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9
 10 **BEFORE THE**
 11 **CALIFORNIA GAMBLING CONTROL COMMISSION**
 12 **STATE OF CALIFORNIA**

13 In the Matter of the Application for a Finding of
 14 Suitability for Gaming Resource Supplier for:

Case No. CGCC-2023-0518-12

15 **THOMAS HUNTER HUNSTOCK (GVPO-**
002336), Chief Executive Officer, President,
 16 **Secretary, Treasurer, Shareholder; and**
 17 **KATHY DENISE DE LEON (GVPO-**
0002335), Administrative Specialist,
 18 **Shareholder, TONY DE LEON &**
ASSOCIATES, INC., dba PLAYERSOFT
 19 **TECHNOLOGIES (GVPR-000002),**

STATEMENT OF REASONS

Hearing Date: December 6, 2024
 Hearing Time: 9:00 a.m.
 Hearing Place: 2399 Gateway Oaks, Ste. 100
 Sacramento, CA 95833

This hearing will be conducted by means of
 video conferencing on Zoom. The Zoom
 meeting code is 285 757 8614

20 Respondent.

21 Yolanda Morrow, Complainant herein, alleges as follows:

22 **PARTIES AND BACKGROUND**

- 23 1. Yolanda Morrow (Complainant) brings this Statement of Reasons solely in her
 24 official capacity as the Director of the California Department of Justice, Bureau of Gambling
 25 Control (Bureau).
 26 2. On or about November 23, 2020, the Bureau received a renewal Application for
 27 Finding of Suitability, Gaming Resource Supplier/Financial Sources Provider (Vendor) from
 28 Anthony de Leon, President of Respondent Tony de Leon & Associates, Inc., dba Playersoft

1 Technologies (GVPR-000002).¹ This Application sought continued licensure as a Gaming
2 Resource Supplier vendor providing software sales to casino marketing departments.

3 3. On or about March 19, 2021, the Bureau sent a letter notifying the California
4 Gambling Control Commission (Commission) that Anthony de Leon, sole owner of the company,
5 passed away. The letter also stated that, prior to his passing, Mr. de Leon transferred ownership
6 of the company to his wife, Kathy Denise de Leon (Respondent de Leon) and Thomas Hunter
7 Hunstock (Respondent Hunstock). On March 25, 2021, the Commission granted a 180-day
8 extension of the vendor's finding of suitability to September 30, 2021. The Bureau requested
9 initial applications and supplemental information forms from Respondent de Le Leon and
10 Respondent Hunstock.

11 **THE APPLICATIONS AND THIS PROCEEDING**

12 4. On or about July 12, 2021, the Bureau received an initial Application for Finding of
13 Suitability, Gaming Resource Suppliers/Financial Sources Provider (Vendor) from Respondent
14 Hunstock, as a principal of Tony de Leon & Associates, Inc., dba Playersoft Technologies
15 (GVPR-002335). This Application sought licensure as a principal or owner of a Gaming
16 Resource Supplier providing software sales to casino marketing departments.

17 5. On or about June 25, 2021, the Bureau received an initial Application for Finding of
18 Suitability, Gaming Resources Supplier/Financial Source Provider (Vendor) from Respondent de
19 Leon (GVPO-0002335) as a principal of Tony de Leon & Associates, Inc., dba Playersoft
20 Technologies. This Application sought licensure as a principal or owner of a Gaming Resource
21 Supplier providing software sales to casino marketing departments.

22 6. On or about September 23, 2021, pursuant to California Code of Regulations, title 4,
23 section 12054, subdivision (a)(4), the Commission referred consideration of Respondent Tony de
24 Leon & Associates, Inc., dba Playersoft Technologies' application to an evidentiary hearing to be
25 conducted pursuant to Business and Professions Code sections 19856, 19857, 19859 and
26 California Code of Regulations, title 4, section 12060, and provided Respondent Playersoft with

27 _____
28 ¹ Tony de Leon & Associates, Inc., dba Playersoft Technologies, is also referred to herein
as "Respondent Playersoft" or "the company."

1 required notice thereof. The Commission issued an interim license valid until March 31, 2023.
2 On September 29, 2021, Respondent Hunstock executed a Notice of Defense on behalf of
3 Respondent Playersoft which was timely received by the Commission.

4 7. On or about January 17, 2023, the Bureau received a renewal Application for Finding
5 of Suitability, Gaming Resources Supplier/Financial Sources Provider (Vendor) from Respondent
6 Playersoft.

7 8. At the time that Respondent de Leon and Respondent Hunstock submitted their
8 Applications, Respondent Playersoft held gaming licenses as a Gaming Resource Supplier from
9 the Agua Caliente Gaming Commission, Cabazon Gaming Commission, Cahuilla Tribal Gaming
10 Agency, Colusa Indian Gaming Commission, Graton Gaming Commission, Jamul Gaming
11 Commission, Morongo Gaming Agency, San Manuel Tribal Gaming Commission, Santa Rosa
12 Rancheria Gaming Commission, Shingle Springs Gaming Commission, Soboba Tribal Gaming
13 Commission, Sycuan Gaming Commission, Table Mountain Tribal Gaming Commission, and the
14 United Auburn Indian Community Tribal Gaming Commission.²

15 9. During its background investigation of Respondent de Leon, the Bureau learned that
16 Respondent had failed to disclose a felony conviction from 1983.

17 10. On March 13, 2023, Bureau Director Yolanda Morrow and then Assistant Bureau
18 Director Lisa Wardall met via telephone with Respondent de Leon and her Designated Agent and
19 informed them generally of the Bureau's recommendation to deny the Respondent de Leon's
20 application.

21 11. On March 17, 2023, the Bureau completed its background investigation in connection
22 with Respondent de Leon's Application and issued its Tribal Vendor – Principal Background
23 Investigation Report Level III recommending that Respondent de Leon's Application be denied.

24 ² Tribal-State Gaming Compacts in California require that any Gaming Resource Supplier
25 who directly or indirectly provides at least twenty-five thousand dollars (\$25,000) in Gaming
26 Resources in any 12-month period (*see, e.g.*, Tribal-State Compact Between State of California
27 and the Agua Caliente Band of Cahuilla Indians, § 2.16) shall be licensed by the Tribal Gaming
28 Agency prior to providing such services (*see id., e.g.*, § 6.4.4). In addition to this requirement,
Gaming Resource Suppliers shall apply to the State Gaming Agency for a determination of
suitability for licensure. (*Ibid.*) The State Gaming Agency consists of the California Gambling
Control Commission and the Bureau of Gambling Control of the California Department of
Justice, which are entities of the State of California.

1 12. On May 18, 2023, pursuant to California Code of Regulations, title 4, section 12054,
2 subdivision (a)(4), the Commission referred consideration of the Respondents' applications to an
3 evidentiary hearing to be conducted pursuant to Business and Professions Code sections 19856,
4 19857, 19859 and California Code of Regulations, title 4, section 12060,³ and provided
5 Respondents with required notice thereof. This evidentiary hearing will be consolidated with the
6 pending hearing for Respondent Playersoft.

7 13. On June 26, 2023, Respondent Hunstock executed a Notice of Defense, which was
8 timely received by the Commission.

9 14. On June 27, 2023, Respondent de Leon executed a Notice of Defense, which was
10 timely received by the Commission. On October 19, 2023, Respondent de Leon executed an
11 amended Notice of Defense identifying a new Designated Agent, which was timely received by
12 the Commission.

BURDEN OF PROOF

13
14 15. Respondents have the burden of proving that they are suitable to receive a license to
15 be a Gaming Resource Supplier. (Bus. & Prof. Code, § 19856, subd. (a).)

FIRST CAUSE FOR DENIAL OF APPLICATION

(Felony Conviction – Unsuitable for Licensure)

16
17
18 16. Respondent de Leon's Application is subject to mandatory or discretionary denial on
19 the ground that Respondent de Leon is unsuitable for licensure because her prior conduct
20 indicates that she is not a person of good character, honesty, and integrity within the meaning of
21 the Gambling Control Act, and that her prior activities pose a threat to the public interest of this
22 state, or to the effective regulation and control of controlled gambling.

23 17. Respondent de Leon's Application is subject to mandatory denial on the basis that she
24 was convicted of violating Penal Code 32, accessory after the fact, a felony, on April 29, 1983.
25 (Los Angeles County Sup. Ct. Case No A026472.) Respondent de Leon's felony conviction
26 makes her ineligible for licensure under the Gambling Control Act.

27 _____
28 ³ The statutes and regulations applicable to this Statement of Reasons are quoted in
pertinent part in Appendix A.

1 (Bus. & Prof. Code, §§ 19856, 19857 [discretionary denial], 19859, subd. (c) [mandatory denial].)

2 **SECOND CAUSE FOR DENIAL OF APPLICATION**

3 **(Disqualified and Unqualified – Failure to Disclose)**

4 18. Respondent de Leon’s Application is subject to mandatory or discretionary denial
5 because Respondent de Leon, under penalty of perjury, failed to disclose her 1983 felony
6 conviction. Specifically, Respondent De Leon failed to disclose that she was convicted of Penal
7 Code section 32, accessory after the fact, on April 29, 1983. By not disclosing this information,
8 Respondent de Leon failed to disclose required information that is material to her application.

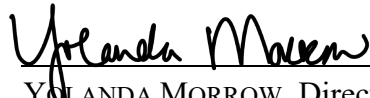
9 (Bus. & Prof. Code, §§ 19856, 19857 [discretionary denial], 19859, subds. (a) & (b) [mandatory
10 denial].)

11 **PRAYER**

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

- 14 1. Denying Respondent de Leon’s Application; and
15 2. Taking such other and further action as the Commission may deem appropriate.

16
17 Dated: November 1, 2024



18 YOLANDA MORROW, Director
19 Bureau of Gambling Control
20 Department of Justice
21 State of California
22 Complainant

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APPENDIX A

BUSINESS AND PROFESSIONS CODE

1. Business and Professions Code section 19811, subdivision (b), provides:

Jurisdiction, including jurisdiction over operation and concentration, and supervision over gambling establishments in this state and over all persons or things having to do with the operation of gambling establishments is vested in the commission.

2. Business and Professions Code section 19823 provides:

(a) The responsibilities of the commission include, without limitation, all of the following:

(1) Assuring that licenses, approvals, and permits are not issued to, or held by, unqualified or disqualified persons, or by persons are conducted in a manner that is inimical to the public health, safety, or welfare.

(2) Assuring that there is no material involvement, directly or indirectly, with a licensed gambling operation, or the ownership or management thereof, 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.

(b) For the purposes of this section, “unqualified person” means a person who is found to be unqualified pursuant to the criteria set forth in Section 19857, and “disqualified person” means a person who is found to be disqualified pursuant to the criteria set forth in Section 19859.

3. Business and Professions Code section 19824 provides, in part:

The commission shall have all powers necessary and proper to enable it fully and effectually to carry out the policies and purposes of this chapter,^[4] including, without limitation, the power to do all of the following:

* * *

(b) For any cause deemed reasonable by the commission, deny any application for a license, permit, or approval provided for in this chapter or regulations adopted pursuant to this chapter, limit, condition, or restrict any license, permit, or approval, or impose any fine upon any person licensed or approved. The commission may

⁴ “Chapter” refers to Business and Professions Code, division 8, chapter 5, (commencing with section 19800), also known as the Gambling Control Act.

1 condition, restrict, discipline, or take action against the license of an
2 individual owner endorsed on the license certificate of the gambling
3 enterprise whether or not the commission takes action against the
4 license of the gambling enterprise.

5 * * *

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

9 4. Business and Professions Code section 19856 provides:

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

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

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

26 5. Business and Professions Code section 19857 provides:

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

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

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

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

1 6. Business and Professions Code section 19859 provides, in part:

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

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

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

11 (c)(1) Except as provided in paragraph (2), conviction of a felony,
12 including a conviction by a federal court or a court in another state for
13 a crime that would constitute a felony if committed in California.

14 (2) A conviction of a felony for the possession of cannabis, the
15 facts of which would not constitute a felony or misdemeanor under
16 California law on the date the application for a license is submitted,
17 shall not constitute a basis to deny a license pursuant to this section.

18 (d) Conviction of the applicant for any misdemeanor involving
19 moral turpitude within the 10-year period immediately preceding the
20 submission of the application, unless the applicant has been granted
21 relief pursuant to Section 1203.4 of the Penal Code, provided,
22 however, that the granting of relief pursuant to Section 1203.4 of
23 the Penal Code shall not constitute a limitation on the discretion of the
24 commission under Section 19856 or effect the applicant's burden
25 under Section 19857.

26 7. Business and Professions Code section 19866 provides:

27 An applicant for licensing or for any approval or consent required
28 by this chapter, shall make full and true disclosure of all information
29 to the department and the commission as necessary to carry out the
30 policies of this state relating to licensing, registration, and control of
31 gambling.

32 8. Business and Professions Code section 19870 provides:

33 (a) The commission, after considering the recommendation of the
34 chief^{5]} and any other testimony and written comments as may be
35 presented at the meeting, or as may have been submitted in writing to
36 the commission prior to the meeting, may either deny the application
37 or grant a license to an applicant who it determines to be qualified to
38 hold the license, or refer the application to an evidentiary hearing.

39 (b) When the commission grants an application for a license or
40 approval, the commission may limit or place restrictions on the license
41 or approval as it may deem necessary in the public interest, consistent
42 with the policies described in this chapter.

43 ⁵ "Chief" refers to the Director of the Bureau. (Bus. & Prof. Code, § 19805, subd. (d).)

1 (c) If, during a meeting, the commission denies an application,
2 denies approval, or approves with limits, restrictions, or conditions,
3 the action shall be stayed for a period of 30 days after the meeting,
4 during which the applicant may request an evidentiary hearing. If the
5 applicant does not file a request for an evidentiary hearing within 30
6 days, the action of the commission taken at the meeting is final. If the
7 applicant waives the right to hearing and assents to the action of the
8 commission in writing, upon receipt of the waiver by the commission,
9 the action shall no longer be stayed. If the applicant files a timely
10 request for an evidentiary hearing, the action shall be vacated and the
11 application shall be reviewed de novo at the evidentiary hearing.

12 (d) When an application is denied after an evidentiary hearing,
13 the commission shall prepare and file a detailed statement of its
14 reasons for the denial.

15 (e) All proceedings relating to an application at a meeting of the
16 commission or at an evidentiary hearing shall be recorded
17 stenographically or by audio or video recording.

18 (f) A decision of the commission after an evidentiary hearing,
19 denying a license or approval, or imposing any condition or restriction
20 on the grant of a license or approval may be reviewed by petition
21 pursuant to Section 1085 of the Code of Civil Procedure. Section
22 1094.5 of the Code of Civil Procedure does not apply to any judicial
23 proceeding held to consider that petition, and the court may grant the
24 petition only if the court finds that the action of the commission was
25 arbitrary and capricious, or that the action exceeded the commission's
26 jurisdiction.

27 9. Business and Professions Code section 19871 provides:

28 (a) An evidentiary hearing described in Section 19870 shall be
conducted in accordance with regulations of the commission and as
follows:

(1) Oral evidence shall be taken only upon oath or
affirmation.

(2) Each party shall have all of the following rights:

(A) To call and examine witnesses.

(B) To introduce exhibits relevant to the issues
of the case.

(C) To cross-examine opposing witnesses on
any matters relevant to the issues, even though the
matter was not covered on direct examination.

(D) To impeach any witness, regardless of
which party first called the witness to testify.

(E) To offer rebuttal evidence.

1 (3) If the applicant does not testify in his or her own behalf,
2 he or she may be called and examined as if under cross-
examination.

3 (4) The meeting need not be conducted according to
4 technical rules relating to evidence and witnesses. Any relevant
5 evidence may be considered, and is sufficient in itself to support a
6 finding, if it is the sort of evidence on which responsible persons
7 are accustomed to rely in the conduct of serious affairs, regardless
of the existence of any common law or statutory rule that might
make improper the admission of that evidence over objection in a
civil action.

8 (b) Nothing in this section confers upon an applicant a right to
9 discovery of the department's^[6] investigative reports or to require
disclosure of any document or information the disclosure of which is
otherwise prohibited by any other provision of this chapter.

10 CALIFORNIA CODE OF REGULATIONS

11 10. California Code of Regulations, title 4, section 12054 provides:

12 (a) At a Commission meeting, the Commission may take, but is
13 not limited to taking, one of the following actions:

14 (1) Issue a license, temporary license, interim license,
15 registration, permit, finding of suitability, renewal or other
approval.

16 (2) Issue a license, work permit, finding of suitability, or
17 other approval with conditions, restrictions, or limitations, and
for a renewal application, issue an interim renewal license
pursuant to Section 12035.

18 (3) Deny an application for a license, work permit,
19 finding of suitability, or other approval, and for a renewal
20 application, issue an interim renewal license pursuant to
Section 12035.

21 (4) Elect to hold or retract an evidentiary hearing in
22 accordance with Section 12056 and, for a renewal application,
23 issue an interim renewal license pursuant to Section 12035.
The Commission will identify those issues for which it requires
additional information or consideration related to the
applicant's suitability.

24 (5) Table or continue an item for consideration at a
25 subsequent meeting, for any purpose, including obtaining new
26 or additional information from the applicant, Bureau or
Commission staff, provided that in the case of renewal
27 applications, the Commission must act on the application
before the license expires.

28 (h.) ⁶ "Department" refers to the Department of Justice. (Bus. & Prof. Code, § 19805, subd.

1 (6) Extend a cardroom category license, TPPPS category
2 license, registration, or finding of suitability for up to 180
3 calendar days, as necessary, if an applicant has submitted their
4 renewal application prior to the original expiration date of the
current license, Commission work permit, registration, or
finding of suitability, and the Commission is unable to act on
the application prior to the expiration date.

5 (7) Approve or deny a request for withdrawal pursuant to
6 Section 12015.

7 (8) Make a finding of abandonment pursuant to
8 subsection (c) of Section 12017.

9 (9) If the Bureau has filed an accusation with the
10 Commission pursuant to Business and Professions Code
11 section 19930 prior to Commission action on a renewal
12 application, the Commission will issue an interim renewal
13 license pursuant to Section 12035.

14 (10) Issue a default decision pursuant to Section 12057.

15 (11) Consider a request for reconsideration pursuant to
16 Section 12064.

17 (b) An applicant does not have a right to an evidentiary hearing
18 pursuant to Section 12056 if the Commission approves or denies a
19 request for withdrawal pursuant to paragraph (5) of subsection (a) or
20 makes a finding of abandonment pursuant to paragraph (6) of
21 subsection (a), and that decision is final when issued, unless the
22 Commission specifies otherwise.

23 11. California Code of Regulations, title 4, section 12060, provides:

24 (a) If the Executive Director determines it is appropriate, he or
25 she may set an application for consideration at a GCA hearing in
26 advance of a meeting pursuant to Section 12054. The Executive
27 Director will give notice to the applicant, pursuant to paragraph (2)
28 subsection (c) of Section 12052, to the Office of the Attorney General,
and to the Bureau no later than 90 calendar days in advance of the
GCA hearing. The Executive Director's determination will be based
on information contained in the Bureau's report or other appropriate
sources including, without limitation, a request from the Bureau or
applicant as well as the Commission's operational considerations.

(b) When a GCA hearing is elected pursuant to Section 12056,
subdivision (a), the Executive Director will give notice to the
applicant, pursuant to paragraph (2) subsection (c) of Section 12052,
to the Office of the Attorney General, and to the Bureau no later than
60 calendar days in advance of the GCA hearing.

(c) An applicant may request that his, her, or its GCA hearing be
held at a Southern California location instead of the Commission's
principal office in Sacramento, by completing the appropriate section
on the Notice of Defense, CGCC-CH1-03 (Rev. 8/21). The request

1 must be made on the initial Notice of Defense form submitted to the
2 Commission and Bureau within the timeframes specified on the form.

3 (1) The Executive Director will approve a Southern
4 California GCA hearing, if the request is timely made on the initial
5 Notice of Defense form and meets all of the following criteria:

6 (A) The GCA hearing is estimated by Commission staff to
7 last no longer than four hours.

8 (B) The primary residence of the applicant is located in one
9 of the following counties: Imperial, Kern, Los Angeles,
10 Orange, Riverside, San Diego, San Luis Obispo, San
11 Bernardino, Santa Barbara, or Ventura.

12 (C) A GCA hearing will be noticed for a Southern California
13 location only when it is in the best public interest, promotes
14 judicial economy, and comports with the Commission's
15 availability.

16 (2) If at any time before the hearing the Executive Director
17 determines that the criteria in subparagraphs (A) through (C) of
18 paragraph (1) are no longer met, Commission staff may cancel the
19 Southern California GCA hearing and issue a new notice for a
20 hearing at the Commission's principal office in Sacramento.

21 (d) The presiding officer and her or his support staff will have no
22 communication with the Commission or Commission staff upon the
23 merits of an application prior to the evidentiary hearing. The
24 Executive Director will designate a presiding officer which shall be:

25 (1) A member of the Commission's legal staff; or,

26 (2) An Administrative Law Judge.

27 (e) The applicant or the complainant, or the applicant and the
28 complainant, may request a continuance in writing to the Executive
Director stating the reason for the continuance and any proposed
future hearing dates. The Executive Director or Commission may
approve the request. For a Southern California GCA hearing, if a
continuance is granted, the hearing may be scheduled in Sacramento
of Southern California based on the criteria specified in subparagraphs
(A) through (C) of paragraph (1) of subsection (c).

(f) The complainant shall provide to the applicant, subject to
subsection (b) of Section 12056, at least 45 calendar days prior to the
GCA hearing, and the applicant shall provide to the complainant, at
least 30 calendar days prior to the GCA hearing, the following items:

(1) A list of potential witnesses with the general subject of
the testimony of each witness;

(2) Copies of all documentary evidence intended to be
introduced at the hearing and not previously provided;

1 (3) Reports or statements of parties and witnesses, if
2 available; and

3 (4) All other written comments or writings containing
4 relevant evidence.

5 (g) The provisions of subsection (f) of this section provide the
6 exclusive right to and method of discovery between the applicant and
7 complainant to a GCA hearing. Discovery is not permitted upon a
8 Commission member or an advisor of the Commission unless a
9 showing is made that they have direct personal factual information
10 pertaining to material issues related to the application at issue and the
11 information to be gained from the Commission member or advisor of
12 the Commission is not available through any other sources.

13 (h) A presiding officer will rule on the admissibility of evidence
14 and on any objections raised except for objections raised under
15 subsection (h). A ruling by the presiding officer is final.

16 (1) In advance of the GCA hearing, upon a motion of a party
17 or by order of the presiding officer, the presiding officer may
18 conduct a pre-hearing conference, either in person, via
19 teleconference, or by email exchange, subject to the presiding
20 officer's availability and will issue a pre-hearing order if
21 appropriate or requested by either party. The pre-hearing
22 conference and order may address the following:

23 (A) Evidentiary issues;

24 (B) Witness and exhibit lists;

25 (C) Alterations in the Bureau recommendation;

26 (D) Stipulation for undisputed facts and/or the admission
27 of evidence including without limitation the Bureau's report;

28 (E) Authorizing offsite livestreaming appearances for
parties or witnesses if good cause has been presented and only
if the process for offsite livestreaming has been approved by
the Executive Director; and

(F) Other issues that may be deemed appropriate to
promote the orderly and prompt conduct of the hearing.

2) The GCA hearing need not be conducted according to
technical rules of evidence. Any relevant evidence may be
considered, and is sufficient in itself to support findings if it is the
sort of evidence on which reasonable persons are accustomed to
rely in the conduct of serious affairs, regardless of the existence of
any common law or statutory rule that might make improper the
admission of that evidence over objection in a civil action.

(i) The Commission may, at any time upon a showing of
prejudice by the objecting party:

1 (1) Prohibit the testimony of any witness or the introduction
2 of any documentary evidence that has not been disclosed pursuant
to subsection (f); or

3 (2) Continue any meeting or hearing as necessary to mitigate
4 any prejudice.

5 (j) The complainant will present all facts and information in the
6 Bureau report, if any, and the results of the Bureau's background
7 investigation, and the basis for any recommendation, if the Bureau
8 filed one with the Commission according to Business and Professions
9 Code section 19868, to enable the Commission to make an informed
decision on whether the applicant has met his, her, or its burden of
proof. The complainant may but is not required to recommend or seek
any particular outcome during the evidentiary hearing, unless it so
chooses.

10 (k) The burden of proof is always on the applicant to prove his,
11 her, or its qualifications to receive any license or other approval under
the Act.

12 (l) The applicant may choose to represent himself, herself, or
13 itself, or may retain an attorney or lay representative. Lay
representatives may assist the applicant but are not authorized to serve
as an attorney as otherwise defined and regulated by state law.

14 (m) Except as otherwise provided in subsection (i), the
15 complainant and applicant will have the right to call and examine
16 witnesses under oath; to introduce relevant exhibits and documentary
17 evidence; to cross-examine opposing witnesses on any relevant matter,
18 even if the matter was not covered in direct examination; to impeach
any witness, regardless of which party first called the witness to
testify; and to offer rebuttal evidence. If the applicant does not testify
on his, her or its own behalf, the applicant may be called and
examined, under oath, as if under cross-examination.

19 (n) Oral evidence will be taken upon oath or affirmation, which
20 may be administered by the Executive Director, a member of the
Commission, or the presiding officer if an Administrative Law Judge.

21 (o) At the conclusion of the evidentiary hearing, the members
22 of the Commission will take the matter under submission, may discuss
23 the matter in a closed session meeting, and may schedule future closed
24 session meetings for deliberation.

1 **TRIBAL-STATE COMPACT BETWEEN THE STATE OF CALIFORNIA**
2 **AND THE AGUA CALIENTE BAND OF CAHUILLA INDIANS**

3 12. The Tribal-State Compact Between the State of California and the Agua Caliente
4 Band of Cahuilla Indians section 2.16 (Definitions) provides:

5 Sec. 2.16. "Gaming Resource Supplier" means any person or
6 entity who, directly or indirectly, does, or is deemed likely to,
7 manufacture, distribute, supply, vend, lease, purvey, or otherwise
8 provide to the Gaming Operation or Gaming Facility at least twenty-
9 five thousand dollars (\$25,000) in Gaming Resources in any twelve
10 (12)-month period, or who, directly or indirectly, receives, or is
11 deemed likely to receive, in connection with the Gaming Operation or
12 Gaming Facility, at least twenty-five thousand dollars (\$25,000) in
13 any consecutive twelve (12)-month period, provided that the Tribal
14 Gaming Agency may exclude a purveyor of equipment or furniture
15 that is not specifically designed for, and is distributed generally for use
16 other than in connection with, Gaming Activities, if, but for the
17 purveyance, the purveyor is not otherwise a Gaming Resource
18 Supplier as described herein, the compensation received by the
19 purveyor is not grossly disproportionate to the value of the goods or
20 services provided, and the purveyor is not otherwise a person who
21 exercises a significant influence over the Gaming Operation.

22 Tribal-State Compact Between the State of California and the Agua Caliente Band of
23 Cahuilla Indians, executed August 4, 2016, pp. 6-7.

24 13. The Tribal-State Compact Between the State of California and the Agua Caliente
25 Band of Cahuilla Indians section 6.4.4 (Gaming Resource Suppliers) provides, in part:

26 (a) Every Gaming Resource Supplier shall be licensed by the Tribal
27 Gaming Agency prior to the sale, lease, or distribution, or further
28 sale, lease, or distribution, of any Gaming Resources to or in
connection with the Tribe's Gaming Operation or Facility. Unless
the Tribal Gaming Agency licenses the Gaming Resource Supplier
pursuant to subdivision (d), or the Tribal Gaming Agency and the
State Gaming Agency agree in writing that a suitability
determination is not required, the Gaming Resource Supplier shall
also apply to, and the Tribe shall require it to apply to, the State
Gaming Agency for a determination of suitability at least thirty (30)
days prior to the sale, lease, or distribution, or further sale, lease, or
distribution, of any Gaming Resources to or in connection with the
Tribe's Gaming Operation or Facility, except that for Gaming
Devices the period specified under section 7.1, subdivision (a)(1),
shall govern. The period during which a determination of suitability
as a Gaming Resource Supplier is valid expires on the earlier of (i)
the date two (2) years following the date on which the
determination is issued, unless a different expiration date is

1 specified by the State Gaming Agency, or (ii) the date of its
2 revocation by the State Gaming Agency. If the State Gaming
3 Agency denies or revokes a determination of suitability, the Tribal
4 Gaming Agency shall immediately deny or revoke the license and
5 shall not reissue any license to that Gaming Resource Supplier
6 unless and until the State Gaming Agency makes a determination
7 that the Gaming Resource Supplier is suitable. The license and
8 determination of suitability shall be reviewed at least every two (2)
9 years for continuing compliance. For purposes of section 6.5.2,
10 such a review shall be deemed to constitute an application for
11 renewal. In connection with such a review, the Tribal Gaming
12 Agency shall require the Gaming Resource Supplier to update all
13 information provided in the previous application.

9 Tribal-State Compact Between the State of California and the Agua Caliente Band of
10 Cahuilla Indians, executed August 4, 2016, pp. 34-35.