

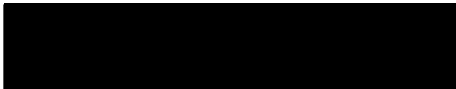
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BEFORE THE  
CALIFORNIA GAMBLING CONTROL COMMISSION

CGCC Case No. CGCC-2013-0321-1

In the Matter of the Application for a Key  
Employee License Regarding:

CRAIG TERUO OGASAWARA, aka:  
CRAIG TURVO OGASAWARA and  
CRAIG OGASAWARA

  
Applicant.

**DECISION AND ORDER**

Hearing Date: September 17, 2013  
Time: 10:00 am

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, in Sacramento, California, on September 17, 2013.

Ronald L. Diedrich, 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.

Elijah Zuniga of Elijah Zuniga Consulting, Inc. represented applicant Craig Ogasawara.

The matter was submitted on September 17, 2013.

**FACTUAL FINDINGS**

1. On or about July 12, 2011, Mr. Ogasawara submitted an Application for Gambling Establishment Key Employee License (Application) with the Commission for a key employee portable personal license. The Application requires the applicant to disclose criminal and litigation history, financial history, and other detailed information.

2. On March 21, 2013, at a meeting held pursuant to CCR subsection 12050(a), the Commission referred the issue of Mr. Ogasawara's suitability for licensure to an administrative hearing.

3. On or about April 2, 2013, the Executive Director of the Commission set the matter

1 for an administrative hearing to be conducted pursuant to Business and Professions Code Sections  
2 19870 and 19871 and CCR Section 12050(b)(2).

3 4. On June 3, 2013, the Bureau filed and served a Statement of Particulars on Mr.  
4 Ogasawara recommending the approval of his Application and the issuance of a key employee  
5 portable personal license.

6 5. On June 20, 2013, the Commission served a Notice of Hearing and Prehearing  
7 Conference, which included Mr. Ogasawara's Application and the Bureau's Background  
8 Investigation Report, in Case No. CGCC-2013-0321-1, on Mr. Ogasawara, his representative  
9 Elijah Zuniga, and Deputy Attorney General Ronald Diedrich.

10 6. On August 13, 2013, a prehearing conference was held before Presiding Officer Jason  
11 Pope, Staff Counsel III of the Commission.

12 7. The Commission heard Case No. CGCC-2013-0321-1 on September 17, 2013. On  
13 September 17, 2013, the matter was submitted for Commission consideration. The following  
14 factual findings are based on the documentary and testimonial evidence received during the  
15 administrative hearing.

16 8. On or about September 29, 1995, Mr. Ogasawara was convicted in the State of Nevada  
17 of violating Douglas County Code 9.454.351, possession of a drug which may not be introduced  
18 into interstate commerce, a misdemeanor, in the case of State of Nevada v. Craig Ogasawara  
19 (Justice Ct., Tahoe Township, Douglas County, 1995, Case No. 95-0745). Mr. Ogasawara was in  
20 possession of marijuana.

21 9. On or about September 4, 2001, Mr. Ogasawara was convicted of violating California  
22 Penal Code Sections 273.6(a), violation of a protective order, a misdemeanor; 415(1), fighting or  
23 challenging to fight in a public place, a misdemeanor; and 243(e), battery, a misdemeanor, in the  
24 case of People of the State of California v. Craig Teruo Ogasawara (Super. Ct. Santa Clara  
25 County, 2001, Case No. CC057502). These misdemeanor convictions arose out of a custody  
26 dispute with the mother of Mr. Ogasawara's son and his concern for his son's welfare.

27 10. On or about September 22, 2005, Mr. Ogasawara was convicted of violating  
28

1 California Vehicle Code Section 40508(a), failure to appear, a misdemeanor, in the case of People  
2 of the State of California v. Craig Ogasawara (Super. Ct. Santa Clara County, 2005, Case No.  
3 H3007161). This misdemeanor conviction resulted from Mr. Ogasawara's failure to appear on  
4 time in Santa Clara County Traffic Court on citations for speeding (California Vehicle Code  
5 Section 40508(A)) and disobeying traffic lane signs (California Vehicle Code Section 21655.5).  
6 The traffic citations were dismissed upon Mr. Ogasawara's plea of guilty for failure to appear.

7 11. Mr. Ogasawara did not appear to be evasive or dishonest during his testimony.

8 12. Mr. Ogasawara's conduct leading to his misdemeanor convictions reflected very poor  
9 judgment. However, there was no evidence provided that Mr. Ogasawara has a history of  
10 repeating violations of the same or similar criminal offenses.

11 13. Mr. Ogasawara had been employed in various capacities in the licensed gambling  
12 industry in the State of California and State of Nevada since approximately August 2000. There  
13 is no history of employment problems from August 2000 to the present time.

14 14. There was no evidence provided that Mr. Ogasawara has violated any of the  
15 provisions of the Gambling Control Act or CCR, Title 4, Division 18 and Title 11, Division 3.

#### 16 LEGAL CONCLUSIONS

17 1. 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 2. 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 3. 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 4. The Commission has the responsibility of assuring that licenses, approvals, and  
28

1 permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose  
2 operations are conducted in a manner that is inimical to the public health, safety, or welfare.  
3 Business and Professions Code Section 19823(a)(1).

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

7 6. The Commission has the power to deny any application for a license, permit, or  
8 approval for any cause deemed reasonable by the Commission. Business and Professions Code  
9 Section 19824(b).

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

19 8. As set forth in the Factual Findings, Mr. Ogasawara has multiple misdemeanor  
20 convictions, none of which involve dishonesty or moral turpitude.

21 9. These convictions, which occurred approximately eight, twelve, and eighteen years  
22 ago and do not involve any repeat violations of the same or similar offenses, are insufficient alone  
23 to demonstrate that Mr. Ogasawara lacks good character, honesty and integrity. These  
24 convictions alone are also insufficient to demonstrate that Mr. Ogasawara poses a threat to the  
25 public interest of this state or to the effective regulation and control of controlled gambling.

26 10. There is no evidence of any history of employment problems in the approximately  
27 thirteen years that Mr. Ogasawara has worked in the controlled gambling industry. There was no  
28

1 evidence provided that Mr. Ogasawara has violated any of the provisions of the Gambling  
2 Control Act or CCR, Title 4, Division 18 and Title 11, Division 3. These facts reflect positively  
3 on Mr. Ogasawara's character.

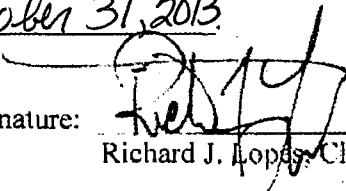
4 11. As a result, Mr. Ogasawara has met his burden of proving that he is qualified to  
5 receive a key employee portable personal license pursuant to Business and Professions Code  
6 Sections 19856 and 19857.

7 ORDER

- 8 1. Craig Ogasawara's July 12, 2011 application for a key employee portable personal  
9 license is GRANTED.  
10 2. No costs are to be awarded.  
11 3. Each side to pay its own attorneys' fees.

12 This Order is effective on October 31, 2013.

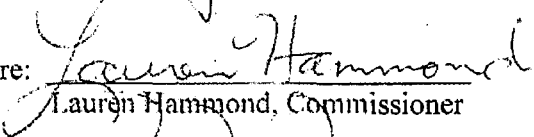
13  
14 Dated: 10/1/2013

13  
14 Signature:   
Richard J. Lopez, Chairman

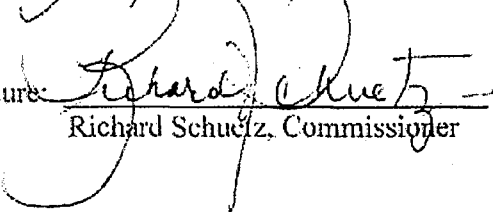
15  
16 Dated: 10/1/2013

15  
16 Signature:   
Tiffany E. Conklin, Commissioner

17  
18 Dated: 9-30-2013

17  
18 Signature:   
Lauren Hammond, Commissioner

19  
20 Dated: Sept. 30, 2013

19  
20 Signature:   
Richard Schuetz, Commissioner