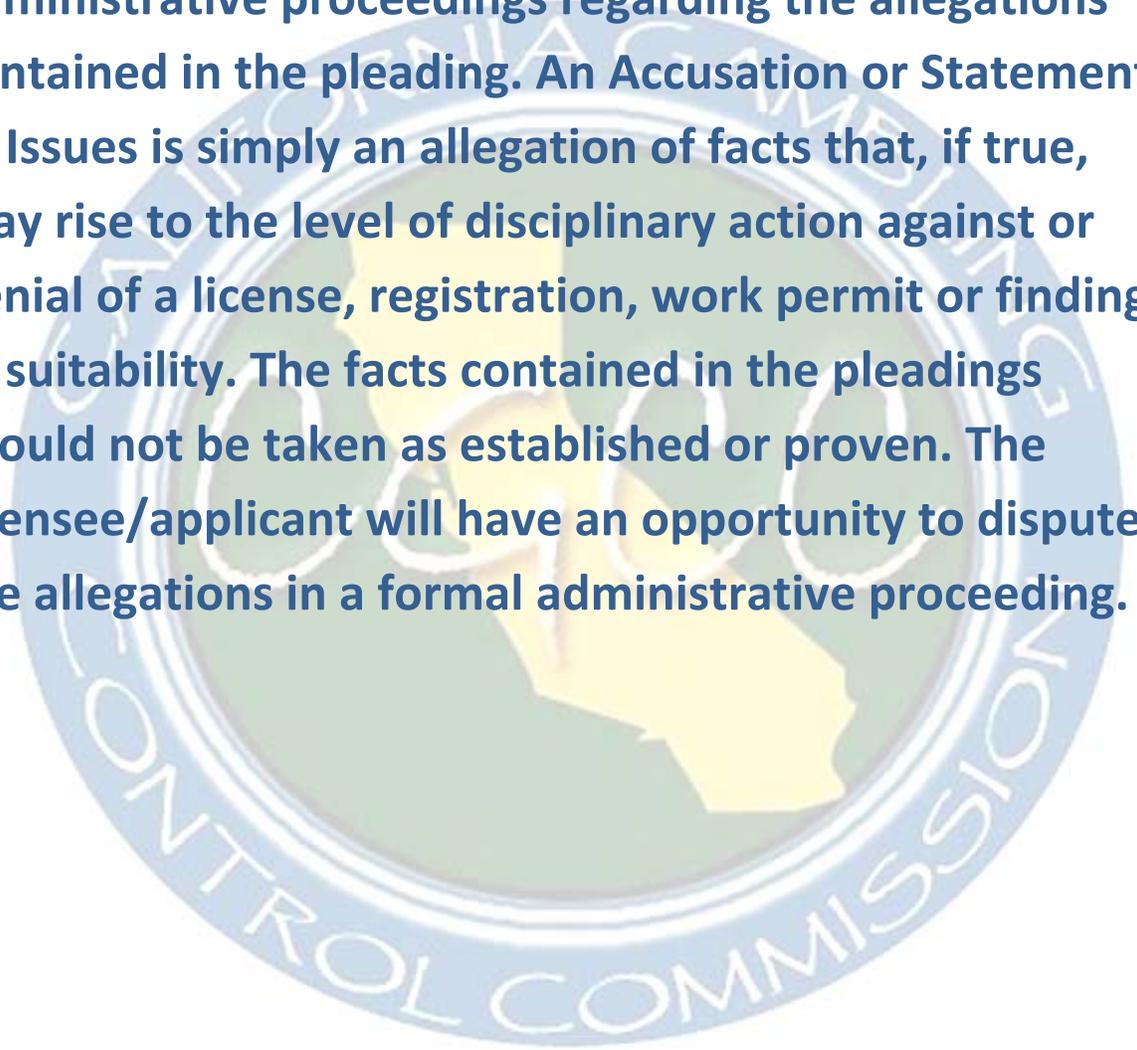


**The Commission is providing a copy of this disciplinary pleading (Accusation, or Statement of Reasons, Statement of Particulars, or Statement of Issues) so the public is as informed as possible of pending administrative proceedings regarding the allegations contained in the pleading. An Accusation or Statement of Issues is simply an allegation of facts that, if true, may rise to the level of disciplinary action against or denial of a license, registration, work permit or finding of suitability. The facts contained in the pleadings should not be taken as established or proven. The licensee/applicant will have an opportunity to dispute the allegations in a formal administrative proceeding.**



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

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

CGCC Case No. CGCC-2016-1006-15A  
BGC Case No. BGC-HQ2016-00012SL

16 ANGELA RUIZ  
17   
18 

STATEMENT OF PARTICULARS

19 Applicant.

20  
21 PARTIES

22 1. Wayne J. Quint, Jr., submits this Statement of Particulars solely in his official  
23 capacity as the Chief of the California Department of Justice, Bureau of Gambling Control  
24 (Bureau).

25 2. On or about December 7, 2015, the Bureau received an Application for Finding of  
26 Suitability Tribal Key Employee, dated October 13, 2015, and a Tribal Key Employee  
27 Supplemental Background Investigation Information (collectively Application) submitted by  
28

1 Angela Ruiz (Applicant), to hold the key employee position of "main banker"<sup>1</sup> at the Agua  
2 Caliente Casino Resort Spa, in Rancho Mirage, California, which is owned and operated by the  
3 Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation (Tribe).<sup>2</sup>  
4 Applicant's tribal gaming key employee license will expire on January 1, 2017, unless renewed.

5 3. Applicant is not a member of the Tribe.

6 4. On or about June 22, 2016, the Bureau issued a Tribal Key Employee Background  
7 Investigation Report in which it recommended to the California Gambling Control Commission  
8 (Commission) that the Application be approved.

9 5. At its October 6, 2016 meeting, the Commission referred the question of Applicant's  
10 suitability for a finding of suitability to an evidentiary hearing. (Cal. Code. Regs., tit. 4, § 12054,  
11 subd. (a)(2).<sup>3</sup>)

12 6. On or about November 3, 2016, Applicant submitted a Notice of Defense, dated  
13 October 31, 2016.

#### 14 LICENSURE CONSIDERATIONS

##### 15 (Factors in Aggravation and Mitigation)

16 7. Prior to January 15, 2011, the exact date of which is unknown, Applicant, by her own  
17 admission, stole items from the Kmart in Indio, California. As a result, she was arrested for  
18 violating Penal Code, section 487, subdivision (c), grand theft, a crime of dishonesty and moral  
19 turpitude. She said she was taken to the Indio Police station, processed and released.  
20 Subsequently, on January 15, 2011, Applicant was arrested in Calexico when returning to the

21 \_\_\_\_\_  
22 <sup>1</sup> The job description provided by the Tribe for "main banker," in the Job Description  
23 Summary, states that the main banker is "[t]o assume sole custody and responsibility of the Main  
24 Vault and Safe."

25 <sup>2</sup> Applicant was issued a tribal key employee license by the Tribe on November 5, 2015.  
26 The California Gambling Control Commission does not issue a key employee license to  
27 Applicant. Rather, the Commission makes a finding of suitability because the Agua Caliente  
28 Casino Resort Spa is owned and operated by the Tribe pursuant to a tribal-state compact. (Tribal-  
State Compact Between the State of California and the Agua Caliente Band of Cahuilla Indians of  
the Agua Caliente Indian Reservation, effective October 31, 2016, pp. 49-52, § 6.5.6.)

<sup>3</sup> The statutes and regulations applicable to this Statement of Particulars are quoted in  
pertinent part in Appendix A.

1 United States from Mexico. She stated that she was arrested at that time for failing to appear in  
2 court to answer the charges related to her arrest for stealing from the Kmart. Applicant also  
3 stated that she was detained in juvenile hall for about one week, and subsequently went to court  
4 and was released. The Bureau was unable to find a record of her being convicted for the theft  
5 from Kmart detailed in this paragraph.<sup>4</sup>

6 8. On or about November 4, 2011, in a separate matter, Applicant was convicted, upon a  
7 plea of guilty, of violating Penal Code section 490.5, petty theft/shoplifting, a misdemeanor, as  
8 well as a crime of dishonesty and moral turpitude, in the case of *People of the State of California*  
9 *v. Angelia Ruiz* (Super. Ct. Riverside County, 2011, No. INM1107708). On or about September  
10 23, 2011, Applicant, with her accomplice, stole football jerseys, razor blades and kitchen knives,  
11 totaling about \$146 in value, from the Wal-Mart in La Quinta, California.

12 9. As a result of the conviction noted in paragraph 8, Applicant was sentenced, in  
13 relevant part, to 36 month's probation, one day of incarceration in the county jail for booking  
14 purposes, and the payment of fines and penalties totaling about \$670. Applicant's probation was  
15 revoked on November 17, 2011, because Applicant violated her probation. She failed to appear  
16 for her one day of incarceration.

17 10. On or about March 21, 2013, Applicant admitted her violation of probation for failing  
18 to appear for her one day of incarceration. The Riverside County Superior Court extended her  
19 probation to March 6, 2016.

20 11. Applicant subsequently completed her one day in custody.

21 12. On or about August 21, 2015, Applicant successfully petitioned the Riverside County  
22 Superior Court to set aside her 2011 misdemeanor conviction pursuant to Penal Code section  
23 1203.4.

24 <sup>4</sup> The Bureau was unable to obtain any court records from the Riverside County Superior  
25 Court regarding this matter. Accordingly, the Bureau can neither confirm nor dispute Applicant's  
26 assertions that she was a minor at the time of the theft or the arrest, the circumstances regarding  
27 the theft, the reasons for her January 15, 2011 arrest, or the final disposition of this matter. The  
28 Bureau was only made aware of this matter as a result of Applicant's statements in her  
Application, notations in the Agua Caliente Gaming Commission's Determination of Suitability,  
and the Department of Justice's February 16, 2016, Criminal History Information, which noted  
only the January 15, 2011 arrest.

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13. Applicant has been truthful and cooperative throughout the application process.

14. Applicant completed all the terms of the sentence imposed for the above noted 2011 conviction.

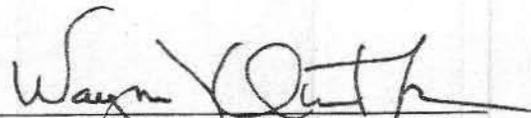
15. The Agua Caliente Gaming Commission was aware of Applicant's complete criminal history and granted her a tribal gaming license as a key employee.

16. Applicant is currently employed at the Agua Caliente Casino Resort Spa and there have been no employment-related problems reported to the Bureau.

CONCLUSION

WHEREFORE, Bureau Chief Wayne J. Quint, Jr., requests that following the hearing to be held on the matters herein alleged the Commission take such action as it may deem appropriate.

Dated: January 20, 2017



WAYNE J. QUINT, JR., Chief  
Bureau of Gambling Control  
California Department of Justice



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

3 4. Business and Professions Code section 19854, subdivisions (a) and (b), provide:

4 (a) Every key employee shall apply for and obtain a key  
5 employee license.

6 (b) No person may be issued a key employee license unless the person  
would qualify for a state gambling license.

7 5. Business and Professions Code section 19870 provides:

8 (a) The commission, after considering the recommendation of  
9 the [Bureau] chief and any other testimony and written comments as  
10 may be presented at the meeting, or as may have been submitted in  
writing to the commission prior to the meeting, may either deny the  
11 application or grant a license to an applicant who it determines to be  
qualified to hold the license.

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

14 (c) When an application is denied, the commission shall prepare  
and file a detailed statement of its reasons for the denial.

15 (d) All proceedings at a meeting of the commission relating to a  
16 license application shall be recorded stenographically or by audio or  
video recording.

17 (e) A decision of the commission denying a license or approval,  
18 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  
19 Code of Civil Procedure. Section 1094.5 of the Code of Civil  
20 Procedure shall not apply to any judicial proceeding described in the  
foregoing sentence, and the court may grant the petition only if the  
21 court finds that the action of the commission was arbitrary and  
capricious, or that the action exceeded the commission's jurisdiction.

22 6. Business and Professions Code section 19871 provides:

23 (a) The commission meeting described in Section 19870 shall  
24 be conducted in accordance with regulations of the commission and as  
follows:

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

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

27 (A) To call and examine witnesses.  
28

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

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

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

8 (E) To offer rebuttal evidence.

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

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

20 (b) Nothing in this section confers upon an applicant a right to  
21 discovery of the department's<sup>5</sup> investigative reports or to require  
22 disclosure of any document or information the disclosure of which is  
23 otherwise prohibited by any other provision of this chapter.

24 7. C California Code of Regulations, title 4, section 12054, subdivision (a)(2) provides:

25 (a) At a non-evidentiary hearing meeting, the Commission may  
26 take, but is not limited to taking, one of the following actions:

27 \* \* \*

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

<sup>5</sup> "Department" refers to the Department of Justice, Bureau of Gambling Control. (Bus. & Prof. Code, § 19805, subd. (h).)

1 8. California Code of Regulations, title 4, section 12060, provides:

2 (a) If the Executive Director determines it is appropriate, he or  
3 she may set an application for consideration at a GCA hearing in  
4 advance of a meeting pursuant to Section 12054. The Executive  
5 Director shall give notice to the applicant, pursuant to paragraph (2)  
6 subsection (c) of Section 12052, to the Office of the Attorney General,  
7 and to the Bureau no later than 90 calendar days in advance of the  
8 GCA hearing. The Executive Director's determination will be based  
9 on information contained in the Bureau's report or other appropriate  
10 sources including, without limitation, a request from the Bureau or  
11 applicant as well as the Commission's operational considerations. The  
12 Commission retains the authority to refer the matter to an APA  
13 hearing pursuant to subsection (a) of Section 12056 or hear the matter  
14 at a Section 12054 meeting if the Commission deems it appropriate.

15 (b) When the Commission has elected to hold a GCA hearing,  
16 the Executive Director shall give notice to the applicant, pursuant to  
17 paragraph (2) subsection (c) of Section 12052, to the Office of the  
18 Attorney General, and to the Bureau no later than 60 calendar days in  
19 advance of the GCA hearing.

20 (c) The presiding officer shall have no communication with the  
21 Commission or Commission staff upon the merits, or upon  
22 information or documents related to the application prior to the  
23 evidentiary hearing. The Executive Director shall designate a  
24 presiding officer which shall be:

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

26 (2) An Administrative Law Judge.

27 (d) 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.

(e) The complainant shall provide to the applicant, 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  
2 (3) Reports or statements of parties and witnesses, if  
available; and

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

5 (f) A presiding officer shall rule on the admissibility of  
6 evidence and on any objections raised except for objections raised  
under subsection (g). A ruling by the presiding officer shall be final.

7 (1) In advance of the GCA hearing, upon a motion of a  
8 party or by order of the presiding officer, the presiding officer  
9 may conduct a pre-hearing conference, either in person, via  
10 teleconference, or by email exchange, subject to the presiding  
11 officer's availability and shall issue a pre-hearing order if  
appropriate or requested by either party. The pre-hearing  
conference and order may address the following:

12 (A) Evidentiary issues;

13 (B) Witness and exhibit lists;

14 (C) Alterations in the Bureau recommendation;

15 (D) Stipulation for undisputed facts including the  
16 admission of the Bureau's report; and

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

19 (2) The GCA hearing need not be conducted according to  
20 technical rules of evidence. Any relevant evidence may be  
21 considered, and is sufficient in itself to support findings if it is  
22 the sort of evidence on which reasonable persons are accustomed  
23 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.

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

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

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

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

12 (i) The burden of proof is on the applicant at all times to prove  
13 his, her, or its qualifications to receive any license or other approval  
14 under the Act.

15 (j) The applicant may choose to represent himself, herself, or  
16 itself, or may retain an attorney or lay representative.

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

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

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

#### **SPECIFIC STATUTORY AND REGULATORY PROVISIONS**

9. Business and Professions Code section 19856, subdivision (a) provides in part:

The burden of proving his or her qualifications to receive any  
license is on the applicant.

1 10. Business and Professions Code section 19857 provides in part:

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

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

5 (b) A person whose prior activities, criminal record, if  
6 any, reputation, habits, and associations do not pose a threat to  
7 the public interest of this state, or to the effective regulation and  
8 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.

9 11. Business and Professions Code, section 19859, subdivisions (d), provides:

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

12 \* \* \*

13 (d) Conviction of the applicant for any misdemeanor  
14 involving dishonesty or moral turpitude within the 10-year  
15 period immediately preceding the submission of the application,  
16 unless the applicant has been granted relief pursuant to Section  
17 1203.4, 1203.4a, or 1203.45 of the Penal Code; provided,  
18 however, that the granting of relief pursuant to Section 1203.4,  
1203.4a, or 1203.45 of the Penal Code shall not constitute a  
limitation on the discretion of the commission under Section  
19856 or affect the applicant's burden under Section 19857.

19 12. The Tribal-State Compact Between the State of California and the Agua Caliente  
20 Band of Cahuilla Indians of the Agua Caliente Indian Reservation, as amended on August 4,  
21 2016, pp. 49-52, § 6.5.6., provides, in pertinent part:

22 (a) With respect to Gaming Employees, upon receipt of an  
23 Applicant's completed license application and a determination to issue  
24 either a temporary or regular license, the Tribal Gaming Agency shall  
25 transmit within twenty-one (21) days to the State Gaming Agency for a  
determination of suitability for licensure under the California Gambling  
Control Act a notice of intent to license the Applicant, together with all of  
the following:

26 (1) A copy of all tribal license application materials and  
27 information received by the Tribal Gaming Agency from the  
28 Applicant which is not otherwise prohibited or restricted from  
disclosure under applicable federal law or regulation.

1 (2) A complete set of fingerprint impressions, rolled by a  
2 certified fingerprint roller, transmitted electronically.

3 (3) A current photograph.

4 (4) Except to the extent waived by the State Gaming  
5 Agency, such releases of information, waivers, and other  
6 completed and executed forms as have been obtained by the  
7 Tribal Gaming Agency.

8 \* \* \*

9 (c) Investigation and disposition of applications for a determination  
10 of suitability shall be governed entirely by State law, and the State  
11 Gaming Agency shall determine whether the Applicant would be found  
12 suitable for licensure in a gambling establishment subject to the State  
13 Gaming Agency's jurisdiction. Additional information may be required  
14 by the State Gaming Agency to assist it in its background investigation, to  
15 the extent permitted under State law for licensure in a gambling  
16 establishment subject to the State Gaming Agency's jurisdiction.

17 \* \* \*

18 (e) Upon receipt of completed license or license renewal application  
19 information from the Tribal Gaming Agency, the State Gaming Agency  
20 may conduct a background investigation pursuant to state law to determine  
21 whether the Applicant is suitable to be licensed for association with Class  
22 III Gaming operations. While the Tribal Gaming Agency shall ordinarily  
23 be the primary source of application information, the State Gaming Agency  
24 is authorized to directly seek application information from the Applicant.  
25 The Tribal Gaming Agency shall provide to the State Gaming Agency  
26 reports of the background investigations conducted by the Tribal Gaming  
27 Agency and the NIGC and related applications, if any, for Gaming  
28 Employees, Gaming Resource Suppliers, and Financial Sources. If further  
investigation is required to supplement the investigation conducted by the  
Tribal Gaming Agency, the Applicant will be required to pay the  
application fee charged by the State Gaming Agency pursuant to California  
Business and Professions Code section 19951, subdivision (a), but any  
deposit requested by the State Gaming Agency pursuant to section 19867  
of that Code shall take into account reports of the background investigation  
already conducted by the Tribal Gaming Agency and the NIGC, if any.  
Failure to provide information reasonably required by the State Gaming  
Agency to complete its investigation under State law or failure to pay the  
application fee or deposit can constitute grounds for denial of the  
application by the State Gaming Agency. The State Gaming Agency and  
Tribal Gaming Agency shall cooperate in sharing as much background  
information as possible, both to maximize investigative efficiency and  
thoroughness, and to minimize investigative costs.

(f) Upon completion of the necessary background investigation or  
other verification of suitability, the State Gaming Agency shall issue a  
notice to the Tribal Gaming Agency certifying that the State has  
determined that the Applicant is suitable, or that the Applicant is  
unsuitable, for licensure in a Gaming Operation and, if unsuitable, stating

1 the reasons therefore. Issuance of a determination of suitability does not  
2 preclude the State Gaming Agency from a subsequent determination based  
3 on newly discovered information that a person or entity is unsuitable for  
4 the purpose for which the person or entity is licensed. Upon receipt of  
5 notice that the State Gaming Agency has determined that a person or  
6 entity is or would be unsuitable for licensure, the Tribal Gaming Agency  
7 shall deny that person or entity a license and promptly, and in no event  
8 more than thirty (30) days from the issuance of the State Gaming Agency  
9 notification, revoke any tribal gaming license that has theretofore been  
10 issued to that person or entity; provided that the Tribal Gaming Agency  
11 may, in its discretion, reissue a tribal gaming license to the person or  
12 entity following entry of a final judgment reversing the determination of  
13 the State Gaming Agency in a proceeding in state court between the  
14 Applicant and the State Gaming Agency conducted pursuant to section  
15 1085 of the California Code of Civil Procedure.

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(g) Prior to denying an application for a determination of suitability, or to issuing notice to the Tribal Gaming Agency that a person or entity previously determined to be suitable had been determined unsuitable for licensure, the State Gaming Agency shall notify the Tribal Gaming Agency and afford the Tribe an opportunity to be heard. If the State Gaming Agency denies an application for a determination of suitability, or issues notice that a person or entity previously determined suitable has been determined unsuitable for licensure, the State Gaming Agency shall provide that person or entity with written notice of all appeal rights available under state law.