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

13 In the Matter of the Statement of Reasons for  
14 Denial of Application for a Third-Party  
Proposition Player Services License for:

15 **AUDREY STEVENS**  
16 

17  
18 **Respondent.**  
19

**BGC Case No. BGC-HQ2023-00013AL**

**CGCC Case No: CGCC-2023-1102-4Aii**

20 **STATEMENT OF REASONS**

21 Hearing Date: November 22, 2024  
Hearing Time: 10:00 a.m.  
Hearing Place: 2399 Gateway Oaks, Ste. 100,  
Sacramento, CA 95833

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

23 Complainant alleges as follows:

24 **PARTIES**

25 1. Yolanda Morrow (“Complainant”) brings this Statement of Reasons solely in her  
26 official capacity as Director of the California Department of Justice, Bureau of Gambling Control  
27 (“Bureau”).  
28





1 **FIRST CAUSE FOR DENIAL**

2 **(Failure to Disclose Required Material Information – Misdemeanor Conviction)**

3 12. Respondent’s Application is subject to mandatory denial, and her temporary license  
4 subject to cancellation, because Respondent failed to disclose to the Bureau information material to  
5 her Application concerning a criminal conviction.

6 13. On or about October 17, 2008, Respondent was convicted of violating Penal Code  
7 section 242 [battery], a misdemeanor, and failed to disclose the conviction in her Application. As a  
8 result of this conviction, Respondent was sentenced to complete three years of probation and to pay  
9 multiple fines. In a subsequent statement provided to the Bureau, Respondent stated she failed to  
10 disclose the conviction because she thought she only had to provide information for the ten years prior  
11 to the date of the Application. However, that statement is not consistent with Respondent disclosing  
12 DUI convictions from 2006 and 2008.

13 14. Respondent therefore failed to disclose to the Bureau information material to her  
14 Application and provided inaccurate and misleading information. (Bus. & Prof. Code, §§ 19859,  
15 subd. (b) [mandatory denial], 19866; Cal. Code Regs., tit. 4, § 12040, subd. (a)(2) [mandatory  
16 denial].)

17 **SECOND CAUSE FOR DENIAL**

18 **(Failure to Establish Qualification for Licensure – Good Character, Honesty, and Integrity)**

19 15. Respondent’s Application is further subject to mandatory or discretionary denial, and  
20 her temporary license subject to cancellation, because Respondent has failed to establish she is a  
21 person of good character, honesty, and integrity. As described in paragraphs 12 through 14, above,  
22 Respondent failed to make full and true disclosures in her Application as required by the Gambling  
23 Control Act, and supplied information that is untrue or misleading. Respondent also engaged in  
24 illegal behavior, demonstrating a willingness to violate the law and a conscious disregard for the  
25 health, safety, and welfare of others as evidenced by the convictions and conduct outlined in  
26 paragraph 5, above. By acting in the manner described herein, Respondent has failed to establish that  
27 her prior activities, criminal record, and habits do not pose a threat to the public interest of this state,  
28 or to the effective regulation and control of controlled gambling. (Bus. & Prof. Code, §§ 19856,

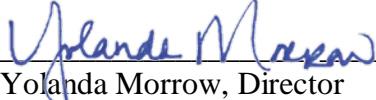
1 19857, subs. (a) & (b), 19859, subd. (a), 19866; Cal. Code Regs., tit. 4, §12040, subd. (a)(1), (2)  
2 [mandatory denial].)

3 **PRAYER**

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

- 6 1. Denying Respondent's Application for a Third-Party Proposition Player Services  
7 Worker License;
- 8 2. Cancelling Respondent's temporary license number TPWK-005549; and
- 9 3. Taking such other and further action as the Commission may deem appropriate.

10  
11 Dated: July 3, 2024

12   
13 Yolanda Morrow, Director  
14 Bureau of Gambling Control  
15 California Department of Justice  
16 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 operations 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 whose operations 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,<sup>[2]</sup> 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

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<sup>2</sup> “Chapter” refers to Business and Professions Code, division 8, chapter 5, (commencing with section 19800), also known as the Gambling Control Act.

1 fine upon any person licensed or approved. The commission may  
2 condition, restrict, discipline, or take action against the license of an  
3 individual owner endorsed on the license certificate of the gambling  
4 enterprise whether or not the commission takes action against the  
5 license of the gambling enterprise.

6 \* \* \*

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

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

11 Every person who, either as owner, lessee, or employee, whether  
12 for hire or not, either solely or in conjunction with others, deals,  
13 operates, carries on, conducts, maintains, or exposes for play any  
14 controlled game in this state, or who receives, directly or indirectly,  
15 any compensation or reward, or any percentage or share of the money  
16 or property played, for keeping, running, or carrying on any controlled  
17 game in this state, shall apply for and obtain from the commission, and  
18 shall thereafter maintain, a valid state gambling license, key employee  
19 license, or work permit, as specified in this chapter. In any criminal  
20 prosecution for violation of this section, the punishment shall be as  
21 provided in Section 337j of the Penal Code.

22 5. Business and Professions Code section 19853, subdivision (a), provides in part:

23 The commission, by regulation or order, may require that the  
24 following persons register with the commission, apply for a finding of  
25 suitability as defined in subdivision (j) of Section 19805, or apply for a  
26 gambling license:

27 \* \* \*

28 (3) Any person who does business on the premises of a  
licensed gambling establishment.

6. Business and Professions Code section 19856 provides:

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

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



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

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7. Business and Professions Code section 19857 provides:

No gambling license shall be issued unless, based on all of the 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.

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

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

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

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

9. Business and Professions Code section 19866 provides:

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

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2 10. Business and Professions Code section 19870 provides:

3 (a) The commission, after considering the recommendation of the  
4 chief and any other testimony and written comments as may be  
5 presented at the meeting, or as may have been submitted in writing to  
6 the commission prior to the meeting, may deny the application, grant a  
7 license to an applicant who it determines to be qualified to hold the  
8 license, or refer the application to an evidentiary hearing.

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

13 (c) If, during a meeting, the commission denies an application,  
14 denies approval, or approves with limits, restrictions, or conditions,  
15 the action shall be stayed for a period of 30 days after the meeting,  
16 during which the applicant may request an evidentiary hearing. If the  
17 applicant does not file a request for an evidentiary hearing within 30  
18 days, the action of the commission taken at the meeting is final. If the  
19 applicant waives the right to hearing and assents to the action of the  
20 commission in writing, upon receipt of the waiver by the commission,  
21 the action shall no longer be stayed. If the applicant files a timely  
22 request for an evidentiary hearing, the action shall be vacated and the  
23 application shall be reviewed de novo at the evidentiary hearing.

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

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

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

11. Business and Professions Code section 19871 provides:

(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.

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(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 if 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.

(3) If the applicant does not testify on their own behalf, the applicant may be called and examined as if under cross-examination.

(4) The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be considered, and is sufficient in itself to support a finding, if it is the sort of evidence on which responsible 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.

(b) This section does not confer upon an applicant a right to discovery of the department's 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.

**CALIFORNIA CODE OF REGULATIONS**

12. California Code of Regulations, title 4, section 12040, provides, in part:

(a) An application for an initial or renewal license:

(1) Will be denied if the Commission finds that the applicant has not satisfied the requirements of Business and Professions Code section 19857; or,

(2) Will be denied if the Commission finds that any of the provisions of Business and Professions Code section 19859 apply to the applicant.

\* \* \*

1 13. California Code of Regulations, title 4, section 12054, provides, in pertinent part:

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

4 \* \* \*

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

11 14. California Code of Regulations, title 4, section 12056, provides, in part:

12 (a) If the Commission elects to hold an evidentiary hearing, or an  
13 applicant has elected to request an evidentiary hearing following a  
14 Commission approval with conditions, restrictions, or limitations  
15 pursuant to paragraph (2) of subsection (a) of Section 12054 or a  
16 denial pursuant to paragraph (3) of subsection (a) of Section 12054,  
17 the hearing will be conducted as a GCA hearing under Section 12060,  
18 unless the Executive Director or the Commission determines the  
19 hearing should be conducted as an APA hearing under Section 12058.  
20 . . .

21 15. California Code of Regulations, title 4, section 12060, provides:

22 (a) If the Executive Director determines it is appropriate, he or she  
23 may set an application for consideration at a GCA hearing in advance of  
24 a meeting pursuant to Section 12054. The Executive Director will give  
25 notice to the applicant, pursuant to paragraph (2) subsection (c) of  
26 Section 12052, to the Office of the Attorney General, and to the Bureau  
27 no later than 90 calendar days in advance of the GCA hearing. The  
28 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,  
subsection (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. 08/21). The request must be  
made on the initial Notice of Defense form submitted to the Commission  
and Bureau within the timeframes specified on the form.

(1) The Executive Director will approve a Southern  
California GCA hearing, if the request is timely made on the initial

1 Notice of Defense form and meets all of the following criteria:

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

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

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

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

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

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

22 (2) An Administrative Law Judge.

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

(f) The complainant will provide to the applicant, subject to  
subsection (b) of Section 12056, at least 45 calendar days prior to the  
GCA hearing, and the applicant must 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;

(3) Reports or statement of parties and witnesses, if  
available; and

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

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

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

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

19 (A) Evidentiary issues;

20 (B) Witness and exhibit lists;

21 (C) Alterations in the Bureau recommendation;

22 (D) Stipulations for undisputed facts and/or the  
23 admission of evidence including without limitation the  
24 Bureau's report;

25 (E) Authorizing offsite livestreaming appearances for  
26 parties or witnesses if good cause has been presented and  
27 only if the process for offsite livestreaming has been  
28 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) Prohibit the testimony of any witness or the introduction  
of any documentary evidence that has not been disclosed pursuant  
to subsection (f); or

(2) Continue any meeting or hearing as necessary to mitigate

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any prejudice.

(i) The complainant will present all facts and information in the Bureau report, if any, and the results of the Bureau's background investigation, and the basis for any recommendation, if the Bureau filed one with the Commission according to Business and Professions 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.

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

(l) The applicant may choose to represent himself, herself, or 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.

(m) Except as otherwise provided in subsection (i), the complainant and applicant will have the right to call and examine witnesses under oath; to introduce relevant exhibits and documentary evidence; to cross-examine opposing witnesses on any relevant matter, 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 behalf, the applicant may be called and examined, under oath, as if under cross-examination.

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

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