

1 KAMALA D. HARRIS
Attorney General of California
2 SARA J. DRAKE
Senior Assistant Attorney General
3 RONALD L. DIEDRICH
Deputy Attorney General
4 State Bar No. 95146
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-1043
Fax: (916) 327-2319
7 E-mail: Ronald.Diedrich@doj.ca.gov
Attorneys for Complainant

RECEIVED BY
CGCC LEGAL DIVISION
2013 DEC -2 PM 1:54

8
9
10 **BEFORE THE**
11 **CALIFORNIA GAMBLING CONTROL COMMISSION**
12 **STATE OF CALIFORNIA**

13
14 **In the Matter of the First Amended**
15 **Statement of Issues Against:**

16 **EUGENE VICTOR LOPEZ**
17 

18 **License number GEKE-001572**

19
20 **Respondent.**

BGC Case No. BGC-HQ2012-00002AL

CGCC Case No. CGCC-2012-1128

FIRST AMENDED STATEMENT OF
ISSUES

21
22 **Complainant alleges as follows:**

23 **PARTIES**

24 1. Wayne J. Quint, Jr. (Complainant)¹ brings this First Amended Statement of Issues
25 solely in his official capacity as the Chief of the California Department of Justice, Bureau of
26 Gambling Control (Bureau).

27 ¹ At the time the Statement of Issues was filed and served, Martin Horan IV (Horan) was
28 the Bureau's Acting Chief. Subsequently, on October 1, 2012, Wayne J. Quint, Jr., was appointed
(continued...)

1 a person who is found to be disqualified pursuant to the criteria set
2 forth in Section 19859.

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

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

8 * * *

9 (b) For any cause deemed reasonable by the commission, deny
10 any application for a license, permit, or approval provided for in this
11 chapter or regulations adopted pursuant to this chapter, limit, condition,
12 or restrict any license, permit, or approval, or impose any fine upon any
13 person licensed or approved. The commission may condition, restrict,
14 discipline, or take action against the license of an individual owner
15 endorsed on the license certificate of the gambling enterprise whether
16 or not the commission takes action against the license of the gambling
17 enterprise.

18 * * *

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

22 **COST RECOVERY**

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

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

* * *

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

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

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

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

FIRST CAUSE FOR DENIAL OF APPLICATION

(Improper Conduct and Dishonesty while Employed at Club One Casino)

13. Respondent's application for a gambling establishment key employee license is subject to denial pursuant to Business and Professions Code sections 19854, 19857 and 19859, subdivision (a), in that the Respondent has demonstrated a lack of honesty and integrity, and has engaged in conduct that creates or enhances the dangers of unsuitable or unfair practices, methods, and activities in the carrying on of the business incidental to controlled gambling. On or about March 2, 2011, Respondent, acting in his capacity as "Customer Service Representative – Poker" for Club One Casino, provided his girlfriend with a complimentary meal (comp) in violation of Club One Casino's business rules, policies and practices. He also falsified the comp ticket in an effort to conceal his improper conduct. Further, when confronted by his employer, Respondent was untruthful about his conduct. As a result, on or about March 8, 2011, his employment at Club One Casino was terminated.

SECOND CAUSE FOR DENIAL OF APPLICATION

(False and Misleading Representations to the Bureau)

14. Respondent's application for a gambling establishment key employee license is subject to denial pursuant to Business and Professions Code sections 19854, 19857 and 19859, in that the Respondent made untrue and misleading representations to the Bureau. When asked by the Bureau to explain the circumstances surrounding the termination of his employment with Club One Casino as noted in paragraph 13 above, Respondent dishonestly denied that he had been terminated from that employment and instead told the Bureau that he had quit because he did not like the changes that had occurred under the new ownership of Club One Casino.

THIRD CAUSE FOR DENIAL OF APPLICATION

(False and Misleading Representations to the Commission)

15. Respondent's application for a gambling establishment key employee license is subject to denial pursuant to Business and Professions Code sections 19854, 19857 and 19859, in that the Respondent made untrue and misleading representations to the Commission. Respondent

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

was asked by the Commission at its November 17, 2011, meeting to explain why he denied that he had been terminated from his employment at the Club One Casino as noted in paragraph 13 above and instead told the Bureau that he had quit because he did not like the changes that had occurred under the new ownership of Club One Casino as noted in paragraph 14 above. In response, Respondent told the Commission that he did so in accordance with advice he received from his legal counsel. That statement was false and/or misleading.

PRAYER

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

1. Denying the Application for Gambling Establishment Key Employee License, license number GEKE-001572, submitted by Eugene Victor Lopez;
2. Awarding Complainant the costs of investigation and costs of bringing this Statement of Issues before the Commission, pursuant to Business and Professions Code section 19930, subdivisions (d) and (f), in a sum according to proof; and
3. Taking such other and further action as the Commission may deem appropriate.

Dated: November ^{27th}, 2013


Wayne J. Quint, Jr., Chief
Bureau of Gambling Control
Department of Justice
State of California
Complainant