionary decisions that regulate
gambling operations. (Bus. & Prof. Code, § 19805(x).)

1 (c) A person that is in all other respects qualified to be licensed as
2 provided in this chapter.

3 16. Business and Professions Code section 19859 provides, in part:

4 The commission shall deny a license to any applicant who is
5 disqualified for any of the following reasons:

6 (a) Failure of the applicant to clearly establish eligibility and
7 qualification in accordance with this chapter.

8 (b) Failure of the applicant to provide information,
9 documentation, and assurances required by the Chief, or failure of
10 the applicant to reveal any fact material to qualification, or the
11 supplying of information that is untrue or misleading as to a material
12 fact pertaining to the qualification criteria.

13 17. Business and Professions Code section 19866 provides:

14 An applicant for licensing or for any approval or consent required
15 by this chapter, shall make full and true disclosure of all information
16 to the department and the commission as necessary to carry out the
17 policies of this state relating to licensing, registration, and control of
18 gambling.

19 18. Business and Professions Code section 19920 provides:

20 It is the policy of the State of California to require that all
21 establishments wherein controlled gambling is conducted in this state
22 be operated in a manner suitable to protect the public health, safety,
23 and general welfare of the residents of the state. The responsibility for
24 the employment and maintenance of suitable methods of operation
25 rests with the owner licensee, and willful or persistent use or toleration
26 of methods of operation deemed unsuitable by the commission or by
27 local government shall constitute grounds for license revocation or
28 other disciplinary action.

19 19. Business and Professions Code section 19922 provides:

20 No owner licensee shall operate a gambling enterprise in violation
21 of any provision of this chapter or any regulation adopted pursuant to
22 this chapter.

23 20. California Code of Regulations, title 4, section 12568, subdivision (c), provides, in
24 part:

25 A state gambling license, finding of suitability, or approval granted
26 by the Commission . . . and an owner license for a gambling
27 establishment if the owner licensee has committed a separate violation
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from any violations committed by the gambling establishment shall be subject to revocation by the Commission on any of the following grounds:

* * *

(3) If the Commission finds the holder no longer meets any criterion for eligibility, qualification, suitability or continued operation, including those set forth in Business and Professions Code section 19857, 19858, or 19880, as applicable, or

(4) If the Commission finds the holder currently meets any of the criteria for mandatory denial of an application set forth in Business and Professions Code sections 19859 or 19860.